CRIMINAL LUNACY AND COLONIAL DISCOURSE IN IRELAND, 1833-1916

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Abstract

Criminal lunacy has received significant attention in literature on punishment, law, psychiatry and public health, yet limited research has examined institutions for this group since the nineteenth century. Scholarship has noted the troubling representation of 'criminal lunatics' between discourses of punishment and treatment but research on their discursive representation remains absent. This is an exploratory archival study of the first such institution, the Central Criminal Lunatic Asylum which opened in 1850 in Dundrum, Dublin. Using a qualitative discourse analysis to examine archival documents from the Chief Secretary's Office Registered Papers (CSORP) at the National Archives of Ireland (NAI) as well as supplementary sources between 1833 and 1916, this study situates the Dundrum Asylum's history in the context of Ireland's position as a British colony.

A search of CSORP materials was performed for each of the years 1850-1916 for correspondences related to 'criminal lunatics' and 'Dundrum'. 121 CSORP files comprising almost 9,000 pages were examined on the management of Dundrum, political and administrative communications, Commission of Inquiry reports, and psychiatric commentary on criminal lunatics. Several key themes were identified including inmate classification, responses to escapes, security issues, management disputes, and racial, class and gender-based essentialism. Supplementary sources used to support key findings were taken from online newspaper archives, Annual Reports of Inspectors of Lunatics, contemporary academic journals, and Convict Reference Files and General Prisons Board Penal Files also held at the NAI.

By using a critical discourse analysis influenced by Edward Said and Michel Foucault's works and drawing on postcolonial theory, this research finds that representations of criminal lunacy in Ireland reinforced colonial rule. This thesis argues that between 1833 and 1916 the process of representing criminal lunatics in Ireland was akin to Said's (1978: 92) assertion of Western Orientalist discourse where 'the Orient needed first to be known, then invaded and possessed, then re-created by scholars'.

ACKNOWLEDGEMENTS

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CDA	Critical Discourse Analysis
CRF	Convict Reference File
CSORP	Chief Secretary's Office Registered Paper
CSO LB	Chief Secretary's Office Letter Book
Dundrum	Central Criminal Lunatic Asylum, Dundrum, Dublin
DA	Discourse Analysis
FDA	Foucauldian Discourse Analysis
GPB	General Prisons Board
GPB Pen	General Prisons Board Penal File
MO	Medical Officer
MP	Member of Parliament (UK)
NAI	National Archives of Ireland
RMS	Resident Medical Superintendent

Chapter 1. Introduction

The term 'criminal lunatic' has fallen out of common usage. Since the lunatic asylums of the nineteenth century were demolished or re-classified as mental hospitals, the vernacular of madness has updated itself accordingly. However, 'criminal lunacy' arguably still maintains its power to invoke a specific set of extreme images associated with the most depraved and irrational types of violence imaginable.

This sociological case study explores the early history of what is thought to be the first ever carceral institution for this group, the Central Criminal Lunatic Asylum at Dundrum, in Dublin. The Dundrum Asylum—hereafter referred to as 'Dundrum'—began accepting inmates in 1850. Dundrum was built following an Act of British Parliament in 1845 (Central Criminal Lunatic Asylum Act, 1845) and therefore, is a relic of British colonial rule in Ireland. It remains operational today having been known since 1960 as the 'Central Mental Hospital', although the service is scheduled to re-locate to Portrane in North County Dublin in 2020 (HSE.ie, no date).

Existing scholarship on histories of crime and insanity have tended to emphasise the often difficult relationships between medical and legal perspectives. This case study takes a different approach and primarily examines archival materials at the National Archives of Ireland on Dundrum's colonial history between 1850 and 1916, as well as newspaper archives from 1833. This research uncovers new evidence on the history of institutional treatment of offenders diagnosed with mental disorders and seeks to analyse the general history of the asylum from a postcolonial perspective. It adopts a critical discourse analysis approach, drawing primarily on the works of Michel Foucault (1971) and Edward Said (1978).

Though important historical research has been conducted on Dundrum, to which this study is greatly indebted (Prior, 1997, 2003, 2004, 2005, 2006, 2008, 2012a, 2012b; and Kelly, 2008c, 2009a, 2009b), this research will enrich these contributions. Robert Menzies (2001: 129) correctly remarks, 'the psychiatric establishment of the early 1930s and 1940s was a far different place from the lunatic asylum of earlier eras.'

Therefore, this research explores the changes and developments in how the institutional experts who administered treatments and punishments in Dundrum understood its captive population. It also explores the often complex and conflicting relationships between these experts and the colonial government, as well as its inmates, and Irish society at large.

This chapter begins by outlining the background context in which Dundrum emerged, accounting for developments in forensic psychiatry in Ireland, England and internationally. It then examines relevant literature on histories of crime and insanity and more specifically, on the history of Dundrum itself. The chapter then defines the research problem as well the case study's purpose. It identifies two research aims and three questions before providing a brief overview of how the study was conducted. It then clarifies the rationale behind the study, its anticipated significance, and accounts for the role of the researcher in conceptualising the work. It subsequently outlines assumptions underlying the study, defines key terms, and then concludes by laying out the structure of this thesis.

1.1 The Irish Context: The Central Criminal Lunatic Asylum at Dundrum

The Central Criminal Lunatic Asylum in Dundrum, Dublin began receiving inmates in 1850. It was established under the Central Criminal Lunatic Asylum (Ireland) Act, 1845 for persons who committed crimes while suffering from a mental disorder. This was fifty years after the category 'criminal lunacy' was formally recognised under law in 1800 when James Hadfield was acquitted of attempting to assassinate King George III on grounds of insanity. Before 1800 persons acquitted of crimes on grounds of insanity were released back into the community, but the Criminal Lunatics Act of 1800 provided for their detention in prisons (McAuley, 1993). Records suggest Dundrum was the first ever institution in Europe, and possibly in the world, solely for the custody of criminal lunatics (Nugent, 1885). Yet Dundrum was the latest in a longer tradition of incarcerating the insane in Ireland, which was attributable to historical developments domestically, in Europe, and beyond.

Ireland began to institutionalise the insane in 1757 when St. Patrick's Mental Hospital opened in Dublin at the bequest of Jonathan Swift (Malcolm, 1989). A subsequent Act of Parliament in 1772 established 'houses of industry' for the relief of the 'vagrant' and 'destitute' poor[1] and the Prisons Act 1787 established lunatic wards therein to segregate the insane with two magistrates' signatures (Finnane, 1981). Therefore, criminals and the insane were detained in close quarters since the late eighteenth century. The wards were funded by Grand Juries who were populated by the same magistrates (Williamson, 1970), usually wealthy Protestants living in or close to Dublin (McDowell, 1975). The Prisons Act 1787 also created the position of Inspector General of Prisons who monitored the wards (Finnane, 1981).

In 1791, Ireland's first Lunatic Asylum was founded in Cork by Dr. William Saunders Hallaran, who contributed the 'swinging chair' to the range of experimental and generally ineffectual medical techniques of the late eighteenth century (Kelly, 2014). These developments were likely affected by the emerging psychiatric movement in Europe. At this time Dr. Phillipe Pinel was developing 'moral treatment'[2] in Paris, which was popularised in England in 1796 by William Tuke at a countryside Quaker's retreat in York (ibid). Hallaran soon converted to 'moral treatment' and adopted practices used by the Tukes of dividing patients into groups based on their behaviour (Prior, 2008). As at York, patients in Cork were spoken to in a rational manner, put on a healthy diet, exercised frequently and engaged in meaningful employment where possible (Kelly, 2014). 'Moral treatment' principles influenced Dundrum's eventual design so the institution's roots can be traced back to the late eighteenth century.

As the influence of 'moral treatment' grew in the nineteenth century Chief Secretary of Ireland Robert Peel launched a county-by-county investigation of insanity in 1814

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[1] This was the first time a distinction was made in Ireland between the 'deserving' and 'vagrant' poor but it was largely ineffectual in the absence of a formal definition.

[2] 'Moral treatment' was a response the inefficacy of previous medical treatments such as laxatives and vomiting. This involved placing patients in a relaxed environment, encouraging them to assert their capacity for self-control, and focusing on their moral character as well as their overall health. Asylums were governed by individual 'moral managers'. This is discussed further from page 50.

(Williamson, 1970). A sensationalist parliamentary testimony by the Irish Whig MP Denis Browne depicted insanity in rural Ireland as especially harmful:

> There is nothing so shocking as madness in the cabin of the Irish peasant (…) When a strong young man or woman gets the complaint [madness], the only way they have to manage is by making a hole in the floor of the cabin, not high enough for the person to stand up in, with a crib over it to prevent his getting up, the hole is about five feet deep, and they give this wretched being his food there, and there he generally dies. Of all human calamity, I know of none equal to this in the county parts of Ireland which I am acquainted with. (Select Committee on the Lunatic Poor, 1817: 23)

This resulted in the Lunacy (Ireland) Act, 1817 which provided for new district asylums based on 'moral treatment' methods, thus beginning the state's involvement in incarcerating the insane which occurred earlier than in France [1835] and England [1845] (Finnane, 1981). Eight district lunatic asylums opened in Ireland between 1825 and 1835 (Williamson, 1970). Numbers of insane and asylums continued to grow during the Famine years of 1845 to 1849 when the national population of over eight million people declined by more than two million due to death and emigration (Finnane, 1981). In 1843 it was estimated that the existing asylums contained 2,028 inmates despite having been built for only 1,220 (ibid). This number grew steadily throughout the century: in 1851—2,802 beds; 1861—4,623 beds; 1871—7,831 beds (ibid), and by 1914 more than 21,000 insane were institutionalised (Brennan, 2012).

During the 1840s, when Dundrum was legislated for, 'moral treatment' declined in popularity due to growing numbers of insane, and physicians became the dominant group in treating them (Finnane, 1981). The most influential figure in Irish psychiatry, Dr. Francis White was deeply involved in Dundrum's creation (Prior, 2008). White was appointed Inspector of Prisons in 1841 and spent the next four years establishing a Lunacy Inspectorate of Ireland, which emerged in the same piece of legislation as Dundrum itself (Prior, 2008). He convinced a Whig establishment who had championed 'moral treatment' to enhance medical

practitioners' roles in the asylums (Finnane, 1981). He also unilaterally drafted asylum rules without consulting 'moral' governors, administrators, or 'laymen' and inserted the physician as the figurehead responsible for moral treatment (ibid).

Following the murder of Edward Drummond by Daniel McNaughten[3] in 1843 Robert Peel launched a Select Committee in Ireland on the State of the Lunatic Poor, to which White testified by quoting a letter from Lord Chancellor Edward Sugden to argue for a central asylum in Ireland:

> Solid objections exist to criminal lunatics being received into district asylums, which never were intended for prisons. (…) it would save expense to remove all the criminal lunatics to one spot. (…) The advantages of bringing together all the criminal lunatics under the immediate eye of the Governor is obvious; their security could readily be provided for, and strangers could be prohibited from visiting that department from motives of curiosity. It might be attended with great advantage if a power were given to send Irish criminal lunatics to England, or English ones to Ireland, for security. (in Prior, 2008: 31)

This was particularly interesting as earlier in the same testimony Francis White attributed the emergence of the Lunacy (Ireland) Act, 1838 to the murder of a bank director in Dublin in 1833:

> it originated in fact of the Case of the Murder of Mr. Sneyd in Dublin. The Person who shot him was well known to be going about deranged, and neither his Family nor anyone else would take care of him; they felt themselves not warranted in placing him under Restraint, and the Consequence was that he shot Mr. Sneyd. The Government and the Chief Secretary of Ireland saw then that something should be done to remedy the Recurrence of such an Evil, and the Act of Victoria was passed for that Purpose. (Select Committee on Lunatic Poor, 1843: 12)

Before Dundrum, there was little governmental discussion of criminal lunacy in Ireland (Prior, 2004, 2006) and legislation was not seriously addressed until after McNaughten's trial. Responses to Sneyd's death are examined in more detail in section 5.1[4] but on the 1843 committee's recommendation the Central Criminal

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[3] Also often referred to as 'M'Naghten'.
[4] See page 155ff.

Lunatic Asylum (Ireland) Act, 1845 was passed into law, with Francis White leading the newly created Office of Inspectors of Lunacy until his retirement in 1857 (Finnane, 1981). This suggests that change to Ireland's carceral system was driven by criminal events rather than deliberative processes as was often the case (See O'Donnell, 2011). White was joined by Dr. John Nugent (previously travelling physician for Daniel O'Connell) in 1847 who remained for forty-two years until 1890 (ibid). However, the Inspectorate's period of influence was limited as they fell afoul of Dublin Castle during the 1870s following a period of escapes and internal management issues (ibid), which are explored in this thesis.

Sentencing provisions also changed during the nineteenth century. The Criminal Lunatics Act, 1800 meant persons acquitted of a crime on grounds of insanity were no longer entitled to discharge and could be detained indefinitely until the 'pleasure' of the Sovereign became known (Moran, 1985). Sentencing under the 1800 Act remained in place until the Trial of Lunatics (Ireland) Act, 1883 changed the sentence to 'guilty but insane' (Prior, 2012b). Criminal lunatics were detained in prison pending transfer to the district asylum nearest their homes, but this deeply dissatisfied prison governors who complained they disrupted prison discipline (Prior, 2008). The first institutional provisions for criminal lunatics comprised two wings at the Bethlem Asylum in London in 1816, which resulted in greater discussion about a central establishment for criminal lunatics (Forshaw and Rollin, 1990; Walker and McCabe, 1973).

By the time Dundrum opened, the population of Ireland's prisons and asylums was steadily rising. The category 'criminal lunatic' was expanded by the Criminal Lunatics (Ireland) Act, 1838[5] to include persons who went insane while in prison (Prior, 2008). It was hoped that alongside the 1838 Act the expanded asylum system would reduce the swelling numbers of criminal lunatics occupying Ireland's prisons but this failed to materialise (ibid). When the Great Famine struck in 1845

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[5] Also known as the Dangerous Lunacy Act. (See Prior, 2003)

and the Vagrancy Act of 1847 introduced short sentences for various petty offences, Ireland's prison system came under further strain with its population tripling to around 1,000 prisoners (Dooley, 2003).

However, two arguments against a central asylum were made in England, firstly regarding the institutional mixing of social classes, and secondly, amid security concerns if such an establishment were designed similar to previous 'moral treatment' asylums with custodial features and scenic surroundings (Prior, 2008). The second concern had merit as Dundrum's architects intended it to be 'a special asylum and not a prison' (Reuber, 1999: 226f). Dundrum was built on the outskirts of south Dublin and contained a three-storey building housing 120 prisoners with no panoptic features, a separate chapel, an isolated hospital, and a separate yard in the rear corner of the land (Reuber, 1999). Its 'not a prison' design was possibly cognisant of developments in London. Pentonville prison began receiving inmates in December 1842 and experimented with a solitary confinement reform model which was soon considered a failure as inmates regularly went insane in its austere and panoptic environment (Cox and Marland, 2018).

Issues of security and class feature prominently in Dundrum's history and are major themes in this study's findings. Dundrum's architecture adopted elements of 'moral treatment' which left its structure and boundary security relatively open (Reuber, 1999). This is central to the findings in chapters five and six. Social class was continually considered a problem in managing and understanding Dundrum's inmates and is the focus of key findings in chapter seven. Despite this, Dundrum was deemed a 'success' and became a reference point for a criminal lunatic asylum in England, resulting in the opening of Broadmoor in Berkshire, in 1863 (Forshaw and Rollin, 1990). Further criminal lunatic asylums opened in Rockwood, Ontario in 1870 (Kendall, 1999) and later in Brazil during the early twentieth century (Santos and Farias, 2014).

A central establishment possibly provided an incentive for psychiatric research into criminal lunacy (Forshaw and Rollin, 1990). Daniel Tuke's (1892) *Dictionary of*

Psychological Medicine, describes in detail a plethora of mental diseases, including their definitions, causes, and symptoms. Dundrum's governor from 1872 to 1892, Dr. Isaac Ashe was a contributor to the dictionary (See Tuke, 1892: ix) and the categories of diseases recorded at Dundrum during the nineteenth century all feature in the *Dictionary.* The categories of disease found at Dundrum are reported in two studies (Gibbons, Mulryan and O'Connor, 1997; Kelly, 2008c). Gibbons, Mulryan and O'Connor (1997) identified 325 cases of Dundrum inmates acquitted on grounds of insanity before 1930. Brendan Kelly (2008c) observed a similar disease profile in Dundrum for 70 women committed there between 1868-1908 and these are all represented in Figure 1.1 below with the corresponding *Dictionary* entry.

Figure 1.1 – Categories of Disease at Dundrum

Disease	No. of Cases (and %)	Tuke Dictionary Reference
Gibbons, Mulryan, and O'Connor (1997) (n = 325)		
Mania	100 (31%)	(Tuke, 1892: 759-766)
Melancholia	62 (19%)	(Tuke, 1892: 787-798)
"Idiots" or "Imbeciles"	25 (8%)	(Tuke, 1892: 667-771)
Dementia	23 (7%)	(Tuke, 1892: 348-351)
Epilepsy	23 (7%)	(Tuke, 1892: 452-456)
Alcohol-related or other illnesses	92 (28%)	(Tuke, 1892: 61-78)
Kelly (2008c) (n = 70)		
Mania	29 (41.4%)	(Tuke, 1892: 759-766)
Melancholia	18 (25.7%)	(Tuke, 1892: 787-798)
Intellectual disability	6 (8.6%)	n/a
Dementia	5 (7.1%)	(Tuke, 1892: 348-351)
Epileptic insanity	2 (2.9%)	(Tuke, 1892: 452-456)
Puerperal insanity	1 (1.4%)	(Tuke, 1892: 1034-1042)
Delusional insanity	1 (1.4%)	(Tuke, 1892: 345-348)

The body of published information and correspondences on criminal lunatics increased substantially after Dundrum's opening, including annually published Inspectors' Reports (Prior, 2004). This was in large part influenced by practices at the York Retreat whose production of tables and statistics about its population was an attractive innovation which informed public asylum building in England (Scull, 1979). It was also due to the substantial size of the population of criminal lunatics

as 823 admissions were made to Dundrum between 1850 and 1900, two thirds of whom were men and women between the ages of 20 and 39 (Prior, 2008).

Prior (2008) also points out that as with the population of the district asylums Dundrum's inmates usually came from the poorest sections of Irish society, which was partly visible in inmates' literacy levels and occupations. In 1841 in Ireland, more than half of the country's general population was illiterate but by 1900 the proportion had dropped to 16% (Daly, 1981). Prior (2008: 39) points out that in the 1874 annual Inspectors report 41% of Dundrum's population were illiterate, 43% 'could read or write indifferently', while only 16% could read and write well. In the 1886 Inspectors report the number of illiterate inmates at Dundrum dropped to one-third (Prior, 2008). Furthermore, Gibbons, Mulryan and O'Connor (1997) observe that for the period between 1850 to 1995, 50% of Dundrum's inmates found 'unfit to plead' were unskilled labourers, 45% were tradesmen or farmers, and less than 5% were businessmen. Among the 'guilty but insane', 64% were unskilled labourers while 27% were tradesmen or farmers.

Dundrum was established during an embattled period in Irish history when the colonial government became increasingly attentive to issues of law and order (Prior, 2008). Since the early nineteenth century Ireland was regarded by England as a violent society (Anthias and Yuval-Davis, 1992; Curtis, 1997; Lloyd, 1999; Prior, 2008) despite per capita crime rates being no more violent than other peasant societies like France (Garnham, 2003). When the Irish population decreased sharply during the Great Famine of 1845-1849 a perception remained that Ireland was full of criminals and revolutionaries (Prior, 2006), which was partly sustained by the increasing prison population after 1847 (Dooley, 2003).

The political situation in Ireland was also a concern for London. Daniel O'Connell's rising popularity during the 1830s led to a rise in mass dissent in a predominantly Catholic population ruled by Protestants (Torrey and Miller, 2007). In 1843, Prime Minister Robert Peel stated, 'mere force, however necessary the application of it, will do nothing as a permanent remedy for the social evils of Ireland' (MacDonagh,

1989: 182, in Carroll-Burke, 2000: 75). Peel banned the 'monster meetings' led by O'Connell which sought to mobilise the working classes to agitate for the repeal of the Act of Union (ibid). In the face of potential insurrection Dublin Castle perceived value in resisting forceful repression (Carroll-Burke, 2000). When a Young Irelanders rebellion failed during the Famine in 1848 no executions followed despite the leaders being known to the British Government (Carroll-Burke, 2000). Hence, the creation of Dundrum was potentially rewarding for the colonial government and the medical and psychiatric professions alike.

A period of 'democratisation' of Irish institutions occurred in the early 1890s (Finnane, 1981) and the Office of the Visiting Physicians to the asylums was abolished. When the Local Government (Ireland) Act, 1898 transferred control of the asylum network from Dublin Castle to newly established and overwhelmingly Catholic County Councils (Finnane, 1981), Dundrum was notably the only institution retained under Dublin Castle's direct control. Therefore, this research is cognisant of Pauline Prior remark that historical research on forensic psychiatry is particularly interesting 'if the country is a colonized state, tightly controlled from an authoritarian centre. In such a situation, the systems for the care and control of criminal lunatics are more likely to reflect the culture of the colonizer rather than the colonized' (Prior, 2004: 177).

Dundrum's broad history reflects Roger Smith's argument that criminal lunatics occupied 'an uneasy existence between prison and asylum, between discourses of guilt and disease' (Smith, 1981: 34). This research examines a period of more than eighty years where information about expertise and practices regarding criminal lunatics in Ireland are contained within documents held at the National Archives of Ireland. By examining these archives within the context of Ireland's colonial history this research contributes new insights to a growing body of literature on the history of confinement and deviance in Ireland from sociological and criminological perspectives.

1.2 The International Context: The Development of Psychological Medicine

Dundrum constitutes one part of a wider European reform movement in psychiatry which emerged in the late eighteenth century and which had no fixed national or local centre driving it. The major development in modern psychiatry and the founding of psychological medicine throughout Europe is symbolised by Phillipe Pinel in France in the final decade of the eighteenth century (Smith, 1981). Previously, the insane were held under restraint and subject to practices such as bloodletting and purging as mental disorder was thought to be caused by 'heredity or 'passions' such as sadness, fear, anger or elation' (Kelly, 2016: 33). In 1793, Pinel advocated a reformist initiative at Bicêtre for treating the insane more humanely. In 1797, Jean-Baptiste Pussin, Pinel's assistant at Bicêtre, removed the chains of male patients (Kelly, 2016) some of whom had been restrained for between ten and thirty years (Tuke, 1892), and Pinel did the same for female patients in Salpêtrière in 1800 (Kelly, 2016).

In 1785, Vincenzo Chiarugi forbade the use of chains at Santa Dorotea in Italy, long before Pussin (Gerard, 1998), and the Frankfurt asylum was built in the same year 'surrounded with gardens, and situated in a quiet street; the rooms were high, and most of them looked out on the gardens' (Tuke 1892: 544). William Tuke established a Retreat at York in 1792 and in Brunswick, Dr. Fricke established the St. Alexishaus asylum for medical and humane treatment of the insane, the quietest of whom were encouraged to 'have social intercourse with the inhabitants in the town' (ibid). In the US, institutional care for the mentally ill developed from local community establishments in the late eighteenth century, to resembling the more philanthropic and medical initiatives in France and elsewhere in Europe throughout the 1800s (Kelly, 2016). As Brendan Kelly puts it, 'a time of substantial change had arrived in France, the US, England and Ireland, focusing – chiefly and regrettably – on well-meaning institutional provision for the mentally ill' (Kelly, 2016: 34).

It was Pinel's writings advocating for more sympathetic treatment of the insane which arguably had the greatest influence (Kelly, 2016). Pinel placed a three-fold

emphasis on observation, the brain, and humanity, the last of which became emblematic of the 'moral treatment' ethos (Smith, 1981). The brain was the locus of the intellectual faculties and provided 'medical evidence of lunacy in criminal trials' and clinical observation and neurophysiology were the basis for knowledge of insanity (Smith, 1981: 35). This deeply influenced William Tuke in England who adopted the 'moral treatment' methods (Smith, 1981) which became widespread throughout Europe, including Ireland. It also set in motion debates for some of the basic concepts of forensic psychiatry. Pinel's writing on 'mania without delusion'—a description of mania leading to extreme violence—attracted criticism from Casper in Germany who described it as 'scarcely a medical observation' (Smith, 1981: 36) while James Cowles Prichard (1835) developed it in England, coining the term 'moral insanity'. Smith points out that when defending the contentious concept of 'moral insanity' Prichard often referred to the authority of Pinel, Esquirol and Hoffauer (Smith, 1981).

Pinel's student, Jean-Étienne Esquirol was also credited with advancing Pinel's writings (Tuke, 1892). Esquirol revised Pinel's classifications of mental disease and in 1818 he coined the term 'monomania', the chief characteristic of which was homicide (Smith, 1981). Esquirol's work influenced Isaac Ray in America as well as Prichard in England in the first half of the nineteenth century (Smith, 1981). By the time McNaughten's case occurred in 1843, forensic psychiatry was dispersed throughout Europe and America in academic writings and institutional forms: two criminal lunatic wings were established at Bethlem in 1816 (Forshaw and Rollin, 1990), Prichard coined 'moral insanity' in England the same year Pierre Rivière was examined by Esquirol in December 1835 (Foucault, 1978c), and Isaac Ray's (1838) influential *Treatise on the Medical Jurisprudence of Insanity* all represented significant steps (Kelly, 2016). Tuke (1892) notes that Turin and Pavia in Italy became important centres for psychological study in the 1870s as Cesare Lombroso's influence on sociology and criminal anthropology began there.

The international dimension to psychological medicine was well captured in Daniel Hack Tuke's (1892) *A Dictionary of Psychological Medicine*. Tuke's expansive *Dictionary* comprises definitions for almost any conceivable mental disease in the late nineteenth century including their type, associated symptoms, diagnoses, and aetiologies with contributions from more than 100 alienists from several countries including England, Ireland, Germany, France, Austria, Switzerland, Scotland, Holland, Denmark, Hungary, Italy, Russia, South Africa, Australia, Canada, and USA. The *Dictionary* appeared one year after the death of Dundrum's former RMS and Governor Isaac Ashe who provided an entry on 'The Lunacy Laws of Ireland' (in Tuke, 1892: 708-714). William Orange, former Governor of Broadmoor Asylum contributed a lengthy entry on 'Criminal Responsibility' (in Tuke, 1892: 294-320), in which he outlines of the trials and insanity verdicts, Hadfield, Oxford and McNaughten, as well as other notable trials such as Bellingham.

Descriptions of the diseases mainly found at Dundrum (see Gibbons, Mulryan, and O'Connor, 1997) further demonstrate the international character of scientific discourse on the limits of responsibility of the insane. The Irishman Conolly Norman contributed the entry on mania (in Tuke, 1892: 759-76), which he describes as 'one of the great types of mental disease [since] states resembling it occur as intercurrent (episodic) phases of almost every other mental affection' (ibid: 761). Norman identified 54 different strands of mania but more generally he characterised it as 'Insanity characterised in its full development by mental exaltation and bodily excitement [involving] intense mental exaltation (…) great excitement (…) complete loss of self-control (…) incoherence of speech and loss of consciousness and memory' (1892: 759). Two French figures, Paul Garnier and Henri Collin defined homicidal monomania as 'a syndrome directly connected with hereditary moral degeneration, and essentially characterised by the desire to murder' (in Tuke, 1892, 594). The Englishman Charles Mercier, defined melancholia, the other great disease found at Dundrum, as 'A disorder characterised by a feeling of misery which is in excess of what is justified by the

circumstances in which the individual is placed' (in Tuke, 1892: 787). Further entries were given by Legrain from France on 'Alcoholism' (ibid: 62-74), W. Julius Mickle from Toronto on 'General Paralysis of the Insane' (ibid: 519-544) as well as British writers, George H. Savage on 'Epilepsy' (ibid: 452-456) and 'Puerperal Insanity' (ibid: 1034-1042), and G. E. Shuttleworth on 'Idiots or Imbeciles' (ibid: 667-671).

Therefore, it is important to note that this thesis focuses on the Anglo-Irish context, but that this was only part of an internationally connected field of psychological medicine. It is within this international context that the criminal responsibility of the insane came to be understood, formulated, codified legislatively, and manifested institutionally, including the Criminal Lunatic Asylum at Dundrum.

1.3 Relevant Literature: Criminal Lunacy

The relationship between crime and insanity has generated too great a body of writing to describe here. The archives of the *Journal of Mental Science*[6] contains writings on criminal lunacy since the mid-nineteenth century. Since the mid-twentieth century historic studies of 'criminal lunatics' have focused on events, as well as medical and legal knowledge and practices for dealing with them (Eigen, 1995; Forshaw and Rollin, 1990; McAuley, 1993; Menzies, 2001; Partridge, 1953; Prior, 1997, 2008; Smith, 1981; Walker, 1968; Walker and McCabe, 1973). Literature examined in this study drew primarily from scholarly books and journal articles on the history of crime and insanity in Ireland and England since the eighteenth century. They show that 'criminal lunatics' are predominantly classified in the legal domain i.e. the courts, and psychiatry subsequently encounters them in the carceral domain. This section first discusses prominent scholarship on the history of crime and insanity, and then examines literature more specific to the Irish context.

Several common themes emerge in the scholarship on criminal lunacy. Criminal lunatics have been defined as encompassing three categories of persons in

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[6] A previous iteration of the *British Journal of Psychiatry.*

nineteenth century Ireland and England: 1) those acquitted of a crime on grounds of insanity (or found 'guilty but insane' after 1883); 2) those found unfit to plead; and 3) those transferred from prison having been certified insane while undergoing penal servitude (Partridge, 1953; Prior, 2008; Smith, 1981). Institutional psychiatrists were aware of their professional subordination to legal administrators and worked to rectify this during the nineteenth century (Finnane, 1981; Jones, 2016; Smith, 1981). Additionally, the verdict passed at trial changed in 1883 from 'not guilty on grounds of insanity' to 'guilty but insane'. While this change was described as an 'absurdity' (Partridge, 1953) or producing a 'mass of juridical absurdities' (Foucault, 1977: 20), others have considered it an appropriate reflection of the process since the sentenced person was detained rather than completely acquitted (McAuley, 1993; Smith, 1981; Walker, 1968). Above all, these studies provide important insights into the relationship between medico-legal knowledge and power.

While there has been a general scepticism regarding the scientific basis for institutional psychiatry (Finnane, 1981; Scull, 1979; Smith, 1981; Walker, 1968), Ralph Partridge's (1953) historical account of Broadmoor endorsed forensic psychiatric determinism. Partridge's work was the earliest major study of an institution comparable to Dundrum and is replete with uncritical claims about Broadmoor's inmates. Partridge stated, 'Some form of insanity is universally the most common cause of murder; as is only to be expected, seeing that murder is the grossest deviation from normal civilized behaviour' (1953: 18). He claimed hysteria is an 'essentially a feminine weakness (…) of which almost every schoolgirl has known the passing sensation', but which can become chronic and manifest in serious crimes committed by women (1953: 58). Broadmoor's convict class, with 'their ingrained criminal habits' tended to conspire, 'so deep-seated is the gangster spirit in the criminal mind' (1953: 71).

Unlike others (Menzies, 2001; Smith, 1981; Walker, 1968), Partridge (1953) was optimistic that legal and psychiatric differences regarding 'criminal lunatics' could be reconciled by developing a mutually agreeable lexicon. Partridge's study

highlighted two details: Firstly, the challenge of balancing a relaxed therapeutic environment with the secure custody of inmates was apparent after Broadmoor opened in 1863 when security issues came to light as low boundary walls and limited internal barriers contributed to regular escapes. He also noted that the separate block system was the primary means for segregating 'convict inmates' transferred from prison, from inmates found legally insane (ibid). The current study shows that escapes were also a persistent problem in Dundrum's history[7] while David Nicolson, Broadmoor's Governor from 1886 to 1895 (Partridge, 1953), was influential in the development of a refractory block at Dundrum.[8]

Nigel Walker's (1968) *Crime and Insanity in England* is the most comprehensive general history of the subject, spanning a wide range of manuscripts and trial reports from the eighth century until the twentieth century. Walker historicised the challenges of reconciling legal and moral principles regarding criminal lunatics and how social and political forces influenced medical and legal practices. An example of the latter was in his discussion of the sovereign's pardon: 'The king could use it to oblige a powerful Lord, to protect his entourage, to improve his public image, and of course to supplement his other sources of income' (Walker, 1968: 194). However, during the nineteenth century the pardon was delegated to the legal domain. Therefore, the treatment and sentencing of criminal lunatics was not merely a question of establishing legal or medical status as from the nineteenth century it became deeply embedded in social, political, and economic functions of the state (Walker, 1968).

Walker's history of the 'guilty but insane' verdict also illustrates how medico-legal practices for criminal lunatics in Ireland reflected interests in England. Following the latest attempt on Queen Victoria's life in 1882, she pushed Gladstone's government to change the verdict for persons found insane at trial, resulting in the Trial of Lunatics Act, 1883 and the 'guilty but insane' verdict (ibid). Although

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[7] See Chapters five and six.
[8] See page 258.

comparable events occurred in Ireland in 1882,[9] the act extended to Ireland because of violence in England. In this thesis, the pardon was transferred to the legal domain in Ireland through the 'Lord Lieutenant's Pleasure' which may have had a role in shaping the discourse of criminal lunacy in colonial interests.

Roger Smith (1981) dismissed any suggested compatibility of legal and medical practices regarding criminal lunacy. He examined medical practices in England and Scotland between 1830 and 1870, arguing that alienists'[10] attempts to secure professional recognition was undermined by inconsistencies in diagnosing insanity.[11] In Smith's view legal discourse had a controlling function. Individualising conceptions of criminal responsibility in legal and medical discourses on violent crimes 'diverted attention from any possible social content—overt or symbolic—in the violence (…). To say these crimes were 'caused by' insanity was to restrict their meaning' (Smith, 1981: 29). Such crimes could convey other meanings and Smith (1981) demonstrates that medical-legal discourse shapes the social meaning of violence through its interpretations of criminal lunacy. Furthermore, like Walker, Smith argues that before 1883 the pardoning of criminal lunatics was technically nonsensical as they were found not guilty but then subjected to modern punishment via incarceration. As Walker (1968) argued, the 'guilty but insane' verdict resolved the problem of detaining exonerated persons while projecting a public image of sovereign clemency.

Joel Eigen (1995) provided a different view of an earlier era of history than Smith. His examination of over three hundred Old Bailey trials involving an insanity defence between 1760 and 1843 showed that medical witness testimony was less important than that of the accused's friends and relatives (ibid). Eigen argued that

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[9] The Lord Lieutenant of Ireland Frederick Cavendish and Under Secretary Thomas Henry Burke were murdered by nationalists in Phoenix Park, Dublin in May 1882 (Molony, 2006).

[10] An archaic term for a psychiatrist.

[11] He mentions Foucault's (1978) dossier on Pierre Rivière, a twenty-year old Norman peasant who murdered his mother and two siblings in 1835 to protect his father from his mother's 'tyranny'. Three different examinations into Rivière's mental condition were conducted, all with different analytical approaches and yielding different conclusions. One of the examinations was carried out by Phillipe Pinel's student Jean-Étienne Esquirol (See Foucault, 1978b).

lawyers invited medical personnel into the legal process, thereby enhancing lawyers' standing as key experts and legitimating their more far-reaching ideas about criminal insanity (ibid). While lawyers remained the key actors from Eigen's perspective, a mutually beneficial relationship with psychiatric professionals existed until McNaughten's case in 1843. Eigen does not effectively undermine Smith's (1981) argument that the relationship between lawyers and psychiatrists was eventually proven incompatible.

Tony Ward (1997) examined the role of 'common sense' knowledge of criminal lunacy in cementing the expert status of medical and legal figures in nineteenth century England. Drawing upon feminist criminologists (Smart, 1977; Worrall, 1990) he argues that appeals to 'common sense' exempt expert claims from scrutiny once they appear objective and consensually produced (Ward, 1997). Furthermore, by associating with 'scientific' objectivity, lawyers could also stigmatise other fields as being 'unscientific' (ibid). Therefore, Ward illustrates that scientific and common-sense discourse helped establish knowing experts and their positions of institutional and social authority.

Robert Menzies (2001) offers the most recent and most salient critique, for this study's purpose, of the social and colonial role of medico-legal expertise. Examining criminal lunacy in nineteenth century Canada, he argued asylum ideology disseminated the notion of 'a well-regulated citizen who was at once morally reputable, disciplined, industrious, and committed to the advance of British Columbian and Canadian culture' (Menzies, 2001: 128). However, 'the psychiatric establishment of the 1930s and 1940s was a far different place from the lunatic asylum of earlier eras' (2001: 129) even if changes to life inside were less meaningful.

Menzies states that criminal lunatics' 'Manichaean status', as a criminal requiring punishment on one hand and a lunatic requiring treatment on the other made them 'ultimately irreconcilable, and therefore dangerous beyond words' (2001: 131). Therefore, criminal lunatics threatened psychiatry's professional status: 'Not only did criminal lunacy challenge the epistemology of institutional psychiatrists, but it

also posed a litany of administrative and pragmatic challenges' (Menzies, 2001: 131f). Further, this irreconcilable and dangerous existence permeated institutional circumstances and professional practice:

> as Eigen, Ward, Smith and others have convincingly shown, wider cultural understandings of madness, morality and risk saturated psychiatric formulations for the courts. '[T]he medical and legal personnel', observes Allen, 'are themselves also commonsense subjects, caught up in the ordinary attitudes of everyday life. Medical witnesses and practitioners were in the business of pacifying criminal lunacy, of immobilizing insane crime by reinscribing it with social and ethical meanings that were accessible to courts and public alike. 'Psychiatry ... deals', in other words, 'with the leakages at the edges of the publicly conceived and sanctioned order.' (Allen, 1987: 115, cited in Menzies, 2001: 141)

Drawing upon Hillary Allen's work, in this passage Menzies suggests the role of institutional psychiatry is to confront forms of deviance which escaped the disciplinary knowledges and practices regulating modern social order. Menzies summarises this view with reference to Foucault, '"The essential question," writes Foucault, is the role of the asylum "in the reproduction of power in the world beyond its walls"' (Foucault, 1983: 169, cited in Menzies, 2001: 142).[12] Menzies' critique is the closest in epistemological terms to this study's interests. The notion that social and political interests permeated the ways in which criminal lunacy expertise was shaped and how experts acquired authority is central to this thesis. This thesis is interested in Dundrum's role in enforcing social, and thereby, colonial order in Ireland. Therefore, the institutional pacification and reordering of incarcerated subjects at Dundrum is central to its purpose, which implies an examination of psychiatric expertise.

These studies fail to consider Dundrum's role in the history of criminal lunacy but provide several key insights for this thesis. Historical issues at Broadmoor including

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[12] This quote was not found on the page referenced by Menzies. However, a similar quote elsewhere in the text reads: 'I wish to suggest that one must analyse institutions from the standpoint of power relations, rather than vice versa, and that the fundamental point of anchorage of the relationships, even if they are embodied and crystallized in an institution, is to be found outside the institution' (Foucault, 1982: 222).

security, escapes, and the refractory block (Partridge, 1953) also affected Dundrum. Furthermore, Walker's (1968) observations about the political utility of the pardon and the eventual 'guilty but insane' verdict indicate that institutional treatment of criminal lunatics was embedded in socio-political concerns. Since the sovereign could exonerate criminal lunatics to refine their public image, when it subsequently fell upon magistrates to employ the pardon during the early nineteenth century, exoneration became associated with the state.

While Smith (1981) and Eigen's (1995) analyses focus on the insanity defence and its implication in the professionalisation of medical and legal experts, their histories are also concerned with questions of power. These experts became increasingly central to the discursive processes in delimiting social understandings and institutional practices related to punishment and moral responsibility, as well as state benevolence. The relationship between medico-legal discourse and wider society is encapsulated by Menzies' reference to Foucault. Apart from Partridge's work, these studies approach criminal insanity from a constructionist epistemology to various ends, in outlining its socio-political history (Walker, 1968), scrutinising the processes of consolidation of expertise (Smith, 1981; Eigen, 1995; Ward, 1997), and examining how psychiatry contributes to maintaining the colonial relationship (Menzies, 2001). Literature on these issues in the Irish context is generally less critical but also more limited, as is examined in the next section.

1.3.1 Crime and Insanity in Ireland

Although Dundrum was the first institution for criminal lunatics in the British Empire it has only received scholarly attention from Irish historians. There is important scholarship on the relationship between crime and insanity in the Irish context, yet the topic remains under studied. Only Prior (2008) focuses on the medico-legal history of criminal lunatics in Ireland, while several smaller studies provide insights into the development of criminal lunacy in Ireland (Kelly, 2008c, 2009a, 2009b; Prendiville and Pettigrew, 2015; Prior, 2004).

An important theme in this study is how crime, insanity, and the asylum itself were publicly represented. Catherine Cox (2012) examined how insane asylums in the south east of Ireland interacted with civil society during the mid-nineteenth century. The regional press, which was important in disseminating news about the political situation in Ireland also covered medical and legal affairs, some of which concerned the insane. Press coverage of prominent criminal cases often reproduced the full petty sessions (ibid), one of which is examined in section 5.1 regarding the case of Nathaniel Sneyd. Although access to newspapers in provincial districts varied, libraries and public reading rooms provided better newspaper access to middle class areas. Poor literacy levels were mitigated by local traditions of 'farmers, schoolteachers and priests reading newspapers aloud provided access for the illiterate' and literacy began to improve after 1850 encouraging the wider production, distribution and affordability of newspapers throughout the country, made possible by improved railways (Cox, 2012: 106). Cox argues this was not merely the spread of information about public services but 'the growth of knowledge perceived as specialist and expert within a social distance' (Cox, 2012: 107). The continued press coverage ensured the asylum occupied a presence in the public mind throughout the country into the twentieth century (Cox, 2012).

Pauline Prior (2004) notes that before 1850 views on criminal lunacy rarely appeared in government documents in Ireland save for legislative purposes. After Dundrum opened, its captive population became the basis for a much expanded and altered debate and the Inspectorate's annual reports 'became the vehicle for the discussion of criminal lunacy and its management' (2004: 178) as they had in England (See Partridge, 1953; Walker, 1968; Walker and McCabe, 1973). Prior states 'these reports were written by medically qualified civil servants, they reflect the medical view of criminal lunacy and its treatment during the period' (Prior, 2004: 191), very much in accord with Cox's (2012) argument.

The Inspectors of Lunacy Francis White and John Nugent dominated the debate on lunacy in Ireland in the middle of the twentieth century via the pages of the annual

reports (Prior, 2008). As White demonstrated political savviness in establishing the Lunacy Inspectorate (Finnane, 1981) there remained a political element to the Inspectorate role thereafter, which Nugent exercised via the annual reports and the press. This was partly because criticisms of the asylums' performance were by extension criticisms of the competence of the 'inspectoral administration' (Finnane, 1981: 64). Melinda Grimsley-Smith (2011: 128) observed that Nugent had a 'special' relationship with the conservative press in Ireland who often defended the asylum system during controversies over management. The Irish press happily praised Irish asylums' comparatively superior curative outcomes over English and Scottish ones and were further encouraged by the Inspectorate's positive annual reports—thus making for a mutually beneficial relationship which Nugent happily continued (Grimsley-Smith, 2011). As Grimsley-Smith (2011: 131) puts it:

> White was certainly not apolitical, but he was discreet in his use of political measures to push policy change. Nugent was just as certainly not apolitical, but where White used a scalpel, Nugent used the blunt edge of the national press and broadly-addressed correspondence.

In light of these issues—the increased reach and role of the press in the mid-nineteenth century, the change in public discussions around criminal lunacy after Dundrum opened at the same time, and the Inspectorate's (particularly Nugent) relationship with the press—it was unlikely that the 'official debate' (Prior, 2004) on criminal lunacy in the Inspectorate reports was a dialogue among a tiny elite. Concomitant expansions of the press, the conveyance of knowledge about crime and lunacy in Ireland, and the continued growth of the asylum network caused significant qualitative and quantitative shifts in the way crime and lunacy were represented in daily life in Ireland and reflected in public attitudes.

Historians examining insanity and punishment in nineteenth century Ireland have partially addressed its colonial aspects. Mark Finnane (1981) suggested that the Irish asylum system reflected the British government's concerns with the threat of insurrection in Ireland. Oonagh Walsh (1999) suggested Ireland's asylums

constituted an effort to stifle the development of local nationalist power bases (Walsh, 1999). Carroll-Burke (2000) observed that after the ending of transportation in 1853 reforms began in penal and education systems in Ireland to 'normalise' the population through disciplinary practices. However, the role of colonialism in the development of crime and insanity in Ireland remains underexplored.

Aspects of criminal lunacy in Ireland have been addressed in several small studies. The historian of psychiatry Brendan Kelly (2008c) examined the clinical and social characteristics of women incarcerated at Dundrum, noting substantial use of the 'dangerous lunacy' procedures to characterise and incarcerate them. Kelly (2009a) also examined the history of the insanity defence, the challenge of devising clinical and legal definitions of insanity, and balancing punishment with treatment as well as the peculiar *Folie Á Plusieurs* (communicated insanity) condition (Kelly, 2009b). The medicalisation of lunacy processes increased after the Lunacy (Ireland) Act of 1867 made medical testimony mandatory in dangerous lunatics' committal to district asylums and Kelly (2009a) notes these issues pose similar questions today as during the nineteenth century.

Gibbons, Mulryan, and O'Connor (1997) traced the use of the insanity defence in Ireland between 1850 and 1995. Their study included a statistical analysis of trends in the successful use of the insanity defence and clinical characteristics of the inmates who used it, and they briefly described six cases illustrating how the defence was employed between 1888 and 1902 (ibid). They noticed a significant drop in recorded homicide rates in Ireland from 4.89 per 100,000 in 1849, to 0.1 per 100,000 in 1963. Hence, the pool of potential inmates decreased gradually, but also sharply during the decade between 1910 and 1920 (ibid). The authors inaccurately referred to the 'guilty but insane' verdict throughout, as this only came into use with the Trial of Lunatics Act, 1883.

Prendiville and Pettigrew (2015) found that despite the declining influence of moral treatment at Dundrum, a variety of leisure activities were frequently used in the asylum at the turn of the twentieth century including team games, reading, religion

and entertainments. Difficulties such as overcrowding, insufficient staffing and the changing appearance of the asylum, particularly the repurposing of land and increased imposition of security features diminished the types of leisure activities available, which therefore, affected inmates' quality of life (ibid).

Mark Finnane (1981) and Joseph Robins' (1986) general historical works on insanity in Ireland contain very limited and occasional mentions of Dundrum. Finnane (1981) briefly mentioned aspects of the daily running of Dundrum, transfers of inmates from district asylums, and how issues in the broader asylum network such as recreational activity momentarily affected Dundrum. Robins (1986) reported a period of dispute at Dundrum during the 1880s between several parties including Dundrum's Governor Dr. Isaac Ashe, a Visiting Physician, the Lunacy Inspectors, and the Irish Government during which Ashe resisted attempts to re-categorise Dundrum as a gaol. The dispute arose partly in response to continuing escapes throughout the 1870s and 1880s which brought Dundrum's security arrangements under scrutiny. Furthermore, Ashe's management of the asylum and inmates was challenged, and in the early 1890s a new Governor and Inspectors of Lunatics were put in place while new practices for the daily running of Dundrum were introduced (ibid). Robins referred to commission of inquiry reports published between 1882 and 1891 which are also examined in this thesis in greater depth.[13]

However, Robins' explanation for the period of dispute is located within the Irish administration and fails to adequately account for British government involvement. Robins (1986) argued that due to the political backdrop at the time with Parnell's Home Rule agenda minimising issues such as the asylum administration, it was unlikely that the Irish government would take much interest in Dundrum and the asylums after 1882. However, Robins failed to notice that the Commission of Inquiry of 1891 was led by Broadmoor's ex-Governor David Nicolson, who also led another

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[13] See chapter six.

in 1905 (See Nicolson *et al.,* 1905). Therefore, Dublin Castle and London remained attentive to matters at Dundrum after the 1880s as is examined in this thesis.[14]

Dundrum's history has been studied most comprehensively by Pauline Prior (1997, 2004, 2008). Mentally disordered persons who committed serious offences were classified as 'criminal lunatics' in the Irish legal system and detained under the 'Pleasure of the Lord Lieutenant' (ibid). Prior (1997) noted that inmates' socioeconomic backgrounds affected their trial outcomes as the legal profession arbitrarily favoured those with education and power who were more likely to avoid lengthy prison sentences or execution for serious crimes. Criminal lunatics' insanity was related to their offences and their gender where men who killed their wives and other female family members often ended up in Dundrum (ibid). Women in Dundrum were much more likely to have committed infanticide (ibid) and Prior (2006) also conducted a case study on the only woman known to be detained in Dundrum on grounds of insanity for murdering a man.

Prior (2004: 177) remarked that research on the history of forensic psychiatry 'is especially interesting if the country is a colonized state, tightly controlled from an authoritarian centre'. Though Prior did not analyse Dundrum in terms of colonialism she did account for interesting contextual elements which inform this study. She examined the 'official' (meaning 'public') debate on criminal lunacy in Ireland to examine whether inmates at Dundrum were understood either as 'Prisoner or Patient?' (Prior, 2004). Initially Dundrum's inmates were depicted in Inspectorate reports as insane with hopes for a cure but by the 1860s this optimism dissipated substantially as they were increasingly considered 'dangerous' (ibid). By 1886 Dundrum became much more concerned with control rather than care-based practices (ibid). However, Prior's work makes clear that Dundrum's history was not so neatly bifurcated and that a shift from care to control meant certain inmates were viewed as prisoners from the 1860s.

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[14] See chapter six for discussion of 1891 report and chapter seven for discussion of 1905 report.

Prior (2004) noted that increased political turbulence in Irish society throughout the second half of the nineteenth century was not reflected in Lunacy Inspectorate Reports; that during the 1860s 'criminal lunatics' at Dundrum were depicted as less dangerous than at Broadmoor where they were segregated from other inmates; and that escapees tended to be considered sane during the late nineteenth century. Hence, changes occurred in Dundrum's policy towards inmates while escaped inmates presented a significant challenge to asylum management. This illustrates Menzies' (2001) arguments that psychiatric institutions tended to change and that criminal lunatics presented profound challenges to institutional psychiatrists.

Prior's major study *Gender, Crime and Mental Disorder in Nineteenth-Century Ireland* (2008) is the most substantial text on the history of criminal lunacy in Ireland, much of which occurs in Dundrum. Most of Prior's text examined the sentencing and treatment of almost a hundred homicide cases documented in Dundrum's casebooks[15]. Although this thesis deals with very few individual cases[16], Prior (2008) also synthesised findings from her previous works (1997, 2003, 2004, 2005, 2006), such as gender, poverty, policing, discharges, escapes, transportation, asylum management, and the 'punishment or treatment' debate in the Irish context.

Prior's (2008) text maps a clear history of Dundrum in the nineteenth century and highlights many key issues dealt with in this thesis. The most relevant to this study were escapes, asylum management and the 'punishment or treatment' debate. Until 1850 lunatics and criminals in Ireland were viewed as distinct deviant groups but this changed due to insights gained from documenting the captive population at Dundrum (ibid). Until 1850, persons who would have been potential Dundrum inmates were viewed as lunatics, but the Reports of Inspectors of Lunatics contained a subsection on Dundrum after 1850 which detailed both the asylum and the prisoner population in varying degrees of detail (ibid). Francis White stated that the asylum should be more like an asylum than a prison with pleasant surroundings to

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[15] In this research I was denied access to these casebooks at the Central Mental Hospital.
[16] See pages 232ff.

restore individuals to full health, but also acknowledged that many of Dundrum's inmates would likely spend long periods of their lives in the asylum (ibid).

Prior (2008) noted that during the 1850s the picture described in the Inspectorate Reports of Dundrum and its inmates was positive, depicting a well-run asylum and a 'curable' population with ample opportunity for meaningful activity. During a decade in which a culture of control was permeating the wider district asylum system, Dundrum was being held as an example of good practice for resisting moves away from care-based treatment (ibid). However, during the 1860s the impression of Dundrum's inmates began to shift as those transferred from prison were soon considered the most dangerous, partly due to persistent escapes (ibid). Broadmoor opened in 1863 and by 1868 it attracted heavier criticism within the colonial establishment for segregating 'inveterate prisoners', thus denying them a primary source of treatment in mixing with other prisoners (ibid). Comparatively then, Dundrum was considered a more humane criminal lunatic establishment.

Prior (2008) also discussed the dispute at Dundrum during the 1880s. She noted that while Ashe resisted attempts to re-define Dundrum as a gaol, he also oversaw increases to Dundrum's security features to prevent escapes, undermining his apparent commitment to traditional asylum principles. That such a dispute was occurring indicated not only that psychiatric epistemology was under threat but that the ontological purpose of a criminal lunatic asylum was unclear. Dr. Ashe 'like his predecessors, usually laid the blame for any violence or disruption in the asylum on 'sane' convicts and not on those whose insanity had been part of the cause of their crime' (Prior, 2008: 72). Ashe described one inmate as a 'habitual criminal of a very low moral type' (ibid) and sane prisoners were regarded as having a capacity to conspire not found in insane inmates. Therefore, Dundrum's management was struggling to strike a balance between punishing the 'bad' inmates and treating the 'mad' ones who had the socioeconomic privileges to be characterised as such.

In the ongoing dispute Prior (2008: 71) stated Ashe 'was winning the battles, but (…) losing the war'. Following the 1891 inquiry into Dundrum, Ashe was replaced

as Governor with the more agreeable George Revington and the two Inspectors of Lunatics were also replaced (Prior, 2008). Substantial changes were made to Dundrum's practices including the hiring of sixty new staff, increased security measures and alterations to the asylum's buildings to improve comfort (ibid). Revington attacked the previous (Ashe's) regime in an 1894 report but perpetuated Ashe's vilification of inmates who arrived at Dundrum via prison (ibid). Although the asylum was never explicitly re-characterised as a prison its practices were increasingly based around containment and Dundrum was a substantially different institution to that of four decades previous which prioritised curing inmates.

Prior's history provides an extremely rich and organised source for making sense of Dundrum's general history and conceptualising the data used throughout this thesis. Although this study takes a different path to the bulk of Prior's 2008 text, it enriches her work in some detailed respects by contributing new evidence to the history of criminal lunacy in Ireland and Dundrum. This study also takes a more critical perspective than Prior's in seeking to understand the power relations through which Dundrum's history unfolded. In this sense, this thesis pursues Prior's earlier statement that histories of forensic psychiatry are especially interesting 'if the country is a colonized state' (Prior, 2004: 177). By considering Dundrum in a more critical light, particularly with respect to works by Menzies and Smith this thesis can further enhance Prior's important historical analysis.

1.4 Problem Statement

Various studies have examined the problems arising from differences in approaches to offenders with mental disorders (Allen, 1987; Forshaw and Rollin, 1990; McAuley, 1993; Peay, 2002; Smart, 1977), the role of medicine and law in public policy (Grob, 1973; Scull, 1979), the interaction between crime and mental disorder (Eigen, 1995; Smith, 1981; Walker, 1968) and the historical tensions between medical and legal discourses on mentally disordered offenders (Allen, 1987; Eigen, 1995; Elliot, 1996; McAuley, 1993; Smith, 1981). With some few exceptions, these studies

treat 'criminal lunacy' as a socially constructed category and examine professional, social, and political responses to it. Scholarship on the modern history of insanity also tends to consider its development in relation to social and cultural factors (Finnane, 1981; Foucault, 1967; Porter, 1987; Prior, 1993; Scull, 1979).

Despite our knowledge in this area, problems identified in the nineteenth century where 'criminal lunatics' were uneasily situated between discourses of punishment and treatment (Smith, 1981) persist today (Peay, 2002). Less attention has been paid to the relationship between the criminal lunatic and the state, particularly in colonised societies. It has been argued that research into criminal insanity has remained tangential to broader histories of law, medicine, and empire (Evans, 2016). Therefore, research into colonial histories of criminal insanity can enhance the growing body of literature on this topic.

By examining criminal lunacy in a colonial context such research may address the persistent 'balkanisation' of histories of incarceration (Liska, 1997; O'Sullivan and O'Donnell, 2012) by examining medical and legal bases for incarceration of deviant groups. Histories of criminal lunacy which account for the complex interplay of medical practice, carceral control, and inmate conduct can bring new evidence about these inmate populations to light (Menzies, 2001). As Ireland's former colony status has been regarded as a significant consideration for historical research on insanity and criminal lunacy (Finnane, 1981; Prior, 2004, 2008) this study explores the role of colonialism in the history of Dundrum.

1.5 Purpose Statement

The purpose of this exploratory qualitative case study is to critically analyse the discursive representation of criminal lunatics in Ireland between 1833 and 1916. It explores documents from several sources discussing the care, control and incarceration of offenders diagnosed with mental disorders during this period. It primarily examines private state correspondences and report documents on the

running of the Central Criminal Lunatic Asylum at Dundrum after its opening in 1850. Newspaper reports on a notorious homicide in 1833 are examined, and secondary academic journal sources from the late nineteenth century are also analysed.

This study is informed by several strands of academic debate including literature on the history of insanity, the rise of the asylum, moral treatment and psychiatry (Forshaw and Rollin, 1990; Porter 1987; Scull, 1979); on the relationship between crime, insanity, and the law (Eigen, 1995; McAuley, 1993; Menzies, 2001; Prior, 2004; Smith, 1981; Walker, 1968); on the emergence of a 'criminal class' (Godfrey *et al.*, 2010), and the racialisation of deviance in Ireland (McClintock, 1995; McVeigh and Rolston, 2009; Walsh, 1999); and on the history of Dundrum and its population (Prior, 1997, 2003, 2004, 2005, 2006, 2008, 2012a and 2012b; Robins, 1986).

It is informed by theoretical approaches in postcolonial theory, sociology, and criminology including colonial discourse (Said, 1978; Bhabha, 1984), and colonial rule (Fanon, 1965; Mamdani, 2012); sociology of punishment (Foucault, 1977; Goffman, 1961); incarceration and society (O'Sullivan and O'Donnell, 2012; Foucault, 1977; Prior, 1993; Sykes, 1958; Wahidin, 2004); racism and European colonialism (Anthias and Yuval-Davis, 1992; Lentin, 2004; Lloyd, 1999; Miles, 1993; Virdee, 2019); and the feminised pathologisation of disordered offenders (Allen, 1987; Carlen, 1983; Smart, 1977). By adopting Michel Foucault's critical discourse analysis (Foucault, 1971) to analyse these archival sources from a postcolonial perspective, this study provides new insights into the first known institution for criminal lunatics as well as the social and political significance of representations of 'criminal lunacy' in nineteenth century Ireland.

1.6 Research Aims and Questions

This research has two aims. The first aim is to contribute to existing knowledge on legal, medical, and punishment practices in Ireland, by presenting new historical

information on the treatment of offenders with a mental disorder. The second aim is to contribute an understanding, from a post-colonial perspective, of changing historical responses to criminal lunatics in Ireland between 1833 and 1916. This study will address three research questions:

1. How did discourses and practices associating criminal lunatics with notions of 'madness' and 'badness' in Ireland undergo transformations between 1833 and 1916?

2. How were these discourses and practices influenced, if at all, by colonial rule in Ireland at the time?

3. How did nineteenth century psychiatric notions of race, class, and gender feature in discourses on criminal lunacy, if at all?

1.7 Research Overview

This qualitative case study explores archival collections at the National Archives of Ireland to develop insights into how nineteenth century institutional approaches for treating criminal lunatics in Ireland developed between 1833 and 1916. The CSORP collection at the NAI provided the study's main data source as it contains a substantial record of semi-private state correspondences between government offices and various government departments for the study's entire period. No ethical approval was required to access the publicly available information.

Data collection methods included collecting archival materials from four sources at the NAI and three electronic sources. 121 CSORP files were collected, transcribed, and analysed. The three additional NAI sources included convict reference files, outbound CSORP letter books, and prisoners' penal records. The electronic sources included online newspaper archives, Annual Reports of the Inspectors of Lunatics in Ireland, and articles from the *Journal of Mental Science*.

Data was collected in two phases. During phase one most of the files from NAI sources were collected, as were the Annual Inspectors' reports. These were then transcribed, coded, and analysed to develop a general understanding of the broad history and the key emergent themes. A second phase of data collection was then

conducted to limit gaps in the history and online newspaper and academic sources were examined to further verify and enrich the meaning of the findings from CSORP data. Finally, some additional secondary journal articles were collected from the *New Irish Jurist and Local Government Review*, the *Journal of the Statistical and Social Inquiry Society of Ireland*, and the *Dublin Journal of Medical Science*.

Due to challenges encountered in accessing data, convenience sampling was used. As a result, it was not possible to analyse data during the initial collection phase nor to systematically triangulate findings. However, a comprehensive and ongoing review of relevant literature was conducted to contextualise the study, and data transcriptions were checked with archivists and colleagues to ensure the validity of interpretation. A thorough theoretical framework was also developed.

Provisional coding categories (Saldana, 2016) were assigned by drawing upon historical literature (Finnane, 1981; Prior, 2004, 2008) to make broad sense of the data. Open coding (Saldana, 2016) was then used to identify emergent themes, followed by theoretical coding to relate these themes to the study's theoretical framework. These codes were continually revisited to account for new and developing insights (ibid). Critical discourse analysis (Foucault, 1971) was used to explain findings in relation to the study's research questions. Alternative explanations and theories were also explored, and contradictory evidence was sought to verify interpretations before a final analysis was produced.

1.8 Rationale and Significance

This study's rationale developed from my interests as a researcher, specifically my desire to explore previously unexamined aspects of Ireland's modern colonial history. Modern histories of colonialism in Ireland have tended to focus on key issues such as the Great Famine, political and military conflict in the nineteenth and twentieth centuries, and modern Irish literatures. I wished to examine how colonial

rule in Ireland manifested in a different but related manner, by researching Ireland's carceral system.

Literature on crime and insanity in nineteenth century Ireland has noted that dramatic changes to Ireland's carceral landscape during this period ought to account for the country's history under colonial rule. However, the social construction of deviant categories in Irish society is yet to be examined from a postcolonial perspective. This thesis rectifies this by analysing criminal lunacy with respect to postcolonial literatures which have examined how colonial rule has historically been enforced through oppression based on race, gender, class, and nation categories, among others. This is the largest case study of Dundrum's institutional history. It examines the discursive construction of 'criminal lunacy' and its relationship to colonial rule in nineteenth century Ireland. By critically examining Dundrum's history through a postcolonial lens this research provides a new perspective on the history of forensic psychiatry in Ireland and beyond.

1.9 Role of the Researcher

Approximately halfway through the study I was employed as a full-time lecturer in Criminology at Nottingham Trent University and remain so today. I teach in criminological theory, penology, research methods, as well as a prison-based higher education course. I also supervise undergraduate students' research projects. Furthermore, I first studied sociology at postgraduate level in 2012 completing an MPhil in the Sociology of Race, Ethnicity and Conflict at Trinity College Dublin. During my postgraduate study I developed an interests in postcolonial theory, critical race theory and the state, and discourse analysis. My master's thesis was a discourse analysis of anti-terrorism public service campaigns in the USA as a form of disciplinary power. Therefore, I brought a depth of relevant theoretical and historical knowledge to the study.

1.10 Assumptions

Due to my academic background and experience in conducting this research, three assumptions inform this study. I perceive the ontological nature of insanity, mental disorder, crime, and 'criminal lunacy' from a moderate social constructionist perspective. While I believe the meaning and operationalisation of these terms are socially constructed as a result of time, place, society, culture and so forth, I do not deny that people can suffer from what might be understood as deranged functioning of the mind; that many persons commit acts which should legitimately be interpreted as morally wrong and worthy of formal sanctioning; and that some individuals may be more predisposed towards committing morally wrong acts as a result of what might be usefully understood as deranged functioning of the mind. Hence, I reject the dictum that *everything is a social construction*. Instead, I believe that it has been and remains beyond the capacities of the human, and particularly, the social sciences to understand these aspects of human life. Of course, my position regarding insanity presupposes a 'human mind' which has a normative function, but I regard this as defensible. This belief holds that the human mind is a distinct element of the natural world and is thereby, distinguishable from the mind of an animal or an insect.

Secondly, I regard the nature of colonialism as being inherently coercive and violent, and ultimately a capitalist enterprise. The 'post' in postcolonialism refers to the period after which colonialism began rather than when independence was achieved. Hence postcolonial theory is appropriate to examine a historical period during colonialism. Furthermore, colonialism leaves a legacy which is still felt after a society achieves independence. This description of the nature of colonialism is less of an assumption as it has been historically argued in postcolonial literature, perhaps most emphatically by Fanon (1965, 1967). This means colonial institutions, particularly carceral ones, are likely to reflect the interests of the coloniser, as Prior (2004) has argued.

Thirdly, archival documents are considered to reflect a productive history-making process. They are not a neutral record of social reality. Like discourse, archives produce the meaning they convey and therefore, are subject to power relationships.

1.11 Definitions of Key Terms

Criminal Lunatic

The population discussed in this thesis will be referred to as 'criminal lunatics' throughout. My use of the term is distinct from that found in the *Central Criminal Lunatic Asylum Act*, *1845* which reads:

> The term "criminal lunatic" in this Act shall be construed to mean any person acquitted on the ground of insanity, or found to have been insane, under the provisions of the said Act passed in the session of Parliament holden in the first and second years of the reign of his late Majesty King George the Fourth; and the term "lunatic" shall be construed to mean any insane person.

This definition distinguishes those acquitted of a crime on grounds of insanity, or found unfit to plea on arraignment, from 'lunatics' who are not necessarily associated with any crimes. As shall be seen in this thesis, this does not account for the full contingent of Dundrum's population as many inmates were transferred there from prison with their (in)sanity often the subject of psychiatric debate.

The term criminal lunatic was the term employed through the nineteenth century and into the twentieth century. Pauline Prior (2008: 3) explains the term referred to, 'convicted offenders who were directed out of the prison system into the mental health care system. Known as criminal lunatics in the nineteenth century, they are now generally referred to as mentally disordered offenders.' Prior's definition encompasses all persons who arrived in Dundrum, whether acquitted of an offence due to insanity, having been found unfit to plead, or having been transferred from prison to Dundrum.

Colonialism

In this thesis, 'colonialism' is understood in accordance with the field of postcolonialism, which emphasises the cultural and political effects of colonial domination:

> Post-colonialism (or often postcolonialism) deals with the effects of colonization on cultures and societies. As originally used by historians after the Second World War in terms such as the postcolonial state, 'post-colonial' had a clearly chronological meaning, designating the post-independence period. However, from the late 1970s the term has been used by literary critics to discuss the various cultural effects of colonization. (…) The term has subsequently been widely used to signify the political, linguistic and cultural experience of societies that were former European colonies. (Ashcroft, Griffiths, and Tiffin, 1998: 186)

The 'post' signifies the period after formal colonial relationships began to restructure the world, rather than when independence was achieved (see Bhambra, 2007). The above aspects of colonialism have been the focus of the related field of colonial discourse theory which developed after Edward Said's (1978) *Orientalism* and which draws on other scholarly influences (Fanon, 1967; Foucault, 1971). Although the earliest works in postcolonial theory and colonial discourse analysis/theory (Bhabha, 1984; Said, 1978; Spivak; 1988) do not mention 'postcolonialism', they laid the foundations for an intellectual tradition which emphasised the roles of 'discourse', 'representation' and 'power' in the domination of colonised societies in social, political and cultural terms. As Patricia Seed explains:

> While the emphasis differs in various disciplines, this focus on the language that has been used in representing other peoples in the political context of colonialism and postcolonialism has produced powerful new critiques of the ways in which political power over cultural others has been constituted and maintained. (Seed, 1991: 199f)

This understanding of colonialism is distinct from how it has otherwise been commonly understood. Kohn and Reddy (2017) distinguish colonialism from imperialism, as the terms are often used interchangeably:

> The term colony comes from the Latin word *colonus*, meaning farmer. This root reminds us that the practice of colonialism usually involved the transfer of population to a new territory, where the arrivals lived as permanent settlers while maintaining political allegiance to their country of origin. Imperialism (…) comes from the Latin term *imperium*, meaning to command. Thus, the term imperialism draws attention to the way that one country exercises power over another, whether through settlement, sovereignty, or indirect mechanisms of control.

This is akin to Said's (1993: 9) definitions of the two terms where, '"imperialism" means the practice, the theory, and the attitudes of a dominating metropolitan center ruling a distant territory; "colonialism," which is almost always a consequence of imperialism, is the implanting of settlements on distant territory.' However, Ania Loomba (1998) is critical of defining colonialism in terms of settlement, as it mentions only the colonisers and not the people who may have already been living in the place where the colony was established. The 'new locality' is new only to the coloniser and not the population already living there (Loomba, 1998: 2). Loomba also distinguishes colonialism from imperialism: 'Imperialism can function without formal colonies (as in United States imperialism today) but colonialism cannot' (Loomba, 1998: 6). Accordingly, this thesis examines the cultural consequences of colonialism for the formally colonised Irish society. By defining colonialism through the lens of colonial discourse analysis this thesis adopts a perspective which is rooted in historical process, rather than in single semantic meanings (Loomba, 1998).

Democratisation

Finnane (1978: 111f) asserts that the management of Ireland's asylum system became 'democratised' after the Local Government (Ireland) Act, 1898. While there

were some efforts at this earlier in the decade to pass a local government bill, the 1898 Act triggered a transfer of control over local governmental institutions throughout Ireland from wealthy Protestants to Catholic men, within days of the Act's passing (Donnelly, 1996). Finnane (1978) states Ireland's asylums also became increasingly politicised, with nationalist sentiments establishing a greater footing in asylums and local government institutions, which became increasingly nationalist-dominated and resistant to Dublin Castle. The phrase as described above offers some context to the final findings chapter (seven) in this thesis, where the 'democratisation' of the district asylums occurred as Dundrum came increasingly under the direct control of Dublin Castle.

1.12 Thesis Structure

Chapter Two explores literature on the history of insanity, the institutional treatment of the insane and representations of offenders since the nineteenth century. It traces a history of understandings of insanity since antiquity until the rise of the asylum in the modern period. It then examines the emergence of 'moral treatment' in the eighteenth century and its relationship with asylum architecture into the nineteenth century, as well as the role of institutional 'governors'. The concept of 'criminal lunacy' is then examined from medical and legal history perspectives, as well as literature on the conception of the 'criminal class' and racialisation of the Irish.

Chapter Three examines the theoretical framework. It begins by examining sociological theory on punishment, incarceration, and moral panics and explores the links between carceral and social control institutions, the subject, and the wider social setting. It then briefly discusses Ireland's conception as a former colony. It examines colonial discourse in detail by referring to the works of Edward Said, Frantz Fanon, Homi Bhabha, and Mahmood Mamdani, and summarises these theorists' major propositions as relevant to this study. The chapter concludes by

exploring critical race theory on European colonialism and Ireland, and feminist criminological theory.

Chapter Four outlines the methodology. It explains the rationale for the study and its design, provides an overview of the information used, how data was collected, and the sampling methods used. It then outlines the importance of critical discourse analysis to the research and details how Michel Foucault's approach to discourse analysis was understood and applied. The chapter concludes by clarifying ethical issues, validity and reliability issues, and the study's limitations.

Chapters five, six and seven present the findings. The three findings chapters were organised around a concept adapted from Edward Said's *Orientalism*, which argues that in order for Western colonial discourse to dominate the Orient, the Orient 'first needed to be known' (Chapter five), 'then invaded and possessed' (Chapter six), 'then re-created by scholars' (Chapter seven). The findings chapters mirror the structure of Said's claim by examining how 'criminal lunacy' was institutionalised in Ireland in line with wider European and North American discourses on insanity, and then increasingly became subjected to practices of colonial rule in the late nineteenth century. Chapter five examines how attitudes towards the relationship between crime and insanity in Ireland developed between 1833 and 1873 and resulted in the legislated creation of the new deviant categories of 'dangerous lunacy' and 'criminal lunacy' as well as the Dundrum Asylum. These categories were preceded by a moral panic in response to a homicide in Dublin in 1833, and subsequent moral entrepreneurs worked to coerce public acceptance of them. In chapter six a protracted series of disputes captured in Commission of Inquiry reports between 1882 and 1893 saw Dundrum's management eventually replaced by the colonial government. Chapter seven shows how Dundrum's 'convict inmates' were racialised as a 'criminal class' in medico-legal discourse between 1882 and 1916, and this representation was then generalised to a wider Irish agrarian population in the early twentieth century. The findings draw from a range of archival sources and the purpose of these chapters is to provide a perspective on

Dundrum's history under colonial rule, and more importantly, its contribution to colonial rule in Ireland.

Chapter eight synthesises the key findings and examines them in relation to key theoretical and historical literature. It analyses the data primarily through the lens of postcolonial theory, but also draws upon sociologies of punishment and madness, critical race theory, and feminist criminology. By synthesising the analysis through two complementary lenses, theoretical and historical, it was possible to arrange the study's findings in a chronological order which passed through several related theoretical phases. This was to address the two aims of this study, presenting new evidence on the history of criminal lunacy and analysing it from a postcolonial perspective.

A brief conclusion chapter then brings the thesis to a close by making recommendations, identifying potential avenues for future research, and reflecting on the research process.

Chapter 2. A History of the Asylum, Institutional Expertise, and 'Criminal Lunacy'

This chapter outlines academic literature on the history of institutional treatment of criminal lunacy, accounting for developments from antiquity through to the modern period. It aims to establish the context-sensitivity required in constructionist research by enabling the history of criminal lunatics to be situated within its real-world environment (Punch, 2005; and Sarantakos, 2013). This necessarily involves a consideration of the history of developments in England and its relationship to developments in nineteenth century Ireland.

This chapter's purpose is to construct a 'history of the present,' which is 'a self-reflexive diagnosis of the present' (Bell, 1993: 46), that details how the situation in nineteenth century Ireland came into existence:

> The historian of the present then considers where such a way of talking arose, how it has been changed, shaped through time by the forces of power and knowledge, not in order to discover the origins, the moment at which one can argue it began, but to follow 'the complex course', to 'identify the accidents, the minute derivations or conversely, the complex reversals (…) that gave birth to those things that continue to exist and have value for us. (Rabinow, 1991: 81, cited in Bell, 1993: 46)

This chapter is divided into three sections. The first section explores a brief history of insanity since antiquity and how the asylum arose during the modern period in Western societies. The second section explores the development of 'moral treatment' from the late eighteenth century, detailing institutional professionals' relationship to Enlightenment humanitarianism and scientific principles. It subsequently examines the role of institutional architecture in segregating and reforming the insane, as well as shaping how the state represented criminal lunatics. It then discusses the emergence of the role of governor as a profession in asylum and prison administration. The final section examines how criminal lunacy was conceptualised in the relationship between medical and legal discourse as well as social and political forces. This involves considering the jury's role as an extra-psychiatric and extra-legal factor in deciding criminal lunacy cases. The chapter

concludes by exploring how mid and late nineteenth century notions of the 'dangerous classes' and Lombrosian biological determinism began to permeate understandings of criminal lunacy. The ways in which essentialised notions of race and class permeated the discourse are examined, with particular attention to the 'dangerous' Irish.

2.1 A History of Insanity and the Asylum

This section begins by outlining a brief history of insanity since antiquity, emphasising the continued importance of the division between Reason and Unreason. It then examines the history of the rise of the asylum in the modern period and explores scholarly explanations for this in the English and Irish contexts.

2.1.1 Insanity since Antiquity

Many historians have traced the history of representations of insanity to the ancient world (Forshaw and Rollin, 1990; Porter, 1987; Rosen, 1969; Scull, 1979; Torrey and Miller, 2001). Civilisations in Egypt and Mesopotamia recorded people suffering from physical and mental disturbances (Forshaw and Rollin, 1990) and Mesopotamian tablets from the second millennium B.C. illustrate various human diseases including 'mania, depression and paranoid delusions' (Torrey and Miller, 2001: 3). These societies had professional healers whose concepts of insanity encompassed religious and biological elements (Forshaw and Rollin, 1990). The Old Testament features numerous mentions of madness involving King David, King Saul, and names madness as among God's punishments (Rosen, 1969; Torrey and Miller, 2001). The heroes in Homer went mad with grief and revenge and Ancient Greece was the first Western society which attempted to make sense of madness through medicine and philosophy (Porter, 1987).

Bennett Simon (1978, cited in Porter, 1987) argues early Athenian thinking on madness continues to shape contemporary understandings. Greek philosophers

subjected 'nature, society, and consciousness to reason (…) to tame anarchy and establish order, [and] impose self-discipline' (Simon, 1978, cited in Porter, 1987: 11). Since Plato, madness became the antithesis of human dignity and 'the dichotomy between the rational and the irrational, and the rightful sovereignty of the rational, became fundamental to both their moral and their scientific vocabulary, and, through them, to ours' (ibid).

Simon argues the Greeks used two methods to understand madness (Simon, 1978, cited in Porter, 1987). First, madness was central to art, culture, and theatre. Heroes, usually in tragedies, were torn with grief and shame but also had the capacity for self-reflection, to overcome inner conflict and establish personal responsibility (ibid). Instead of putting the mad to death, by allowing madness to unfold Reason could assert its sovereignty and impose its order on nature, society, and consciousness (ibid). The second method was in treatment. Physicians such as Hippocrates and Celsus understood mental illnesses by distinguishing melancholia, mania, hysteria, phrenitis, dementia and idiocy with corresponding treatments[17] (Forshaw and Rollin, 1990). Hippocrates developed a secular physiological theory of madness, by relating the four elements of the world, fire, earth, water, and air, to four humours in the body whose changes in state corresponded to distinct mental diseases (ibid).[18] The medical approach was developed in Rome and after its fall, and also in Baghdad and Fez (Forshaw and Rollin, 1990).

Between 1300-1600 Western theories of madness began to emphasise physical causes (ibid). Descartes' mechanical philosophy in the early 1600s conceived of the body as a complex hydraulic machine where the soul made fluids travel around the

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[17] Treatments included purgatives, opium, herbs, baths, prayers, offerings and cognitive therapy.

[18] The four bodily humours were yellow bile, black bile, phlegm and blood. Each possessed two of four qualities, being either hot or cold, and wet or dry. For example, earth and black bile were cold and dry. The combination of these humours denoted the formation of people's characters, and an imbalance in the humours caused illness which treatment sought to restore. A predominance of yellow bile indicated mania which was hot and dry, so cold and wet treatments were administered. The Hippocratic approach to restoring one's humoural balance was to induce it through diet. (See Forshaw and Rollin, 1990)

body and into the nerves causing feeling and movement[19] (ibid). Concerns for diet, the weather, and the passions remained common in the treatment of insanity into the eighteenth century (ibid), Therefore, this approach was compatible with the ancient humoral theories. By defining madness as an aspect of human nature it became a subject for medicine wherein it was attributed to derangements and other illnesses (Porter, 1987). By associating the sufferer with diminished reason, they generally became dichotomised as 'mad' or 'bad', and ultimately tended to be represented as less than human (ibid).

2.1.2 The Rise of the Asylum

The major shift occurred in the seventeenth century when segregation became the primary response to madness during a period some have termed 'The Great Confinement' (Foucault, 1967; Rusche and Kirchheimer, 1968). Highlighting John Howard's research in the late eighteenth century Foucault (1967: 40) observed that throughout Western Europe, 'the same walls could contain those condemned by common law, young men who disturbed their families' peace or who squandered their goods, people without profession, and the insane'. Foucault (1967) suggested bourgeois therapeutic discourse provided justification for these carceral forms which spread throughout Europe virtually overnight in historical terms.

Explanations of the causal origin of the insane asylums in the modern period lack a clear consensus. Lindsay Prior (1996) identifies five major themes in scholarship:

1. Asylum growth correlated with growing urbanisation in early industrial capitalism;

2. The 'social control' thesis, which asserts that the asylums were tools for controlling vast numbers of ungovernable people who were either: a) surplus to requirements of capitalist industrialism by lacking in education or labour skill; b) displaced, homeless or dispossessed; or c) isolated amid the restructuring of social bonds where the state replaced the family's care and control duties;

3. The asylums were one of several manifestations of increasing bureaucratisation;

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[19] Thomas Willis, co-founder of the Royal Society and Professor of Natural Philosophy at Oxford also adopted the Cartesian view of madness (See Forshaw and Rollin, 1990).

4. The 'Whig' perspective that asylums were a direct effort to respond to the needs of the insane and their communities;

5. The related notion that the increased spread of the asylums reflected the increased spread of insanity.

Prior identified two main problems with these theories. First, the notion that the asylums were driven by élite interests fails to acknowledge the interests of the 'lower orders' in their development and rapid expansion (Prior, 1996). Historians of insanity in Ireland have accounted for this critique (Finnane, 1981, 1996; O'Sullivan and O'Donnell, 2012; Prior, 1993, 2003). Second, Prior argues that despite the lack of evidence for medical understandings of insanity, misgivings about psychiatric knowledge tends to frame it as a biological problem (Prior, 1996). Little attention is given to the possibility that insanity is a cultural phenomenon rather than a physiological one (ibid). It is beyond the scope of this thesis to critique the above five themes, but this thesis places Dundrum primarily in the 'social control' domain, driven substantially by British colonial rule.

From disparate perspectives a brief history of the asylum is identifiable. Andrew Scull (1979), a proponent of the 'social control' thesis observes that until the nineteenth century most deviants in England, including criminals, vagrants, and the disabled were homogenised into one group. For Scull the modern history of the control of deviance was shaped by three key elements including the increasing involvement of the state, the segregation of deviants from the community, and the classification of deviants each with correlated bodies of experts (ibid). Torrey and Miller's (2001) history of the rise of mental illness noted that while the insane were being removed from society they were increasingly brought to public attention partly due to concerns over their involvement in crime. From the late eighteenth century, public incidents in England involving the insane began to receive increased media coverage, and 'lunatics' and 'idiots' appeared in the Old Bailey more frequently (See also Walker and McCabe, 1973). Lunatic cases attracted greater

interest after Hadfield's case as it was understood he posed a real threat to George III's life (Torrey and Miller, 2001).

The homogenisation of deviants was questioned during the late eighteenth century. Until then they were detained in workhouses, poorhouses, and prisons where they came to be viewed as a threat to institutional order, unreceptive to discipline and unable to follow orders or directions (Scull, 1979). Furthermore, Prior observes that during the nineteenth century madness was regarded as residing 'in' the body or brain, while theories about social, environmental and relationship influences had not yet arisen (Prior, 1996). Hence, madness was quarantined by sequestering the sick body (ibid) which when cured could be returned to civil society as per the utilitarian ideology (Porter, 1987).

Torrey and Miller state that madness was being increasingly understood as a specifically 'English malady', and 'the heaviest calamity incident to our [England's] race' (Torrey and Miller, 2001: 45f). An 1807 Select Committee counted the insane in prisons and workhouses and encouraged local counties to establish asylums to be funded by local taxes (Torrey and Miller, 2001). By 1815 seventy-two private licensed houses existed in England (ibid).

Equivalent sensationalist rhetoric appeared in testimony to the Irish Select Committee of 1817 (Williamson, 1970), and Pauline Prior (2003) has shown that families were willing to commit problem members to asylums as 'dangerous lunatics'. The asylum's growth was also driven by the growing influence of moral reformers and state-legislated asylums based on 'moral treatment' were established much earlier in Ireland following the recommendation of the 1817 Select Committee (Williamson, 1970). 'Moral treatment' is discussed in the following section.

Scull's critique of the role of capitalist economic ideology in asylum growth in England helps situate some of the key areas of concern regarding the Irish situation. He resisted overemphasising the urbanisation thesis, noting that by 1800 only one-third of the English population lived in urban areas (Scull, 1979). Importantly, he

noted that before the insane could be institutionalised they first had to be recognised as a separate category and therefore, the asylums gave rise to psychiatry, not the reverse (ibid). Scull theorised that for class reasons insanity was associated with the lower classes but was distinct from poverty or dependency. Since industrialisation developed unevenly throughout England in the late eighteenth century, the labour market needed to distinguish between the able and non-able-bodied poor to stimulate increased productivity (ibid). Hence, for Scull the emergence of insanity was consistent with the rationalisation process of modern capitalism.

Mark Finnane (1981) argues that Scull's capitalist perspective is difficult to apply to Ireland as its primarily agrarian economy lasted into the twentieth century despite the establishment of state-legislated asylums earlier than in England. For Finnane, Ireland's asylum network was most likely motivated by Westminster's anxieties over potential trouble and revolt in Ireland (ibid). Although imposed by Dublin Castle, the financial burden for Ireland's asylums was placed upon local governments and landowners who were repaid funds for construction costs but assumed maintenance expenses (ibid). Because asylums brought economic advantages, some districts and counties competed to host an asylum and communities pressured local governments to establish them (Finnane, 1981; see also O'Sullivan and O'Donnell, 2012). However, for Finnane the main difference between the asylum system in England and Ireland was in its funding structure (Finnane, 1996).

Torrey and Miller (2001) noted the Irish political situation following Daniel O'Connell's emergence in the 1820s and 1830s and the accompanying mass Catholic movement in a country of over eight million whose wealth and government was ruled by Protestants. This financial structure extended to the asylum system as shown in Oonagh Walsh's (1999) study of the Ballinasloe asylum which was run by an exclusively Protestant Board of Governors. Walsh also argued that the centralisation of state power and control in Ireland via the Lord Lieutenant's office

was to prevent local nationalist groups from developing by centralising a link to London (ibid).

Conversely, as the reform period arose in the early-mid nineteenth century, Roy Porter (1987: 15) argues the humanitarian position that, 'The men of the Enlightenment doubtless felt benevolent sympathy towards the insane, as likewise towards savages and slaves, but only through first seeing them as quite alien from themselves'. Scull (1979) considered such benevolence unlikely as there is near consensus that there was no scientific basis for the rise of the medical profession in the nineteenth century. The moral entrepreneurs' self-righteousness represented the rhetoric of a dominant class over subordinates (ibid).

Prior's (1996) argument that scientific critiques of the rise of psychiatry and the asylums overlook the cultural significance of insanity was addressed in the Irish context most comprehensively by O'Sullivan and O'Donnell's (2012) analysis of Ireland's vast confinement history post-independence. They provided a departure from the social control and Whig theories outlined by Prior at the outset of this section. O'Sullivan and O'Donnell (2012) examine inmate accounts from various institutions during the twentieth century. Drawing upon Foucault's (1977) concept of the 'carceral archipelago', they termed Ireland's historical tendency since the nineteenth century to incarcerate mostly non-criminal deviants, 'coercive confinement' (O'Sullivan and O'Donnell, 2012).

They suggested that disciplinary practices associated with prisons, informed confinement practices in other institutions (ibid). They focused on the continued growth of coercive confinement after the 1870s and into post-independent Ireland, rather than its origins. They argue that 'rural fundamentalism' contributed to the expansive use of coercive confinement, a concept defined as:

> a set of values and beliefs by which a positive view was taken of the family-owned farm as the basic unit of agricultural production; having a numerous class of landowners; farming as an occupation; agriculture as the basis of national prosperity; farm or small-town living. (in O'Sullivan and O'Donnell, 2012: 272)

In this process, the 'stem family'[20] passes land holdings to a chosen heir, usually a male, which forced the remaining children to emigrate or remain in subordinate positions (O'Sullivan and O'Donnell, 2012). This became established after the 1870s and was the dominant rural economic structure in the early twentieth century (Fitzpatrick, 1983, in O'Sullivan and O'Donnell, 2012). Non-inheritors who threatened the stem family's economic security were at greater risk of incarceration and the authors observed several factors in this: those who did not emigrate tended to populate the asylums; 'illegitimate' children disrupted the inheritance structure; problem and unproductive children were directed to industrial and reformatory schools; and social status could be secured by joining the clergy which provided a low cost mechanism for spreading Catholic doctrine and ensuring docility throughout rural societies (O'Sullivan and O'Donnell, 2012). To manage this economic structure in the presence of non-inheriting family members 'the preservation of rural Ireland required coercive confinement just as it required emigration' (ibid: 275).

O'Sullivan and O'Donnell's (2012) work is a novel explanation of the history of the asylum considering the five scholarly themes identified by Lindsay Prior (1996). This view of power from below is consistent with Foucault's argument that the distinctions between separate deviant groups were largely superficial (Foucault, 1967), as were the supposed differences between carceral institutions (Foucault, 1977; Ignatieff, 1978).

This study provides a related analysis. Dundrum was a distinct component of Ireland's carceral archipelago. Its location on the outskirts of Dublin was not 'rural', and families could not coerce problematic members into confinement there. Yet Dundrum was intimately linked to the prison and asylum systems through which inmates flowed upon reclassification, sentence expiration and so forth. Inspectors who had responsibilities in Dundrum's running before the period of therapeutic

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[20] An anthropological term which describes how a family's structure is related to a single inheritance principle.

pessimism also had responsibilities elsewhere in the coercive confinement system. During the period when the asylums became increasingly 'democratised' in the late nineteenth century (Finnane, 1981), Dundrum's formal management structure was instead increasingly centralised under the control of the Lord Lieutenant and Chief Secretary's Offices, as Chapter six will show.

Therefore, this thesis will attempt to enhance O'Sullivan and O'Donnell's work by clarifying Dundrum's liminal position in Ireland's coercive confinement system and in relation to the colonial administration. However, Dundrum's history is also embroiled in the competing social, cultural, political, and economic discourses described above. The following section will elaborate the related development of moral treatment and the significance of institutional design in the perpetuation of psychiatric authority throughout the nineteenth century.

2.2 Moral Treatment and Institutional Design

While the previous section showed how social and political attitudes towards the insane influenced how the asylums developed and were related to society, this section shows how expertise regarding the insane developed. This was shaped by various interrelated factors including the role of the institution, political developments, and increased humanitarian concerns for deviant groups. This section examines the development of moral treatment from the late eighteenth to the mid nineteenth century, the state's role in assuming greater responsibility for the insane, the professionalisation of institutional experts, and the role of institutional architecture in treating the insane.

2.2.1 Moral Treatment

During the seventeenth century treatments for the insane were brutal. Foucault argued the insane then were viewed as animalistic, sequestered from society both physically and epistemologically: 'This is why (…) madness was less than ever

linked to medicine; nor could it be linked to the domain of correction. Unchained animality could be mastered only by *discipline* and *brutalising*' (Foucault, 1967: 70, emphasis in original). During the eighteenth century the psychiatric model introduced purgatives through sweats, vomits and laxatives, and commonly used treatments thought to affect the mind including electric shock therapy, hot baths, cold showers, restraining chairs, manacles, strait-jackets and labour (Porter, 1987). This invited a humanitarian response and Locke's idea that insanity temporarily disrupted reason and concealed a dormant humanity became influential (ibid)

Among the eighteenth-century humanitarian visionaries was Phillipe Pinel in Paris. Pinel focused on psychological causes of insanity and outcome-led treatments and he tested medical approaches, finding little evidence for their efficacy (Grob, 1966). Pinel theorised that the insane made erroneous associations in their ideas and feelings, leading to delusional views of reality and therefore, 'moral treatment' sought to reform and restore the insane mind (Porter, 1987; Grob, 1966).

Symbolised by Pinel's decision in 1793 to strike the chains from madmen incarcerated at the Bicêtre Asylum in Paris, the 'moral treatment' movement established its footing in the late eighteenth century in England. This was following the revelation of scandals at county asylums including the discovery of thirteen female inmates in an eight-foot cell in York's public asylum (Foucault, 1967), and the mysterious death of a Quaker patient there (Scull, 1979).

In response William Tuke's Retreat was established at York in 1792 to provide a comfortable and relaxed environment designed to encourage patients to reassert their powers of self-governance (Scull, 1979). 'Moral treatment' was not a specific technique but a pragmatic approach, utilising anything that worked while minimising physical coercion and restraint (ibid). The moral therapeutic environment was tailored to physical and psychological well-being and applied intelligence and emotions to encourage inmates to participate in their recovery (Grob, 1966). As Samuel Tuke, grandson of William Tuke, stated:

whatever tends to promote the happiness of the patient, is found to increase his desire to restrain himself, by exciting the wish not to forfeit his enjoyments; and lessening the irritation of mind which too frequently accompanies mental derangement (...) The comfort of the patients is therefore considered of the highest importance in a curative point of view. (cited in Scull, 1979: 69)

This was again influenced by Locke's belief that a person's soul was like a blank book which became filled with ideas and characters throughout their life (Reuber, 1999). Moral managers believed 'if the book of life had been written, it could be rewritten' (Reuber, 1999: 211). Therefore, confinement aimed to redirect mad behaviour by working on the mind and the passions in a focused environment, which challenged perceptions that they were 'dangerous' (Porter, 1987; Scull, 1979).

As illustrated previously the reform period was partly driven by families of the insane, philanthropists, magistrates and lay reformers, and at the turn of the nineteenth century the humanitarian view won support among asylum managers (Porter, 1987; Scull, 1979). The Retreat's perceived success made it synonymous with reform, leading to widespread adoption of moral treatment (Scull, 1979). As Scull states, 'Thanks to the philanthropic efforts of the few and the aroused sympathies of the many, madmen and madwomen had at last been rescued from such viciousness and neglect' (Scull, 1981: 1).

Ireland's earliest convert was Dr. William Saunders Hallaran who founded the Cork Lunatic Asylum in 1791 (Finnane, 1981). The Armagh asylum's moral manager, Thomas Jackson believed it led patients to 'restrain their evil habits and propensities, to correct their conduct and behaviour by giving them ideas of order, industry and decorum [and] return them to society better, not alone in health, but in their moral character' (Williamson, 1970: 287). Ireland was therefore, the first European country to use 'moral treatment' in state legislated institutions.

Much of the successful resurgence of the medical profession in Ireland was attributable to Dr. Francis White (Finnane, 1981). White was appointed Inspector of Prisons in 1841, Inspector of Lunatics in 1842 and played the major role in drafting

the Privy Council Rules in 1843 for the regulation of the asylums (ibid). White argued the asylums failed to fulfil their curative promise due to the absence of medical care and unilaterally drafted the rules. Scull (1979) observed a similar occurrence in England during the 1830s as physicians secured local and legislative control of the asylum and inspection systems after parliamentary inquiries eroded their influence. This 'psychiatric pessimism' (Porter, 1987: 20) grew throughout the mid-nineteenth century and led to new medical theories about insanity, involving hereditary and physiological explanations.

White recommended Dundrum's establishment to the 1843 Select Committee resulting in the 1845 Act which also established the Irish Lunacy Inspectorate (Finnane, 1981). The Inspectorate removed all laymen and moral managers from asylum administration by 1870 (ibid), influencing the state to assume humanitarian responsibility for the insane which simultaneously occurred in England (Scull, 1979). White also advised Dundrum's architects on its design, which adopted moral treatment principles as will be discussed further in the following section.

State legislation for the insane was usually preceded by expert-led testimony or empirical documentation from existing institutions. One year before the first district asylum opened in Armagh in 1825, William Saunders Hallaran drew praise from the Inspector General of Prisons for the expertise he developed about the insane: 'Dr Hallaran has within a few years been enabled to introduce a system of classification, the good effects of which he speaks in terms of great encouragement' (Prior, 2008: 26). Scull states that in England the decisive testimony to a Select Committee by the Commissioners in Lunacy in 1838 which established the English public asylums highlighted the information produced about insanity by moral treatment establishments:

> At the Retreat, York, at the Asylums of Lincoln and Northampton, and at the Asylum for the County of Suffolk, tables are published, exhibiting the large proportion of cures effected in cases where patients are admitted within three months of their attacks (Scull, 1979: 111f)

Grob (1966) showed the same process occurred in the establishment of the Worcester asylum in Massachusetts where the state ordered a statistical report on the insane population incarcerated in prisons and hospitals before a bill was passed in 1830 for Worcester to open in 1833.

Possibly channelling Foucault's (1977) concept of institutional *examination*, Porter (1987: 24) asserts 'The fact of removing the lunatic from his wider social context into the confines of the madhouse turned him into a clinical problem, a 'case''. This provides the foundation for a field of expertise to develop where inmate characteristics are identified and judged in relation to other inmates, thus forming a typological system of classification of deviance (Foucault, 1977). This appeared to appeal strongly to the state. Porter (1987) argues that such systems become self-fulfilling prophecies as the depriving seclusion of inmates in total institutions can only reinforce psychiatry's basic contentions that inmates were ontologically distinct. Through incarceration the insane personify the manifestation of Unreason over which Reason asserts its sovereignty (Simon, 1978, in Porter, 1987).

Scholars are divided on the sophistication of the development of institutional psychiatry. Scull (1981) stated that advances in medical knowledge made more precise and refined diagnoses possible. Conversely, Lindsay Prior states that the 1901 Irish Census showed that insanity was still perceived according to a basic system of classification where causation of disease 'was perceived in terms of simple associations—one disease per person, one cause per disease' (Prior, 1991: 411). Oonagh Walsh (1999) argued similarly that during the late nineteenth century diagnoses of insanity were subjective and speculative at Ballinasloe asylum. There was a lack of substance and sophisticated vocabulary for establishing insanity within the range of vague categories psychiatry had built up and 'In an increasingly scientific environment, as far as general medicine was concerned, psychiatry was at something of a stand-still' (Walsh, 1999: 235).

Hence, whether institutions were governed by medical or moral treatment in Ireland or throughout Europe, scholars broadly agree that the empirical objectivity

that underpinned the establishment and spread of the asylums lacked in substance. As Scull argues (1979: 43) lunatic asylums were the necessary precondition for psychiatry, offering 'a guaranteed market for the experts' services; and (…) a context within which, isolated from the community at large, the proto-profession could develop empirically based craft skills in the management of the distracted'. Therefore, it can be argued that the emergence of moral and medical treatments was coterminous with the development of the institution itself throughout Europe. The next section will explore how the psychiatric profession derived legitimacy from the institution and its architecture. It also discusses the related strand of 'moral insanity' and its relation to the discourse of 'moral treatment'.

2.2.2 Institutional Architecture and Professional Identity

While it can be argued that psychiatry's authority and the organisation of psychiatric knowledge about the insane was predicated on the asylum's existence, 'moral treatment' profoundly transformed how the insane were dealt with since the late eighteenth century. This section further explores how nineteenth century institutional architecture was shaped by interactions between medical, legal, and socio-political discourses and developments on the insane.

As Scull notes (1981: 6), during the Victorian period the madhouse became an asylum and then a mental hospital, the mad-doctor became an alienist and then a psychiatrist, and the madman or madwoman became a mental patient; therefore psychiatrists' 'professional identity was bound up with their institutional status'. Yet the significance of institutional psychiatry should not be reduced to its scientific basis as anti-institutional arguments must consider that the purpose of institutional care for the mentally ill was never clear (Prior, 1993). This was evident in the Criminal Lunatics Act, 1800 which did not state where criminal lunatics were to be detained (Forshaw and Rollin, 1990) while an Act of 1808 for county asylums gave little instruction on how they should be constructed (Scull, 1979). Carceral

institutions bore different degrees of custodialism which was most evident in their architecture (Scull, 1979), as was the case with Dundrum.

Markus Reuber (1999) described how Irish asylum architecture including Dundrum was partly adapted from institutions in England. In the early nineteenth century the architect Francis Johnston's extension to St. Patrick's Hospital, Dublin used a 'corridor layout' akin to the second Bethlem Hospital, while his design for the Richmond Asylum in 1810 was strikingly similarity to his 1806 quadrangular design of Bedford Asylum (Reuber, 1999). Johnston was lead architect on the Armagh Asylum, built during the Ireland's 'moral treatment' era [1817-1835] of asylum architecture (ibid). 'Moral treatment' required continual opportunities for surveillance through an 'unseen eye' so Armagh used a radial 'K' design reminiscent of a female asylum behind Guy's Hospital, London (ibid: 220ff).

Dundrum was constructed during the brief period of 'therapeutic optimism' of the 1840s and its architecture drew from 'moral treatment' principles (Reuber, 1999). Its principle architect Jacob Owen was formally advised by the Lunacy Inspectors, Francis White and John Nugent, that Dundrum should be 'a special asylum and not a prison' (ibid: 226f). By then the 'unseen eye' was considered a therapeutic failure and therefore, Dundrum would not be a 'panoptic' asylum (ibid). It was built as a three-storey building and apart from the usual kitchen, laundry, stores, and washhouse typical of other asylums, it had innovations including a chapel, an isolated hospital with a separate yard in the rear corner of the land, and increased dormitory accommodation (ibid). Considering Dundrum's inmate population this 'revealed an astonishing degree of therapeutic optimism' (ibid: 228). Its architecture reflected Francis White's benevolent attitude towards the insane, 'Because he saw the potential inmates as "lunatics" rather than "criminals"' (Prior, 2005: 20).

Dundrum's construction was influenced by developments in the evolution of carceral architecture itself, which consisted of three eras over the past three centuries, reflecting the penal philosophies of each period, including: the 'reform' period since the late the eighteenth century; repressive detention during the mid-

nineteenth century; and the rise of rehabilitative practice in the twentieth century (Muncie, 2001, cited in Jewkes and Johnston, 2007). The immediate concern was a prison's location which increasingly found itself in rural areas, sometimes on a hill to encourage hygienic internal ventilation by exposure to the wind (Jewkes and Johnston, 2007). However, removing the prison from urban life meant 'it would no longer relate to the external world in so familiar a way. It was being abstracted from everyday life' (Evans 1982: 113, cited in Jewkes and Johnston: 2007: 179).

With the increasing influence of Beccaria's principle of proportionality, a desire to spatially classify prisoners arose—as in the previous section regarding classifications of insanity—but as the classifications diversified it was impossible to keep up by building enough corresponding wings off a central observation hub (Jewkes and Johnston, 2007). Classification was subsequently based upon solitary confinement, the introduction of which corresponded with an increase in insanity among prisoners first at Millbank (ibid), and then at the 'model prison' at Pentonville (see Cox and Marland, 2018). The rationale behind this solitary confinement was a concern over 'moral contagion', where first time offenders were kept away from the influence of more hardened criminals (Jewkes and Johnston, 2007). Although solitude had been used as a punishment method before, the difference was that in Pentonville 'the fabric of the prison became harmonized with the enforcement of the regime. Prison architecture and penal purpose were thus explicitly interlinked' (Jewkes and Johnston, 2007: 182f). With its radial structure the perpetual surveillance of every cell was possible and hence, the architect 'had turned the psychological issue of reformation into an issue of mechanics' (Jewkes and Johnston, 2007: 185).

Two key aspects of this discussion relate to Dundrum's architecture, sometimes with differing rationale. Since Dundrum was *not a prison* and, therefore, an asylum, it was located on the outskirts of Dublin and purposely avoided panoptic architecture. In his study of a mental hospital in Northern Ireland, Prior notes it was deliberately located rurally to protect its inmates from the demands of metropolitan

living (Prior, 1993). The York Retreat was also built on top of a hill 'in the midst of a fertile and smiling countryside. (…) No bars, no grilles on the windows' (Foucault, 1967: 229). While this would also abstract the confinement of the insane from everyday life the rationale in the York Retreat was to bring its inmates closer to a rural external world. Second, although both moral treatment asylums and model prisons employed radial designs alike for observation purposes, Dundrum's designers abandoned the 'unseen eye'. This was significant for an asylum hosting criminal lunatics, as concerns over malingering required lengthy surveillance periods to ensure symptoms were consistent (Forshaw and Rollin, 1990). Dundrum asylum status derived from its differentiation from a prison.

Furthermore, Garland stated that during the second half of the nineteenth century 'prisons were designed often by penal administrators rather than architects' (Garland, 1990: 259, cited in Jewkes and Johnston, 2007: 185), and this was the case in Dundrum. It is plausible that in seeking to distinguish Dundrum from a prison, White, Nugent and Owen had in mind the failing experiment at Pentonville which attracted criticism in 1841 before it opened for the likelihood its inmates would be driven insane in its austere interior (Jewkes and Moran, 2017). With heightened attention upon criminal lunatics after McNaughten in 1843, it may have been felt necessary to ensure that an institution for criminal lunatics was sufficiently distinct from Pentonville, which drove prisoners insane. In this way Dundrum's asylum status would have been secured by negating the Pentonville model's distinguishing features, thus resulting in the 'astonishing degree of therapeutic optimism' Reuber observed (1999: 228).

As Dundrum considered its inmates insane, its design reflected the state's humanitarian concerns for the insane which dominated the 1840s. This positioned the colonial state as the benevolent actor, which was a useful rhetoric as Scull argues, drawing upon Michael Ignatieff:

> it is precisely the benevolence of the intentions that rescues the whole enterprise of "reform" from the insinuations of the revisionists and other critics, leaving us to ponder the ironies of unintended consequences and historical accident—even while,

as Ignatieff puts it, "maintaining the state's reputation as a moral agent." (Ignatieff, 1978: 211, cited in Scull, 1989: 42)

Dundrum's design gave the colonial state an apparatus to deal institutionally with criminal lunatics in a way that was distinct from Pentonville, by exploiting the discourse of 'therapeutic optimism' which aligned medicine with 'moral therapy'. However, Finnane (1981) points out that in the 1851 Annual Inspectors' Report, the Lunacy Inspectors White and Nugent wrote 'the uniform tendency of all asylums is to degenerate from their original object, that of being hospitals for the treatment of insanity, into domiciles for uncurable lunatics' (Asylums Report, 1851: 6). Therefore, the state could also enhance its reputation as a moral agent with a degree of plausible deniability in case Dundrum also 'failed'.

As Prior (2003) mentions there was a shift from 'care to control' practices in Ireland and beyond and Dundrum was no exception. Its early emphasis on care-based practices began to give way to concerns with escapes, security features and dangerous inmates between the 1860s and 1880s, as well as a series of management disputes which dominated the 1880s (Prior, 2008). As Scull (1981) suggested institutional transformations were reflected in psychiatrists' professional identities and this occurred in Ireland's carceral institutions where the 'governor' became an increasingly central figure from the 1850s.

The term 'governor' became common in the prison and asylum systems, including members of the Boards of Governors of district lunatic asylums in Ireland, who, nominated by the government, managed the asylums according to privy council rules (Haslam, 2003). It was also prominent in English prisons in the early nineteenth century to convey a more authoritative and professionalised image of the prison manager than the earlier generation of 'gaolers' and 'keepers' (Bryans, 2007; McConville, 1981). Prison governors were recruited from the among the ex-military officers returning from the Napoleonic Wars which indicates that the primary function of a governor was control, very much as it had previously been

with the 'gaoler' (Bryans, 2007; Harding *et al.*, 1985). As prisons were now run by 'gentlemen', by the mid-nineteenth century the prison governor was a respected profession, which also emphasised the growing importance of prisons as institutions (Ignatieff, 1978). In the 1858 'Rules and Regulations for the Government of Convict Prisons' in England, the governor's role was defined as follows:

> To have 'a general superintendence over the prison and prisoners', exercise 'his authority with firmness, temper and humanity; abstain from all irritating language, and not strike a prisoner'; (…) enforce a high degree of cleanliness in every part of the prison; take every precaution necessary to prevent escapes'. (…) They were also required to keep journals on prisoner misconduct and other aspects of daily prison life. (in Bryans, 2007: 24)

Similar when Mountjoy prison opened in 1850 its staff comprised mostly of ex-military and police officers (Carey, 2003). Staff disciplinary issues were common at Mountjoy into the 1860s (ibid) and at the national level, annual reports of the inspectors of prisons during the 1870s, showed that untrained staff and prisoner misconduct issues persisted throughout the prison system (Smith, 1980). Subsequently, the *General Prisons (Ireland) Act, 1877* represented a significant reform effort. It established the General Prisons Board to centralise and streamline Ireland's prison system as had occurred in England, and it resulted in the closure of 52 bridewells as well as the hiring of fifteen new well-trained governors (Smith, 1980). Section 12 of the 1877 Act empowered the GPB to make rules and regulations for the governors to implement in prisons:

> The General Prisons Board may, subject to the approval of the Lord Lieutenant and Privy Council, from time to time, by rules to be made in manner herein-after prescribed, alter or repeal the byelaws in force for the time being for the regulation of any prison and for the duties and conduct of the governor and other officers of the said prison, and for the classification, diet, clothing, maintenance, employment, instruction, discipline and correction of all persons confined therein, and may repeal rules so made and may make new rules instead thereof.

Evidently, the prison governor's sphere of influence was widespread within the carceral institution as they were responsible for overseeing much of the daily

activities and administrative requirements. This occurred as the role became increasingly professionalised on both sides of the Irish Sea during the mid-nineteenth century. The introduction of this term into Dundrum's history occurred slightly later, during the period when its initial 'therapeutic optimism' (Reuber, 1999) was overtaken by the more material challenges of ensuring custodial security Prior (2008) observed from the 1860s onwards. As Scull (1981) argued this transformation in professional identity was inexorably tied to the institution's status, and the governor's introduction to Dundrum is examined later in this thesis.[21]

2.3 Criminal Lunacy

While institutions for the insane provided a spatial and epistemological separation from modern society, criminal lunatics were primarily defined and classified in the courts. This section examines how medico-legal discourse, particularly related to questions of criminal responsibility, characterised 'criminal lunatics'. It shows how the history of criminal lunacy and sentencing of this group transformed throughout the nineteenth century. Furthermore, it examines how stereotypes related to race and class influenced how criminal lunacy was defined in the late nineteenth century.

2.3.1 Conceptualising 'Criminal Lunacy'

Having examined the history of insanity, the rise of the asylum as a modern response, the relationship between the institution and psychiatrists, and the role of the institution itself, the remaining consideration in this historical account concerns the criminal lunatics themselves. This section examines how this group was represented in the interaction between medical and legal discourse and practice. It outlines how nineteenth century constructions of criminal lunacy were influenced

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[21] See chapter five.

by shifting political interests in England. As per the thesis' first research question this section shows discourses and practices for dealing with criminal lunatics were constructed in the medico-legal domain and subject to extra-legal and extra-psychiatric factors pertaining to juries, were influenced by wider social perceptions of insanity, and underwent transformations throughout the nineteenth century.

An overarching theme in the history of 'criminal lunacy' is its tendency to divide psychiatric opinion (Eigen, 1995; McAuley, 1993; Menzies, 2001; Prior, 2004; Smith, 1981). Roger Smith highlighted a historic tension between the medical and legal spheres regarding criminal lunatics:

> Criminal lunatics had an uneasy existence between prison and asylum, between discourses of guilt and disease. The tensions between these oppositions lay in both the penal and the lunacy systems, but criminal lunatics brought it inescapably into the open. (Smith, 1981: 34)

Smith argued that psychiatrists have sought to reconstitute the interaction between insanity and responsibility by suggesting insanity involved physical maladies requiring their expertise to treat (Smith, 1981). Yet psychiatrists frequently undermined each other as multiple medical opinions on individual cases were often polarized between mad and sane (ibid). In the Irish context, while Francis White's view that criminal lunatics were patients rather than prisoners influenced Dundrum's architecture (Reuber, 1999), this provided no ontological stability to the inmates, the asylum, nor the psychiatric profession.

As discussed in chapter one, Prior observed that the conceptualisation of Dundrum's inmates was often influenced by circumstances such as disruptions to institutional order which were usually blamed on 'sane' inmates (Prior, 2004). Insanity was more clearly distinguished by its differing legal and medical applications, as clarified by McAuley:

> Legal insanity is an excuse for wrongdoing, not a diagnosis of the accused's mental condition. We excuse the insane for the same reason we excuse the very young: because they lack the capacity to act rationally. (…) Thus insanity is not a defence

because it is a disease, if indeed it is a disease, but because it is a species of one of the excusing conditions traditionally recognized by the criminal law in a civilized society. (McAuley, 1993: 2f)

Therefore, criminal responsibility is determined in the legal domain, centring on the question of whether the person possessed the capacity to act rationally. It is not a matter for psychiatrists to establish that the defendant suffers from a mental disorder but 'whether or not the relevant mental disorder should be regarded as an excuse' (McAuley, 1993: 3). However, psychiatry significantly influenced how legal insanity was established.

McAuley (1993: 5) states that 'legal and medical insanity mean different things at different stages of the criminal process'. At trial, the defendant's fitness to plead and understand legal proceedings must be determined since a person who committed murder while insane might still be able to follow proceedings (ibid). To prosecute, a court must establish that the individual committed the *actus rea* (evil act) having the relevant *mens rea* (guilty state of mind), while being mentally congruent (Forshaw and Rollin, 1990).

Once an insanity plea arises the psychiatrist's role is to opine on the accused's state of mind in the past, by situating psychiatric evidence within the overall context of the case for the jury to assess whether the threshold is met (McAuley, 1993). The causal factor is crucial because for the defence to have merit the strand of insanity must correlate to the criminal act, e.g. a pyromaniac would not be held less responsible for a sexual assault (ibid). The corollary is that a person can be sane in most regards, but insane regarding the criminal act (Forshaw and Rollin, 1990).

Processes for arriving at a verdict were far from straightforward and although much of the data in this study concerns issues outside the court, the below discussion has a particular bearing on the first findings chapter which examines the trial of John Mason. Literature on early criminal lunacy court proceedings shows juries played an unpredictable role (Smith, 1981), with extra-legal and extra-psychiatric factors

often complicating outcomes. Saks and Kidd (1980-81: 123, cited in Ford, 1986: 16) write, 'It is commonly assumed that the jury's decision is a public measure of the merits of the prosecution and defense cases.' The jury do not follow a linear path laid out by evidence and logically arrive at a verdict and 'certainty is frequently replaced by judgment calls' (Ford, 1986: 16). Jurors perceive evidence through personal experience which is informed by social status in terms of age, sex, socioeconomic position etc. and trial processes also introduce complicating variables (ibid).

Juries' thought processes have historically been kept secret (Eigen, 1995). In criminal lunacy cases they decide whether the prisoner should be punished, and this can be influenced by dislike of the sentence attached to a guilty verdict (Finkel, 1988; Smith, 1981). Murder without apparent motive was likely to lean a jury towards an insane verdict while a prisoner exhibiting delusions and criminal intent could easily be found guilty (Smith, 1981). Simon's (1967) empirical study on mock juries showed similar verdicts were returned regardless of whether the Durham Rules or the McNaughten were used to instruct the jury. Norman Finkel's (1988) larger study found that crimes involving property more commonly returned guilty verdicts while crimes against people more commonly returned insanity verdicts. Different juries could find opposing verdicts from the same proceedings but 'guilty juries' emphasised objects as evidence, whereas 'insanity juries' emphasised human behaviours (ibid). Furthermore, the jury commonly viewed cases in nuanced ways, considering options outside the either/or framing presented to them by prosecutors and defence counsels (ibid). Furthermore, when judges instructed juries to disregard evidence, they could view it more strongly, particularly eyewitness evidence (ibid). As Finkel (1988: 156) summarises, 'much is made of the expert (…) when we get to the bottom line—deciding—it is the layman who becomes the arbiter of the case.' Hence, an array of extra-legal and extra-psychiatric factors stemming both from within and beyond the court could shape the jury's perspective on a case.

In nineteenth century Ireland, juries were influenced by several factors. Their composition was constrained by factors such as gender (they were all men), demography, wealth, and property holdings, as well as by authorities' control mechanisms (Howlin, 2009). Until the 1870s, property was generally the most important factor and juries were more likely to comprise of wealthy landowning Protestant men who contributed most to the Poor Law rates (ibid). The 'Stand by' powers enabled arbitrary hand-picking from a large panel of hundreds (ibid) thus producing a contingent more likely to be sympathetic towards a desired outcome. After the Juries Act (Ireland), 1871 was passed, juries, especially in rural areas, were increasingly populated by the lower classes, often farmers (Howlin, 2009) and during a turbulent period in Irish history court processes could unfold along markedly political lines (Conley, 1999).

These mechanisms likely reflected why Irish court processes were considered by the British government as unreliable (Conley, 1999). While judges could steer juries one way or another through 'conduct of the trial, his attitude to counsel, the tenor and frequency of his interventions, and his summing up' (O'Donnell, 2017: 85)—an evident factor in the trial examined in the first findings chapter in this study— scholarship also indicates that juries were often unwilling to convict (Howlin, 2009) or at times flatly refused to reach a verdict (Conley, 1999). The flexibility of Irish common law meant jury verdicts commonly aligned with community norms which also produced different outcomes depending on location of the assizes (ibid). A jury might refuse to convict someone they knew and Conley found the colonial situation was evident in cases where 'memories of persecution often convinced juries that the horrors of a British prison outweighed that of even the most heinous crimes' (Conley, 1999: 144). During the land movement period, juries might disregard explicit written evidence of threats to witnesses and comparatively lenient sentencing rates in such cases indicated sympathy towards the movement was reflected in outcomes.

Hence, Irish juries more often enforced the law on their own terms (Conley, 1999). However, lunacy cases were public events and as they more frequently involved high profile, notorious crimes (Howlin, 2017), this also exposed juries of laypersons to public opinion as O'Donnell (2017) observes occurred during murder trials in the twentieth century. Likewise, court processes were internally affected by jury participation. Coroners' juries heard testimony about causes of death but were also required to witness the body being examined (Howlin, 2017). Trial juries had an active role during proceedings as they could question lawyers and cross-examine witnesses and appeared more likely to do so in criminal trials which Howlin (ibid) suggests may be due to the serious and sometimes lethal consequences of a guilty verdict. During the mid-nineteenth century juries commonly interrupted cross-examinations with their own questions and might question the judge during his charge, the counsels during opening and closing statements, and comment on witness testimony (ibid). Howlin suggests three possible reasons for this: the most obvious being the pursuit of truth; but they also may have sought to be 'part of the show that was the Irish trial' (Howlin, 2017: 182); and to assert their power sometimes in conflict with state power by returning politically and/or class conscious 'protest' verdicts (ibid: 183), or simply by competing with the status of the other court actors including judges and lawyers.

Therefore, Irish juries have a history of influence by extra-legal and extra-psychiatric factors and non-conformance to the stereotypical image of a jury. The trial processes examined in chapter five exhibited many of the extra-legal and extra-psychiatric factors discussed above, including constrained jury composition, influence by the judge's steering of a case, active participation in the process, and possible avoidance of a guilty verdict.

Following Daniel McNaughten's murder of Edward Drummond in 1843, the insanity defence was codified in the McNaughten Rules.[22] These consisted of four

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[22] It is commonly argued that both Hadfield and McNaughten would have been convicted under the McNaughten Rules (See McAuley, 1993: 23f).

rules which the defence must satisfy in order to be 'acquitted on grounds of insanity', or 'guilty but insane' after the Trial of Lunatics Act, 1883 (Prior, 2008). The 'guilty but insane' sentence has been criticised for its apparent illogic and contradictory terms and Foucault (1977: 20) argued the courts created 'a mass of juridical absurdities' by allowing one to be both guilty and mad. For Foucault, the psychiatrist became more invested in punishment and questions of 'dangerousness' and 'curability' were unrelated to 'responsibility' but concerned with administering punishment (1977: 21f):

> What, then, is the role of the psychiatrist in penal matters? He is not an expert on responsibility but an adviser on punishment; it is up to him to say whether the subject is 'dangerous', in what way one should be protected from him, how one should intervene to alter him, whether it would be better to try force him into submission or to treat him.

Furthermore, Foucault (1977) argued that psychiatry represented the importing of non-judicial concepts into the justice system to function within the penal system as non-judicial elements. McAuley (1993) agreed that psychiatry pervades the penal process, that psychiatric testimony is central in the establishment of criminal insanity and testimony is provided by psychiatrists at all stages of the process. When an insanity defence is successful indeterminate detention is automatically employed and the individual's eventual discharge is determined by psychiatrists (ibid). This process invites psychiatric discourse into the legal sphere, thus empowering psychiatry and extending its influence beyond the asylum.

However, Foucault overstates how the 'guilty but insane' verdict shaped the role of psychiatry in the legal system. Although 'medical men experienced condescension and even contempt, from lawyers and journalists' (Smith 1981: 7), there was arguably a mutual influence between the two fields in shaping 'criminal lunacy' (Eigen, 1995). Further, as Prior argues 'The legal view on insanity ran parallel to the medical view, which changed in line with medical advances during the century' (Prior, 2008: 51). After all, despite its scientific baselessness, it was the psychiatric profession rather than the legal which attempted to define insanity (ibid).

Additionally, as Nigel Walker argues 'guilty but insane' was a more appropriate sentence since acquittal implies the person is not punished: 'the inclusion of the word 'guilty' had so hypnotic an effect that this was overlooked' (Walker, 1968: 192). Furthermore, Foucault homogenises 'criminal lunatics' and does not recognise that the strand of insanity should correlate to the criminal act (McAuley, 1993). Hence, Foucault neglects the diversifying classifications of deviance that emerged during the late nineteenth century.

However, as with insanity generally, knowledge and practices regarding criminal lunatics were influenced from beyond the medical and legal professions. As Roy Porter (1987: 10) argued 'ideas and associations surrounding mental illness do not have scientific meanings fixed for all time (…). What is mental and what is physical, what is mad and what is bad, are not fixed points but culture-relative'. Historians have also suggested that broader cultural conceptions of madness and morality have significantly influenced how psychiatrists interact with the courts (Eigen, 1995; Smith, 1981; Ward, 1997). As Pegg (2009: 212) states, 'Those who succumbed to their internal demons were considered deserving of a measure of social sympathy and, in some cases, a legal 'excuse''. In this respect, psychiatric benevolence has also been a response to criminal lunacy.

Furthermore, Walker (1968) suggests the confinement of criminal lunatics had a political utility. Despite the sentence being passed by the law it took the image of a pardon, and hence, was symbolically associated with the sovereign (ibid). The King could employ a pardon to various ends, 'to oblige a powerful Lord, to protect his entourage, to improve his public image, and of course to supplement his other sources of income' (Walker, 1968: 194), although Walker argues it became a sort of delegated power of reprieve when judges used it from the early nineteenth century. After Queen Victoria's accession in 1837, it was deemed that her 'youth and innocence made it necessary to exclude her from detailed discussion of the crimes involved' (Walker, 1968: 216), and the Home Secretary processed pardons before having Victoria add her signature. Walker does not make the point but Victoria's

infantilisation illustrates how the reprieve of criminal lunatics was realised in the state in paternalistic and benevolent forms.

Therefore, much scholarship on psychiatric expertise about criminal lunacy argues that the field's knowledge base drew from sociocultural forces and Enlightenment humanism. Criminal lunatics are not a well-defined group, perhaps, as Smith (1981) argued, because medical and legal conceptions of insanity were fundamentally irreconcilable. However, historic collaborations between the medical and legal professions were central to the formulation and institutionalisation of criminal lunatics. Although Dundrum's institutional role also lacked clarity, it was part of a wider network of 'coercive confinement' in Ireland (O'Sullivan and O'Donnell, 2012).

From the above, several points can be concluded: firstly, the ways in which criminal insanity has been interpreted by the field's experts are manifold and have varied not only across historical epochs but within individual cases; secondly, the degree to which medical and legal expertise can be reconciled is further complicated by relationships between key philosophical, medical, legal, theoretical and practical questions; thirdly, juries who were often the arbiters of legal insanity were exposed to various extra-legal and extra-psychiatric factors both structural and situational which could affect the outcome of a given case and make the processes unpredictable; and fourthly, despite these conflicts and uncertainties medico-legal experts have enjoyed a privileged position in the criminal justice system and remained influential in the emergence of new institutions, discourses, subjects, knowledges and practices. The final section of this chapter examines the further classification of crime and insanity in terms of race and class discourses.

2.3.2 The Dangerous Classes: Crime, Class, 'Moral Insanity', Racism, and the Irish

Since the eighteenth-century criminals and lunatics have been increasingly pathologised and the rise of a 'criminal class' during the nineteenth century was

propagated by essentialised notions of innate criminality. As Porter (1987: 21) suggests:

> above all, fear grew about the dangerous degeneracy of the masses, who were, many psychiatrists warned, wrecking civilization with their mental imbecility or savagery precisely when Darwinism was dictating that only fit societies would survive.

This section examines historical scholarship on how discourses of degeneracy were modified in the Irish context, to racialise the Irish dangerous classes. It begins by discussing Godfrey *et al.'s* (2010) work on the emergence of the concept of a criminal class and their relationship to the working classes since the eighteenth century. It then discusses Foucault's (1978a) history of the 'dangerous individual' in nineteenth century Europe, arguing such a historical analysis in Ireland warrants specific attention to the colonial situation. It then examines David Jones' (2016) discussion of 'moral insanity' and its role in representing incarcerated groups as lacking agency. Patrick Carroll-Burke's (2000) history of colonial discipline in Ireland is then explored as the moral insanity concept was employed to represent Irish prisoners as insane during the nineteenth century. The section concludes with a discussion of Anne McClintock's (1995) work on the racialisation of the 'dangerous' classes in Ireland, and more substantially, Oonagh Walsh's (1999) work on how Irish lunatics were racialised during the late nineteenth century.

Interest in crime increased during the eighteenth-century, fuelled by newspapers and the *Hue & Cry* publications of the late-eighteenth century which initiated 'moral panics' (Godfrey *et al.*, 2010). In the 1850s, a 'criminal class' emerged, either by 'discovery or creation' (Godfrey *et al.*, 2010: 10). They were characterised by moral weakness and idleness (Godfrey *et al.*, 2010; Pegg, 2009) and a distinction was made between casual criminals who committed crimes when opportunities arose, and the 'criminal class' who pursued crime as a way of life (Forshaw and Rollin, 1990). Henry Mayhew, a journalist and co-founder of *Punch* magazine, described the criminal class as lacking the ability and motivation to live honest working lives (Godfrey *et al.*, 2010; Pegg, 2009). Their moral weaknesses led them to lives of

'gambling, drunkenness, prostitution, and theft (…) They were in every sense of the word, "separate" from respectable society' (Godfrey *et al.,* 2010: 11). They were considered 'incorrigible, undaunted by punishment, and habituated to a life of crime' and hence, had no control over their destined path towards crime (Godfrey *et al.,* 2010: 13). Knowledge about the 'criminal class' was largely advanced by Mayhew (1862) interviewing people from London's working classes, which he often reported in sensationalist terms (Godfrey *et al.,* 2010).

However, a significant shift occurred following Cesare Lombroso's *L'uomo delinquent*, which argued that individuals developed physical and mental infirmities from exposure to a poor environment, subsequently disposing them towards crime and immorality (Godfrey et al., 2010). The Victorians were sympathetic to Lombroso's theory which they believed explained why poverty and crime became embedded within certain classes, families, and ethnic groups (ibid). Therefore, following Lombroso's intervention the criminal class discourse intersected with biological and racial deterministic thought.

In an essay on the emergence and subsequent shift in understanding the 'dangerous individual' in nineteenth century Europe, Michel Foucault (1978a) theorised psychiatry's role in this process. He argues 'monstrous crimes' were no longer subject to eighteenth century psychiatric concerns with dementia but were notable for the absence of motive and previous signs of insanity, arising instead 'out of a state which one might call the zero degree of insanity' (Foucault, 1978a: 4). In the nineteenth century, European psychiatry responded to such crimes by focusing on questions of public safety rather than refining knowledge of criminal responsibility. For Foucault, this involved core state functions addressing concerns around demography, urban development, and industrialisation, while corollary questions around the population's biological condition received increased attention. Thus the social body was reconceived in biological terms and became a 'field for medical intervention. The doctor must therefore be the technician of this social body, and medicine a public hygiene' (Foucault, 1978a: 7). Foucault argues this signified a

major shift in how power operated, and European psychiatry became closely aligned with it by altering its function accordingly.

Consequently, Foucault asserts, where psychiatry had perceived the most severe crimes in terms of the most severe insanity to establish responsibility, it now questioned the threat their perpetrators posed to society (Foucault, 1978a). For example, though there was scant evidence of psychiatric progress in understanding 'homicidal mania' the term fell out of usage in mid-nineteenth century and lethal crimes were considered as public danger (ibid). Psychiatry achieved this not from above in legal or theoretical innovations but from below by interpreting modes of punishment within the expanding reformist carceral system. By the second half of the nineteenth century psychiatry abandoned questions of responsibility and distinguished between those who could be reformed (treated) and those who represented a permanent danger to society (ibid). Finally, Foucault adds that this transformation involved a constant interaction between the medical and legal domains, not merely psychiatry infiltrating the legal (Foucault, 1978a). Foucault's essay examines this history in Europe at a general level. I argue that further to the medical and legal spheres, Ireland's distinct political situation must be considered as colonial influences over forensic psychiatry in Dundrum intensified during the second half of the nineteenth century.

As has already been shown, moral discourse helped formulate insanity since the late eighteenth century in the form of 'moral treatment' and provided justification to similarly separate the insane from civilised society. By the mid-nineteenth century the notion of 'moral insanity'—a concept related to 'moral treatment'— provided psychiatry with a discourse to permeate the legal system, and by extension, to influence the developing state (Jones, 2016). David Jones notes three elements of 'moral insanity': 1) it drew attention to the sufferer's emotional depth where insanity could be driven by passion; 2) it indicated an individual's ability to discern right from wrong; and 3) a person's moral quality was revealed by their 'loyalty, cooperativeness and dutifulness on the ethical plane of social conduct'

(Jones, 2016: 51). Therefore, three elements—emotion, rationality, and social conduct—distinguished the morally insane from the civilised.

The relationship of morally insanity to moral treatment was in the individual's capacity for 'self-governance', which is an important aspect of postcolonial thought—as chapter three shows, colonial discourse tended to construct colonial subjects as incapable of self-governance. According to Samuel Tuke, a key assumption of moral treatment was that 'most insane persons, have a considerable degree of self command' (Jones, 2016: 53). James Prichard (1835) who coined 'moral insanity', described the concept as:

> A form of mental derangement in which the intellectual faculties appear to have sustained little or no injury, while the disorder is manifested principally or alone, in the state of the feelings, temper, or habits. In cases of this description the moral and active principles of the mind are strangely perverted and depraved; the power of self government is lost or greatly impaired; and the individual is found to be incapable (…) of conducting himself with decency and propriety in the business of life. (Prichard 1835: 4, cited in Jones: 2016: 59f).

The above discussion illustrates how influential ideas emerged about the insane as being morally depraved and lacking agency during the early to mid-nineteenth century, and criminals as being distinct first based on class, and then race by the end of the nineteenth century. Under colonialism, criminals and the insane in Ireland followed a very similar trajectory, although with greater degrees of explicit racism.

The historian Patrick Carroll-Burke (2000) notes Walter Crofton, an English magistrate and Director of Irish Convict Prisons after 1854, appeared to consider 'incorrigible' convicts as morally insane. The Annual Inspection Report on Irish Prisons in 1857 argued for the transfer to Dundrum of ''troublesome' prisoners 'whose state of mind frequently verges on insanity'' (Carroll-Burke, 2000: 220). An unnamed director, thought to be Crofton, considered such cases 'referable to a disordered state of the body acting on an ill-regulated mind, untrained to moral restraint over thoughts and actions and incapable of self-government' (Carroll-

Burke, 2000: 220f). Furthermore, inmates who actively resisted prison discipline were considered 'confirmed lunatics' (Carroll-Burke, 2000: 221). These 'rebellious convicts' were 'totally destitute of self-control' (ibid) and Carroll-Burke argues that prisoners' failure to regard their imprisonment as legitimate was considered evidence of their insanity.

As David Jones (2016) had argued, medical men in Ireland sought to establish the term 'moral insanity' in the legal domain (Carroll-Burke, 2000). An 1854 article by Dr. Joseph Williams in the Journal of Mental Science, postulated 'moral mania' as one of three grounds for an insanity plea in court, even elaborating how a legal argument would be made (Prior, 2008). However, judges in Ireland rejected any notion that the term was a useful concept, dismissing it instead as 'nonsense' (Carroll-Burke, 2000: 223).

Just as observed by Godfrey *et al.* (2010), Carroll-Burke (2000) noted several newspapers during the mid-nineteenth century promulgated the notion that convicts were morally insane. The notion of criminality as a class affliction, with the moral implications that carried, was also reproduced in Dublin in 1856 when a lecturer named James Organ was hired by Smithfield Prison to teach prisoners after release. Organ had extensive experience teaching working class adults and in his reflections on teaching in prison, he equated the two groups:

> Organ insisted that most criminals were not fundamentally different from the working class in general. Having spent twelve years teaching working-class adults in night schools before joining the prison service, he stated that he could not distinguish between them and the well-behaved convicts at Smithfield. (Carroll-Burke, 2000: 225)

Furthermore, in 1857, adding to the notion that Irish prisoners who resisted prison were insane, *The Economist* reported the lawless Irish were less likely to view their imprisonment as legitimate due to their racial nature: 'this step is far harder with the Irish than with almost any other class of prisoners. The Celtic race has no inherent reverence for law. It is impulsive and lawless in its higher forms. In its

lowest, it almost hates law' (in Carroll-Burke, 2000: 227). Carroll-Burke provides an insightful account of how public discourse under colonialism shaped knowledge of criminals and the working classes in Ireland, which invoked the concepts of 'moral insanity', the 'criminal class' and Irish prisoners as being racially distinct.

Anne McClintock argued race was a more general technology of colonial rule, as evident in the designation of the 'dangerous' classes:

> The invention of race in the urban metropoles, (…) became central not only to the self-definition of the middle class but also to the policing of the dangerous classes: the working class, the Irish, Jews, prostitutes, feminists, gays and lesbians, criminals, the militant crowd and so on. (McClintock, 1995: 5)

McClintock argues that the Irish population's pale skin made them more difficult to racialise within traditional colonial hierarchies where skin colour 'was used to legitimate domination in other colonized societies' (Wills, 1991: 21, cited in McClintock, 1995: 52). Victorian stereotypes of the Irish emerged in media and literature, which included the 'simianizing of their physiognomies: exaggerated lips, receding foreheads, unkempt hair and so on' as was illustrated in Puck Magazine's 'Celtic Caliban' (McClintock, 1995: 53) and Punch Magazine's 'The Irish Frankenstein' (Morris, 2005), both in 1882. Hence, a paradox in colonial racism was that racialised forms of representation of the Irish during the nineteenth century presupposed a recognition of sameness. Unlike Fanon's (1967: 115f) assertation that because of his skin colour, under French colonial rule 'I am overdetermined from without. I am the slave not of the "idea" that others have of me but of my own appearance'. The racialisation of the Irish was achieved through discourse, prognathous representations and deviant associations.

Oonagh Walsh (1999) examined how racism manifested during the nineteenth century with respect to the insane population at Ballinasloe Lunatic Asylum. Walsh argued that the lunatic asylums were part of a policy to prevent the growth of local nationalist power bases by increasing the centralisation of control in Ireland (ibid). Although religion did not appear much in the data examined in this thesis, Walsh

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argued religion played a key role in the colonial intellectual discourse to racialise the Irish.

In 1813 a Scottish Reverend James Hall toured Ireland and stated that the incarceration of lunatics in asylums was undermining their life's purpose of demonstrating to the sane, God's wrath (Walsh, 1999). In Ireland, where religious sectarianism was central to political life, questions were raised as to whether Catholicism or Protestantism had greater links to insanity (ibid). Protestantism was more closely associated with rationality through logical interpretations of the Bible, linking it more closely to the historic views of reason outlined earlier in this chapter. Catholicism's emphasis on the priest's mediation, its rituals, and reference to the supernatural through spirits and saints was more compatible with historical understandings of madness (ibid).

During the 1890s, when questions of the colonies' capacity for self-governance were being debated, physiognomy was becoming a more popular lens for understanding and governing the Irish (Walsh, 1999). Physiognomy began to appear in inmates' records at Ballinasloe Lunatic Asylum to identify each inmate's strand of insanity and introduce an empirical scientific base into psychiatrists' repertoire, enhancing their authority and 'professionalism' (ibid). As discussed earlier in this chapter, psychiatric practices reflected wider and pre-existing cultural and European attitudes, usually driven by the intellectual class. From the 1860s proposals were made in England for a team of physicians and anthropologists 'to be sent around the country to categorise, and ultimately, comprehend Irish society' (Walsh, 1999: 235). Informed by research at the University of Cambridge, these expeditions produced several texts from the 1880s onwards to prove the Irish and the Negro were racially related, and thereby unfit for self-government (ibid).

Walsh observes the noted English ethnologist John Beddoe concluded that the Irish were racially and politically 'backward', and 'although the Irish were white, their inherent incapacities could be distinguished by other physical signs' (Walsh: 1999: 235f), which included prognathous features. Walsh (1999) shows how physical

features in case files held negative connotations in contrast to representations of Saxons. Beddoe invoked physicians' observations to describe the Irish 'as being of low intelligence, cunning and suspicious, and Ireland as the centre of the 'prognathous type'' making a similar connection between physical features and character (Walsh, 1999: 237). Therefore, colonial perceptions of the racial and religious characteristics of the Irish influenced colonial psychiatry and their development in the asylum reflected broader trends in colonial rule.

Lindsay Prior (1996) argues that the overwhelming focus on physical features and dearth of attention to the social aspects of madness demonstrates that therapeutic efforts were focused primarily on the insane body, rather than the insane mind or social relations. As discussed above, during the late nineteenth century the British government was developing carceral policies in Ireland through knowledge about the prognathous physical features of the Irish.

2.4 Conclusion

This section provided a rich contextual history for this study. It outlined how insanity was constructed since antiquity and continued to be organised around the Ancient Greek division between Reason and Unreason. When insanity became formally institutionalised during the modern period the expansion of state institutions for the insane were underpinned by Enlightenment concepts of humanitarian benevolence and empirical science. The mad were separated from society into disciplinary institutions for their own well-being and the general public in Ireland participated enthusiastically in this practice. It was suggested that the lunatic asylum system may have been part of British efforts to subdue nationalist sentiment and mobilisation in Ireland.

'Moral treatment' signalled a rise in empiricism regarding the insane and it contributed to the expansion of the asylum networks in Ireland and England. There was a mutually constitutive relationship between growth in professional expertise

and the growth in the asylum system, which had little relationship to the successful treatment of the insane and reflected on the increasing socio-political significance of the mad. The asylum's architecture was generally a key indicator of how the insane were conceived. Their sequestration from urban society continued the Ancient Greek tradition of ordering society around a conception of Reason which prevailed over Unreason. In Ireland, asylum architecture was colonially influenced from the beginning, with many of the designs modified from earlier British institutions. Arguably, Dundrum continued this tradition as it emerged at a time when Pentonville was being severely criticised for causing its prisoners to go mad. Dundrum's design was distinct from Pentonville's austere environment but also broke with previous asylum traditions which emphasised panoptic surveillance. Dundrum, therefore, was in many ways a distinct institution.

Yet the conceptualisation and responsibility of criminal lunatics was generally determined in the courts and this chapter has shown that legal discourse prevailed over the psychiatric field in this regard. Although the apparently inherent contradiction in the 'guilty but insane' verdict was problematic, the legal mechanisms for categorising individuals as criminal lunatics were consolidated under state functions during Victoria's reign. In Ireland, this was associated with the Lord Lieutenant's Office. By the end of the century however, following the failure of institutions and experts to cure the insane, extreme notions of dangerousness and innate criminality permeated the discourse of criminal lunacy. Criminals became associated with essentialised constructions of race, class, and moral insanity, represented as incapable of governing themselves and unfit for modern civilisation. In Ireland these discourses drew on centuries-old racist tropes which aligned with the view that Ireland was home to a racially inferior people. This chapter has shown how these ideas were advanced by institutional psychiatry and punishment. Because institutional discourse played a central role in the various shifts and developments in the history of criminal lunacy, this study focuses on discourse as its object of study.

Chapter 3. Theoretical Framework: Confinement in Colonial Ireland

This chapter sets out the study's theoretical framework. It examines several related theoretical literatures to illustrate the importance of analysing knowledge produced in a colonised society about incarcerated criminal lunatics as reflecting the nature of colonial rule more generally. The section begins by exploring theoretical work on the relationship between incarceration and discourse. It argues that representations of carceral populations are intimately related to the processes by which colonial subjects in the wider society are represented.

The following section briefly refutes the suggestion that Ireland may not be appropriately regarded as a colony. It then explores the functioning and nature of colonial discourse by drawing upon the works of Edward Said, Frantz Fanon, Homi Bhabha, and Mahmood Mamdani. This section highlights key propositions by these four theorists and how they inform this study. The final section examines scholarship from critical race theory and feminist criminological literature to illustrate the historic processes by which colonialism, prisons, and psychiatric institutions have represented subjugated populations in essentialised terms which draw from racism and gender oppressive discourse. The chapter argues that a colonial discourse analysis perspective illuminates the relationship between Dundrum and the representation of its carceral population as an aspect of colonial rule in nineteenth century Ireland.

3.1 Discourse, Deviance, and the Carceral Subject

This section examines theoretical perspectives on the relationship between carceral institutions and society, between the institution and the inmate, and the role of discourse in relating knowledge about deviant subjects to the wider social body. It begins by discussing works by Lindsay Prior and Gresham Sykes to outline similarities between psychiatric and penal establishments in creating symbolic social divisions between civilised society and those in need of correction. It then examines Erving Goffman's work on 'total institutions' before arguing that Michel

Foucault's theoretical perspective on carceral institutions is more pertinent to this study. Stan Cohen's (1973) seminal sociological work on moral panics is then examined as Godfrey *et al.,* (2010) employed the concept to explain how interest in crime was generated in the late eighteenth century. The section concludes by arguing that discourses produced about Dundrum's inmates hold insights for understanding how colonial rule operated in nineteenth century Ireland.

Lindsay Prior (1993) analysed how a psychiatric hospital[23] represented the social organisation of mental illness during the twentieth century, and shaped experts' and inmates' roles. He described how the institution produces the ontological reality in which mental illness resides and relates to society. How mental illness is described, explained and organised is revealed in the institution's practices, spatial organisation, and patterns of action (ibid). While the hospital's practices appear objective, calculated, rational and self-evidently necessary responses to madness, its deliberate location outside of metropolitan life with walls and gates constituted an imagined boundary 'between sanity and madness' (Prior, 1993: 25). This created a barrier between 'the insane and degenerate bodies within, and the healthy stock which were presumed to live without' (1993: 26) while providing a traditional therapeutic environment for those who needed it (ibid).

For Prior (1993: 28f) the institution constituted a three-fold relationship between insanity and society: First, asylums define a cultural distinction between diseases with physical symptoms and mental illness with presumably non-physical symptoms; second, these institutions illustrate a Western cultural belief 'that the activities of the 'insane' exist as a reality in their own right'—hence their specific spatial demarcation; and third, psychiatric institutions delineate a boundary between the normal and the abnormal. Therefore, the institution consolidates the idea that mental illness is an object for scientific treatment and is at odds with society's *normal* running order.

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[23] In the twentieth century, lunatic asylums became reclassified as psychiatric hospitals.

Similarly, in his seminal prison ethnography Gresham Sykes (1958) argued a prison's walls are not merely an escape barrier but symbolise society's rejection of its inmates. Like Fanon, Sykes (1958: 6) argued that the prison is profoundly dehumanising: 'a man perpetually locked by himself in a cage is no longer a man at all; rather, he is a semi-human object, an organism with a number'. And like Prior, Sykes believed the prison's function reflected wider social and political forces:

> the prison wall is far more permeable than it appears (…) in terms of the relationships between the prison social system and the larger society in which it rests. The prison is not an autonomous system of power; rather it is an instrument of the State, shaped by its social environment and we must keep this simple truth in mind if we are to understand the prison. (1958: 8)

From these theoretical perspectives, the prison and the asylum—Dundrum's two distinct roles—share close similarities in their relation to society. They represent, reify, and organise wider social, cultural, and political attitudes towards deviance, distinguishing 'normal' society from the incarcerated population. They also simultaneously formulate the subject positions of the knowing experts who govern the institutions and administer treatment and punishment.

Criminological and sociological scholars have acknowledged close similarities between various carceral institutions (Foucault, 1977; Goffman, 1961; Ignatieff, 1978; O'Sullivan and O'Donnell, 2012). Erving Goffman's influential work, *Asylums* (1961) theorised 'total institutions'—prisons, asylums, hospitals, barracks, monasteries etc—as sharing similar core characteristics in the organising of inmates' lives. They have a *mortifying* effect on inmates, bringing about a 'civil death' through various dispossessions of rights, social roles, material possessions and identity, including gender (ibid). Goffman argued these institutions secure approval by presenting specific purposes to society:

> Many total institutions, most of the time, seem to function merely as storage dumps for inmates (…) but they usually present themselves to the public as rational organizations designed consciously, through and through, as effective machines for producing a few officially avowed and officially approved ends. (Goffman 1961: 74; cited in Wahidin, 2004: 44)

Despite their similarities in housing populations, Goffman identified redeeming qualities in total institutions. He argued that once asylum patients adapted to the institutional environment and spent substantial time therein, they 'can try to convince themselves they have been busily working on their cure' (Goffman, 1961: 68). Goffman (1961) suggested the presence of inmates from high socioeconomic backgrounds meant lower-class inmates might perceive themselves being treated the same as those from a higher social standing. In this way, 'the harshest total institution may be the most democratic' (Goffman, 1961: 121). Therefore, where Sykes argued carceral institutions contradicted psychiatric care, Goffman believed the relationship was more mutually constitutive and inmate responses shaped the effects of incarceration. Although Goffman's perspective emphasises individual agency it overlooks the socioeconomic, cultural, and medico-legal processes which produce unbalanced carceral populations, as well as the pressures on inmates to perform their incarceration. Furthermore, Goffman's argument says little about these institutions' legitimate functioning but much of their indoctrinating power towards their inmates.

This thesis takes greater influence from Michel Foucault's (1977) theory on carceral institutions' social roles. Foucault argued that from the nineteenth century prisons became increasingly central to social order particularly in Western societies which are increasingly characterised by 'disciplinary power' (ibid). The prison replaced more physically violent pre-modern punishments, and imprisonment was used to 'train' inmates through surveillance and individual examination to 'normalise' their conduct (ibid). This was partly in response to the public's sympathy for physically tortured criminals in the eighteenth century, and to ensure punishment was certain by eliminating the sovereign's pardon (ibid). Foucault argued that a central aspect of the effects of imprisonment and carceral institutions' functioning was in discourse aimed at the general population:

the guilty person is only one of the targets of punishment. For punishment is directed above all at others, at all the potentially guilty. So [the] obstacle-signs that are gradually engraved in the representation of the condemned man must therefore circulate rapidly and widely; they must be accepted and redistributed by all; they must shape the discourse that each individual has with others and by which crime is forbidden to all by all. (Foucault, 1977: 108)

Discourse was a crucial 'tactic' for the 'gentle' way in punishment (Foucault, 1977). It helped create a mass of docile bodies beyond prison which 'may be subjected, used, transformed and improved' (1977: 136). As the docile body becomes 'more obedient it becomes more useful' (1977: 137). Therefore, disciplinary power has a 'political function' (1977: 183) and the normalising discourse employed in the prison is employed in society as well as in other carceral institutions like those identified by Goffman.

Normalising discourse relies on binary language which differentiates the mad from the sane, the dangerous from the harmless, and the normal from the abnormal (Foucault, 1977). As Stuart Elden explains 'the notion of madness is able to constitute what we think of as reason (…) we know that the 'normal' is often defined by what it is not' (Elden, 2001: 103). Foucault refers to this understanding of insanity as a sum of negatives where madness 'can manifest itself only by departing from itself, by assuming an appearance in the order of reason and thus becoming the contrary of itself' (Foucault, 1967: 101). As Prior (1993) argued, knowledge of the normal and the abnormal is organised in institutions and formalised as expertise. The prison 'is the place where the power to punish (…) silently organizes a field of objectivity in which punishment will be able to function openly as treatment and the sentence be inscribed among the discourses of knowledge' (Foucault, 1977: 256). Foucault elaborates this in *Madness and Civilisation*:

> The asylum no longer punished the madman's guilt, it is true; but it did more, it organized that guilt; it organized it for the madman as a consciousness of himself, and as a non-reciprocal relation to the keeper; it organized it for the man of reason as an awareness of the Other, a therapeutic intervention in the madman's existence. (Foucault, 1967: 234f)

Hence, for Foucault, carceral institutions such as the prison and the asylum employed modern forms of punishment to produce knowledge about deviance which subjected the wider population to disciplinary techniques and create docile bodies. Therefore, the carceral institution was not a fringe space for the administration of punishment, treatment and incapacitation. As Azrini Wahidin (2004: 44) argues, Goffman considered total institutions to be 'untypical for society as a whole' while for Foucault these institutions shaped the organisation of society generally. Discussing older women in prison, Wahidin elaborates how prisons limited and re-constructed inmates' subjectivities through:

> the whole spectrum of routines, forms of treatment, disciplines, attitudes of staff, other prisoners, the women themselves and the outside culture; and (…) the effect is very much the reconstruction of the subject as opposed to the mere punishment of the illegal act. (ibid)

The two concepts in the discussion above are crucial to this thesis' theoretical framework. First, the notion that carceral institutions produce knowledge to discipline society by distinguishing the normal from the abnormal; and second, that the prison reconstructs inmates' subjectivities as its primary function, rather than the ostensible purpose it projects.

Through these processes, since the eighteenth century carceral institutions have become increasingly central to producing and proliferating classifications of deviance in the West with associated bodies of experts for deviant groups. The diversity of institutions which adopt the prison's techniques makes punishment seem natural and legitimate and lowers the threshold of acceptability for introducing new institutions with modified forms of the same punitive principles (Foucault, 1977). Foucault (1977: 297) termed the network of carceral institutions which applied disciplinary techniques 'the carceral archipelago'. O'Sullivan and O'Donnell (2007, 2012) borrowed the 'carceral archipelago' concept to describe

'coercive confinement' in twentieth century Ireland, where various carceral institutions confined individuals, mostly without any legal basis:

> While the expressed aim was to reform or to treat rather than to punish, the regimes in some of the industrial or reformatory schools, district mental hospitals, County Homes and Magdalen Homes were more austere than those found in many prisons of the twenty-first century. (O'Sullivan and O'Donnell, 2012: 257)

O'Sullivan and O'Donnell named Dundrum among the 'coercive confinement' institutions, although Dundrum's inmates went through a juridical process as already outlined. In some cases, as Pauline Prior (2008) notes, inmates were incarcerated in Dundrum for longer than they could have been in a prison in Ireland.

There are weaknesses and exaggerations in Foucault's theory of disciplinary power and its historical manifestation. The most notable for this thesis was highlighted by David Garland (1986) who argued that Foucault obfuscates individuals' roles in exercising disciplinary power, making it difficult to locate where agency contributes to its proliferation and perpetuation. Furthermore, as Garland (ibid) notes, Foucault's work has been criticised for historical inaccuracies and selective use of empirical information. Therefore, it is better adopted as a social theory text rather than a historical account.

Finally, this section turns to the 'moral panic' concept. Godfrey *et al.,* (2010) have attributed much of the growing public interest in crime from the late eighteenth century to moral panics arising from increased contemporary press coverage of crime. The moral panic concept was a significant development in the labelling theory tradition which shifted the focus from how deviant actors and behaviours are identified and measured, to the social construction of deviant categories. A constructionist perspective is less interested in accurately measuring the scale of public attitudes but investigates why and how social problems came be conceived as such (ibid). As the media has a role in generating concern and anxieties from the mere reporting of 'facts', when this is coupled with a belief that social values require

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protection 'the preconditions for new rule creation or social problem definition are present' (Cohen, 2002: 10). Accordingly, the moral panic concept, which helps explain patterned societal reactions to deviance, offers a useful lens to examine this thesis' findings regarding representations of the relationship between crime and insanity in early nineteenth century Irish newspapers and subsequent practices for dealing with it.

In his seminal research on Mods and Rockers in the 1960s Stan Cohen defines a moral panics as:

> (1) A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; (2) its nature is presented in a stylized and stereotypical fashion by the mass media; (3) the moral barricades are manned by editors, bishops, politicians and other right-thinking people; (4) socially accredited experts pronounce their diagnoses and solutions; (5) ways of coping are evolved or (more often) resorted to; (6) the condition then disappears, submerges or deteriorates and becomes more visible. Sometimes the object of the panic is quite novel and at other times it is something which has been in existence long enough, but suddenly appears in the limelight. Sometimes the panic passes over and is forgotten, except in folklore and collective memory; at other times it has more serious and long-lasting repercussions and might produce such changes as those in legal and social policy or even in the way the society conceives itself. (Cohen, 2002: 1, in Critcher, 2008: 1129; *numbers added*)

When a moral panic is 'successful' and results in a socially accepted deviant category this is attached to and embodied by negatively stereotyped 'folk devils', who are regarded as 'enemies of society (…) deviants, outsiders, the "Other," legitimate and deserving targets of self-righteous anger, hostility, and punishment' (Goode and Ben-Yehuda, 2009: 35). The newly created folk devils serve as 'visible reminders of what we should not be' (Cohen, 2002: 2) and therefore, symbolise the social boundaries between conforming actors and 'Others'. Put simply, they make visible the difference between 'us' and 'them'.

Scholars have noted that Cohen's moral panic definition provides a sequential process by which deviance is constructed and labelled (Critcher, 2008; Goode and Ben-Yehuda, 2009; Thompson, 1998). Critcher identifies six stages in this definition,

as identified by the numbers added in the above definition, but this study adopts Thompson's (1998: 7) interpretation which distils Cohen's definition down to five stages:

1. Something or someone is defined as a threat to values or interests.
2. The threat is depicted in an easily recognisable form by the media.
3. There is a rapid build-up of public concern.
4. There is a response from authorities or opinion-makers.
5. The panic recedes or results in social changes.

Thompson's model collapses Critcher's fifth and sixth stages into a single fifth stage, but both identify a similar structure. This study relies on many of the detailed concepts in Cohen's (2002) text which Thompson's model aligns with, and therefore it is favoured over Goode and Ben-Yehuda's (2009) influential five-stage model which analyses: 1) Concern; 2) Hostility; 3) Consensus; 4) Disproportionality; and 5) Volatility. The concepts drawn from Cohen's (2002) work revolve around his attention to four groups—media, moral entrepreneurs, social control groups, and the public—who contribute to the development of the panic. The media's role is most important as they enact three processes: 1) Exaggerating and distorting the seriousness of the deviance; 2) Predicting consequences if preventative precautions were not taken to dampen the deviance; and 3) Symbolization where the threat becomes signified by images, objects and a name (ibid). 'Moral entrepreneurs' who are dissatisfied by existing rules campaign to eliminate the deviance (Cohen, 2002). Social control groups include those with institutional power, including the police and courts, to interpret and confront the deviance by innovating new and existing practices (Critcher, 2008; Cohen, 2002). The public also absorb deviant categories into altered public opinion and attitudes, while also often acting as informal control agents (Cohen, 2002). Moral panics tend to result in changes to law or institutional practices, their meaning and impact is usually understood in social terms as they affirm a society's moral values, and they are innate to modern society which both

produces and condemns the deviance from within, rather than eradicating an externally originating threat (Cohen, 2002; Critcher, 2008).

Goode and Ben Yehuda (2009) suggest moral panics can be driven by three different groups of social actors. The first is the grassroots model which explains how the panic might erupt from below due to significant populist concerns about a threat to which the media reacts. Second is the elite engineered model which involves the fabrication of a panic from the top sections of society with the intention 'to divert attention away from the real problems in the society, whose solution would threaten or undermine the interests of the elite' (Goode and Ben-Yehuda, 2009: 62). Thus, the media are prompted by elite capitalist interests to amplify the panic. The third 'interest group model' is most relevant to this study which Goode and Ben-Yehuda (2009: 67) define:

> In the interest-group perspective, professional associations, police departments, portions of the media, religious groups, educational organizations, and so on, may have an independent stake in bringing an issue to the fore, focusing attention on it or transforming the slant of news stories covering it, alerting legislators, demanding stricter law enforcement, instituting new educational curricula, and so on.

Although the above three models are not mutually exclusive as the three groups will often respond to a panic in interconnected but distinct ways, interest groups are most prominent in this study's findings in chapter five. There is little evidence to suggest that the panic is either to distract from wider social injustices, or that a mass public movement from below campaigned to respond to a threat.

This moral panic framework is useful to address this study's first research question which aims to understand how discourses and practices associating criminal lunatics with 'madness' and 'badness' transformed after 1833. Cohen (2002) notes that moral panics subscribe to a sometimes paradoxical discursive formula: they focus on new, but also old (well-known evils); they are damaging but also provide warnings of a real and wider social malaise; they are transparent enough to be visible to all, but opaque so that they require expert explanations. The category of

criminal lunacy was constituted by older and wider deviant discourses on crime and insanity and attracted greater interest after Hadfield's attempt to kill George III in 1800 (Torrey and Miller, 2001). Since Dr. Francis White described the origin of the Lunacy (Ireland) Act, 1838—which introduced preventative confinement measures for lunatics considered 'dangerous'—as a response to the 1833 murder of Mr. Sneyd by a 'known', 'deranged' person, Sneyd's case can be considered an emergence for public discourse on criminal insanity in Ireland. This approach enables an understanding of how criminal lunacy was established in Ireland.

This section outlined the theoretical contributions on the social role of carceral institutions and their effects on inmates. It began by identifying similarities in the works of Prior (2008) and Sykes (1958) respectively, who argue that the asylum and the prison produce divisions between normative society and the deviant institution. For Prior the mental hospital consolidates an entire social reality of mental illness, organising knowledge about it, formulating experts' roles, and symbolising Western society's sanity in opposition to the incarcerated mad. Sykes understood the prison as a dehumanising space which not only punished by incapacitation, but that the prison walls symbolised society's rejection. In both respects such institutions create a divide between Western civilised society and its negation. These perspectives enrich this study as, to borrow Smith's (1981) phrase, Dundrum had an uneasy existence between these two institutional forms. However, as Prior and Sykes show, they share fundamental characteristics in relation to society.

The section then explored Erving Goffman's argument that such institutions had redeeming features as they were democratising and afforded individuals agency to shape their incarceration. However, Foucault's theoretical perspective was considered more relevant to this study as it critiques the doctrinal powers such institutions have, which Goffman views with less importance. Foucault's argument that carceral institutions have a role in regulating social conduct rather than treating the insane or punishing the criminal is pertinent to this thesis, particularly for its consideration of the role of discourse. Since discourse is a 'tactic' for shaping social

divisions between the normal and abnormal, creating docile bodies among the general population, and reconstituting the subjectivities of the institution's inmates, then the discourse associated with Dundrum has profound social significance.

The processes by which inmates' subjectivities were reconstituted through discourse as mentioned by Wahidin (2004) will be intimately related to the processes by which Irish society was addressed through disciplinary colonial techniques. As O'Sullivan and O'Donnell have theorised Dundrum broadly in this way, this study enhances their work while analysing the significance of colonial rule in this process. The research questions devised in this study, which seek to examine the role of discourse in colonial rule, were underpinned by this theoretical perspective. The remainder of this chapter examines postcolonial theory and its importance in understanding representations of deviance in nineteenth century Ireland.

3.2 Ireland as a Colony

This brief section addresses challenges to the notion that Ireland should be considered a postcolonial state and that Ireland's asylum system was significantly shaped by colonialism. By clarifying the role of colonialism in Ireland's carceral history this section enhances the study's analytical generalisability by considering a rival theory (Yin, 2018).

Despite its lengthy history under colonial rule, the notion that Ireland was ever a colony has been challenged in scholarship. Joe Cleary (2002) summarises three objections to Ireland's colonial status as follows: 1) Ireland has always been inside the Western European system with regards to geographic, religious, racial, cultural, and economic factors. Imagining Irish history in terms of non-European colonial histories would involve ignoring various aspects of its position inside Europe; 2) Irish nationalists have rarely conceived Irish history in colonial terms or with anti-colonial vocabulary, and have less often identified their history with non-European

colonised societies; and 3) Ireland was an enthusiastic participant in colonial expansion, particularly in British militarism and settler colonialism via migration to Australia, New Zealand and Canada (Cleary, 2002).

However, Edward Said (1993: 268) has argued that racialised European representations of the Irish can be traced back to the sixteenth century poet Edmund Spenser who described the Irish as 'barbarian Scythians, most of them should be exterminated'. Said argues that notions of the Irish as being racially distinct within Europe have since persisted, with implications for contestations against the notion that Ireland should be regarded as a colony:

> It is an amazing thing that the problem of Irish liberation not only has continued longer than other comparable struggles, but is so often not regarded as being an imperial or nationalist issue; instead it is comprehended as an aberration within the British dominions. Yet the facts conclusively reveal otherwise. Since Spenser's 1596 tract on Ireland, a whole tradition of British and European thought has considered the Irish to be a separate and inferior race, usually unregenerately barbarian, often delinquent and primitive. (Said, 1993: 284f)

After Columbus' 'discovery' of America in 1492, Ireland's geopolitical importance within European was transformed (Bartlett, 2010). Formerly regarded as a peripheral society whose reputation for savagery made the population useful to French and Spanish militarism, Ireland was now 'a major diplomatic and strategic object' (Bartlett, 2010: 81) for France, Spain and Britain as it became 'a bridgehead to the New World and its fabled riches' (ibid). The British settler colonial assault on Ireland escalated dramatically under Mary I in 1556 whose 'confiscation of the land' (Bartlett, 2010: 87) through English plantations began in the same decade.

Writing in his *Atlas* in 1571—the first known book of maps—the Dutch cartographer Gerardus Mercator supported English colonisation of 'wild' Ireland: 'they are much reformed and civilized, and have good orders and manners among them, which they have learned of the English in these peaceable times, that inhabit in most parts of Ireland' (in Rabasa, 1993: 249f). Hence, the colonisation of Ireland was part of a much larger enterprise of European capitalist expansionism and colonisation of

America began at the beginning of the seventeenth century, shortly after Ireland was conquered (Rabasa, 1993).

Similar doubts have been raised about the lasting impact of colonialism on Ireland's lunatic asylums after the country's independence. Damien Brennan argued that although the lunatic asylums were built under colonialism 'the continued expansion of these institutions post-partition raises challenges to theories that focus on colonial oppression as a cause of 'mental illness' or institutionalization in Ireland' (Brennan, 2012: 299). However, this overlooks the scale and scope of colonialism's pervasiveness and legacy in newly independent states. O'Sullivan and O'Donnell (2012) conversely argued that the public's vested interest in expanding the asylum system during the nineteenth century continued post-independence, particularly in less industrialised areas. Local farmers provided produce to the asylums, reducing the financial burden on families with problematic members while asylums stimulated local economies, all of which 'created a degree of embeddedness and interdependence that would take time to dismantle' (O'Sullivan and O'Donnell, 2012: 260). Therefore, it is unsurprising that upon Irish independence, growth in infrastructure for the mentally ill continued.

Mark Finnane (1981) argued the establishment of Ireland's asylum network during the early nineteenth century was partly enabled by developing discourses in England concerning humanitarianism, classification of the poor, criminals and the insane, and the perceived superiority of moral therapies. Finnane states that 'when ageing aristocracies and the new bourgeoisie were especially fearful of violence from below, revolutionary or otherwise, 'wandering lunatics' constituted only one object of new instruments of social control' (Finnane, 1981: 16). These issues were discussed at length in the previous chapter and Finnane's remarks indicate that ruling class interests dictated emergent carceral practices and deviant categorisations in the nineteenth century.

The colonial origins of Ireland's criminal justice system are visible in 'its buildings, laws, procedures, and practices. When change occurs it is often driven by events

rather than emerging from a deliberative process that draws on evidence and expertise' (O'Donnell, 2011: 73). Stephen Howe (2000: 37) observes that the nineteenth century Dublin Castle's Office of the Lord Lieutenant 'remained as the most clearly colonial feature of the Irish landscape'. This is significant as most of the study's data involves correspondence with government offices in Dublin Castle, the 'authoritarian centre' from which 'systems for the care and control of criminal lunatics are more likely to reflect the culture of the colonizer rather than the colonized' (Prior, 2004: 177). The next section discusses how Edward Said's understanding of colonial discourse enables a critical analysis of discourse about criminal lunatics from the centre of Ireland's colonial government in the nineteenth century.

3.3 Colonial Discourse

Colonial discourse analysis is mostly attributed to Edward Said's (1978) seminal text *Orientalism* where Said argued that the West has historically dominated the Orient not only militarily, but also, epistemically. Yet the field of postcolonial studies and its questioning of power and discourse can arguably be traced back to Frantz Fanon's work and it continues to flourish today. This section examines four major contributions to postcolonial theory which influence this study's theoretical framework. Figure 3.1 below summarises the most influential propositions adopted in this thesis, by four key theorists—Edward Said, Frantz Fanon, Homi Bhabha, and Mahmood Mamdani. These works are examined in further detail in the following sections.

Figure 3.1 - Postcolonial Theory Propositions

Theorist	Proposition(s)
Edward Said (1978)	1) That colonialism was justified as benefitting the colonised.
	2) Discourse on 'abnormal behaviour' tends to develop objective validity only after its classification is assigned.
	3) Discourse on the colonised followed a three-stage process: a) Knowing the subject; b) Invading and possessing the discourse; c) re-creating the subject according to knowledge beyond the subject's comprehension.

Frantz Fanon (1965)	4) That colonial rule was reproduced in collaboration with a native intellectual class whose status was invested in colonialism.
Homi Bhabha (1984)	5) Colonial discourse represented both sides in ambivalent terms. It produced the Other as *almost the same but not quite.*
	6) Colonial rule imposed a class of intellectuals native in blood, 'but British in tastes, in opinions, in morals and in intellect' (Bhabha, 1984: 127f).
Mahmood Mamdani (2012)	7) The shift to indirect colonial rule in the late nineteenth century was an increased effort to limit the subjectivities of the colonised rather than a weakening of the colonial state.

3.3.1 Edward Said and Orientalism

Tracing the history of Western literature to Homer, Said demonstrated how Western 'knowledge' about the Orient continuously asserted Western superiority over the Orient. Said's discourse analysis was deeply concerned with matters of power and although his native field was comparative literature, he employed Michel Foucault's understanding of discourse which will be examined in the next chapter. This section examines Said's analysis of *Orientalist* discourse as pertinent to this thesis.

In Said's view language does not act as a neutral medium, but actively shapes the knowledge it appears to present: 'In any instance of at least written language, there is no such thing as a delivered presence, but a *re-presence*, or a representation' (Said, 1978: 21). Therefore, Western discourse about the Orient has historically produced the understandings it claimed to discover about 'Eastern' cultures. Arthur Balfour's comments on Egypt in 1910 illustrated Said's understanding of how knowledge production reinforced colonial dominance:

> We know the civilization of Egypt better than we know the civilization of any other country. We know it further back; we know it more intimately; we know more about it. It goes far beyond the petty span of the history of our race which is lost in the prehistoric period at a time when the Egyptian civilisation had already passed its prime. (in Said, 1978: 32)

Here, Said is interested in the coloniser's position as the producer of knowledge. This act of representation and the capacity to *re-present* indicated the hierarchical power distribution inherent to colonial relationships:

> it means *being able to do that.* Knowledge means rising above immediacy, beyond self, into the foreign and distant. The object of such knowledge is inherently vulnerable to scrutiny; this object is a "fact", which if it develops, changes, or otherwise transforms itself in the way that civilizations frequently do, nevertheless is fundamentally, even ontologically stable. To have such knowledge of such a thing is to dominate it, to have authority over it. And authority here means for 'us' to deny autonomy to 'it' – the Oriental country – since we know it and it exists, in a sense, as we know it. (Said, 1978: 32, emphasis in original)

To interpret or ascribe meaning or functionality to something is to construct its intelligibility, to fix its essence, and therefore, to assert authority over it. The object's meaning or purpose becomes what the *knowing* subject says it is. Therefore, regardless of what the West understood about the Orient, it had the effect of being factual even if it was revised or changed later. In a colonial situation the relationship between the knowledge producer and the known object is asymmetrical. New 'facts' can be produced about the colonised object which simply replaced old understandings. Such facts are not discovered but constructed. This thesis traces shifts in colonial discourse across a significant historical period, highlighting aspects of this asymmetrical colonial relationship.

The coloniser's ability *to do that*, i.e. to know and represent, required their physical presence in contact with the native; being able to observe and acquaint oneself with the colonised society meant territorial invasion. Colonial conquest requires justification as in 1910 when Arthur Balfour stressed: 'We are in Egypt not merely for the sake of the Egyptians, though we are there for their sake; we are there also for the sake of Europe at large' (Said, 1978: 33). Hence, a humanitarian discourse also underpinned colonialism as it did the 'moral treatment' of the insane.

However, Said argues that such discourses were not merely retrospective justification for the West's advancement upon the East: 'To say simply that

Orientalism was a rationalization of colonial rule is to ignore the extent to which colonial rule was in advance justified by Orientalism, rather than after the fact' (Said, 1978: 39). This was also the case in Irish history. The civilising of the Irish first required their representation as 'violent' (Prior, 2008: 4) or 'wild' savages (Rabasa, 1993) just as the institutional treatment of the insane first required their classification as insane (Scull, 1979).

Therefore, the intellectual and institutional histories of criminal lunacy, habitual criminality, and madness in Ireland are not incidental when examined through a colonial discursive lens. They illuminate the racialising pretext for colonial conquest and, therefore, how discourse advances colonial rule. The epistemological tradition of colonial historiography takes an *a priori* form. As Said puts it:

> if we agree that all things in history, like history itself, are made by men, then we will appreciate how possible it is for many objects or places or times to be assigned roles and given meanings that acquire objective validity only *after* the assignments are made. This is especially true of relatively uncommon things, like foreigners, mutants, or 'abnormal' behaviour. (Said, 1978: 54, emphasis in original)

Said argues that this colonial approach took on new historical significance during Napoleon's 1798 conquest of Egypt in which he took 'several dozen "savants"' (1978: 81) to document the invasion. They built an archive of various aspects of Egyptian society and livelihood, eventually published as the *Description de l'Égypte*, an enormous twenty-three volume between 1809 and 1822 (1978: 84). This was produced by the French, *for* the French, becoming a reference text which would inform future decisions on the French rule of Egypt:

> The point in all this is that for Napoleon Egypt was a project that acquired reality in his mind, and later in his preparations for its conquest, through experiences that belong to the realm of ideas and myths culled from texts, not empirical reality. His plans for Egypt therefore became the first in a long series of European encounters with the Orient in the which the Orientalist's special expertise was put directly to functional colonial use. (Said, 1978: 80)

The *Description* exemplified a process whereby colonial power exerted its ability to produce knowledge about its object, for the reinforcement of its own power through rule. Said (1978) argues this was a new technology in colonial historiography as the *Description* supplanted Egyptian history, becoming the means by which Egypt was known to Europe and thereby, discursively reconstituting the native.

This 'textual attitude' (Said, 1978: 92)—the literal application of what is learned from a text—served two purposes in colonial rule. First, when a person is confronted by something unknown, threatening, and previously distant they can refer to a text to 'understand' it, and acquire the knowledge to master this unknown (ibid). Second, when an appearance of success for dealing with this object has been established by referring to the text, the likelihood is that an appetite for further knowledge by the same author or discipline will increase, and that this knowledge will be trialled or applied in other situations (ibid). This study examines representations of criminal lunacy in Ireland according to this epistemological process.

As mentioned previously, Oonagh Walsh (1999) observed a 'scientific' expedition in Ireland in the 1860s when a team of physicians and anthropologists inspired by studies at Eton and Cambridge travelled the country to establish whether the Irish were fit for self-governance or racially linked to sub-Saharan African 'races'. Although the racialisation of the Irish did not equate with other colonised peoples (Ignatiev, 1995) the process of colonial racial discourse is applicable to Ireland. This process of conquering and re-creating the Other enabled Balfour to claim totalising knowledge of Egyptian civilisation and assert Britain's benevolent civilising presence there in 1910. This postulated a vision of human progress to which only the coloniser was privy.

Hence, Said's understanding of discourse explains how colonial discourse produces and re-constructs the colonial subject through a system of representation, as Wahidin (2004) remarked that the prison reconstructs the carceral subject. Said argues that representations about the Orient demonstrate that in colonial discourse, 'The West is the actor, the Orient a passive reactor. The West is the spectator, the

judge and jury of every facet of Oriental behaviour' (Said, 1978: 109). The epistemological "fact" in the colonial situation is that the coloniser remains the *knowing* subject while the native becomes the *known*, regardless of what statements are made by the former about the latter. This approach also highlights how knowledge production reinforces colonial domination, not merely the fact that the coloniser has the power to represent.

Finally, Said argues that intellectuals' historical representations of the Orient were restructured with respect to four elements without which, Orientalism would have not been possible. These included *expansion, historical confrontation, sympathy,* and *classification* (Said, 1978). *Expansion* refers to the expansion of Europe, not the Orient. The increased reach of Europe brought about an increase in literature and travel writings about the Orient, and concomitant speculations and myths about savages, giants, and monsters residing in the lands around Europe. These literatures maintained Europe as the centre of the world, thereby strengthening its cultural force. *Historical confrontation* refers to historians' ability to read history on a grand scale, comparing contemporary civilisations with those bygone, and situating understandings in terms of the natives' own source materials. Europeans were drawing conclusions about the rise of Islam coinciding with the demise of Rome and gaining native insights by translating the Koran.

Sympathy is a central theme in this thesis and it has a two-fold function for Said. First, European discourse imposed sympathetic relationships between different areas of the world such as 'From China to Peru' (1978: 118), generalising its knowledge and therefore, its authority over a wider expanse. Second, sympathy constituted the intellectual's relationship with the object of their study:

> An eighteenth-century mind could breach the doctrinal walls erected between the West and Islam and see hidden elements of kinship between himself and the Orient. Napoleon is a famous instance of this (usually selective) identification by sympathy. (Said, 1978: 118)

By identifying in some way with the native, the knowing coloniser could employ the technique of epistemic domination through knowledge production which seeks 'to dominate it, to have authority over it. (…) to deny autonomy to 'it' (Said, 1978: 32). Finally, *Classification* refers to the division of nature and man into 'a smaller number of orderable and describable types' (Said, 1978: 119). These types began taking on a 'physiological-moral classification: there are for example, the wild men, the Europeans, the Asiatics, and so forth' (ibid). Of the first two, the relevance of European expansion has already been demonstrated in the previous discussion of Ireland's representation in Europe post-Columbus. Historical confrontation is less relevant to this thesis but is illustrated in the next section in Mamdani's (2012) discussion of Henry Maine's lectures on the historical evolution of legal systems in colonised societies including Ireland.

Sympathy and *classification* are more central to this thesis. *Sympathy* appears in the findings in three forms: the two forms of epistemological sympathy mentioned above by Said, between the coloniser and the colonised, and between the different colonies. The third form is affective sympathy such as the humanitarian attitude expressed by the psychiatrist towards the insane. Affective sympathy was also described by Foucault (1977), when during the eighteenth-century onlookers bore sympathy towards a publicly tortured offender. Affective sympathy is arguably presupposed by Balfour's statement that the British were in Egypt 'for the sake of the Egyptians [and] for the sake of Europe at large' (Said, 1978: 33).

Lastly, new *classifications* of inmates and mental disorders appeared throughout Dundrum's history while the very creation of the 'criminal lunatic' is a subdivision of the previously homogenised categories of the insane (Scull, 1979) and the criminal. As chapter two showed, deviant classes were further subdivided in Ireland and England based on race and class stereotypes during the late nineteenth century, and this thesis explores this phenomenon in Dundrum.

Therefore, Said's theoretical work is central to this thesis' analysis. In the above, Said describes the discursive process whereby the native is demonised, Othered,

and represented as subordinate. The coloniser maintains the knowing position and writer of history and practice. Said argues that the colonial relationship causes discourse to proliferate (knowledge production), only permitting a narrow frame of understanding (representation), which then reinforces the colonial situation (power) (Said, 1978). Said's summary of the combination of conquest and colonial discourse is this study's central theoretical concept:

> the Orient needed first to be known, then invaded and possessed, then re-created by scholars, soldiers, and judges who disinterred forgotten languages, histories, races, and cultures in order to posit them—beyond the modern Oriental's ken—as the true classical Orient that could be used to judge and rule the modern Orient. (Said, 1978: 92)

This study argues that the nineteenth century history of criminal lunacy in Ireland follows this process. The three findings chapters follow the three stages above, arguing that criminal lunacy *1) needed first to be known, 2)* was *then invaded and possessed, 3) then re-created by scholars.* In this way, Said's work serves also as a conceptual framework for the thesis, or as Ravitch and Riggan (2012: 141) explain 'as a dynamic meeting place of theory and method.'

This theoretical approach is used to address the study's three research questions and it illustrates the link between the questions. As the first research question is interested in the changes in discourse about the deviance of criminal lunatics, it is concerned with how criminal lunacy is given 'meanings that acquire objective validity only after the assignments are made' (Said, 1978: 54). The second research question examines the role of colonialism in formulating the subject positions from which discourse about criminal lunacy is produced; hence, it is a question concerning the power to know, i.e. 'being able to do that' (Said, 1978: 32). The third research question is interested in diversifying classifications of 'criminal lunacy' involving race and class stereotypes, which examines the way in which colonialism constructs its superiority by representing the colonised as a passive actor through racial inferiority. The critical discourse analysis method will be examined in further

detail in the next chapter while the below section further elaborates the role of discourse in colonial rule.

3.3.2 Fanon, Bhabha, and Mamdani

This section further examines postcolonial theoretical perspectives on how discourse was involved in colonial rule, drawing briefly upon the works of Frantz Fanon, Homi Bhabha, and Mahmood Mamdani. It begins by examining Fanon's (1965) critique of the role of native intellectual élites in perpetuating colonial rule by compromising with colonisers. It then examines Bhabha's (1984) work on the ambivalence of colonial discourse where colonial power structures are maintained by both sides in seeking to secure the acceptance of one another. It then discusses Mamdani's (2012) analysis of how European empires shifted towards indirect rule during the second half of the nineteenth century, which he argued imposed narrower subjectivities upon colonised populations. These works are related to Said's analysis just discussed, as well as the nineteenth century Irish context.

Taking a pessimistic view of the history of liberation movements during a nation's transition to independence, Frantz Fanon outlined native intellectuals' roles in reproducing colonialism: 'decolonization is quite simply the replacing of a certain 'species' of men by another 'species' of men. Without any period of transition, there is a total, complete and absolute substitution' (Fanon, 1965: 27). Fanon argues the period 'after' colonisation has formally ended tends to perpetuate colonialism's hierarchical structure, whereby a native ruling class takes the oppressive position of the former coloniser. A moral value system based on 'Manichaeism' (good vs evil), established during the colonial period underpins this continuation:

> Native society is not simply described as a society lacking in values. (…) The native is declared insensible to ethics; he represents not only the absence of values, but also the negation of values. He is, let us dare to admit, the enemy of values, and in this sense he is the absolute evil. (Fanon, 1965: 31)

The newly independent society that fails to come to terms with this binary ethics by which the coloniser distinguishes themselves from the native permits Manichaeism to shape its nation building project. Fanon argues that during decolonisation the natives mock the coloniser's values and ethics, but this is superficial as some colonised intellectuals enter a dialogue concerning values and morals with the coloniser who recognise their declining power (1965). Fanon argues the native focuses more intently on banishing the coloniser than securing the most important aspect of their future: the redistribution of confiscated land (ibid).

Native intellectuals' participation in this 'rear-guard action' makes them indistinguishable from the coloniser: 'it finds the settlers and the young colonized bourgeoisie at one and the same. The masses may destroy everything' (Fanon, 1965: 48). During the transitional period native intellectuals are 'somersaulted' into a negotiating position with the coloniser, because 'that party has taken very good care never to break contact with colonialism' (1965: 49). In this thesis, Irish institutional psychiatrists are engaged in such a dialogue and their contact with the coloniser and role in reproducing colonialism is examined. Fanon was more concerned with intellectuals' roles in stifling decolonisation, but his analysis is nonetheless valuable for understanding how colonial discourse is reproduced. His analysis also overlaps with Said's as the intellectual class Fanon describes are in positions to represent via discourse.

Homi Bhabha (1984) theorises how colonial powers seek to exploit a relationship with colonised élite figures. Bhabha identifies 'mimicry' as a central theme in colonial discourse: 'colonial mimicry is the desire for a reformed, recognisable Other, as *a subject of difference that is almost the same, but not quite.* Which is to say, that the discourse of mimicry is constructed around an ambivalence' (Bhabha, 1984: 126, emphasis in original). For Bhabha the colonial relationship is not fixed in a static hierarchy but involves elements of what Fanon might characterise as compromise or dialogue. Mimicry is 'a complex strategy of reform, regulation, and discipline, which "appropriates" the Other as it visualizes power' (ibid). Therefore, both the

coloniser and the colonised élite seek to represent a partial 'sameness' between themselves and the Other as a strategy to perpetuate and exploit the colonial situation to their own ends.

To illustrate his theory Bhabha refers to Thomas Babington Macaulay's famous *Minute on Education* (1835), a policy proposal for British restructuring of the Indian education system:

> The absurd extravagance of Macaulay's *Infamous Minute* (1835) (…) makes a mockery of Oriental learning until faced with the challenge of conceiving of a "reformed" colonial subject. (…) At the intersection of European learning and colonial power, Macaulay can conceive of nothing other than "a class of interpreters between us and the millions whom we govern—a class of persons Indian in blood and colour, but English in tastes, in opinions, in morals and in intellect"—in other words a mimic man raised "through our English school," (…) "to form a corps of translators and be employed in different departments of Labour." (in Bhabha, 1984: 127f)

This passage illustrates British administrators' efforts to maintain colonial dominance by managing difference through superficial and partial representations of sameness. By institutionalising moral and intellectual doctrine in the colonised society this seeks to create a docile mass, agreeable to external rule, while maintaining and concealing hierarchical difference. It suggests that by constructing a shared identity the colonised are unable to recognise their own subjection and vulnerable to colonised interests through the cooperation and pacification of their bourgeois intellectuals. This approach implies the epistemological sympathy Said describes between the *knowing* coloniser and the *known* colonised society. And as Fanon argues, the coloniser's morals and knowledge are reproduced while those of the colonised are discarded.

Therefore, the discursive process Bhabha describes entails the maintenance of colonial rule through discourse and it relies on the presence of a native bourgeois class careful not to break contact with colonialism (Fanon, 1965). Bhabha regards this process as a great irony of colonialism: 'The desire to emerge as "authentic" through mimicry—through a process of writing and repetition' (Bhabha, 1984:

128f). Being a two-way discourse, whose participants keep an eye fixed on power, its effects flow both ways. Seeking to establish privilege within the colonial regime, the native bourgeoisie supply the willing interpreters who perform and reproduce the coloniser's prescribed authenticity. Meanwhile the coloniser's self-presentation as *same* aspires to secure the native's consent to rule. Still referring to India, Bhabha describes this process in racial terms:

> *Almost the same but not white:* the visibility of mimicry is always produced at the site of interdiction. It is a form of colonial discourse that is uttered inter dicta: a discourse at the crossroads of what is known and permissible and that which though known must be kept concealed; (…) The question of the representation of difference is therefore always also a problem of authority. (1984: 130, emphasis in original)

Therefore, for Bhabha, colonial discourse operates in this in-between space, which, although hierarchical, is also mutually negotiated. It aims to conceal, preserve, and advance the Othering processes of colonial representation as well as its power asymmetries and techniques of governance.

Mahmood Mamdani (2012) addressed an innovation in colonial governance which is related to the context Bhabha describes. Mamdani observed a shift from direct to indirect colonial rule in the late nineteenth century where European empires relaxed their formal institutional and administrative control and instead became concerned with 'management of difference' (Mamdani, 2012: 2). Mamdani understood indirect rule as involving two shifts in focus: from governing via colonised elites to focusing on the colonised masses; and from seeking to eradicate difference to recognising, shaping, and reproducing difference. Rather than maintain rule by overwhelming force and the obedience of the colonised elites, instead colonial powers sought to shape the subjectivities of the colonised masses (ibid). Indirect rule has generally been considered a sign of the weakening colonial state where European expansionism overstretched resources, reaching its height following the invasion of Africa in the late nineteenth century.

The law was central to this process. Mamdani examined Henry Maine's texts and his lectures at Cambridge University from 1857 onwards, where Maine argued that because societies such as Ireland and India were ruled by customary law, they lacked science, were unable to theorise, and therefore, incapable of self-refinement (Mamdani, 2012). These societies lacked the agency to modernise since they could not theoretically critique the origins of their legislative systems, and hence, had to be 'civilised' externally through colonial jurisprudence (ibid). Mamdani argued:

> Unlike direct rule, indirect rule aimed at the reproduction of difference as custom, not its eradication as barbarism. It focused on ordinary people, not just the colonised elite. Before managing difference, colonial power set about defining it. (…) The focus of colonial power, after 1857, was to define colonial subjectivity. (Mamdani, 2012: 44).

Maine regarded law as central to the project of managing difference, and the relationship between law and subjectivity was key (ibid). Due to the scope of this study, it is not possible to examine the extent to which Ireland was subject to such a shift in governance. However, some parallels with Mamdani's observations can be found in the Irish asylum network. As Finnane (1978, 1981) has argued, Ireland's local government and, hence, its asylum system was increasingly 'democratised' in the 1890s following the gradual subordination of the Lunacy Inspectorate in the 1870s and 1880s, and the eventual institution of Local Government in 1898. Donnelly (1996) explains the development of local government in Ireland as embodied in the Local Government (Ireland) Act, 1898 which abolished grand juries and set up county councils while transferring local government power from wealthy Protestants to Catholic men virtually overnight. Chapter seven examines the discursive practices in Dundrum during this period, which came under more direct colonial control as the asylum network was democratised. It shows how criminal lunacy discourse was increasingly directed towards defining the difference of the agrarian masses in the late nineteenth century Ireland.

However, the racialisation of the Irish was not a nineteenth century innovation. Just as Said argued Orientalist conquest was justified in advance by racist conceptions of the Orient, the Irish had long been racialised. The notion that the Irish intellectual class can be complicit in colonial rule through ambivalence in discourse enriches this thesis' theoretical scope. As racialising and deterministic doctrines from European criminological and psychological thinking more explicitly informed criminal lunacy discourse in late nineteenth century Ireland, as the wider asylums network was democratised, the period of Dundrum's history addressed in chapter seven is especially interesting for understanding how criminal lunacy discourse was eventually 're-created by scholars' (Said, 1978: 92) in Ireland. The next section examines how colonialism invoked racism and gender discourses to construct the subjectivities of deviants in Ireland, and its general population.

3.4 Postcolonial Theory, Gender, and the Carceral Subject in Ireland

Scholars have argued that foundational postcolonial literatures are pertinent to Ireland (Carroll, 2003; Lloyd, 1993). This section examines two related theoretical strands. First, it examines how postcolonial scholars have understood the historical subjugation and stereotyping of the Irish in the context of European colonialism and scientific racism. Second, it explores feminist criminological literature on medico-legal knowledge and practices for the pathologisation and punishment of female offenders. These feminist analyses are then considered in light of colonial representations of the Irish. The section concludes that the criminal lunatic asylum can be considered a setting where these discourses intersect to construct criminal lunatics as passive actors, in need of civilisation, and in accordance with preconceived racial and gendered stereotypes.

Histories of colonialism have tended to address outward European expansionism, which constituted a major part of colonial history during the nineteenth century. However, as critical race scholars have shown, colonial history appears less uniform when the role of racism is considered. While foundational figures such as Said,

Fanon, and, to a lesser extent, Bhabha and Spivak have paved the way for sociological histories of Western imperialism and racism, there is a need to account for the 'racialisation of the interior' of Europe as well as its exterior (Miles, 1993; Virdee, 2019). As Miles has argued, ''race' has been employed to signify not only populations colonised in Africa and elsewhere but also populations subject to the power of the nationalised ruling classes within Europe' (Miles, 1993: 89). Therefore, racist discourse was put to particular use in relation to colonial rule.

In the British Empire, racial hierarchy was imposed to *legitimately* dominate and exploit the lower classes 'at home', the Celts (particularly the Irish) 'close to home', and 'further afield, against what is known today as the Third World, that which constituted most of the British Empire' (Anthias and Yuval-Davis, 1992: 41). Hence, colonial powers employed racist discourses to justify domination: 'The objective of colonial discourse is to construe the colonised as a population of degenerate types on the basis of racial origin, in order to justify conquest and to establish systems of administration and instruction' (Bhabha, 1990: 23, cited in Anthias and Yuval-Davis, 1992: 63). Therefore, while racism towards non-European populations was central to their domination, the Irish, and the English working classes were also racialised, albeit in distinct ways.

A certain intersection of 'race' and 'class' occurred in the nineteenth century which links the racialisation of the Irish and the 'criminal classes' as mentioned in the previous chapter.[24] Alana Lentin (2004) argues that the use of the term 'race' in depicting the working classes as inherently 'dangerous' indicates a rise in class consciousness following nineteenth century labour movements. Race permeated processes of capital accumulation as aristocrats in colonies categorised themselves as a race apart from the colonised, and such racism entered Europe with the rise of the proletariat (ibid). By adapting this racist discourse to class conflict domestically and pathologising economic inequality, the working classes became understood in

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[24] See pages 65ff.

terms of degeneracy (ibid). This formed the basis for considering them 'politically incompetent' to justify their disenfranchisement (Lentin, 2004: 53). Ultimately, by reframing socioeconomic inequality in terms of race, it merely reflected the natural order of things which could not be resolved (ibid). Here, Lentin describes a historical process whereby racist discourse made its way from the colonial fringes to the metropole to justify colonialism 'at home'.

Robert Miles (1993) observed aspects of racism enabling the European ruling classes to enforce their dominance in Europe, by disenfranchising the politically irresponsible and constituting the bourgeoisie as a 'race' apart. Miles stated that a distinct racialising narrative emerged from within Europe where the 'civilising project' was employed to bring the backward and childish races into the modern world (Miles, 1993). The 'civilising' narrative[25] linked modern Europe's interior to its exterior and began to influence the construction of racial order in the colonies (ibid). 'Civilised values' provided a basis for representing populations who were not obviously distinct such as the Irish and Jews as separate, undesirable races (ibid). Therefore, during the modern period it has been argued that racist ideologies moved from the exterior inwards, while the civilising project emerged internally and subsequently permeated the colonies beyond Europe.

Both discourses, racialising and civilising, advanced the construction of a stable racial hierarchy during the modern period to subordinate distinct groups. Miles' observation that the 'civilising project' provided a justification for colonialism is uncontroversial. However, his work implies that the Irish were racialised only after the 'civilising project' provided a way to distinguish phenomenologically similar populations. This fails to account for the extent to which the Irish were historically subjected to racism. Within this hierarchy the Irish have been contradictorily represented as both inside and outside of Europe; inside, as White Europeans, and

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[25] This is not to be confused with Norbert Elias' (1939) *The Civilizing Process*, which examined a long and gradual period of behavioural change from the Middle Ages to the twentieth century. Ian O'Donnell (2005, 2010) has applied Elias' work to explain reductions in violence in Ireland between the nineteenth and twentieth centuries.

outside, as cheap migrant labour, dangerous terrorists, and racially inferior (Anthias and Yuval-Davis, 1992). Echoing Said's argument (1978), in the Irish case colonialism was certainly justified in advance by racist discourse.

Robbie McVeigh and Bill Rolston (2009: 9) traced a history of how 'the English have been civilising the Irish for over 800 years'. Colonisation of Ireland was racially justified since Gerald of Wales' *History and Topography of Ireland* in 1185, in which he described the Irish as 'a most filthy race, a race sunk in vice, a race more ignorant than all other nations of the first principles of the faith. (…) when they have been subjugated and reduced to submission, they will have to be ruled with great discretion' (McVeigh and Rolston, 2009: 10). This racialisation continued through the plantations era and into the modern period (ibid). McVeigh and Rolston (2009) argued 'civilisation' is a dialectical process which only carries meaning in the presence of an 'uncivilised' other, through the creation of docile and useful bodies (Foucault, 1977, cited in McVeigh and Rolston, 2009). Therefore, conceiving the West as a peaceful humanitarian force is closer to psychosis than reality following the widespread use of enslavement, indenture, colonisation and genocide (McVeigh and Rolston, 2009).

Contemplating the 'racialisation of the interior' of Europe, Satnam Virdee (2019) noted how the racialisation of intellectual thought became possible and was organised in the nineteenth century. Colonialism provided intellectuals with 'a live data-set, a human zoo from which [intellectuals] distilled their magical theories of scientific racism' (Virdee, 2019: 18) and which was impossible before the Enlightenment. The modern racial sciences shared three beliefs which organised the world into racialised *Western* knowledge:

> (1) humans could be sorted into a finite number of racial groups using a limited set of physical markers; (2) these groups were endowed with differing capacities for cultural development with Whites ranked at the top of this racial order and sub-Saharan Africans at the bottom; (3) each group's capacity for civilization was fixed and immutable over time and space such that African and Asian societies were effectively imagined as lying in a state of arrested development akin to European

societies at an earlier stage in their civilization. (Virdee, 2014, cited in Virdee 2019: 18)

Simultaneously, Europe's interior was racialised in varying approximations to an Anglo-Saxon image of 'civilisation' with Protestant Britishness representing its pinnacle (ibid). Irish Catholics were 'doubly excluded' from European order in terms of their Catholicism and their membership of the inferior Celtic race (ibid). A caricature of the uncivilised Irish labour classes emerged from Victorian Britain, representing them in simian terms with prognathous features including 'a bulge in the lower part of the face, the chin prominent, the mouth big, the forehead receding, a short nose, often upturned and with yawning nostrils' (Saville, 1987: 38, in Virdee, 2019: 18). Virdee argues that these racialised divisions were further extended to gender, and they enabled a division between the internationalised proletariat where the 'respectable' English working classes could be distinguished from the 'dangerous' masses requiring exclusion (Virdee, 2019).

An example of Virdee's argument can be read in Nancy Stepan's (1982) history of scientific racism in the nineteenth and twentieth centuries. Stepan acknowledged that the development of modern biology and anthropology relied on an understanding of 'race' which was largely formed in the context of British and European Empires:

> As a consequence, ideas about the nature of blackness, the social order, natural and social hierarchies, change, progress and purpose unconsciously shaped the way scientists defined scientific problems and the scientific theories they put forward to explain them. Ideological issues, broadly understood, were embedded in scientific argument. (Stepan, 1982: xv)

While Stepan declined to study the specific effects of empire on these scientific understandings as it would produce too vague a history (ibid), she nevertheless makes several notable observations about race which are relevant to this study. Stepan notes that post-Darwin scientific debates on the nature of various races had

a European dimension and this included the Irish following John Beddoe's studies in Ireland. Ideas such as racial taxonomies, the usefulness of 'the cephalic index', degeneracy and heredity of criminality and insanity, and the merits of eugenics had varying degrees of influence in different parts of Europe (ibid). Therefore, scientific ideas about race were not uniformly held as in the case of Theodor Waitz in Germany who perceived skull measurement to be purely prejudicial and devoid of scientific value (ibid).

Stepan argues that evolutionary theory was employed to 'establish identities and prove the independent origins of races already taken to be real and distinct' (Stepan, 1982: 109). This is as Said (1978) argued that objects acquire validity after their categories are assigned. Like Lentin, Miles and Virdee, Stepan noted how European discourses on race, as in the case of eugenics, were preoccupied with class concerns and identified 'primarily a 'class' rather than a 'race' phenomenon' (Stepan, 1982: 125). Hence, while ideas about race were undoubtedly at the forefront of nineteenth century understandings of race, criminality, and insanity, discourses of criminal lunacy examined in this study are not necessarily emblematic of more widely held perceptions about the Irish race within the colonial relationship as well as internationally.

Hence, the above discussion suggests the Irish occupied an awkward position in relation to nineteenth century colonial and scientific Eurocentrism; often, but not uniformly, amounting to an internal exclusion of sorts. However, conceiving Ireland's subordination as a 'double exclusion'—racial and religious—overlooks how gender was implicated in colonial discourse. The remainder of this section will examine how the Irish were also subjected to 'feminising' discourses by relating postcolonial theory to feminist literature on the penal and therapeutic incarceration of women.

David Lloyd, a scholar of Irish literature and colonial history, has written extensively on these issues. Regarding the reformulations of Western racial order discussed above, Lloyd (1993) argues that the formation of identity necessarily

implies the negation of other possible forms of existence such as constructing the modern as a departure from the pre-modern. Lloyd (1993: 6) argues the state's control over identity narratives serves an important role, as its political and legal processes gain consent and legitimacy most efficiently by monopolising the 'field of possibilities'. As will be clarified in the next chapter, colonial discourse functions in such a way that its claims take effect not because of their 'truth-value' but because of its capacity to hierarchise speaking subjects and knowledge which marginalise other speakers and possible forms of knowing (Foucault, 1971; Gordon, 1980).

Lloyd (1999) notes that the Irish have been ascribed ethnic and cultural characteristics associated with premodernity and that their passive resistance to colonial rule has been re-appropriated as evidence for their uncivilised incompatibility with modernity. Lloyd (1999: 66) considered Fanon's commentary under colonialism, that *the black man is not a man,* was 'no less, if differently, applicable to the Irish'. While the Irish have been categorised as terrorists, pathological, atavistic by nature and lacking in humanity, 'in the long history of stereotypes about the Irish, a peculiar conjuncture persists which combines violence with femininity' (Lloyd, 1999: 74). Dehumanisation operates through feminisation because *man* operates both as a gender category and a symbol of humans' 'species-being' (ibid: 75) and in this regard both, 'the Irishman and his black counterpart under colonialism are found wanting' (ibid).

As will be shown below, feminisation also involves the removal of agency, or pacification described by Said (1978). As Gerardine Meaney points out drawing upon the work of Ashis Nandy:

> a history of colonisation is a history of feminisation. Colonial powers identify their subject peoples as passive, in need of guidance, incapable of self-government, romantic, passionate, unruly, barbarous-all of those things for which the Irish and women have been traditionally praised and scorned. (Meaney, 1991: 6)

Much of the pacification of women was enacted by pathologising them, often in terms of mental disorder and drawing upon therapeutic and disciplinary discourses

from carceral settings. This thesis will show that the discourse of criminal lunacy manifested similarly and with comparable effects. Seminal works by feminist criminologists (Allen, 1987; Carlen, 1983; Smart, 1977; Worrall, 1990) draw attention to paradoxical and contradictory representations of female offenders, their punishment, pathologisation, pacification and construction as being dependent and infantile, as well as the role of power, 'expert' knowledge and gendered assumptions in their treatment.

Pat Carlen (1983: 197) observes that upon imprisonment, female offenders previously considered mentally ill are 'temporarily stripped of the excusing condition of 'mental illness' and, for the moment clothed instead with the disciplinary needs of the 'disordered''. This process requires an 'enabling discourse' (ibid), which in this thesis is 'criminal lunacy'. Carlen (1983: 198) states it is unclear why psychiatrists alone can recognise behaviours such as 'selfishness', 'callousness', 'loyalty' etc, as symptoms of mental disorder. Carlen argues that the psychiatric construct 'personality disorder' is a representation of deviance which is denied the category of 'mental illness' and hence, 'psychiatry has succeeded in a masterly stroke of professional imperialism' (Carlen, 1983: 208). Carlen's was a contemporary study that critiques late twentieth century psychiatry. Her critique could also be applied to the concept of 'moral insanity' in the late nineteenth century where psychiatry sought to develop influence in the legal domain, as discussed in the previous chapter.

Women represented as 'disordered' were subjected to prison discipline, and as partial deviants they are treated 'neither entirely as madmen [nor mad women] nor entirely as criminals, nor entirely as witches, nor entirely as ordinary people' but who are cast, instead into 'the void within which the experience of madness resides' (Foucault, 1976: 76f, cited in Carlen, 1983: 209). Carlen (1983) argues that such women tend to be infantilised and made to feel guilty for not conforming to various aspects of female stereotypes. Hence, incarceration of 'disordered' women constructed a 'family-like (…) social and moral supervision' to produce 'feelings of

dependence, humility, guilt and gratitude that are the backbone of family life' (Foucault, 1976: 71f). Such institutions denied their disciplinary role by instead seeking to *reorder* disordered women in accordance with socially constructed notions of womanhood (Carlen, 1983). This rationality for carceral correction is akin to Scull's observation that lunatic asylums sought to remodel the lunatic into an approximation of the 'bourgeois ideal of the rational individual' (Scull, 1979: 69), and is therefore, equally permeable by stereotypical constructions of the 'uncivilised', and racially inferior Irish.

The role of medico-legal discourse in constructing female offenders was examined by Hillary Allen (1987) who asserts that it defines female offenders' agency around a normal-pathological binary and often in paradoxical ways. Allen notices similar ambiguities surrounding cases involving normal and abnormal women (ibid). A case involving behaviour considered 'normal' can suddenly be pathologised, while cases involving clinically pathological behaviour can be represented as 'normal' *female* behaviour (ibid). Regarding the latter, Allen (1987: 50) argues that medico-legal discourse 'proceeds through a delicate process of psychological salvage', recognising a familiar *femininity* amid aberrant behaviours. Therefore, there is a persistent lack of clarity over the role of femininity in psychiatric criminal cases (ibid). Allen's analysis (1987: 75) is supported by this thesis as she shows how 'psychiatric discourse is diagnostically flexible', and the ambiguous ontologies it deals with are conveniently left unresolved. This affords doctors room to manoeuvre in manipulating a diagnosis to preserve their position of authority (ibid). Allen's analysis of psychiatric diagnostics is apparent in this thesis following a period of escapes from Dundrum in the 1870s where psychiatry came under scrutiny. Furthermore, her concept of 'psychological salvage' is evident in the representation of the Irish labouring classes as being innately criminal.

Carol Smart (1977) outlined a 'sickness model', identifying four operating principles for the pathologisation of female criminality. This model could be aptly applied to describe criminal lunatics in this thesis and is as follows:

1) Female criminal action is considered irrational, illogical, and without meaning for the actor;

2) Socio-economic structure has little or no influence on the nature or degree of criminality, except for triggering an already pathological mind. Therefore, it focuses on individual rather than social conditions;

3) It denies the significance of the actor's will or intentionality;

4) It fails to address historical and socio-cultural conditions for the definition of crime. (Smart, 1977: 147f)

Smart's analysis is also salient for this thesis. She argued that women fit the 'sickness model' more easily because cultural stereotypes represent women as being 'less rational, less intelligent and less self-directing than men' (ibid: 148). Therefore, when the treatment of women offenders is directed towards normalisation and 'resocialisation into their 'correct' social role' (ibid: 149), this is hugely problematic as the correctness of this role is culturally imposed in the first place. Just as Said argued colonialism was justified in advance by racism, the pathologising of women offenders as possessing less agency than men relied upon prior essentialised notions of femininity, while the process for 'socialising' them serves to reinforce pre-existing societal power asymmetries.

These feminist analyses of medico-legal representations of women's criminality identify similar processes of subjection for disempowering and pathologising colonial subjects as racially inferior. They show that basis for knowledge production about female offenders' mental disorders relies on and confirms their prior *gendered* signification, echoing the epistemological process described by Said (1978) where evidence for deviant identities tends to accumulate only after the initial categorisation is made. These works also indicate that the 'psychiatrisation' of women treats them as familiar and *knowable* Others, much in the way described by Bhabha (1984). This is particularly evident in Allen's (1987: 50) concept of 'psychological salvage' where the observing actor's familiarity with feminine nature supersedes the normal-pathological dichotomy and shapes their criminal responsibility. These processes have tended to dictate how women offenders have

been dispossessed of agency, and constructed as dependent, but paradoxically, also as punishable.

In this context, Meaney's (1991: 6) assertion that 'a history of colonisation is a history of feminisation' is pertinent to this study, as is Lloyd's (1999: 74) assertion that 'in the long history of stereotypes about the Irish, a peculiar conjuncture persists which combines violence with femininity'. Where feminist scholars identified how assumptions about femininity influenced medico-legal discourses on female offenders, this thesis examines similar processes in relation to race and nationality and the development of knowledge and practices for 'criminal lunatics' under colonial rule.

This chapter sought to show that expert knowledges associated with carceral institutions were rarely, if at all, *scientific* in the traditional sense. Rather their scientificity is coterminous with Western colonialism and their expert knowledges represent *a priori* doctrines for reorganising and subdividing human populations into multiple interrelated and mutually constitutive hierarchies based on race, class, gender, nation, religion, language, law, and so forth. The prisoner is a punitive subject to be rejected (Sykes, 1958); in the asylum the inmate is disordered (Carlen, 1983) and subject to treatment; while in the criminal asylum the inmate sits uneasily between these two discourses (Smith, 1981).

By examining colonial discourse in terms of its modes of representation and knowledge production (Said, 1978), the power structures and interactions between the coloniser and colonised (Fanon, 1965; Bhabha, 1984), and its relationship to changing forms of governance throughout the nineteenth century (Mamdani, 2012), I argue that these elements of discourse about 'criminal lunacy' enable a clearer understanding of how colonialism in Ireland was reflected in knowledge and practices at Dundrum. Historic tendencies to racialise and feminise colonised populations have been employed to subjugate these populations, and criminological, sociological, critical race theory, and feminist literatures are employed in this study to show how essentialised discourses produced in a carceral

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setting serve to reconstruct the carceral subject and the colonised masses alike. If the criminal asylum represents a symbolic division between civilised modern society and exclusion of the disordered, then Dundrum is a suitable case for this study.

Chapter 4. Methodology

The purpose of this exploratory qualitative case study is to critically analyse the discursive representation of criminal lunatics in Ireland between 1833 and 1916, including those incarcerated at the Central Criminal Lunatic Asylum in Dundrum after 1850. By examining this deviant group as a discursive construction embedded in processes of colonial rule in Ireland I seek to show how it enabled the Irish lower classes to be represented as racially inferior and innately criminal. This thesis addresses three research questions:

1. How did discourses and practices associating criminal lunatics with notions of 'madness' and 'badness' in Ireland undergo transformations between 1833-1916?

2. How were these discourses and practices influenced, if at all, by colonial rule in Ireland at the time?

3. How did nineteenth century psychiatric notions of race, class and gender feature in discourses on criminal lunacy, if at all?

This chapter outlines the study's methodology and is divided into nine subsections. It begins by describing the rationale for conducting a qualitative case study. It then details the materials needed to conduct the research. The third section describes the research design and how the study sits in relation to relevant literature in the field. The fourth section then outlines the data collection methods which were completed in two phases and discusses the strengths and weaknesses of these methods. The fifth section outlines the sampling processes used and discusses the methodological implications of working with a 'colonial archive'.

The sixth section outlines the data analysis strategy. It documents the processes used for coding data, building explanations and presenting data in the thesis. It then discusses the relevance of critical discourse analysis to this research and outlines in detail how Foucauldian Discourse Analysis was used and why it was chosen. The seventh section examines ethical considerations. The eighth section explores how issues of validity and reliability were addressed, while the final section examines the study's limitations.

4.1 Rationale for Qualitative Design

This research adopts a qualitative design, which necessarily implies a constructionist ontology and an interpretivist epistemology. It gives primacy to the context and complex processes within which social phenomena obtain meaning (Punch, 2005). *Meaning* results from individuals' subjective experiences of the world, and is assigned to objects by people (Sarantakos, 2013). In this regard *meaning* is not the essence of a thing, and hence, this approach does not deny the existence of *things* per se. As Sarantakos explains, 'Trees, rivers, forests and mountains may exist outside people's consciousness but have no meaning before they are addressed by people. Their meaning is not fixed, ready to be discovered (…) but emerges out of people's interaction with the world' (Cooper, 1998: 8f, cited in Sarantakos, 2013: 37). Therefore, an interpretivist epistemology scrutinises how people subjectively interpret the world (Denzin and Lincoln, 2005) and how the meanings they associate with objects are established, maintained, altered or reproduced within specific contexts.

Conversely, quantitative approaches tend to adopt a realist ontology to identify variables and the relationships between them, to test hypotheses through data measurement and the accumulation of large and generalisable samples (Punch, 2005). Although quantitative studies are more easily replicable, they are also less flexible and therefore, at a disadvantage for exploratory research such as this (ibid). Due to the importance qualitative research assigns to individual experience it is less concerned with large sample sizes and explores personal experiences of the social world in much greater depth through processes of discovery and thick description (Geertz, 1973). Therefore, qualitative research takes a less reductionist view of phenomena and examines the formation of variables rather than accepting them alongside their conventional meanings.

Through exploration, this thesis aimed to develop familiarisation with the object of study, and to generate new ideas (Sarantakos, 2013) about the history of criminal insanity in Ireland. A constructionist ontology accounts for what has been a major

impasse in the history of madness, notably that madness is socially constructed. Foucault argued that the nature of insanity has not only never been adequately captured, but that 'madness is ultimately nothing' and can only be described in terms of reason (Foucault, 1967: 100f). Instead, this thesis takes a 'rationalist-constructionist' view (Stake, 1995) recognises that madness may be said to exist before conscious actors ascribe meaning to it, like a tree or a mountain. However, I examine the ways in which madness, and specifically 'criminal lunacy' was constructed in nineteenth century scientific discourse for, as Lindsay Prior states, 'scientific facts are not so much discovered as created and invented' (Prior, 1993: 14).

Therefore, qualitative analysis was considered appropriate for this research as quantitative analysis was less likely to produce descriptive data highlighting the processes in which 'criminal lunacy' was ascribed meaning. Many of the fundamental characteristics of qualitative research were better suited to addressing the research questions and these include:

1. Context-sensitivity: to develop a contextual understanding the social, political and historical settings in which the research object has formed;

2. Dynamic: recognising that an object's social *meaning* is not preordained but constructed, reproduced and transformed through social meaning-making processes;

3. Flexibility: that the research design, methods, and processes for gathering data and making decisions are adaptable to overcome unforeseen challenges and to pursue discoveries;

4. Interpretivist: that the research examines subject actors' understandings of the world;

5. Subjective: research reflects and emphasises the researcher's particular viewpoint;

6. Detailed description: collected data is presented and described in thick detail to preserve and demonstrate subjects' understandings of the world;

7. Small-scale: the research uses a small sample to such extent that it does not strive for generalisability. (Sarantakos, 2013)

4.1.1 Case Study Rationale

A longitudinal single-case study method was used for this research. What constitutes a *case* can include 'decisions, individuals, organisations, processes, programs, neighbourhoods, institutions, and even events' (Yin, 2018: 14), while Stake (1995: 2) defines a 'case' as 'a specific, a complex, functioning thing'. Taking an object-led approach overlooks the extent to which methods can shape the case and therefore, decisions about how the case is both defined and examined need to be made.

Yin (2018) offers a two-fold definition which helps situate this study. The first part identifies the study's scope, which helps distinguish its mode of inquiry. Yin (2018: 15) states a case study is empirical if it 'investigates a contemporary phenomenon in depth and within its real-world context, especially when the boundaries between phenomenon and context may not be clearly evident'. Considering the thesis' first research aim *to present new historical information on the treatment of offenders with a mental disorder*, this case study explores archives to uncover new empirical information on the phenomenon. Further, while the object of study is not contemporary i.e. of the twenty-first century, archival documents on criminal lunacy are examined with respect to the time period and the network of social, political and institutional relations in which they were produced.

Secondly, Yin states the phenomenon and context involved in a case are not always easily distinguishable (ibid). Additional methodological features are at play where a case study: 1) involves 'many more variables of interest than data points'; 2) 'benefits from the prior development of theoretical propositions to guide design, data collection, and analysis'; and 3) 'relies on multiple sources of evidence, with data needed to converge in a triangulating fashion' (ibid). This study did not employ triangulation but used complementary sources (Heap and Waters, 2018) to enhance the meaning of the study's primary source. To address the second research aim *'to contribute an understanding, from a post-colonial perspective, of changing historical responses to 'criminal lunacy' in Ireland between 1833-1916'*, many of this study's

theoretical elements were clarified in the previous chapters. The data sources used, sampling decisions made, and analysis strategy are discussed in the remainder of this chapter.

A key consideration in this research was that criminal lunatics in Ireland were not exclusively incarcerated in Dundrum. After a period of familiarising myself with a rich body of data, Dundrum as an institution became the 'intrinsic' and complex element of the case (Stake, 1995), with its inmates, staff, and associated experts and political actors as subunits of the main organisation (Yin, 2018). This was because the study is interested in how 'criminal lunacy' was perceived and constructed by those in a position to shape its meaning.

Furthermore, Dundrum was the only criminal asylum in Ireland and the first to be labelled as such in the world. Since the expert identity of nineteenth century psychiatrists was 'bound up with their institutional status' (Scull, 1981: 6), a focus on institutional psychiatry would likely contribute to existing scholarship on criminal lunacy discourse and practice. This case can offer insights into Dundrum's role in the broader international and historical debates on psychological medicine in Europe and beyond. Furthermore, since Broadmoor opened in England more than a decade after Dundrum, the case can contribute to understandings of how colonial discourse and its effects can flow in both directions (Bhabha, 1984), and how institutional and political practices in the colonised societies can later be adopted in the colonial centre (Lentin, 2004). As the criminal asylum tends to change significantly over time (Menzies, 2001) I traced these changes and associated representations and knowledge about criminal lunacy over the course of Dundrum's colonial history. In this pursuit, archival documents were 'instrumental' (Stake, 1995: 3) as they contain subject actors' understandings of the world.

The choice of a single-case study design was justified on several grounds (Yin, 2018): first, because it adopts a *critical* approach, where the case is critical to understanding the theoretical approach taken i.e. postcolonial theory; second, because the case is *uncommon* as limited historical research has been conducted on criminal lunacy in Ireland; third, because the case is *revelatory*, as it introduces new historical evidence from a previously unexamined primary source to enhance current scholarship; and fourthly, because the case is *longitudinal* it was best to focus on a single-case such as Dundrum, its inhabitants, staff, and associated body of discourse to examine continuities and changes in the object of research over a long period.

4.2 Overview of Information Needed

This case study was conducted by analysing data in 72 documentary files from seven different archival sources. To address the research questions outlined at the beginning of this chapter, relevant information was identified in academic literature, seven different archival sources, as well as supporting information from relevant legislation. The information required are laid out in Figure 4.1 below and are represented according to three categories:

Figure 4.1 - Information Required to Address Research Questions

Information Type	*Material Required*	*Method*
Perceptual information	Descriptions of 'criminal lunatics' and 'criminal lunacy'; Classifications of inmates; Explanations of escapes; Expert claims; Use of race, class and gender signifiers; Role of a criminal lunatic asylum; Punishments, treatments, policies for dealing with inmates.	Archive Documents
Contextual information	Dundrum's institutional history, design, facilities, capacity and site description; Prominent criminal events, and criminal lunacy legislation; Modes of admission; Roles of the Governor, Inspectors of Lunatics, psychiatric experts, and political and administrative personnel.	Literature Review
Theoretical information	Histories of insanity and crime; Rise of the asylum and the role of institutional architecture; concepts of 'criminal lunacy', 'moral insanity', the 'criminal class'; sociology of punishment; postcolonial theory; critical discourse analysis; criminalisation and pathologisation of different groups on basis of race, gender, class.	Literature review

As this research is an exploratory archival case study, it primarily examines the perceptions of subject actors concerning the medico-legal treatment of criminal lunatics. All the data sources used for this research are text documents from physical and electronic archives. Files often contain both primary and secondary documents; where primary documents have a direct relationship with an event, person or situation, while secondary documents arise after or as a result of issues relating to an event, person, or situation (Henn, Weinstein, and Foard, 2006). The sources used are outlined in Figure 4.2 below:

Figure 4.2 - Data Sources Used and Content Types

Archive Source	*Contents*	*No. Collected and Used*
Chief Secretary's Office Registered Papers (CSORP) [Photographed]	Public and semi-private state papers discussing management and policies for Dundrum, as well as psychiatric expertise. Letters between Governments of Ireland and London and various government departments and offices in Ireland and England, including Dundrum Asylum, District Asylums, General Prisons Board, the Office of Lunacy Inspectorate, and Broadmoor Asylum. Contains commissioned Reports of Inquiry into Dundrum including unpublished ones. Covers the period of 1850-1916. (See Quinlan, 1994)	121 collected 47 used
Annual Reports of Inspectors of Lunatics. (Asylums Report) [Electronic source]	Contain commentary on expertise and policy developments in psychiatry. Demographic statistics and commentary on diagnoses and symptoms of mental illness by institution. Includes section on Dundrum and 'criminal lunatics' and occasional testimony by Dundrum governor; Commentary on notable cases; Institutional security, and annual financial reports. Covers period of 1845-1916.	71 collected 19 used
Online Newspaper Archives [Electronic source]	Comprehensive searchable online archives of: Irish newspapers since 1738 at www.irishnewsarchive.com; and British newspapers from 1700s at www.britishnewspaperarchive.co.uk. Contains press coverage of Annual Reports of Lunacy Inspectors, outrages, and Parliamentary debates.	79 collected 21 used
Academic Journals [Electronic source]	Secondary sources were collected from academic journals including the *New Irish Jurist and Local Government Review*, the *Journal of the Statistical and Social Inquiry Society of Ireland*, and the *Dublin Journal of Medical Science*. A 7-part piece entitled 'The Morbid Psychology of the Criminals' (Nicolson, 1873-1875) was collected from the *Journal of Mental Science*.	20 collected 19 used

Convict Reference Files (CRF) [Photographed]	Collates documents detailing newly convicted criminals and 'criminal lunatics' found insane at trial; Can include police reports, witness accounts, medical records, and petitions and letters from family members.	44 collected 4 used
Chief Secretary's Office Letter Books (CSO LB) [Photographed]	Outgoing letters from the Chief Secretary's Office. Contains some correspondences not indexed in CSORP collections.	2 collected 2 used
General Prisons Board Penal Files (GPB Pen) [Photographed]	Individual prisoners' penal records before being transferred to Dundrum or dying in prison. Can include historical information on convictions, conduct during imprisonment, medical history and diagnoses, prison labour history, log of notable incidents, incentives and punishments, and commentary on prisoners transferred to Dundrum.	167 collected 155 used

4.3 Research Design

Research for this thesis was carried out using the steps outlined below which are subsequently elaborated in further depth. These are broadly consistent with Stake's (1995) guidelines for conducting field observation.

1. *Anticipation*

   An initial literature review was conducted to identify research related to the history of crime and insanity in Ireland and England. I examined theoretical literature on postcolonial theory and the sociology of punishment to identify themes and formulate research questions. Archival research and case study methods literature was consulted to prepare for fieldwork.

2. *Approval*

   The study was approved by the university's Research Degrees Committee. Ethical approval was also sought by outlining proposed procedures and required data. The committee judged ethical approval was not required and fieldwork could proceed.[26]

3. *Initial Archive Visits and Observations*

   An application for archival access at the Central Mental Hospital, Dundrum[27] was rejected in April 2016. I visited the National Archives of Ireland in Dublin in June 2016 and with assistance from resident archivists identified alternative data sources, including CSORP files—the study's primary source. Drawing upon key themes in literature and theory I identified two potentially notable CSORP files in each decade to get a sense of significant issues across the study's period. CSORP files would be

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[26] The university Ethics Committee initially requested individuals named in findings should be anonymised to protect living human subjects who might be related to research subjects. In December 2018 this requirement was removed following my request to name research subjects, as this is standard practice in the field.

[27] Formerly the Central Criminal Lunatic Asylum, Dundrum.

photographed in their entirety and read with an online Palaeography guide (National Archives UK, n.d.) and guidance from resident NAI archivists.

4. *Conceptualisation and Restructuring Data Collection*

By reading CSORP files as they were collected and becoming familiar with data, I planned to identify emergent themes across Dundrum's history. By analysing data as it was collected, I could identify related files to grow the sample incrementally. However, in early July 2016, having collected only four CSORP files, the NAI announced temporary closure of most of its services for eight weeks from August 2016, for renovations. I could continue accessing CSORP files but could no longer access CSORP finding aids which are essential to identifying file contents. With an unviable sampling strategy, I stopped analysing files and spent the remaining five weeks with the finding aids cataloguing a much wider range of potentially useful CSORP files than originally intended, based on their subject line. These could then be accessed during the period of reduced services and photographed to read later.

5. *Data Collection Phase One (July-October 2016)*

Data was collected in two phases, mostly during an initial sixteen-week period between July and October 2016. 506 CSORP files were identified of which 100 were collected (photographed), comprising approximately 9,000 pages. Although I could not read the files in depth, I identified substantial files and collected these first. These included files with four different Commission of Inquiry Reports which were not made public at the time. All 167 available Penal Files (GPB Pen) were photographed comprising 4,680 pages. 44 Convict Reference Files (CRF) were photographed comprising 424 pages. I also collected electronic copies for all 71 of the Annual Reports of the Inspectors of Lunatics between 1845 and 1916.

6. *Transcribing, Coding, and Multiple Source Usage*

Between November 2016 and June 2017, approximately 50 CSORP files selected for inclusion were transcribed onto one MS Word document. Transcripts were coded for emergent themes and significant historical periods. Findings were enriched by using complementary sources. CSORP findings on individual prisoners were cross-referenced with GPB Pen, CRF files, and newspaper archive searches. CSORP findings regarding Dundrum, psychiatric and political actors were cross-referenced with Annual Inspectors Reports, and newspaper archive searches. Searches were conducted for complementary documents related to key findings on the online database at the Kew National Archives, but no relevant results were found.

7. *Analysis and Data Collection Phase Two*

Data was arranged under possible interpretations including four chapters to represent distinct periods in Dundrum's history. From findings on medico-legal expert discourse and political discourse, themes related to theoretical and historical literature were identified within the four distinct historical periods. A second data collection phase was then conducted between July and September of 2017, approximately 21 additional CSORP files were collected to address missingness. Seven articles by the ex-Governor of Broadmoor on forensic psychiatry between 1873-1875 were collected from the *Journal of Mental Science* to validate findings related to a key CSORP finding. These were contextualised against Irish sources

including the *New Irish Jurist and Local Government Review*, the *Journal of the Statistical and Social Inquiry Society of Ireland*, and the *Dublin Journal of Medical Science*.

8. *Data Validation, Analysis and Presentation*

   The final total of transcribed CSORP findings comprised 61 files and 72,000 words of text. These were analysed and synthesised according to postcolonial theory and sociological theory. The four identified historical periods were reduced to three, firstly due to the thesis' limited scope, and secondly, to align with my final interpretation of Dundrum's history which accords with a key concept in Edward Said's postcolonial theoretical work. I sought to present the thesis as a story with a historical narrative and therefore, findings chapters were presented in chronological order. One brief exception to chronological presentation came in a subsection[28] of the first findings chapter which was better suited to a thematic presentation due to the subject matter.

4.3.1 Reflection on Denial of Access and Sources Not Used

Denial of access is a common challenge in research, but it does not automatically require the redesign of a study and sourcing of alternative materials. Persisting and/or modifying one's efforts can be fruitful, although not without its own challenges (See Panofsky and Moir, 2005). Below, I reflect on the barriers encountered in securing access to archives at the Central Mental Hospital in Dundrum. I discuss the potential for institutional resistance to this study due to its critical stance and objectives, as well as the possibility that the stated denial of access due to limited resources was a genuine barrier to facilitating my fieldwork. I deemed it unlikely that access to Dundrum's archives could have been obtained through persistence or with a different approach, for reasons outlined below.

Understanding the denial of access to archives at Dundrum involves a degree of guesswork based on limited interactions with the institution. Requests for access to Dundrum's archives are made in a formal process by submitting a detailed research proposal to an internal ethics committee which sits quarterly (O'Flynn, 2016) with no further formal opportunities for the researcher's participation. No funding resources were requested, and ethical approval had been obtained from my

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[28] See section 5.2

university. My application was rejected on the basis that the Central Mental Hospital lacked the resources to facilitate and supervise my fieldwork at the time. Following discussions with my supervisory team I decided to redirect my attention towards publicly available resources held at the NAI.

During access negotiations Broadhead and Rist (1976) argue that 'reciprocity' is crucial as the institution or its gatekeepers will be concerned with the benefits of the research for them. The organisation will have two primary concerns; those related to their public image, its people, and their service, as well as concerns over resources available in facilitating the research (ibid). The organisation's administrator may also see little to gain in facilitating '"pure" academic research which might undermine his authority, reputation, operation, or competitiveness' (Broadhead and Rist, 1976: 327f). In such circumstances, rapport-building opportunities with gatekeepers, who have the power to permit or refuse access. can be crucial for 'negotiating a way in' (Mopas and Turnbull, 2011, cited in Watson, 2015: 331). Although I had some previous rapport with personnel at Dundrum, opportunities to demonstrate the value of the research and build rapport with the gatekeeper were very limited, restricted to the administrative application process outlined above.

One possibility for the denial of access can be read in Kelly Hannah-Moffat's (2011) assessment of how a growth in institutional protectionism has partly shaped critical research where criminal justice agencies are involved. Hannah-Moffat notes that criminal justice agencies in Canada are increasingly reluctant to engage with critical scholars who might challenge institutional assumptions and correctional practices due to potential implications for the system or institution's reputation (ibid). She describes a typical scenario, which I encountered, where researchers are required to submit a proposal for institutional vetting, requesting access to documents, staff, or clients, requiring no additional funding resources and where ethical approval has been obtained from the host institution's ethics committee: 'still, many critical researchers are being denied access' (Hannah-Moffat, 2011: 446). The denial is usually communicated diplomatically and is often framed as a 'resource issue' (ibid:

447). Hannah-Moffat (2011) suggests that, in the current climate and in the interest of managing 'reputational risk' (Power, 2008, cited in Hannah-Moffat, 2011: 448) institutions stifle much critical scholarship in this way, thus leaving the researcher little recourse but to rely on community-based alternatives. This offers a compelling appraisal of my experience but Hannah-Moffat (2011) also notes that such institutional concerns can be valid and are often understandable.

While my experience unfolded along the above lines, there is also evidence that the denial of access did not owe to a resistance to critical or inter-disciplinary historical research on Dundrum. The formal gatekeeper overseeing my application was the Central Mental Hospital's clinical director, Harry Kennedy, who has praised Pauline Prior's (2008) text *Madness and Murder: Gender, Crime and Mental Disorder in Nineteenth Century Ireland*, for advancing 'interactive expertise' in the field (Kennedy, 2009). This is where the sociological or inter-disciplinary historian conveys knowledge between 'contributory experts', the clinical and institutional practitioners upon whose expertise the research relies (ibid). Such research can, in turn, enhance the knowledge of contributory experts in their teaching and clinical practices (Kennedy, 2009). Kennedy praised how Prior contextualised mid-nineteenth century forensic psychiatric practices in Ireland as an aspect of public policy which was influenced by 'politically motivated violence' and solutions imposed by the coloniser (ibid: 602). This thesis adopts a similar broad focus with research aims that seek to enhance Prior's (2008) study. Therefore, I considered it less likely that my study would be perceived as contrary to the institution's interests, although this was still a possibility. As another application to Dundrum would likely require a further three months' waiting period, and with very limited rapport-building opportunities with Dundrum's gatekeeper, in consultation with my supervisory team I decided to refocus my efforts in the NAI as valuable alternative resources were available therein.

4.3.2 Period of Study

The study period was established through analysis of findings and availability of data. A starting point in 1833 was determined as although most of the data collected was in the period after Dundrum opened in 1850 the data made references to what can be considered an 'originating experience' (Foucault, 1971), when a homicide occurred in Dublin. This criminal event in 1833 is the first topic of analysis in the study's findings.[29] The final period of significant findings was from 1905 to 1916.[30] Although CSORP records last until 1923, files on Dundrum during this period often spanned several years (See Appendix B) and many went beyond 1921 when Ireland achieved independence. These records were less likely to be found in storage at the NAI possibly indicating a disruption to storage practices and record-keeping during Ireland's transition to independence. Therefore, avenues of inquiry were often abandoned after 1905 and the study concludes in 1916 when the last significant finding for the purposes of this research was obtained. Consequently, the study's scope spans the period of 1833 to 1916.

4.3.3 Literature Review Statement

The literature review informing this study was ongoing and drew from three broad research areas: histories of crime and insanity, sociologies of punishment, and postcolonial theory. Within each of these areas, scholarship related to Ireland was also examined. This study's conceptualisation was informed primarily by the works of three scholars. First, Pauline Prior's extensive research on the history of criminal lunatics in Ireland helped the organisation of Dundrum's general history, the ways in which events and periods could be understood, and the positions of the various actors involved in running the asylum. Prior's (2004) emphasis on the importance of understanding forensic psychiatry in a colonial setting is explored in this thesis. This thesis takes a more critical perspective than Prior's research in seeking to

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[29] See chapter five.
[30] See chapter seven.

understand Dundrum's role in nineteenth century Irish society in relation to colonial rule.

Second, Robert Menzies' (2001) work on medico-legal expertise in late nineteenth century Canada is a critical examination of an institution for criminal lunatics in a colonial context. Menzies draws upon Foucault to highlight a question pertinent to this thesis in questioning the role of the asylum 'in the reproduction of power in the world beyond its walls' (Foucault, 1983: 169, cited in Menzies, 2001: 142). This thesis considers Dundrum in this context.

Third, this study applies Edward Said's (1978) foundational text on colonial discourse to examine the history of discourse about criminal lunacy in Ireland. Said's argument that Western representations of the Orient formed part of a system of epistemic colonial domination, particularly during the modern period, informs the conceptualisation of criminal lunacy discourse in this thesis. Said's analysis that man-made objects only acquire evidence after they are categorised is consistent with scholars' analysis of the history of the modern asylum discussed in chapter two. There it was argued that the asylums provided a space for psychiatry to develop an empirical base. This epistemological observation underpins this thesis' outlook.

4.4 Data Collection Methods

As an exploratory archival study this research adopted a flexible design to pursue discoveries and adjust for difficulties in accessing data which is a typical weakness of archival research (Yin, 2018). Its various data sources were all text-based and two methods of collection were used involving physical documents at the NAI and electronic archives available through library and newspaper archives. CSORP files were the primary source for this study and supporting archival sources were examined for 'complementarity' which offers an 'enriched, elaborated understanding of the phenomenon' (Greene *et al.*, 1989: 258, cited in Heap and Waters, 2018: 125). Therefore, this thesis did not mix different methods in the

traditional manner associated with triangulation. Instead it mixed a variety of sources for 'cross-checking of views, facts and so on [which] can be used to advantage in snowball sampling, where the researcher may not be aware, at the outset, of all the relevant players involved' (Barbour and Schostak, 2005: 44). This approach is not as rigorous as methodological triangulation (Greene *et al.*, 1989) but is better suited to a study such as this which required much flexibility. While this study did not explicitly use snowball sampling, during the analysis stage complementary sources were sought following findings in CSORP data, and hence, the principle above applies.

4.4.1 Phase I. Initial Archive Visit and Document Gathering

During Phase I approximately 85% of CSORP files were collected, all GPB Pen, CRF files, and Reports of the Inspectors of Lunatics were collected. Fieldwork was restructured during an early stage of the first of two phases of data collection. On my first visit to the NAI I identified four potentially useful collections to address my research aims and questions upon consultation with a resident archivist:

- Chief Secretary's Office Registered Papers (CSORP)
- General Prisons Board Penal Files (GPB Pen)
- Convict Reference Files (CRF)
- Chief Secretary's Office Letter Books (CSO LB)

All NAI collections are stored in publicly inaccessible storage areas. Documents are assigned individual reference numbers and a reader must use finding aids to identify a document's reference ID and request the document which is then retrieved by staff and brought to the reading room. Accessibility varies between collections. CSORP files are the largest collection in the NAI, the most difficult to access due to their complicated finding aid system (See Appendix A), and the most unreliable—it is estimated that only 50% of files in the CSORP collection have survived and are in storage (Quinlan, 1994). CRF files use a similarly complicated

finding aid system. CSO LB and GPB Pen files are the most coherently organised, easily identifiable and retrievable.

Once the physical documents were accessed the first data collection method was a straightforward process for all four documentary sources: CSORP, GPB Pen, CRF, and CSO LB. This involved photographing documents and transferring the images onto an external hard drive by connecting a camera to my laptop to enable file transfers. Once a document was retrieved for viewing a researcher can seek permission from the resident archivist to photograph it for private research purposes and a legal copyright document must be signed by the researcher to state this purpose. With permission granted the researcher can photograph the document(s).

Almost all files were a similar physical size (approximately A4 dimensions) so taking suitable quality resolution images was simple. Files were usually photographed in full unless pages were left blank or significant sections were obviously of no interest. This was for two reasons. First, there was little time to survey document contents in any depth before photographing them for reasons explained above. Second, it was necessary to preserve the ordering of the files. Lengthy CSORP files which span several years contain many unique archive reference IDs and distinct correspondences are annexed in reverse chronological order with the most recent letter first and the earliest last. By photographing file contents selectively, the timeline and thread of correspondences can be lost. Since I was largely unaware during fieldwork which data would eventually be used, all pages were photographed from each file. Photographs were transferred onto the external hard drive and grouped in folders for each individual file.

4.4.2 Phase II. Complementary Files and Online Databases

The second phase of data collection derived from analysis of data collected in the first. A further 21 CSORP files were collected to address gaps in data collected

during the first phase. These files were identified from the catalogue of 506 CSORP files built up during the period before the NAI closed many of its services for renovations. The 21 CSORP files were collected in the same manner as during the first phase, by photographing and transferring images of the documents to an external hard drive. However, during this period more time was available to read files before deciding whether to photograph them, because I was mostly refining rather than creating a data set, and because these files were being collected for 'complementarity' (Greene *et al.*, 1989). Two CSO LB files were collected in this period using the same method and for the same complementary purposes.

During the second phase, online databases were also used. When certain notable events appeared in CSORP data, further information was sought by searching www.irishnewsarchives.com for key words related to the events. This was done through a centralised database which searches all 75 newspapers available during the study's period. When a notable event was identified searches of associated key words, such as an offender or administrative official's name, were conducted and limited to a period of two weeks after the event. This was to ensure search results were limited in size and accuracy. Twenty-one relevant newspaper articles were collected in this way.

The second database used was the archives of the *Journal of Mental Science*, to search for published works by notable psychiatric figures throughout the nineteenth century. Surnames were searched for the entire study period and seven articles by David Nicolson, former Governor of Broadmoor during the 1870s were collected. Similarly, articles were also collected from the *New Irish Jurist and Local Government Review*, the *Journal of the Statistical and Social Inquiry Society of Ireland*, and the *Dublin Journal of Medical Science*. The files are discussed in chapter seven and were relevant to key findings in CSORP data.

4.4.3 Strengths and Weaknesses of Documentary Studies

The use of documents had several advantages for this research. Documents facilitate retrospective research, enabling the past to be studied, and their spontaneous production by an author removes the researcher from the process of producing data (Sarantakos, 2013). This limits bias (ibid). In primary documents data can often be revealing and yield high-quality findings. Furthermore, documents do not react to their analyst, limiting the bias of the research process, and they can be re-tested or revisited. While documentary research is generally easily and quickly accessed, less time consuming, and more convenient to carry out than other methods (ibid), factors beyond the control of this study's research process mitigated these benefits somewhat. However, despite the challenges faced during this study's fieldwork these advantages still enabled the research to be carried out. The flexibility in being able to access alternative data sources quickly, easily, with minimal cost and with a similar data collection approach was crucial in redesigning the study.

Documentary research also has several weaknesses some of which affected this study (Sarantakos, 2013). Documentary studies depend on accessibility, and the archives I originally intended to examine were not accessible, requiring the research to be redesigned. Archives are often incomplete, as was the case with my primary data source (CSORP), of which only an estimated 50% is held in the storage. In at least two instances important avenues of inquiry were abandoned because documents were not in their allotted location.

Further, using archives and examining their contents can be complex and unreliable. The complexity of CSORP finding aids greatly increases the need for the researcher to become competent in using them, which therefore increases the likelihood that human error will affect the quality of the corpus of data returned. Having spent significant time and effort in understanding the nuances and complexities of using CSORP finding aids and double-checking files which were not available in their allocated location I managed to collect an estimated 60-65% of

the CSORP data I identified, which is a greater return than the expected 50% (Quinlan, 1994). After 1916 CSORP records became significantly less likely to

Additionally, one file of interest involving a female inmate released from Dundrum contained several personal letters written by her. However, the letters were illegible despite attempts to transcribe them with palaeography guides and second readings from NAI archivists and hence, I could not include it in the study. While author-bias is considered a weakness of documentary analysis (Sarantakos, 2013) this study was interested in documents such as letters because they are 'a repository of attitudes' (Prior, 2008b: 481). Finally, while documentary records are not usually generalisable (Sarantakos, 2013) this case study did not aim to be statistically representative.

4.5 Sampling and Using Documents

Robert Stake (1995: 4) writes:

> Case study research is not sampling research. We do not study a case primarily to understand other cases. Our first obligation is to understand this one case. In intrinsic case study, the case is pre-selected. (…) The first criterion should be to maximize what we can learn.

Yet the data collected in this research was shaped by decisions associated with non-probability sampling. NAI archives were a convenient source of various data types which benefitted this study's restructuring process. As Lewin (2005: 219) states:

> in the real world of social science research, non-probability sampling is widespread when time constraints and costs force the researcher to make compromises. The sample is often a group that the researcher has easy access to or has selected for a particular reason.

Convenience sampling is used wherever 'easy access drives the selection process' (ibid), as was the case in this research. Among the various NAI collections, CSORP data was the least convenient to use due to complexity and reliability issues.

However, CSORP data was well suited to addressing the study's research aims. It has only occasionally featured in literature on the history of insanity in Ireland and in limited depth (See Finnane, 1981; Robins, 1986). As CSORP data encompasses interactions between government and institutional actors it would enable the research aims to be addressed by providing new evidence on the history of criminal lunacy in Ireland while also being suitable to postcolonial analysis.

The increased reliance on convenience sampling also informed a decision not to use the Kew National Archives. Although the Kew National Archives do not feature in my study they were not ignored as they may contain records pertinent to criminal lunacy in Ireland which were deemed confidential to London, or less likely to be stored in Dublin. Once I developed preliminary idea of key findings and missingness, during the Autumn of 2017 I searched the online database at nationalarchives.gov.uk but no results were found which obviously related to these findings. The searches related to the period of 1838 to 1850 between the passing of the Lunacy (Ireland) Act, 1838 and when Dundrum opened. Conducted searches included variations on the following search terms: "1843 Select Committee", "Francis White", "John Nugent", "dangerous lunatics", "Nathaniel Sneyd", "John Mason". Searches were also conducted for the period of the early twentieth century for additional information related to the findings in chapter seven regarding the 1905 committee on Dundrum, the refractory block, habitual criminals and convict inmates.

Although no positive search results were returned it remains possible that the Kew National Archives hold interesting materials relevant to this study, and possibly relevant to the issues identified in the above searches. Having restructured my research design for the second time I encountered pressing time constraints which were further pronounced by the task of working through a larger body of data than I originally intended to collect, as described in the previous section. Therefore, I decided to compromise (Lewin, 2005) by focusing on the large body of data already collected as there was a significant possibility that a visit to the Kew Archives would

not be productive to address this study's specific research aims nor supplement its existing findings.

Secondly, as CSORP data provided a non-public perspective on criminal insanity in Ireland it was more likely to contain detailed information pertinent to the study's research questions. Private attitudes and policy decisions were more likely to be apparent in private communications than public reports. Pauline Prior (2004) points out the impossibility of knowing whether certain aspects of the treatment of criminal lunatics in the Reports of the Inspectors of Lunacy reflected the reality of life in Dundrum. However, Noam Chomsky explains how private correspondences can reveal rich data about institutional discourse:

> You look at the media, or at any institution you want to understand. You ask questions about its internal institutional structure. You want to know something about their setting in the broader society. How do they relate to other systems of power and authority? If you're lucky, there is an internal record from leading people in the information system which tells you what they are up to (it is sort of a doctrinal system). That doesn't mean the public relations handouts but what they say to each other about what they are up to. There is quite a lot of interesting documentation. (Chomsky, 1997)

As the CSORP collection contains such an internal record, particularly in letters and unpublished reports, CSORP data was explored as the basis for this study. This approach bears risks. As Stake (1995: 7) points out 'not all cases will work out well. It is important to make some early assessments of progress to see if the case should be dropped and another selected'. CSORP data may not have contained enough valuable data to achieve the study's aims. Therefore, early in the fieldwork I found that GPB Pen files could also enable the research aims to be addressed as they contained files on prisoners' penal records before being transferred to Dundrum between 1880 and 1916. Because these files were well organised and accessible, I could collect all 167 files within days. Therefore, if a CSORP-based study did not work out well, GPB Pen files could potentially provide a suitable alternative for the latter period of the study.

4.5.1 The Colonial Archive

Lindsay Prior asserts documentary analysts should be critically reflexive about their research materials as 'The processes that underpin the manufacture of documents are rarely made visible or accountable (…) looking at how documents are manufactured invariably provides insight into how we assemble facts about the world in general' (Prior, 2003: 30f). Instead of focusing solely on a document's content and how actors use content, researchers should also consider ''Archaeological' approaches that focus on how document content comes into being' (Prior, 2008a: 825), as well as 'how documents function in, and impact on, schemes of social interaction and social organisation' (ibid). Due to this study's scope I could not examine document production processes in minute detail but Prior's (2008a) conceptualisation of documents as a 'topic' as well as a 'resource' is pertinent for data used in this research.

Ann Laura Stoler shows how such a view relates to colonial archives, particularly regarding 'commissions of inquiry' which feature heavily in this study's findings.[31] Stoler argues colonial archives should not be viewed as 'sites of knowledge retrieval but of knowledge production' (Stoler, 2002: 90). Hence, the colonial archive is an example of what Foucault terms a *historical a priori,* or 'the law of what can be said' (Foucault, 1972: 128f).

For Stoler, researchers should resist the idea that classified documents in the archives 'are the sites where the secrets of the colonial state are really stored' (Stoler, 2002: 90) and instead trace how facts were historically produced and consumed. The archival researcher should focus on 'identifying the conditions of possibility that shaped what could be written, what warranted repetition, what competencies were rewarded in archival writing, what stories could not be told and what could not be said' (ibid). In this regard, colonial archives reflected power and therefore, had a role in shaping social interactions. This is akin to Prior's (2008a) argument on the

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[31] See Chapters Six and Seven.

role of documents. Stoler asserts that the 'commission of inquiry or state commission' was the quintessence of colonial history-making:

> By definition, commissions organized knowledge, rearranged its categories, and prescribed what state officials were charged to know. As the anthropologist, Frans Husken, notes of Dutch commissions in colonial Java, "'when nothing else works and no decision can be reached, appoint a commission' was a favourite response of colonial authorities." (Husken, 1994: 213; cited in Stoler, 2002: 104)

Commissions of inquiry represent the monopolistic mobilisation of legitimating narratives (Lloyd, 1993) for a colonial state to pursue and produce policies in its own interest. This research examines the content of archival documents and how they affect 'social interaction and social organisation' (Prior, 2008a: 825), in the context of nineteenth century Ireland. The analysis of commission of inquiry reports in this study account for these critiques.

4.5.2 Building a Sample through Archival Exploration

Because an exploratory approach is taken to establish the most basic criteria of the research topic (Sarantakos, 2013) I was tasked with figuring out 'how best to control the chaos of what seemed an infinite chain of documents' (Dirks, 2002: 47). My first criterion was to maximise what I could learn (Stake, 1995). During my initial visits to the NAI I began by surveying the CSORP finding aids to familiarise myself with their presentation, contents and the information I would need to record to develop a catalogue on Excel. Finding aids were collated biennially between 1850-1863, and annually thereafter until 1916 (Quinlan, 1994). Each one contains a subsection labelled 'Lunatic Asylums', under which are the subheadings 'Dundrum' and 'Lunacy Inspectors', both of which contain lists of files' subject headings indicating each individual document's content.

During a preliminary search of all the CSORP finding aids I noted the different types of files they contained to develop a cataloguing system on a Microsoft Excel

document.[32] I then collected four reports of commissions of inquiry into Dundrum. Since at this stage I was using my original snowballing strategy I examined the files and photographed sections, including the report files, to develop a data storage system on my external hard drive. Subsequently, the NAI announced its forthcoming closure during August 2016 leaving me with approximately five weeks to restructure my data collection.

Using a convenience sampling approach with the goal of maximising knowledge of the topic I decided to catalogue CSORP finding aids using key themes from relevant literature (Finnane, 1981; Kelly, 2008c, 2009a, 2014; Prior, 1997, 2003, 2004, 2005, 2008; Reuber, 1999) as inclusion criteria. Although case studies are generally a 'poor basis for generalizations (…). Certain activities or problems will come up again and again' (Stake, 1995: 7) which allows certain generalisations to be drawn. Therefore, in this case the data search was generalisable to relevant scholarship. The key terms guiding finding aids searches included: 'Criminal Lunatic', 'Dangerous Lunatic', 'Dundrum', 'Religion', 'Homicide', 'Disputes', 'Architecture', 'Infanticide', 'Escapes', 'Discharge', 'Feigning/Malingering', 'Hereditary', 'Temporary Insanity', 'Pleasure Men', 'Moral Treatment', 'Inspectors', and 'Curable/Incurable'.

However, the emphasis in case study research is on interpretation and data gathering should reflect this:

> We qualitative researchers do not confine interpretation to the identification of variables and the development of instruments before data gathering (…). Rather, we emphasize placing an interpreter in the field to observe the workings of the case, one who records objectively what is happening but simultaneously examines its meaning and redirects observation to refine or substantiate those meanings. (Stake, 1995: 8f)

Therefore, data collection was also informed by inductive evaluations of finding aids. Hence, data related to unanticipated issues was collected concerning

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[32] For each the following was recorded: file year, index number, subject detail, and initial correspondence number.

alterations to Dundrum's internal structure, inmate classifications, psychiatric appointments in Ireland, and prominent individual cases[33]. GPB Pen files and Reports of Inspectors of Lunacy were then collected in full and stored securely on an external hard drive.

Once all 121 CSORP files were collected, 59 files were selected and transcribed on to a single MS Word document comprising over 72,000 words. This was for retrievability purposes both during and after the analysis was conducted. Initial draft transcriptions were produced with the aid of voice recognition software by reading documents aloud and subsequently editing interpretation and punctuation errors. As most of the data was handwritten, a palaeography guide (National Archives [UK], no date) was used to interpret difficult handwriting. If an illegible word or letter combination was encountered, I referred to the guide which contains examples of eighteenth-century typography commonly considered unusual by today's standards. Selected transcribed letters were compared with NAI archivists' readings to ensure validity and accuracy.

4.6 Data Analysis Strategy

As this was an exploratory study, I was forming judgments about inclusion criteria while familiarising myself with an archive which appeared 'endless and banal' (Dirks, 2002: 48). The data analysis strategy used in this study relied upon theoretical propositions (Yin, 2018) from postcolonial theory and discourse analysis, as highlighted in Chapter Three[34]. I sought to examine propositions by Said, Fanon, Bhabha, and Mamdani also outlined in Chapter Three, regarding the role of discourse on criminal lunatics in colonial Ireland.

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[33] The prominent cases feature in Chapter Seven.
[34] See Figure 3.1 on page 84.

4.6.1 Coding, Explanation and Presentation of Data

Prior's (2008) work was used to develop provisional codes to categorise historical periods in Dundrum's history. Provisional codes are appropriate for exploratory qualitative studies which 'build on or corroborate previous research and investigations' (Saldana, 2016: 168). Since my revised research design precluded the possibility of analysing data as it was collected most of this process occurred between phases I and II of data collection. The approach of transcribing and analysing data after most of the fieldwork was conducted is not best practice in exploratory case study research as the volume of data can be overwhelming at that stage (Yin, 2018). However, as outlined in the research design section, this was a processual compromise due to obstacles encountered in accessing data which demonstrates the value of flexibility in case study research.

The historical periods identified from Prior's work included; 1) From care to control, (1850-1870s); 2) Disputes and security concerns (1880s-1893); 3) Increased security and vilification of prison inmates (1893 onwards). Substantial bodies of CSORP data corresponded to these three periods. These periods were then divided into separate categories which Prior (2008) highlighted as prominent issues in Dundrum's history:

Figure 4.3 - Provisional Coding of Research Periods

Period	Provisional Coding Categories
1850-1870s	a) Curable inmates; b) Escapes; c) Troublesome inmates.
1880s-1893	d) Disputes; e) Governor; f) Commission Reports; g) Asylum security; h) 'Bad' inmates.
1893+	i) Governor replaced; j) New asylum practices; k) Vilification of prison inmates.

After data was organised into these periods, an open coding process was then used to 'split the data into individually coded segments' (Saldana, 2016: 55). Several themes emerged from this initial coding process, particularly the theme of 'sympathy'. Therefore, the coding process was both deductive and inductive. The

initial provisional codes helped to organise the data broadly in relation to previous literature, while subsequent open-coding enabled the data to be examined for emergent issues.

This was an iterative process. The entire word document of transcribed CSORP data was eventually open-coded and organised into substantive sub-themes within each historical period from the provisional codes in the Figure 4.3 above. Subsequently, theoretical coding was employed as a second cycle method (Saldana, 2016) to synthesise data in relation to the theoretical and conceptual framework outlined in Chapter Three and below in the Foucauldian Discourse Analysis section.

This involved employing the two ways of using documents outlined by Lindsay Prior (2008a). First, the content of a document was coded in relation to the content of historical and theoretical literature in Chapters Two and Three. For example, the theme of sympathy was found to appear in three different forms; sympathy as *affect* which was evident from the data, and the two forms of epistemological sympathy mentioned by Said (1978).[35] Second, documents were coded as 'topic' to examine how they were produced, and how they function in shaping 'social interaction and social organisation' (Prior, 2008a: 825). This involved querying documents in relation to their function in discourse as described by Said in the previous chapter and the fourteen rules of Foucault's approach to discourse analysis outlined later in this section.

This process was developed into a narrative through an iterative process of explanation building described by Yin (2018: 180):

- Making an initial but tentative theoretical statement or explanatory proposition;
- Comparing data against this statement;
- Revisiting the earlier statement;
- Comparing other details of the case against the revision;
- Repeating this process for other data and statements

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[35] See page 89.

The explanatory propositions drew from the sources used for theoretical coding above. Once explanations were developed the NAI was revisited for phase II of the data collection process to address missingness and to enrich the findings by using additional data sources for 'complementarity' (Greene *et al.*, 1989).

Although much of the data used was original, two sections of the findings have been analysed by other historians. Therefore, rival explanations were examined (Yin, 2018), and the explanations developed in this thesis were checked in relation to previous literatures. The primary competing explanations concerned disputes at Dundrum (Robins, 1986) and escapes by 'troublesome' inmates (Prior, 2008). This thesis has enhanced those works by presenting new evidence on these issues and by offering a theoretically informed explanation from a postcolonial perspective.

Yin (2018) also highlights the importance of examining all available data in a case study. As shown in section 4.2 some data sources examined in this study were not widely used in the thesis. Although 167 GPB Pen files, and 44 CRF files were collected only one file from each source was examined in depth in the final thesis—although Dundrum's class composition is calculated from 155 GPB Pen files.[36] This was for two reasons. First, since the research design sought to use GPB Pen and CRF files as 'complementary' sources, they were only referred to after findings in CSORP data were exhausted. Second, due to constraints on evaluating data as it was collected, the sampling strategy devised in this study sought to maximise the quantity of data collected which would likely exceed what is typically considered the 'theoretical saturation' point. As Glaser and Strauss (1967: 61) explain:

> Saturation means that no additional data are being found whereby the sociologist can develop properties of the category. As he sees similar instances over and over again, the researcher becomes empirically confident that a category is saturated. He goes out of his way to look for groups that stretch diversity of data as far as possible, just to make certain that saturation is based on the widest possible range of data on the category.

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[36] See section 7.2

This process was employed during analysis rather than the data collection phase. Data was excluded during the theoretical coding process. While the GPB Pen and CRF files were generally useful to this study's aims they contributed less to the core categories of the study's theoretical formulation, i.e. the analytical categories with 'the greatest explanatory power' (Wahidin, 2002: 86). Therefore, the thesis features mostly CSORP sources.

Findings chapters are presented in chronological order, although there are some differentiations within two of the chapters. Different phenomena were coded according to different criteria which also affected how the data is presented in these chapters. The main form of data used throughout the study is in a narrative form (Stake, 1995) and hence, the dominant narrative is presented via 'thick description' (Geertz, 1973). However, in chapter five, because there are a significant number of escapes from Dundrum from 1854 until the 1880s and these were reported in CSORP data, it was possible to examine differences and similarities in how different escapes were dealt with for the duration of this period. A small number of recurring statements were made about escaped prisoners and therefore, in Section 5.2 the data is analysed according to the types of statements made rather than the chronology of events.

Furthermore, because of the theoretical framework adopted and the discourse analysis approach taken, this study was not restricted to a chronological analysis of data. Therefore, the end point of chapter six is in 1893 while the beginning of chapter seven is 1882 and data in chapter seven goes back to 1873. This is because although data was generally arranged chronologically, certain distinct historical discourses overlapped, and it was important to represent these discursive processes in the study thematically rather than chronologically using Foucauldian Discourse Analysis, which is described below.

4.6.2 Critical Discourse Analysis

As this thesis explores the relationship between representations and practices regarding criminal lunacy and the reproduction of colonial rule in Ireland, critical discourse analysis is a fruitful way to approach the topic. This approach gives primacy not to the content of a text but to the structures of knowledge texts represent at a historical moment. The choice of critical discourse analysis was primarily due to the desire to critique power relations from a sociological perspective, particularly the relationship between power and knowledge which is central to the works of Foucault (1971, 1977) and Said (1978). Foucault and Said are reference points in the sociology of punishment and postcolonial theory respectively, and therefore, the Foucauldian approach to critical discourse analysis which they both employ, is used in this study and is examined below.

Discourse Analysis (DA) examines qualitative aspects of communication, text, language, talk and conversation, as well as social practices and views and understandings of the social world (Atkinson and Heritage, 1984; Jupp, 1996; Marshall, 1995; Sarantakos, 2013). DA has followed three main traditions: the Frankfurt School, where 'discourse' derives from text linguistics; the Anglo-American/Essex School traditions, where written and oral texts are studied; and the Foucauldian approach (FDA) where 'discourse' is understood as an abstract form of knowledge (Wodak and Meyer, 2009). When used to examine how power affects and shapes social relations DA adopts a 'critical' focus and is, therefore, distinct from methodologies like linguistics, semiotics and ethnomethodology (Lupton, 1992). Critical Discourse Analysis (CDA) is primarily associated with Norman Fairclough, Teun van Dijk, Ruth Wodak and Chantal Laclau. Each approach to CDA reflects different philosophical orientations, research traditions, theoretical frameworks, and epistemological views, and definitions of terms such as 'critical', 'discourse', 'ideology', 'power', 'language' etc, are manifold (Wodak, 2002: 7).

The term 'discourse' has an abstract existence. While this thesis adopts the Foucauldian approach (FDA), Foucault himself acknowledged a general 'anxiety as

to just what discourse is' in his inaugural lecture at Collège de France entitled, 'Orders of Discourse' (Foucault, 1971: 8). Martin Reisigl (in Wodak, 2006) listed 23 different usages of the term 'discourse' throughout Foucault's lecture. Norman Fairclough and Ruth Wodak (1997: 261) state discourses 'are partly realized in ways of using language, but partly in other ways.' Discourses have been defined as 'socially constructed frameworks of meanings which act upon people like rules, norms or conventions. (…) Language and discourse are more than words and sentences; they are ways in which individuals present themselves' (Sarantakos, 2013: 331). Discourses also operate more broadly as 'systems of thought and ways of carving our reality. They are structures of knowledge that influence systems of practices' (Chambon, 1999: 57). Therefore, discourses embody structures of knowledge in both linguistic and non-linguistic forms and become embedded in social practice and interactions.

Scholars' use of the term 'discourse' becomes clearer in their research. Teun van Dijk (1987, 1993) examined how 'elite' discourse reproduces racism. van Dijk (1993: 249) approached CDA 'by focusing on the role of discourse in the (re)production and challenge of dominance'. van Dijk (1987, 1993) identified social actors with access to and control over discourse and analysed their communications. Yet he neglected to account for how these speaking positions were created and how they consolidate or create access to discourse. Hence, access to discourse naturally derives from first having access to a position of power.

Norman Fairclough (1989, 1995) takes a Marxist perspective to examine the ways social inequalities and conflicts arise from individuals' relations to modes of production. Fairclough examined the semiotic aspects of language including individuals' ways of being (style), ways of acting (genre), and ways of interpreting the world (discourse), which he analyses and then contextualises historically (Fairclough, 1992). Hence, for Fairclough social actors use discourse in expressing linguistically, their subjective interpretation of the world.

Evidently, approaches to CDA can vary with each researcher's approach. As CDA seeks to intervene in social conflict on the side of oppressed groups, it inevitably examines discursive relationships involving men/women, racial groups, class, rights advocacy and so forth, openly stating its emancipatory motivations (Fairclough and Wodak, 1997). Therefore, CDA embraces elements of methodological bias:

> all critical discourse analysts try to explore the role of discourse in the production and reproduction of power relations within social structures. In particular, they focus on the ways in which discourse sustains and legitimises social inequalities. In this, CDA begins with a clear political agenda. (Wooffitt, 2005: 138)

Despite Foucault's inconsistent use of the term discourse, his approach can be described. Stuart Hall states of Foucault's methodology that 'the first point to note is the shift of attention in Foucault from 'language' to 'discourse'. He studied not language, but **discourse as a system of representation**' (Hall, 2001: 72, emphasis in original). Unlike van Dijk's CDA approach for instance, Foucault argues that discourses have productive power, as 'practices that systematically form the objects of which they speak' (Foucault, 1972: 49) where, 'Each discourse undergoes constant change as new utterances (…) are added to it' (in Burchell *et al.*, 1991: 54). Foucault argues that objects themselves have no meaning until they appear in discourse (Foucault, 1972). This is illustrated by Said's comments on textual representations of the Orient:

> Most important, such texts can create not only knowledge but also the very reality they appear to describe. In time such knowledge and reality produce a tradition, or what Michel Foucault calls a discourse, whose material presence or weight, not the originality of a given author, is really responsible for the texts produced out of it. (Said, 1978: 94)

Foucault and Said do not deny objects' material existence but emphasise that objects acquire meaning through discourse. Therefore, discourse has agency as it can produce meaning (Wooffitt, 2005). For Foucault, this relates directly to the nature of

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the production of knowledge as Hall explains: 'Foucault argues that since we can only have a knowledge of things if they have a meaning, it is discourse – not the things-in-themselves – which produce knowledge' (Hall, 2001: 73).

In FDA, a second point of departure is the role of power in relation to discourse and knowledge production, a concept Foucault calls 'Power/Knowledge':

> We should admit rather that power produces knowledge (…); that power and knowledge directly imply one another; that there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations. (Foucault, 1977: 27)

Therefore, power and knowledge are mutually constitutive rather than hierarchically related. The kinds of knowledge or meaningful statements produced in discourse reflect a relationship with the forms of power in society, which in turn make these kinds of knowledge meaningful. As Stuart Hall (2001: 76) comments 'Knowledge linked to power, not only assumes the authority of 'the truth' but has the power to *make itself true*.'

This theory of discourse implies a constructionist ontology, particularly with regard to the human sciences. Developing an ontological understanding of the *nature* of various deviant categories in human history remains beyond the capacities of science. It is impossible to know what a 'criminal lunatic' is and how it originated, and therefore, its meaning to Western cultures is socially constructed rather than scientifically discovered:

> It would be inadequate to say that one was dealing here with the consequences of a discovery: of a sudden discovery by a psychiatrist of a resemblance between criminal and pathological behaviour, a discovery of the presence in certain delinquents of the classical signs of alienation, or mental derangement. Such facts lie beyond the grasp of contemporary research: indeed, the problem is how to decide what made them possible, and how these 'discoveries' could lead to others that took them up, rectified them, modified them, or even disproved them. (Foucault, 1972: 43)

For Foucault, the researcher's response to this should not be to attempt to identify the best science, or to do better science, but to examine deviant categories historically by scrutinising the processes, including scientific ones, which enabled their meanings to hold weight in Western history. If the meanings of the terms 'criminal', 'madman', or 'criminal lunatic' exist only in society and culture then so too do the meanings of crime experts, and psychiatrists who supposedly objectively *know* these subjects. For Foucault, the researcher's task is 'in seeing historically how effects of truth are produced within discourses which in themselves are neither true nor false' (in Rabinow, 1991: 60). This is a question of power; hence, the term *power/knowledge*.

Foucault and Said argued such deviant constructs were developed in the modern period to appropriate post-Enlightenment scientificity for the purposes of social regulation and control, and in Said's case, colonial rule. Modern science could be exploited to reflect a society's governing interests and human scientific discourse was integral to this process. As the reviews of literature in chapters one and two have demonstrated, historical scholarship on crime and madness is overwhelmingly sceptical of the validity of modern psychiatry, correctly so in my view. As Mark Finnane asserted of nineteenth century Ireland: 'Undoubtedly the growth of popular dependence on psychiatry was encouraged by that specialty's association with a profession possessed of a burgeoning confidence in its own future' (Finnane, 1981: 223).

In the relationship between power and knowledge involving modern human sciences, institutions played a central role, particularly those for deviants or the ill. As Hall states of Foucault's approach, institutions and their practices view knowledge 'as always inextricably enmeshed in relations of power because it was always being applied to the regulation of social conduct in practice (i.e. to particular bodies)' (Hall, 2001: 75). Institutions are, therefore, central to the focus of FDA. Hence, this thesis takes a historical exploratory case study approach to

understanding the role of Dundrum in nineteenth century colonial Ireland by conducting a critical discourse analysis of knowledge involving that institution.

Because discourses convey forms of knowledge beyond language CDA was preferred to conversation analysis and ethnomethodology. These methods examine language because so much of the social world is mediated through language (Punch, 2005), but they focus more on microsocial settings and how language expressions reveal social actors' interpretations of the world. This thesis is also interested in macro historical views of the ways in which language relates to power. This approach has been particularly important in social histories of insanity which have shown that the speech of the madman has almost always been ignored, dismissed, or considered a sign of their madness (Foucault, 1967; Porter, 1987). As outlined in the previous chapter this thesis is informed by the view that during the nineteenth century Ireland was oppressed under colonialism and that such relationships are partly revealed and maintained by discursive means.

4.6.3 Foucauldian Discourse Analysis

In his inaugural lecture at the *Collège de France* entitled 'Orders of Discourse' (1971) Michel Foucault outlined a more structured elaboration of his discourse analysis method than in his texts *The Archaeology of Knowledge* (1972) and *The Order of Things* (1970). He reflected on the latter, shortly after publication that 'the theory of discourse is still a shambles, 396 pages to re-do' (in Elden, 2017: 8). The aim of his lecture was to elaborate the postulation:

> I am supposing that in every society the production of discourse is at once controlled, selected, organised and redistributed according to a certain number of procedures, whose role it is to avert its powers and its dangers, to cope with chance events, to evade its ponderous, awesome materiality. (Foucault, 1971: 8)

This section will outline this discourse analysis approach and its relevance to this study, illustrate and explain specifically how it will be operationalised, and justify

the reasons for this approach. Foucault began by identifying three types of rules governing discourse: Rules of exclusion, Rules internal to discourse(s), and Rules of rarefaction. The main propositions in the lecture are outlined in Figure 4.4 below.

Figure 4.4 - Rules of Foucauldian Discourse Analysis (Foucault, 1971)

Archaeology		
I. Rules of Exclusion	**1) Prohibition** Statements prohibited based on Taboos; Inappropriate Statements; Speaking Rights.	
	2) Reason/Folly Madman's speech was either ignored or considered more rational than the sane; Speech distinguished the madman from the sane.	
	3) Institutional Ratification Institutions decipher, record, interpret, and re-organise statements into new meanings; Maintain the doctor/patient relationship, where the patient speaks without agency. Doctor listens and decides the truth/falseness of speaker's statements.	
II. Internal Rules	**4) Proliferation** Discourse changes with new utterances; Texts proliferate the discourse; A discourse must be repeatable and will be repeated.	
	5) Author Unifies the discourse; Author-function makes distinguished figures identifiable with a discourse.	
	6) Disciplines Core concept of the discourse goes unchallenged; Incites new propositions; Are not the sum total of 'truths' – includes errors; Method and Theory determines statement permissibility; Hierarchical system of control governs new statements.	
III. Rarefaction of Speaking Subjects	**7) Rituals** Qualifications of speakers; Agreed roles of speakers.	
	8) 'Fellowships' Figures who preserve, reproduce and circulate a discourse without making new propositions; Protect the positions of those 'in possession' of discourse.	
	9) Doctrine Frames statements permissible as 'true'; Make the discourse recognisable; Excludes fanatics and those Othered based on Race, Class, Nationality etc.	
	10) Appropriation Discourse can be appropriated externally; It reflects wider social conflict.	
Genealogy		
Historical Analysis	**1) Reversal** Whatever the discourse purports to be, identify its reverse.	
	2) Discontinuity Historical events are not necessarily causally related.	
	3) Specificity Discourses are specific i.e. not necessarily intelligible through existing knowledge.	
	4) Exteriority Examine whether there may be an alignment of chance events which enabled a discourse to emerge at a point in history.	

I. Rules of Exclusion

Foucault (1971) identified three processes by which certain statements are excluded from discourse, including: 1) 'prohibition'; 2) the binary between 'reason/folly'; and 3) institutional ratification. These rules operate at the level of common sense.

1) **Prohibition:** Implies that individuals intuitively understand limitations regulating the statements they can freely make, thereby excluding intolerable statements (ibid). Prohibitions take three forms: taboos attached to topics, statements inappropriate to circumstances, and assignment of speaking privileges and rights to make certain statements (ibid).

2) **Reason/Folly:** The historical duality between reason and folly polarises discourse. Since the Middle Ages a madman's speech was rendered 'null and void' yet paradoxically, only the madman's utterances could be considered prophetic, or 'revealing some hidden truth' (1971: 9). The madman's statement was either ignored entirely or perceived with greater rationality than the sane, thus distinguishing him from the sane.

3) **Institutional Ratification:** In the modern period *institutional systems* were established to decipher deviant speech, including doctors and psychiatrists who listen to, record, and re-organise (non)speech into new knowledges with new effects. These institutions create asymmetrical power relationships between listeners (doctor/psychiatrist) and speakers (patient/inmate). The speaker is devoid of agency and the listener assigns a 'true' or 'false' status to the speaker's statements according to a governing discourse i.e. criminal lunacy. The institution assembles various practices and forms of knowledge for the listener's use such as law, medicine, punishment, pedagogy, economics, and so forth.

The institution's role is vital. The listener's power derives from the institution's presence which 'tends to exercise a sort of pressure, a power of constraint upon other forms of discourse' (Foucault, 1971: 11), diminishing the influence of alternative forms of knowledge. By constraining other forms of knowledge the

institution brings the madman and psychiatrist into a binary speaker-listener relationship. Therefore, the governing discourse brings into existence the situation, forms of knowledge, and subjects which it appears to be working to resolve.

While these institutions and governing discourses appear 'scientific'—Foucault is referring to human sciences—institutions soon seek validation in more traditionally 'legitimate' systems of knowledge, such as sociology, psychology, medicine and psychiatry (Foucault, 1971). Institutional expertise and practices associated with novel human scientific knowledges inevitably weaken over time, while the institution is empowered through more traditional knowledge systems (ibid). Therefore, emergent institutions are negatively related to the social and expert practices they embody.

II. Internal Rules

Foucault argues that discourses are partially self-governed by a second system of three 'internal rules': 4) rules governing 'discourse which *is spoken* (…) and which remains to be spoken'; 5) discourses are made coherent or given an 'origin' by an author; and 6) that enable a correlate 'discipline' to form (Foucault, 1971: 12ff, emphasis in original).

4) **Proliferation:** The proliferation of specific statements involves three elements: First, discourse is never fixed and only partially represented by what is stated, which incites further statements. Second, discourses can change, and texts are important in producing and proliferating new and distinct knowledges, bringing the original discourse 'up to date' (Foucault, 1971: 13f). Third, repeated statements from a discourse such as commentaries are often masked as 'new', where in fact, they contain 'perhaps, nothing other than (…) simple recitation. (…) The novelty lies no longer in what is said, but in its reappearance' (ibid). Proliferation of discourse involves partially representative statements, changeability, and repetition.

5) **Author:** The author plays a role in unifying a discourse: 'not the author in the sense of the individual who delivered the speech or wrote the text in question' (Foucault, 1971: 14), but the figure associated with 'a particular group of writings or statements, lying at the origins of their significance, as the seat of their coherence' (ibid). Marx's canonical position among modern theories of capitalism is an obvious example, although Foucault argues that since the seventeenth century the author's prominence has declined in the sciences (ibid). The absence of unifying figures from modern scientific discourse enables 'experts' to adopt the 'author-function', to proliferate their own writings and accumulate authority within a discourse (ibid).

6) **Disciplines:** Discourses enable related disciplines to form:

> disciplines are defined by groups of objects, methods, their corpus of propositions considered to be true, the interplay of rules and definitions, of techniques and tools: all these constitute a sort of anonymous system, freely available to whoever wishes, or whoever is able to make use of them, without there being any question of their meaning or their validity being derived from whoever happened to invent them. (Foucault, 1971: 15)

Therefore, the core construct underpinning modern disciplines and processes reinforcing it tends to escape scrutiny. Their autonomous functioning comes from several interrelated factors. First, unlike with commentary, disciplines incite the formulation of new statements and propositions. Second, 'a discipline is not the sum total of all the truths that may be uttered about something' (ibid), and hence, must tolerate and consist of errors. Third, expert statements cannot be truisms, and 'true' statements which do not conform to approved methodological and theoretical processes can be denied disciplinary ratification. Fourth, 'disciplines form a system of control in the production of discourse' (Foucault, 1971: 16), which limits the production of new 'expert' statements to those consistent with the discipline. Therefore, disciplines incite new propositions which do not challenge their core construct; they produce errors; are governed by approved methodological and theoretical processes; and form hierarchical reproductive systems which ensure their proliferation through specific types of new statements.

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1. *III. Rarefaction of speaking subjects*

Foucault's final system of rules illustrates the conditions required for an individual to acquire speaking status in a discourse. These rules create a hierarchy of subjects who can speak and in what capacity. The limitation of speaking subjects encompassed four rules: 7) Rituals; 8) 'Fellowships' of discourse; 9) Doctrine; and 10) Appropriation.

7) **Rituals**: Rituals define the qualifications required (formal or informal) before a speaker's statements are considered 'meaningful':

> ritual (…) lays down the gestures to be made, behaviour, circumstances and the whole range of signs that must accompany discourse; finally, it lays down the supplied, or imposed significance of the words used, their effect upon those to whom they are addressed, the limitations of their constraining validity. (Foucault, 1971: 18)

This process confers the speaker's 'expert' status and distinguishes them from all other potential speakers in relation to the discursive object. The expert can directly affect the meaning of the discourse as well as its rules and processes.

8) **Fellowships:** The role of fellowships of a discourse is to preserve, reproduce, and circulate it 'within a closed community, according to strict regulations, without those in possession being dispossessed by this very distribution' (Foucault, 1971: 18). For example, in psychiatry this role is usually played by Medical Officers whose medical reports are passed to the psychiatrist for interpretation.

9) **Doctrine:** Establishes a discourse's scope by framing the boundaries of permissible statements and making them recognisable to others. It excludes heretics and fanatics, and thereby associates its own system of thought with Reason. In this respect, 'doctrine links individuals to certain types of utterance while barring them from all others' (Foucault, 1971: 19). The boundaries for permitting statements can be delimited based on individuals' 'adherence to a class, to a social or racial status, to a nationality or an interest, to a struggle, a revolt, resistance or acceptance' (ibid).

10) **Appropriation:** The final rule of rarefaction concerns the appropriation of discourse. Discourses are always amenable to external appropriation which might modify its purpose. Foucault takes the example of education, which ideally should be accessible by anybody: 'But we well know that in its distribution, in what it permits and in what it prevents, it follows the well-trodden battle-lines of social conflict' (ibid). Hence, while education is a fundamental element of social life, the forms it takes, its general accessibility, and effects on individuals varies in ways that reflect wider social processes.

Discourse and Power

Foucault states these four rules—rituals, fellowship, doctrine, and appropriation—'are the main rules for the subjection of discourse' (Foucault, 1971: 19) which brings a discourse under control for a purpose. If discourse serves a purpose and is controlled it has an obvious relationship to power and Foucault argues this relationship is concealed by four contributing factors.

First, discourses postulate an 'ideal truth'—in this case, the *fact* of 'criminal lunacy'—borne out of an 'immanent rationality' (Foucault, 1971: 20) and interested only in the pursuit of scientific knowledge. Again, he is referring to modern discourses such as medicine and justice, and he argues that they subsequently deny that their 'ideal truth' is postulated by denying the ways in which discourse itself operates (i.e. the ten rules outlined above). As already shown in this study, 'criminal lunacy' was established in the legal system long before Dundrum, in the Criminal Lunatics Act, 1800. Scholarship shows that throughout the early nineteenth century its 'truth' status was reinforced rather than questioned.

Second, Foucault (1971) argues the establishment of a 'founding subject'—which in this study, refers to the 'criminal lunatic'—animates the discourse, bringing a presence to a previous association of meanings. This personification reifies a discourse while bringing the knowledge and practices previously associated with

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its constituent parts—crime and insanity—into direct relation. Hence, treatment of the insane, and punishment of the criminal were no longer abstractly related. As Menzies (2001: 131f) observed, criminal lunacy, 'posed a litany of administrative and pragmatic challenges' to institutional psychiatrists.

Third, the discourse will refer to an 'originating experience' (Foucault, 1971: 20), giving the impression that the object already existed prior to its conveyance in discourse. If such an object exists, it will contain 'meanings our language merely has to extract' (ibid). Therefore, such discourses claim to discover ideal truths but as Lindsay Prior states 'scientific facts are not so much discovered as created and invented' (Prior, 1993: 14).

Fourth, Foucault identifies the problem of 'universal mediation' (1971: 20f) whereby the discourse is communicated through extravagant concepts expressed in single terms. This makes the discourse appear sophisticated but with little substance, yet immediately accessible to all and more likely to circulate widely (ibid). 'Moral insanity' would be an example of this, as its social meaning clearly communicates a person deviates from supposed moral norms, while its meaning as a psychological disorder remains obscure.

Therefore, the three sets of rules—exclusion, internal, and rarefaction—governing how a discourse operates are concealed by four processes: 1) postulating an ideal truth; 2) personification; 3) discovery; and 4) abstract conceptualisation. Through these processes discourses exploit Enlightenment principles of rationally-informed, evidence-based science. Their claims are presented as rational and 'true', they appear real through personified representation, they posture as scientific discovery, and proliferate through the social body as mere slogans but with powerful social effects.

For Foucault (1971: 21), discourse, while subjected to power, conceals its true functioning 'to master and control the great proliferation of discourse in such a way as to relieve the richness of its most dangerous elements'. In this regard what is

'dangerous' is determined by 'a sort of dumb fear (…) of everything that could possibly be violent, discontinuous, querulous, disordered, and even perilous' (ibid). Therefore, this can be fear of the various classes of deviance which proliferated throughout the nineteenth century, but also fear of dispossession of control of discourse and positions of authority. This point was illustrated by the eighth rule of discourse where *fellowships* enable a discourse to circulate without authority figures being dispossessed of control of the discourse.

If, as David Lloyd (1993: 6) argues, the state secures consent and legitimacy for its political and legal activities by monopolising the 'field of possibilities', then discourse serves state power by the processes Foucault describes above. Furthermore, Lloyd argues that identity narratives are central to this process (ibid). By the early nineteenth century insanity in Ireland was significantly exaggerated, as in the claim: 'there is nothing so shocking as madness in the cabin of the Irish peasant' (Select Committee on the Lunatic Poor, 1817: 23). Hence, criminal lunacy falls within the category of a problem both invented, as endemic to Irish society, and to be controlled by the colonial state.

Genealogy: Using Foucauldian Discourse Analysis

Foucault (1971) proposes two complimentary analytic groups: Critical [Archaeology], and Genealogy. Archaeology involves the ten rules outlined above. Genealogy involves four brief principles aiming towards a general historical analysis, which include 'reversal', 'discontinuity', 'specificity', and 'exteriority' (1971: 21f). Archaeology and genealogy are complementary analyses. As Foucault (1972: 164) states, 'the archaeological description of discourses is deployed in the dimension of general history'. Genealogy is concerned with the formation of discourse over time while archaeology individualises and minutely examines specific elements within this broader history.

1) **Reversal:** The principle of *reversal* encourages the analyst to ask what a discourse purports to achieve and contemplate its reverse (Foucault, 1971). If an author is celebrated as advancing the scientific field or promoted to an authoritative position, it will have a negative effect in 'cutting-out and rarefaction of discourse' (1971: 22), hence, marginalising other possible voices and knowledges. In *Discipline and Punish* Foucault (1977: 271) suggests that rather than seeking to resolve the prison's perpetually highlighted 'failure' to both rehabilitate and punish, we should instead ask: 'Is not the supposed failure part of the functioning of the prison?'.

2) **Discontinuity**: Asserts that different elements of a discourse sometimes come together but not always (Foucault, 1971). Distinct historical events do not inevitably flow from one into another in a causal relationship and historians should scrutinise their connections.

3) **Specificity**: States that a discourse should be regarded, simply, as specific. The world 'does not work hand in glove with what we already know' (Foucault, 1971: 22) and a discourse should not be considered according to a 'prior system of significations'.

4) **Exteriority**: This can be considered as the 'external conditions of existence' (Foucault, 1971: 22) which enable a discourse to emerge at a historical moment. This does not require 'context-setting', but to look for the alignment of chance events which may contribute to a discourse emerging.

This approach to critical discourse analysis was employed by Edward Said (1978) in *Orientalism*. Therefore, by applying this approach in a different colonial context and to a different discursive problem, this research can be generalised theoretically to scrutinise the applicability of Said's ground-breaking work.

4.7 Ethical Considerations

Gaining access to the NAI is a simple process whereby the researcher completes an application form and provides proof of identification and address. Since the NAI is a public service building any private citizen can access the archives with these documents. Although a small number of data sources at the NAI require research approval by respective bodies, such as the Health Services Executive[37], this study only made use of publicly available collections. Hence, the data used throughout this thesis exists in the public domain. Furthermore, documents should be handled with care. In this research I occasionally encountered fragile documents and it is the researcher's responsibility to ensure the preservation of the data they encounter so others may examine it in the future.

The College Research Ethics Committee at Nottingham Trent University concluded this study did not require formal ethical approval but originally stipulated I anonymise individuals named in the data due to concerns about potential harm to living relatives. As this data is already in the public domain and key literature on Dundrum (Prior, 2005, 2008) names individuals discussed in this study, the Committee reconsidered and permitted individuals to be named. However, as Fonow and Cook (1991) argue there is an ethical dilemma involved in dealing with intimate details of research subjects' personal lives.

A related issue is in the handling of documentary evidence. Since this study is itself a representational practice there is an ethical responsibility in representing data. The researcher should conduct research ethically and control for bias by remaining sensitive to contrary evidence (Knepper, 2016). There was little evidence contrary to the ontological position taken, that 'criminal lunacy' in Ireland and Europe, was an invention rather than an objective discovery. The primary concern was that the empirical data used was transcribed and reproduced in an honest and accurate way, which the theoretical interpretation would follow from. This was partly the reason

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[37] Ireland's public health service.

that document transcriptions were checked with NAI archivists, a process which also added validity to the findings.

Knepper (2016) also highlights that theoretical partisanship can lead a researcher to ethically problematic analyses, although it this not in itself illegitimate. Prominent examples in sociological histories of punishment include the early twentieth century applications of biological positivism, and Knepper takes Harry Elmer Barnes' *The Evolution of Penology in Pennsylvania* (1927), as an illustrative case. Barnes begins his inquiry from a eugenicist perspective and interpreted history from there, rather than from documentary sources or by subjecting a theory to empirical testing. In this research I drew on a range of postcolonial perspectives—albeit, mostly canonical ones—to allow the data to illuminate the pertinent aspects of different theories (Bhabha, 1984; Fanon, 1965, 1967; Mamdani, 2012; Said, 1978).

Finally, Mary Bosworth argues that the emotional and ideological issues associated with crimes and punishment transcend time and culture to such an extent that historical research on this matter evidently 'rests on human suffering' (Bosworth, 2001: 438). Although this study is not solely criminological, itself a contested field (See Sparks *et al.*, 1996), due to this study's focus it also 'a profoundly affective enterprise' (Bosworth, 2001: 438). Supervision was used as an opportunity to manage the affective processes of engaging with the sometimes harrowing detail revealed in the data, to seek advice and deal with anxieties over pursuing and documenting such avenues of inquiry.

4.8 Validity and Reliability

Validity in qualitative research is concerned with the degree to which 'observations (…) can be considered a close approximation to the 'truth' of a particular matter' (Henn, Weinstein and Foard, 2008: 208). This study sought to fulfil validation criteria outlined by Yin (2018), who identified four elements of validity relevant to

qualitative case studies, including *construct validity, internal validity, external validity, and reliability.*

Construct validity refers to the process by which the theoretical construct used in the research measures the constructs it is supposed to (Sarantakos, 2013). In this research key considerations are whether 'criminal lunatics' should be examined by a critical discourse analysis of archival documents. To ensure construct validity I have drawn on multiple sources. Historical scholarship on crime and insanity has taken a constructionist approach, arguing particularly that the notion of 'insanity' is a social construct. Changes in how criminal insanity was treated have been demonstrated i.e. 'from care to control' (Prior, 2003; 2008); from 'moral treatment' to 'psychiatric pessimism' (Finnane, 1981).

Archival data sources contain discussions about criminal lunacy which influenced changes in their institutional treatment at Dundrum. These changes are examined across multiple documentary sources to enhance the reliability of findings and to ensure the claims made about findings reflect real world activities. Furthermore, the data sampled from CSORP sources represent 'deviant cases', or instances 'where things go differently' (Perakyla, 2011: 369). The appearance of such documents in government files places them in a small minority of statements made about Dundrum inmates which were of interest to social and political audiences outside of the asylum. I have conceptualised the knowledge embodied in these documents and institutional practices as a 'discourse', which was 'critically' analysed as I am particularly interested in the role of power (colonialism) in shaping practices at Dundrum. Hence, this research draws on various sources to establish the ontological conception of its constructs and devises an analytic approach which fits with and builds upon existing theoretical and historical work in the field (Yin, 2018).

Internal validity is less applicable to exploratory studies as it is more concerned with causal relationships and therefore, more applicable to explanatory studies (Yin, 2018). However, this study makes 'inferences' about the sequence of events and statements it describes and takes at least three measures to validate such inferences.

First, it converges evidence from different sources, one primary (CSORP) and others 'complementary'. Second, it explores rival explanations from relevant literature which have observed similar historical phenomena. Furthermore, specific coding processes and an iterative explanation building approach were used to ensure the data observed was consistently interpreted and related to the study's theoretical framework.

External validity was addressed in research by considering generalisability in terms of its theoretical approach rather than the more traditional notion of statistically significant generalisation (Yin, 2018). As an exploratory case study, the original research questions were revised as data sources became more familiar, to more appropriately scrutinise the material. 'How' questions were posed to subject the data to a theoretical interpretation (ibid). This encouraged shifts and continuities in knowledge and practices at Dundrum to be generalised to the study's theoretical framework. Hence, 'thick description' (Geertz, 1973) was used to exhibit the data's relevance to the study's theoretical explanations.

The study established reliability by documenting the research processes in detail, which is described in this chapter. The research design, data collection, sampling, coding and analytical processes are reproduced to illustrate how this study was conducted in an appropriate fashion, and to demonstrate how the study might be replicated (Yin, 2018). Although opportunities to replicate case studies are rare (Yin, 2018), Silverman (2005) recommends that the research process, including fieldnotes and processes, should be documented so that it can be inspected by other researchers and replicated if desired. In this research all transcripts of findings, Excel files used as a database for archive cataloguing, and individual photographs of files have been retained for such purposes. Retention of photographs of NAI files are permitted for private research purposes. Hence, all my data and transcriptions can be inspected for verification and replication purposes.

4.9 Limitations

This study was limited by several factors both general to qualitative research and specific to this study. Firstly, the study was limited by my subjective interpretation of the material used at all stages of the research process. Because interpretation is an inherent part of constructionist research, my attitudes and interests as a researcher inevitably informed the study throughout the process, and therefore, shaped its scope and outcome. Furthermore, it was not possible to obtain an objective transcription of all the data used in my study. For example, my palaeography competency in transcribing often difficult handwriting can produce inaccuracies in transcriptions.

Several limitations arose from the research design and analysis. First, the study does not account for the position of female offenders to any substantial extent. Only scattered mentions of women occur in the findings, although one significant case[38] is examined. Hence, its use of feminist criminological literature as discussed in section 3.4 is partly subject to Phyllis Chesler's critique of Erving Goffman's *Asylums:*

> Like most people, [Goffman] is primarily thinking of the debilitating effect—*on men*—of being treated like a woman (as helpless, dependent, sexless, unreasonable—as 'crazy'). But what about the effects of being treated like a woman when you *are* a woman? And perhaps a woman who is already ambivalent or angry about just such treatment? (Chesler, 1974: 35, cited in Smart, 1977: 148)

The study's reliance on materials at the NAI also limited its scope. While the reasons for this approach were addressed earlier in this chapter, a focused search of the Kew Archives may shed new light on remaining knowledge gaps. From data used in this study it was not possible to examine in significant depth the relationship between Sneyd's case in 1833 and the passing of the Lunacy (Ireland) Act, 1838 which was attributed to it; a similar issue occurred in considering the rationale for establishing Dundrum and the 1843 Committee on the Lunatic Poor. Finally, limited semi-

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[38] See chapter seven.

private information was found on the motivation for setting up the 1905 committee[39] and David Nicolson's appointment to the committee. A search of Kew archives would clarify if further empirical analysis of these developments is possible.

The moral panic analysis was confined to a single notorious 'case' in 1833 with an aim to understand the social construction of criminal lunacy in Ireland and the legislation that followed the case. The moral panic analysis applied to the case[40] could be extended to examine the subsequent escapes from Dundrum especially in instances where they received media attention, but also to examine the ongoing enforcement of rules for the continued labelling of Dundrum's inmates. Furthermore, additional notorious 'cases' arriving at Dundrum throughout the study's broad period could be analysed through this lens.

The study gave limited attention to the issue of disease. As it was more concerned with interactions between institutional and political actors in Ireland and England, questions of disease and medicinal processes rarely featured. As knowledge and practices regarding mental disease developed in international contexts throughout the nineteenth century, this study gives a limited account of psychological medicinal processes at Dundrum as well as their development over time and in comparison with similar institutions in Europe and beyond.

Furthermore, the study also fails to address a sustained criticism of Edward Said's (1978) *Orientalism*, that Said fails to amplify Oriental subject's voice, and refers only to the ways in which they have been talked about. It can be argued that this reinforces the disempowerment of the criminal lunatic in this study.

To mitigate these issues several steps were taken. The interpretive process used in this research was foregrounded by researcher bias being declared at the outset. It was my intention to produce a postcolonial analysis on the basis that Irish history has been profoundly shaped by its colonial past, and the continued legacy of

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[39] See chapter seven
[40] See section 5.1.

colonialism in the present. In this regard, this study sought to intervene on the side of the oppressed and openly declare its bias, as is a condition of CDA. Transcribed data was also validated by archivists at the NAI on several occasions to control for the possibility that data was consistently being misrepresented.

Secondly, it was possible to partially address gaps in the study by drawing upon existing literature on Sneyd's case and the imposition of the Lunacy (Ireland) Act, 1838 (See Cox, 2012; Kelly, 2008a, 2009a, 2017; Prior, 2003). These sources offer valuable context to situate developments in psychological medicine in Ireland in relation to those in Europe and internationally. Furthermore, although this study did not account for the distinct psychological treatment of female offenders, feminist criminological scholarship was included in its analytical approach to draw attention to specific psychiatric processes for characterising deviant behaviours.

Thirdly, the study sought to emphasise discourse about research subjects, rather than subjects themselves. Therefore, individual inmates who emerged throughout the study did so based on their subjection to and implication in the production of colonial discourse. Hence, the primary emphasis was on knowledge and power about a deviant category, and the appearance of human subjects in the data was a consequence of them having become an object of CSORP discourse. Furthermore, an opportunity for further research was identified in GPB Pen data in order to rectify the study's limited use of feminist theory.

Finally, this research was primarily an exploratory case study rather than an effort to validate Said's work through archival analysis. The degree to which Said's work was used as an explanatory tool was not prescribed at the outset of the research and emerged through the theoretical interpretation of data. Furthermore, as O'Sullivan and O'Donnell (2012) have stated in using documents from the perspective of incarcerated subjects, these documents can be difficult to obtain and are not always guaranteed. Hence, designing exploratory research specifically to highlight the voices of the incarcerated would have been risky as some case studies do not work out well (Stake, 1995). Therefore, this research did not aim to be generalisable to the

diverse body of actors associated with Dundrum. The voices of inmates, staff, as well as the related community of victims and families involved in the running of Dundrum are not accounted for in this research.

4.10 Summary

This chapter presented a detailed discussion of this study's methodology. An exploratory qualitative case study was used to address the research aim of presenting new historical information on the history of criminal lunacy in Ireland. Seven archival sources were used, six of which were used to supplement findings from the main source in CSORP files. The study's research design was informed by relevant literature and adapted to account for unforeseen challenges to the research process. Data was collected in two phases, the first of which produced the bulk of the fieldwork, while the second phase was to minimise missingness and maximise complementarity across sources. Convenience sampling was employed as access became a significant concern in designing the research. However, a sample was built by searching archives for key themes from relevant literature but also by considering how files were produced, particularly commission of inquiry reports.

The data analysis strategy involved structured approaches to coding and developing theoretical explanations. Foucauldian discourse analysis was chosen as the study sought to examine the relationship between power and knowledge about criminal lunacy in colonial Ireland and to develop an understanding of how subjects—both offenders and authority figures—were represented and positioned in the discourse. The primary ethical considerations were related to issues of representing data and the affective process of conducting research on criminal history. Concerns around research validity and reliability were addressed and its generalisability was established. Finally, the studies limitations were discussed, which were mainly a result of the analytical framework used.

Chapter 5. They 'needed first to be known': Constructing Criminal Lunacy

The three findings chapters which follow are conceptualised and arranged in accordance with the three elements of Edward Said's following statement:

> the Orient [1] needed first to be known, [2] then invaded and possessed, [3] then re-created by scholars, soldiers, and judges who disinterred forgotten languages, histories, races, and cultures in order to posit them—beyond the modern Oriental's ken—as the true classical Orient that could be used to judge and rule the modern Orient. (1978: 92, numbers added)

This is the first findings chapter which describes the process by which the criminal lunatic was made 'known' to Irish society, before and after Dundrum opened in 1850. This was conveyed in newspapers and Annual Reports of the Inspectorate and the chapter documents shifts in the representation of the relationship between crime and lunacy upon the opening of Dundrum. The second findings chapter[41] examines how Dundrum was subsequently 'invaded and possessed' during a dispute involving key actors responsible for the running of the asylum and government figures. This involved the establishment of Committees of Inquiry in 1882, 1885 and 1891, and signalled a shift in control of Dundrum to align more closely with British colonial interests. The third findings chapter[42] examines the period after 1883 when criminal lunatics became represented in more distinctly racist and class-based terms. This is the period when Dundrum's population was 're-created by scholars' in accordance with long-held racist stereotypes about the Irish. As case study research is not sampling research but aims to maximise what can be learned about a topic (Stake, 1995) files were generally chosen to feature in findings chapters based on their capacity to contribute meaning to the topic.

This chapter presents findings for the period 1833 to 1887 and is divided into two sections. The first part examines contrasting representations of crime and insanity in public documents between 1833 and 1864, with a shift in character after Dundrum

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[41] Chapter Six.
[42] Chapter Seven.

opened in 1850. Firstly, it analyses the extensive press coverage of the homicide of Nathaniel Sneyd, a Bank of Ireland director in Dublin in 1833, and demonstrates how the media response followed the sequential process of a moral panic, exhibiting its core characteristics. The aftermath of Sneyd's case saw the introduction of the Lunacy (Ireland) Act, 1838 and the Central Criminal Lunatic Asylum (Ireland) Act, 1845. The significance of this period in socially constructing deviant categories in Ireland via legislation, carceral institutions and a newly professionalised control agent—The Office of Inspectors of Lunatics—is examined throughout.

After Dundrum opened in 1850, two Inspectors of Lunacy Reports from 1853 and 1864 and a *Freeman's Journal* article in response to the 1853 report paint a different picture of criminal lunatics, representing them as mentally ill and worthy of public sympathy. This distinguished them from their 'dangerous' counterparts and contributed to the legitimisation of the Inspectorate and Dundrum itself. These documents were examined as they provided substantial detail on the topic, but also because they represent the 'public relations handouts' (Chomsky, 1997) which direct public opinion by coercing respect (Becker, 2011) and sympathies for the deviance and, by extension, for the emergent psychiatric agents.

The second section examines private CSORP correspondences concerning twenty-nine escapes from Dundrum between 1854 and 1887. These cases were all chosen based on their appearance in CSORP finding aids. As the escapes continued scrutiny of Dundrum's management increased. Medical personnel frequently attempted to explain the escapes away by representing escaped inmates as being sane and a disruptive presence in the asylum, thus widening the dichotomy between the 'mad' and 'bad'. However, from the late 1860s the government consulted figures from outside of Dundrum's management for solutions to the escapes, resulting in structural changes to the asylum to enhance security. These developments began to undermine the authority of the Inspectorate and Resident Medical Superintendent of Dundrum while diminishing the asylum's moral architecture. Finally, signs that Dundrum was moving from a 'care to control' approach were also reflected in the

language employed to describe Dundrum's authority figure, the RMS, who was soon being referred to as 'Governor'. The end of this chapter traces how this title was introduced in Dundrum.

5.1 Constructing Criminal Lunacy: The Role of a Moral Panic

This section examines the lethal attack on Nathaniel Sneyd in Dublin on 29th July 1833 by John Mason. At trial, Mason was found unfit to plead and the case was chosen because two legislative changes about crime and insanity in Ireland were attributed to it. The first was by Dr. Francis White who stated the Lunacy (Ireland) Act, 1838, which enabled people in Ireland to be committed to prisons as 'dangerous lunatics' (Prior, 2003), arose because 'The Government and the Chief Secretary of Ireland saw then that something should be done to remedy the Recurrence of such an Evil' as 'the murder of Mr. Sneyd in Dublin' (Select Committee on Lunatic Poor, 1843: 12). The second was when Lunacy Inspector John Nugent appeared to attribute the Central Criminal Lunatic Asylum (Ireland) Act, 1845, also to Sneyd's death in a memorandum to Robert Hamilton, Under Secretary of Ireland:

> The undertaking was simply tentative, for no similar establishment existed in England, on the Continent, in America, or elsewhere; (…) this was prominently impressed upon the public by the assassination of a Governor of the Bank of Ireland in a street of Dublin, and in open day, by a wandering maniac. (Nugent, 1885: 1)

Sneyd was a businessman, a Bank of Ireland director (Kelly, 2016) and former MP for Cavan (Kelly, 2004), and no other cases of this description were found in Irish Newspaper Archives between 1833 and 1843, the period between Sneyd's shooting and the 1843 Select Committee which resulted in Dundrum's creation. This study found that Sneyd's case effectively disappeared from the media in Ireland by the end of September 1833, two months after it occurred. While Sneyd's case is acknowledged in scholarship as a notable historical event (Cox, 2012) leading to the passing, without parliamentary debate, of the Dangerous Lunatic Act, 1838 (Kelly, 2016, 2017), analysing it as an example of the social construction of deviance in

Ireland will enhance existing work. The section below gives a chronological summary of the case. It will explain how the moral panic analysis is operationalised in the first half this chapter, and identify moral entrepreneurs involved before a moral panic analysis is carried out.

5.1.1 The Death of Nathaniel Sneyd and Trial of John Mason

29th July: John Mason attacked Nathaniel Sneyd between two and three o'clock in the afternoon (Freeman's Journal, 1833a). Sneyd, the Bank of Ireland director and businessman was walking along Westmoreland Street in central Dublin near the Bank of Ireland entrance and in full view of its guards and passers-by. Mason approached Sneyd from behind with a pistol and fired one shot at Sneyd's head causing him to fall to the ground. Mason stood over Sneyd and again shot him in the head at close range before striking him with the pistol's butt end (ibid). Mason threw his gun away and was detained by eyewitnesses until police from the nearby College St. police office took him into custody. Mason was interrogated in the police office boardroom, in front of a crowd, many of whom knew either Sneyd or Mason. Mason admitted to intending the shooting but gave no motive, stated he thought he was attacking Sneyd's business partner, Barton, and stated he acquired the gun six months' previous. Mason was previously detained in a private lunatic asylum on several occasions over a four-year period (Chutes Western Herald, 1833a).

31st July: Sneyd died of injuries two days later (Freeman's Journal, 1833c) and a Coroner's Inquest was held where five witnesses testified, describing the above account of events under cross-examination from the defence counsel and the jury (Freeman's Journal, 1833c). It was confirmed that one month before the shooting, Mason's brother, Rev. Thomas Mason requested the police arrest him as he understood Mason intended to shoot someone (Belfast Newsletter, 1833). Mason signed a written confession and confirmed the accurate record of events. There was a brief deliberation between the Coroner and defence counsel over the jury's right to find a verdict of 'wilful murder', but due to the high respectability of the jury this

would bias the case at trial (Freeman's Journal, 1833c). The jury ruled on the cause of death, finding Sneyd died from 'wounds inflicted by a shot or shots discharged from a pistol into his head, by John Mason' (ibid). Mason was transferred to Newgate Prison to await trial.

27th August: Mason's trial took place on 27th August and was reported in the Freeman's Journal on 28th August (1833d). Mason pled 'Guilty', to the murder charge but his defence counsel argued he was not of sound mind (ibid). Mason's defence called eighteen people to give evidence about whether Mason was of sound mind. The highlights of the witness testimony were as follows:

> Nine people who previously lived with Mason or were his acquaintances testified about his eccentricities in dancing and making noise at night, an alleged epileptic fit he had, his deranged behaviour, possession of a pistol, and stated intentions to take revenge on people who wronged him.
>
> Two medical professionals who interacted with Mason in a Quaker's asylum years previous, thought him insane.
>
> Mason's brother Rev. Thomas Mason testified at length about his experience of living with Mason, his eccentricities, and his failed attempts to have him detained by a magistrate upon discovering he possessed a pistol and intended to shoot somebody.
>
> A juror then interrupted an acquaintance's testimony to say enough had been heard to prove he was insane. The judge agreed, and the court officials proceeded by examining medical witnesses as to whether he was presently insane and unfit to plead.
>
> Dr. James Duncan, who visited Mason at Newgate Prison while he awaited trial, stated that Mason reported declining a request to marry the daughter of one of the business partners, Sneyd, French and Barton, but did not specify which one. He believed they tormented him daily out of revenge. Duncan testified Mason was insane, suffering from delusions, and therefore was incapable of giving the court a correct opinion about his defence.
>
> Four surgeons (Webb, Cusack, Mitchell and Mahon) testified to Mason's 'erratic state of mind', 'aberration of mind', insanity, and inability to manage his own affairs. They corroborated previous testimonies about Mason's delusions.
>
> The defence counsel concluded, and the crown brought three witnesses. Two (James Gorman and Edward Cessan) were with Mason the night before the attack and believed he appeared of sound mind. Dr. Harty who examined Mason several times in Newgate Prison corroborated the previous medical opinions. Mason revealed to Harty he regretted the attack and he was sorry for the punishment ahead but not Sneyd's death. He did not plan to attack him that day and must have been mad

when he did it. Mason believed he must be found guilty and Harty thought Mason was not presently sane but stated that Mason was in fact capable of instructing his defence.

Judge Burton then concluded the examinations and charged the jury at length that they must try for whether his guilty plea should be received, which would result in a death sentence, or whether he was presently insane while under arraignment (Waterford Mail, 1833). He stated the jury need not go through all the evidence as all witnesses were examined. He did not acknowledge Harty's statement that Mason could instruct his defence team but reminded the jury Harty believed Mason was presently insane. Without leaving the box the jury quickly found: 'That John Mason was of insane mind at the time of his arraignment' (Waterford Mail, 1833). Mason was taken to Newgate Prison to await His Majesty's Pleasure to be known and on 21st September he was transferred to Richmond Asylum to be detained for life (Leinster Express, 1833b).

5.1.2 Moral Panics

The analysis of newspaper findings below draws primarily on Cohen's (2002) understanding of moral panics and folk devils. It argues that news reporting of Sneyd's case exhibits the characteristics of a moral panic. It identifies the processes by which Mason was constructed as a folk devil, and the rule enforcers and control agents involved in the development of the panic, as well as the practices employed to eradicate the panic and bring the deviance under control. Moral entrepreneurs appearing throughout the course of events were various rule enforcers as the moral crusading rule creators were identified as being from an earlier point in history and these actors are identified in the next section. The analysis is divided into five subheadings adapted from Thompson's (1998) interpretation of the five stages of a moral panic.

1. Defining the Threat
2. Depicting an Easily Recognisable Folk Devil

3. Build-up of Public Concern
4. Response from Authorities and Social Control Agents
5. Social Changes

The case has some differences from Cohen's work. Cohen (2002) emphasises the influence of the sociology of collective behaviour in the Mods and Rockers example. In the below case Mason was a lone actor but as will be seen, his deviance is interpreted as characteristic of a deviant group—the insane. It demonstrates Cohen's argument that 'once the person is thus type cast, his acts are interpreted in terms of the status to which he has been assigned' (Cohen, 2002: 4). Further, as the case concerns a single serious crime it can be understood as a 'noisy construction—where moral panics appear (usually at an early stage) and may be associated with a single sensational case' (Cohen, 2002: xxviii). This is opposed to 'quiet constructions' where experts and professionals work in institutions, away from mass media attention (ibid).

The range of data collected is also more restricted than Cohen's work. Cohen (2002) employed ethnographic methods, interviewed witnesses, and analysed published materials from social control agencies, and mass media reactions. The analysis below relies solely on published materials, so its perspective is confined to examining 'the operations and beliefs of particular control agencies' (Cohen 2002: 8) which Cohen considered a valuable mode of inquiry.

The information examined below was found in searches of www.irishnewsarchives.com which returned fourteen Irish newspaper reports on Sneyd's attack between 30th July and 8th August while seven newspaper articles between 28th August and 25th September reported the trial proceedings and its aftermath. A further 51 English newspaper stories were also collected and examined from www.britishnewspaperarchive.co.uk, although the vast majority of these stories reproduced or closely paraphrased the earlier Irish reports. The Irish database is not exhaustive. It omits the *Dublin Morning Register* and the *Dublin*

Times, which ran stories reproduced in the English outlets. Therefore, this section draws primarily from Irish news sources save for infrequent instances where English stories contained relevant details not found in the Irish reports.

5.1.3 The Moral Entrepreneurs

Since 'rules are the products of someone's [moral entrepreneurs] initiative' (Becker, 2011: 11), theorising Sneyd's case as a moral panic that brought about a social control response and social change inevitably involves identifying the instigators of such initiatives. Becker (2011) distinguishes two categories of 'moral entrepreneurs'—'rule creators' and 'rule enforcers'. Rule creators who engage in 'moral crusades' are more likely to define deviance at the general level to classify 'Outsiders'. Once an abstract class of outsiders is defined the concomitant rule that labels them ensures the group 'can be peopled' (Becker, 2011: 27). Consequently, rule enforcers define specific forms of the broader deviant category.

In the newspaper reports on Sneyd's case the 'rule enforcers' were most easily identifiable. Since insanity had become institutionalised in Ireland, the response to Sneyd's case was interpreted through institutionalised lenses, both criminal and lunatic, which is where rule enforcers can be located. The magistrate who denied Rev. Thomas Mason's appeal to have John Mason detained appeared a morally disinterested police official who had 'a certain detached and objective view of his job (…) to enforce the rule' (Becker, 2011: 20). Furthermore, at the Coroner's Inquest, also detailed in the next section, the Coroner expressed personal emotional disturbance at Sneyd's death and in the interests of upholding judicial process, had to moderate this. To protect the process from bias following the ruling of a highly 'respectable' Coroner's jury, the defence counsel argued that the jury ought to rule objectively on probable cause of death rather than exercise their right to rule on 'wilful murder'. If the news reporting was accurate Mason may have been spared a death sentence from the Coroner's Inquest due to the above figures being interested in 'coercing respect from the people the enforcer deals with' (Becker, 2011: 22), the

Coroner's jury, or in making 'some show of doing his job in order to justify his position' (Becker, 2011: 25).

In Mason's eventual trial the jury comprised of twelve 'esquires', again, indicating their high social standing. When an interjecting juror proposed that enough evidence had been heard to prove Mason insane, the lawyers and judge concurred and agreed to proceed by establishing whether Mason was of sound mind and therefore, legally insane. As is shown below, the medical professionals duly obliged by testifying directly on this object by dubious means. The rules of the trial were therefore upheld despite a consensus that had apparently been reached that Mason was mad rather than bad. Therefore, the rule enforcers in Mason's case who 'peopled' (Becker, 2011: 11) the more general category of insanity include the magistrate who responded to Rev. Mason's appeal to have his brother detained, the defence counsel and jury at the Coroner's Inquest, as well as the judge, lawyers and medical personnel, and jury at Mason's trial.

There are no examples in the case of organised or formal 'moral crusades' in the strict sense of the term, where an individual or group acts with an 'absolute ethic' to change societal rules to eradicate 'some evil which profoundly disturbs him' (Becker, 2011: 11). Therefore, the grassroots moral panic model (Goode and Ben-Yehuda, 2009) cannot be applied to Sneyd's case. Elements of a moral crusade are evident where an individual (Rev. Thomas Mason) acted with a humanitarian impetus, seeking to secure his brother's detention before he shot someone. This appeared to be in the interest not only of what he thought was right but also in the interests of others and he was more concerned with the ends than the means (ibid). However, as becomes evident in the following section, when the police declined to detain John unless he could identify who John planned to shoot, Rev. Mason adhered to the rules and tried to identify the target rather than work to change the rules for preventative detention. Therefore, identifying the rule creators requires a historical contextualisation of the case which appears in the first chapter of this thesis.

Much of the rule creation which influenced Sneyd's case can be traced back at least two decades before Sneyd was killed. Chief Secretary Robert Peel's county-by-county investigation of insanity in 1814 (Williamson, 1970) was influential, as was William Saunders Hallaran's role as one of the agitated community (Becker, 2011) by establishing Cork Asylum, in response to the wider European interests in the insane. Dennis Browne, who famously enunciated, 'There is nothing so shocking as madness in the cabin of the Irish peasant …' (Select Committee on the Lunatic Poor, 1817: 23). The creation of the insane as outsiders in Ireland has its origins outside Ireland due to emergent Europe-wide practices regarding the insane. As an actor in a European movement to sequester the insane, Hallaran contributed to generating interest in Ireland for creating rules regarding the insane which was formalised by Peel in the 1817 Select Committee.

5.1.4 Analysis

1. *Defining the Threat*

This section examines how the first stage in the moral panic was established by drawing upon Cohen's (2002) understanding of how the media creates an initial picture of events to define a deviant transgression, group, or event. In the process of defining the deviance the audience are directed to perceive it within an 'us' and 'them' frame through exaggeration and distortion techniques involving sensational headlines, the use of melodramatic and emotive language to report it, and the heightening of newsworthy elements (ibid). As Sneyd's homicide was self-evidently serious, an understanding of how the threat was defined must account for this when identifying exaggerated or distorted news features. This also enables (dis)proportionate reporting of the event and control culture responses to it to be identified.

On 30th July 1833, the *Freeman's Journal's* (1833a) article, 'Attempt to Assassinate Mr. Nathaniel Sneyd' summarised the previous day's event. The article adopted an emotive and othering frame, 'Mr. Sneyd, the gentleman (…) was either the victim

of a maniac, or one of the most desperate criminals that ever disgraced humanity'
(ibid). This assigns Mason's status as a deviant—either bad or mad—and juxtaposes
it to Sneyd's civilised and virtuous status, thus establishing a concern over two
symbolically opposite figures who come to represent 'us' and 'them'. The distorting
use of the term 'assassinate' conveys a sense of deliberateness, or cold-bloodedness
about the attack. The article frequently referred to Mason as an assassin:

> Mr. Sneyd (…) was proceeding yesterday about half-past two o'clock along the
> flagged-way in Westmoreland-street (…) when a young man walked close behind
> him, and discharged a loaded pistol at his head, immediately opposite the house
> adjoining the bank in Westmoreland street. Mr. Sneyd instantly fell, and before any
> of the bystanders could interfere, the assassin discharged a second shot into his
> prostrate victim's body, and terminated his brutality by striking a violence blow
> with the butt-end of the pistol. The assassin then walked towards the piazza of the
> bank (…) The entire occurrence had not occupied the space of a minute. (…) the
> spectators hesitated to take the assassin into custody. Sir William De Bathe,
> however, was passing at the time on horseback, and perceiving the assassin to stand
> with the pistol in his hand, he called upon the soldiers on duty at the bank to "seize
> the murderer". (…) the wretched man flung the weapon from him, and two or three
> of the bystanders immediately rushed upon him, and detained him until constables
> arrived from College street office who took him into custody. (Freeman's Journal,
> 1833a)

Mason is also briefly described as an 'unfortunate man' before his arrest (ibid) and
this quickly returns to the use of the term 'assassin'. Further, the soldiers on guard
at the bank who witnessed the event could not intervene due to their orders in
guarding the bank (Chutes Western Herald, 1833a) thus, necessitating the
intervention of the public. While these details are extremely violent, they are
presented as being so quickly and clinically executed that the harm was not
preventable, thus creating ambiguity that the act might have been planned and
executed by someone accustomed to extreme violence. Five further headlines
beginning from 31st July heightened the shooting to an 'assassination' (Chutes
Western Herald, 1833a; Chutes Western Herald, 1833b; Connaught Telegraph, 1833;
Freeman's Journal, 1833a; Freeman's Journal, 1833c; Leinster Express, 1833).

Several stories also exaggerated the consequences of the crime in melodramatic language. The initial *Freeman's Journal* story exaggerated the crime's historic importance elevating it to something analogous to a societal disaster with collective ill-effects:

> It has never fallen to our lot to record a crime of a more heart-rending nature, or more deplorable in its consequences, than the attempted assassination, on yesterday, of Mr. Nathaniel Sneyd (…). Never has our city been stained with a crime more cold-blooded and determined in its execution, or in its results more generally to be lamented by the community. (Freeman's Journal, 1833a)

Again, this was a recurrent theme in stories continuing after Sneyd's death which are punctuated with melodramatic language:

> We stop the press to announce this afflicting and deplorable event – one that has filled the city with mourning and bathed every face with tears. (Connaught Telegraph, 1833, *31st July*)

> One of the most afflicting and heart-rending outrages that ever occurred in this metropolis was yesterday perpetrated. (Kerry Evening Post, 1833a, *3rd August*[43])

> Never did our pen perform more of a sad and painful duty than that of announcing the final departure from this life of that inestimable and universally beloved citizens, Nathaniel Sneyd Esq. (Kerry Evening Post, 1833b, *3rd August*)

> The eulogy of Mr. Sneyd is to be found in the tearful eye and sorrowing visage of every inhabitant of this great metropolis; and his obituary is to be read in the universal sensation of horror at the manner, and general feeling of grief at the circumstance, of his awful and untimely demise. (…) We cannot this day so far control our feelings for the fate of one whom we personally loved and regarded, and whose private friendship it was our good fortune to have enjoyed for such a long series of years, as to commit to paper a coherent or connected article upon his merits and his virtues, his honour as a man, his probity as a merchant, his fidelity as a friend, his faith as a Christian, his consistency as a politician, or his charities and benevolence as an universal philanthropist. In every one of these relations of life he shone conspicuous, and his premature and tragical removal from this sublunary state has left a chasm in society which it will be difficult to fill up. (Leinster Express, 1833, *3rd August*)

> Upon Mr. Gabbett [Magistrate at Coroner's Inquest] coming into the room he remarked that this was the most awful transaction he had ever heard of. (Tralee Mercury, 1833, *3rd August*)

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[43] Adapting an earlier report from 30th July.

The above discussion defines the threat as an event of extreme violence while exaggerating and distorting its central details. It also evidences the second and third stages of Thompson's (1998) moral panic sequence where: The perpetrator was considered an extremely bad or mad actor attacking his symbolic opposite, a gentleman of high public standing, which invoked the historic reason/folly opposition (Foucault, 1971); and the consequences caused a collective injury of historic gravity to society—something analogous to a disaster (Cohen, 2002). The emotive representations of Mason in terms of immorality or unreason (them), and Sneyd as a pristinely virtuous character (us) introduces demonology and hagiology to the story (Cohen, 2002). This is evidence of 'manufactured news' which enables further 'stereotyping, mythmaking and labelling' work to proceed' (Cohen, 2002: 41). Therefore, the above defines the threat and contributes to the next stages of the moral panic regarding 2) the perpetrator's folk devil status, as will be explored next, and 3) as an event of great public concern.

2. *Depicting an Easily Recognisable Folk Devil*

This section examines the second moral panic phase. It explores how Mason was made recognisable as a folk devil by examining how imagery is used and symbolization processes unfold in the development of moral panics. A repertoire of negative images provides further emotive and visual symbols to stigmatise the perceived deviant as Other and promotes negative attitudes and opinions about the actor (Cohen, 2002). Three symbolization processes encourage this negative stereotypical interpretation, where, 1) A word symbolises a deviant status; 2) an object symbolises the word used; and 3) the object symbolises the status (ibid). Visible aspects of the situation then act as evidence for the deviant's status, placing them as a folk devil. This analysis enables an understanding of how negative attitudes and opinions about the event can form.

The previous section showed Mason was negatively represented through deviant labels such as: 'assassin', 'maniac', 'one of the most desperate criminals', and 'wretched man'. Other stories employed additional labels, including: 'miscreant', and 'ruffian' (Connaught Telegraph, 1833; Chutes Western Herald, 1833a); 'prisoner' (Freeman's Journal, 1833a; Kerry Evening Post, 1833a; Tralee Mercury, 1833); 'wretched being' (Kerry Evening Post, 1833a), and 'a creature whom we know not how to designate' (Kerry Evening Post, 1833b). Chutes Western Herald (1833a) ran two separate and contradictory stories on the same page where the first described Mason as 'not insane' while the second story stated:

> the unfortunate young man had been confined four years ago in Mr. Duncan's [private asylum] establishment at Finglas, for a period of about eighteen months, and has since then voluntarily gone thither twice or thrice, aware of the infirmity which rendered him an unsafe citizen at large. (ibid)

These labels and images were neither new nor particular to Mason and draw from established cultural discourses of insanity, reason, and criminality to build a negative stigmatised mythology around Mason while making his deviant status intelligible to a wide audience.

His appearance, demeanour, and behaviour also indicated his apparent deviance. Upon arrest the removal of his coat was metaphorically framed as revealing an uncivilised figure determined in their evil, thus showing how one's appearance and objects come to symbolise and evidence the deviant status:

> When he came before the Magistrates he was stripped of his coat, and appeared to be a very stout, low-sized young man, with dark hair and whiskers, pale complexion, and having a rather wild expression about his eyes. With the exception of his eyes, his demeanour seemed that of a man firm and fixed in his purpose, and who, having accomplished a great evil, was prepared to meet all its consequences. (Leinster Express, 1833)

His 'wild eyes', were highlighted elsewhere (Leinster Express, 1833; Tralee Mercury, 1833), as was an 'incoherent expression about his eyes' (Chutes Western

herald, 1833b) and this motif reappeared in reporting of his eventual trial: 'There was a great deal of wildness in his eyes' (Freeman's Journal 1833d). When positive aspects were noticed in his appearance these were rejected by referring to a different symbol: 'He was extremely well dressed and apparently a respectable person; yet, he seemed entirely unconcerned in his demeanour, as if unconscious of the enormity of the offence he had just committed' (Freeman's Journal, 1833a). A similar representation of Mason's demeanour appeared in the *Kerry Evening Post* (1833a):

> His demeanour was fixed altogether apparently reckless of consequence. His answers to the Magistrates were given with an air of indifference quite unsuited to the awful and dreadful situation wherein he stood. Fear for the future and regret for the past, seemed to him equally unfelt and unknown.

While this does not clarify Mason's ambiguous status, his 'wild eyes', expression, and demeanour are negatively represented as evidence of deviance. He was also perceived to exhibit affluent behaviour while in Newgate Prison awaiting trial: 'breakfast was sent to him from a tavern in Capel St; he ate heartily of mutton chops, tea, and coffee, and ordered a second supply of chops to be procured, which he also ate. He had cigars also brought to him. He exhibited utter recklessness' (Kerry Evening Post, 1833a). During the Coroner's Inquest a mundane interaction was framed as potentially sinister when Mason was asked to clarify his name three times as a member of the jury was distracted and did not hear. At the third time of asking: 'The prisoner, with considerable emotion, a darkened brow, and a deeper tone of voice, repeated, "John Mason"' (ibid). Thus, he continued to be depicted as a threatening figure during formal criminal justice processes.

The demonological mythology built around Mason contrasts with the virtuous mythology around Sneyd, and this was consistent in the stories. The previous section mentioned Sneyd's 'honour', 'virtues', 'probity', 'fidelity', 'benevolence', and 'universal' philanthropy (Leinster Express, 1833) and his being 'a gentleman' (Freeman's Journal, 1833a). Sneyd was also described as: 'one of the most humane, amiable, charitable, unoffending, and respectable members of the community', a

'universally beloved citizen' (Kerry Evening Post, 1833a); 'one of the kindliest and best men that ever lived' (Connaught Telegraph, 1833; Chutes Western Herald, 1833a); 'a more amiable man never adorned society, or one more universally loved and venerated' (Freeman's Journal, 1833c); 'a more amiable or a worthy man did not exist' (Kerry Evening Post, 1833b); and "in wit a man, simplicity a child" (Kerry Evening Post, 1833b; Freeman's Journal, 1833c).

These contrasting representations place Mason as a 'visible reminder of what we should not be', or a 'folk devil' (Cohen, 2002: 2). Mason's deviant labels draw from culturally established discourses on varieties of deviance and are, therefore, easily intelligible by the public. This demonstrates part of the discursive formula to represent moral panics which are new constructions but also 'camouflaged versions of traditional and well-known evils' (Cohen 2002: viif). The use of images of objects, appearance, and demeanour provide a materiality for abstract deviant terms to be associated with. They make deviance visible. Coupled with melodramatic language to negatively represent Mason in opposition to the saintly figure he killed, Mason becomes easily recognisable as a folk devil. While Cohen (2002) observes that this does not inevitably translate into public acceptance of the deviance the next stage of the moral panic concerns the build-up of public concern and this is examined in the next section.

3. *Build-up of Public Concern*

This section discusses the third moral panic phase. It examines and identifies instances of increased public concern over Sneyd's attack. In doing so, the first three moral panic stages establish that 'the preconditions for new rule creation or social problem definition are present' (Cohen, 2002: 10). This then enables the final two moral panic stages to be explored.

Suggestions about public concern over Sneyd's attack were scattered throughout the reports. It was already shown how the media depicted the crime as of historic

importance and worthy of deep public concern. The initial *Freeman's Journal* (1833a) story depicts a concerned public at Mason's interrogation in College Street Police Office, 'The board-room was crowded by persons of the first respectability, several of whom appeared to be much affected by the Lamentable occurrence which had just taken place'. With the exaggerations over the historic importance of Sneyd's death, this rhetoric suggests a moral crusade could develop but instead there was increased attention to rule enforcement as shown in the Coroner's Inquest below.

Emotional outpour continued at the Coroner's Inquest on 31st July. When a witness named Beahan described the shooting, 'A thrill of horror ran through the room' (Belfast Newsletter, 1833; Tralee Mercury, 1833). The coroner, who knew Sneyd for over forty years, reportedly delivered an impassioned testimony about Sneyd's character which drew an emotional response. He 'was observed even to shed tears. The Jury, and all present, sympathised deeply with the feelings expressed by the Coroner' (Kerry Evening Post, 1833b). The defence counsel expressed personal sympathy but turned attention to judicial duties, warning that any verdict about Mason's responsibility by the 'respectable' jury could influence the future jury at trial (ibid). As the jury's verdict was limited to the cause of death rather than the perpetrator's role, the coroner and defence counsel likely played pivotal roles as rule enforcers who must display 'some show of doing his job in order to justify his position' (Becker, 2011: 25). This intervention made a death sentence less of a certainty at Mason's trial and increased the possibility of him being judged insane.

Indications of concern, tearful sorrow and grief, among the wider public were also suggested on the day of Sneyd's shooting in the *Leinster Express* (1833a). This is presented as proof although the report merely depicts a public gathering for a dance performance:

> One fact is pregnant with proof of the existence of these sentiments, and to an unparalleled extent:- Madamoiselle Taglioni[44] has been performing to the most crowded assemblages ever collected within the walls of Hawkin's street Theatre. (…) The assassination of Mr. Sneyd occurred at three o'clock. As a matter of course,

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[44] A famous ballet dancer

the melancholy intelligence spread throughout the city with the rapidity of thought. (…)

His relatives (…) can scarcely succeed in making it [Sneyd's funeral] a private one—for there will be hundreds who will not be denied the melancholy privilege of following his mortal remains to their last sad resting place, and paying this—the only tribute now capable of being rendered to lamented worth and departed excellence.

The precise opposite was reported to have occurred at Sneyd's funeral. On 14th August the *Derby Mercury* (1833) reported attendance at the funeral 'was confined to the intimate friends and relatives of the deceased'. However, that the funeral was limited to a private service was deemed newsworthy also suggests public concern over Sneyd's death.

Two reports indicated Sneyd's case may have had some effect on public opinion. On 3rd August, England's *Morning Chronicle* (1833) reproduced two stories from the *Dublin Morning Register* and the *Dublin Times*. The *Morning Register* published an anonymous letter to the editor which protested Mason's treatment as a potential criminal, stating 'Sir (…) on the subject of Mason, I beg to say that madness is no crime, therefore it is not cognizable by police authority.' The *Kerry Evening Post* (1833b) reported on 14th August, a story headlined 'Ferocious Conduct of a Servant' where Peter Clare was imprisoned for one month for threatening his 'master' Benjamin Norwood while in possession of a pistol. Clare threatened to 'shoot him as dead as Sneyd, burn his house, and destroy his family' (ibid). The report makes it possible to conclude Mason's deviance is 'like a disease' (Cohen, 2002: 62f) and further examples of this occur in the social control response phase. These examples indicate the build-up of public concern can feed back on, and reinforce the prior depiction of the folk devil, embedding the deviant image more deeply in the public imaginary.

This section demonstrates the media's role in generating public concern by reporting 'facts' (Cohen, 2002: 10). While it is not possible to verify if the public was concerned with Sneyd's death the media wrote of a concerned public. This is not to

suggest the panic is not real but proof of the concern is not forthcoming. The next stage of the moral panic works to dampen anxieties by responding to the deviance via social control agents. This is explored next.

4. *Social Control Response: The Trial*

The fourth moral panic stage analyses the social control response, what Cohen (2002: 80ff) describes as the 'rescue and remedy phases', where a control culture and control agents respond by acting to dampen the panic. This stage is concerned with what was done about the deviance and what was thought should be done (ibid), rather than what was thought about it, which has already been established. Analysis of this stage involves two primary elements: 1) 'Sensitization', highlights the reinterpretation of neutral and ambiguous stimuli as deviance; and 2) the role of the 'Societal Control Culture' which diffuses and escalates the perceived deviance and legitimises the newly innovated precautionary measures to be taken, as well as the control agents themselves (Cohen, 2002). As Mason's trial on 27th August was the most heavily documented event at this point, the below section examines the court's role as a control agent and the section concludes by examining how court and media practices acted to dampen the panic.

Before proceeding, elements of this stage are evident in examples discussed so far. Cohen (2002) asserts the societal control culture diffuses the effects of the deviance away from the initial impact area as was evident in the framing of Sneyd's attack as being of historic societal importance. Cohen also addressed the role of the police and informal control agents. Noting that the soldiers at the bank could not intervene due to orders to guard the bank (Chutes Western Herald, 1833a), which led to members of the public arresting Mason (Freeman's Journal, 1833a), Cohen (2002: 118) suggested such informal policing actions was justified on grounds that 'they (police) were doing their job as best they could but were handicapped by being given insufficient powers'. Therefore, where Becker (2011: 21) highlights the double problem of the moral entrepreneur who 'must show that the problem still exists and

that the existence of his job is worthwhile, but also that his methods for dealing with the problem are effective', much of this work was done for them by media suggestions that the guards were doing their duty in obeying orders, and hence their job was effectively done.

The *Freeman's Journal* (1833d) listed the twelve jurors' names followed by 'Esqrs' indicating they were men of 'high social position' (Howlin, 2009: 241). Although jury thought processes are kept secret (Eigen, 1995) and thus cannot be verified, from what can be gleaned from the news reports on proceedings, the process of arriving at Mason's insanity was harmonious with most witnesses and court officials agreeing on almost all particulars. In news reports on the trial, sensitization processes were evident as witnesses repeatedly reinterpreted ambiguous and neutral stimuli as evidence of his insanity (Cohen, 2002) and the jury found Mason unfit to plead following the judge's steer in summing up (O'Donnell, 2017). An escalated control culture response quickly developed where a generalised belief system (Cohen, 2002) formed among the witnesses, the judge, jury and court officials, after the interjection of a juror and almost all involved affirmed Mason's insanity.

An assertion by Roger Smith (1981: 29) can be read in Mason's trial where he states, 'To say that [violent] crimes were 'caused by' insanity was to restrict their meaning.' Categorising him as mad rather than bad placed Mason on a more comfortable terrain to establish the preliminary question of legal insanity (McAuley, 1993) and whether he was presently unfit to plead by diminishing the likelihood of a potentially disliked death penalty following a guilty verdict (Finkel, 1988; Smith, 1981). This structured assessment of Mason's state of mind enabled the court to eliminate ambiguity—which the proceedings show existed—by specifying Mason's deviance (madness) and to trigger appropriate subsequent practices to control the deviance and dampen the panic (Cohen, 2002). The events described in the two sections below follow the trial proceedings chronologically.

When asked to offer his plea Mason replied 'Guilty', but his defence counsel recommended the plea be dismissed 'as the prisoner was non compos' (Freeman's Journal, 1833d). The defence counsel then called witnesses to testify triggering examples of mostly ambiguous stimuli (Cohen, 2002) reinterpreted as madness.

John Murray who previously worked for Mason's father and slept at his house. He observed Mason have 'a fit of epilepsy' which "had an effect upon his brain (…) after his recovery from the fit he became very foolish" (ibid). George Sikes knew Mason's father and went walking through Stephen's Green with John Mason in 1822. He gave a less ambiguous example of Mason's deviance in his stated intention to commit a crime: 'he pointed out to me a gentleman on the other side of the way, and said, "if I had a pistol I would blow his brains out;" I told him that the gentleman was doing nothing to him, and he replied, that if I knew the circumstances I would not say so' (ibid). Sikes reported this to Mason's family and his father spoke to the asylum manager Doctor Duncan about it. Sikes concluded: 'I certainly conjectured that he was labouring under insanity, which made me inform his family' (ibid)

William Price, a former staff member in the Quaker Asylum where Mason previously resided recalled that at the asylum shop Mason attempted to buy some cheese: 'I told him the price and he desired me to cut him a small complement of it; I did so and while I was engaged in weighing it, he looked round smiling, I looked at his countenance, and evidently perceived that he was in a state of lunacy'. Under cross-examination Price's professional status was given as proof:

> Mr. Marley: Why do you think he was insane when you saw him in the shop?
>
> Price: Because his eyes looked quite yellowish and his countenance heavy; these symptoms are generally attendant upon insanity.
>
> A Juror: Do you consider all persons whose eyes look yellow lunatics?
>
> Price: Persons who have a knowledge of the symptoms could easily tell, and I have had experience. (Freeman's Journal, 1833d)

John Eustace was a medical professional for eighteen years and ran an asylum for six years. Without offering substantive examples Eustace testified as to Mason's insanity:

> I know Mason; I considered he was in a state of mind to cause him to be put into confinement. Cases of madness arising from epilepsy are incurable. (…) I know nothing of his previous state of health; (…) I can only prove that about ten years ago he was insane. Insanity generally supersedes epilepsy. (Freeman's Journal, 1833d)

Mason's brother, Rev. Thomas Mason, gave the most detailed testimony, mentioning several ambiguous behaviour examples and some less ambiguous, potentially criminal behaviour. He described his brother's 'peculiar' eating habits and "fanciful rule[s] for regulating his diet." John Mason believed that brushing his teeth in a certain way would 'make them grow'. The news briefly reported Mason's demeanour at this point, stating '(The prisoner smiled, and appeared for a moment to enjoy this recital of his melancholy eccentricity. His features, however, quickly assumed their vacant doggedness of expression)' (Freeman's Journal, 1833d). The trial commentary resumed. John Mason let his beard grow three weeks to a month at a time which, he thought 'would be as absurd to cut it off as it would be to pull out his teeth' (ibid). Mason had irregular sleeping patterns 'sometimes going to bed about six o'clock in the evening and sometimes at eleven at night, each for about a month together' (ibid). Thomas Mason recalled his family's view of John Mason's mental state: 'he was always considered by his family as decidedly insane, though not dangerous' (ibid).

Thomas Mason recalled meeting John in Westmoreland St. five or six weeks before the attack, discovering he possessed a pistol, and his subsequent efforts to have him detained:

> There was something particular in his manner that induced me to [address him]; I observed a small four barrelled pistol in his left waistcoat pocket; it was quite visible, (…) though I am near-sighted; I asked him why he carried it; he betrayed great hesitation in answering me, as if you wish to avoid the topic; I asked (…) if any person had offended him; I knew a direct question would have been useless; his reply was, "no matter, if I meet him I'll mark him;" I told him, that if he had

recourse to any violence it would only be rendering himself amenable to the laws; he appeared very sullen and dogged. (Freeman's Journal, 1833d)

Again, however, Thomas Mason concluded his brother was insane and he worked in vain to have him detained: "I went to Mr. John Hewson, his trustee; (…) I mentioned the interview which I had with my brother and the impression of his insanity which that interview had produced" (Freeman's Journal, 1833d). Thomas Mason went to College St. police station where he asked the magistrate Sir Garett Neville to detain Mason. Neville replied, "I cannot interfere with the Liberty of the subject" (ibid) and asked if he saw Mason cock the pistol or if he knew who Mason intended to shoot. As Mason had not cocked the pistol, Thomas Mason visited two people with whom Mason lived to ask if they knew who he intended to shoot but they did not. He declined to arrange Mason's detention in an asylum, fearing Mason would shoot him or a family member if he intervened. Thomas Mason spoke to John Mason on the morning of the trial and the day previous, stating: "I think that yesterday he was decidedly insane, but today I don't think the symptoms are quite so bad" (Freeman's Journal, 1833d). While the second statement here does not refute the first, it indicates the perception of a milder insanity. This is the closest evidence there is of a moral crusader acting out of humanitarian concern for others, but Thomas Mason's actions remained guided by the control agent rules.

Several other witnesses gave further examples of ambiguous behaviour from Mason including, a second brother, Abraham Mason, Mrs. Perry, James Mills, and Maria Trevor who had all separately lived with Mason, and described his 'odd' behaviour laughing and talking to himself, jumping and dancing, making noise at night, and that 'the hot weather had a particular affect upon his brain'. Abraham Mason added 'he was so annoyed in this country that life and soul were harassed out of him, and he would quit the country altogether' (Freeman's Journal, 1833d).

When a further witness Robert Bentley testified Mason was 'decidedly insane', and possessed a pistol, a juror interrupted to suggest enough evidence was presented

'to prove a general insanity'. Judge Burton agreed 'general insanity' was 'sufficiently obvious from a portion of the testimony' (Freeman's Journal, 1833d). Mason's defence counsel, Mr. Holmes requested a full investigation be conducted to record greater evidence. The crown prosecutor Mr. Green then stated he would inquire as to whether Mason was currently insane and, therefore, unfit to plead. The evidence given to arrive at this conclusion is described in the next section.

The above details support Cohen's suggestion that the actions taken by the court are seen as a logical result of the control culture's definition of the situation and that a 'generalized belief system' (Cohen, 2002: 91) was produced among the various actors. It is unclear whether the juror's intervention was motivated by the pursuit of truth, to assert their power in proceedings, or perhaps in line with the Coroner's Inquest, to avoid condemning Mason to death (Howlin, 2017). Yet it provided an opportunity for a consensus to be produced, which was realised. The interpretation of images about Mason's behaviour, demeanour, and the emphasis of an object, a pistol, as evidence of insanity rather than criminality demonstrate how symbolization processes make him visible as a folk devil. Most of these testimonies exhibit how ambiguous and, at times, neutral stimuli are reinterpreted to evidence his insanity, which is the basis of the sensitization process (Cohen, 2002). This negative stereotyping legitimises practices to dampen the panic and control the deviance. Testimonies from professional actors further legitimised the precaution measures to be taken and these are examined below.

Experts and Control Culture Beliefs

When proceedings resumed, James Duncan, an asylum manager with eighteen years' experience detailed his visit to Mason in Newgate Prison while awaiting trial. He attempted to convince Mason to plead not guilty at the request of his friends to which Mason eventually agreed 'if he could remain in the same mind as he then was' (Freeman's Journal, 1833d). Mason said he wanted to shoot someone but that he thought it was Barton (ibid). He said the business partners were 'constantly

annoying him, and they drove him from one lodging to another (…) and they wanted to drive him from the country altogether, because they had hired persons to make noise over his head' (ibid). Mason believed it was for revenge as he would not agree to marry one of their daughters, though he did not say which one. Duncan concluded Mason suffered from delusional insanity and was incapable of arranging for his defence at the trial:

> Delusion is when a person conceives that things do exist which have no existence, and that no reason will convince them is not the case; (…) when persons are under this delusion they are incapable of distinguishing between right and wrong on the subject of the delusion, though they may be rational on everything else; when under the influence of this delusion they are tempted to commit acts which at other times they would not commit. (…)
>
> I do believe he is incapable of giving a correct opinion on the subject at present before the court, so, at least, as properly to instruct his counsel for his defence. (Freeman's Journal, 1833d)

This directly addresses the court's task of establishing Mason's fitness to plead, which Duncan argued he was not. Though Duncan did not explain how he knew Mason's beliefs were delusional, he nevertheless made the diagnosis and attributed the cause of Mason's attack to the disease. The other medical witnesses concurred, also considering him insane both in the past and at present. William Webb knew Mason and saw him ten months' previous when Mason was 'in an erratic state of mind; that he was labouring under an aberration of mind' (Freeman's Journal, 1833d). Surgeon Mitchell saw Mason 'the day he was taken up; [and] had no hesitation in saying that the prisoner was at the time quite insane' (ibid). On observing the current trial, he 'has no doubt that he is at present quite insane' (ibid). Surgeon Cusack corroborated Duncan's account of interviewing Mason at Newgate and concurred about his present insanity and inability of managing his own affairs. Anthony Mahon corroborated the medical evidence already given. He considered Mason 'decidedly insane' and suggested the disease could have originated in epilepsy (ibid). The final witness was Mason's defence agent who testified Mason refused to give him any instructions.

At this point the case for the prisoner ended. The crown then called three witnesses. The two acquaintances of Mason testified that the night before the attack he 'did not appear to have any signs of lunacy about him' (Freeman's Journal, 1833d). Dr. Harty, a physician at Newgate Prison then gave statements which the news story did not report but to state that they seemed to corroborate the signs of Mason's delusion. Harty said Mason conceded 'he must have been mad at the time he committed the deed; (…) he said that he thought by shooting "one of them," he would have put an end to the persecution, but that when he did so he must have been mad, and became conscious of it when too late' (ibid). The story said Harty had a much lengthier cross-examination which it declined to report.

The report stated Judge Burton charged the jury at length and when he concluded they immediately found that "John Mason was not of sound mind when he pleaded guilty" (Freeman's Journal, 1833d). Finally, it stated: 'The prisoner appeared slightly anxious just as the verdict was being pronounced; but it passed away, and he was removed from the dock in apparently the same dogged disposition which he had observed throughout the entire trial' (ibid).

The *Waterford Mail* (1833) gave a slightly more expansive account of Judge Burton's charge to the jury stating they must not try for whether Mason was insane previously, but whether he was insane at present. If his guilty plea were received, he would be sentenced to death. If he were of unsound mind, then common law rules such a person's plea should not be accepted, and they should be confined until his majesty's pleasure be known. Judge Burton emphasised the medical witness statements, stating 'and as to his derangement, I think any man who heard the evidence of Doctor Duncan, Eustace, and Cusack, corroborated by Doctor Harty, cannot have the least doubt'. He left the jury to deliberate and they quickly gave their verdict.

The above testimonies suggest medical witnesses adhered to the 'logic imposed by the assimilation of a belief system' (Cohen, 2002: 114). The medical witnesses proceeded from the interpretation of deviance by the intervening juror, Judge

Burton and the court officials. James Duncan instead affirmed the more specific question of Mason's current insanity and unfitness to plead, and hence, Mason's general insanity was effectively established by laypeople rather than experts. The remaining medical witnesses except Harty agreed Mason could not plead, and by following this court process of establishing his inability to plead (McAuley, 1993) the impression is given that a logical conclusion was established when the above analysis suggests the trial was part of a longer control culture process of defining Mason as insane (Cohen, 2002). The establishing of consensus was likely made easier as the jury comprised of a group of Esquires from similar high social standing (Howlin, 2009) and many of the witnesses shared a similar social position.

Dampening the Panic

Furthermore, the news representation of Mason's reaction to the verdict confirmed the correctness of his deviance by returning the focus to the symbolic imagery in his 'dogged' expression. He was depicted as visibly and largely unaffected by being conferred legally insane, confirming this label to the audience. This representation echoes the symbolisation processes employed earlier in the panic where descriptions of his expression and demeanour were linked to an exaggerated crime, making Mason visible as an abstract deviant who committed a disastrous crime. This reconstitutes his role from an individual who committed a homicide to a visible representation of a much deeper 'contemporary social malaise (…) A Sign of the Times' (Cohen, 2002: 62)—that of insanity. This final image again reminds the audience Mason embodied a threat to social order, but this is presented within the context of the announcement of control practices being enacted to control the deviance and thus, dampen the panic. Hence, where initially 'the media might leave behind a diffuse feeling of anxiety about the situation', now those concerned that 'something should be done about it' (Cohen, 2002: 10), were reassured action was being taken while the deviance was reified in public discourse.

The steps taken to control and dampen the panic appeared to have the desired effect as the story largely disappeared from the media within a month of the trial. Of course, if the 'very reporting of certain 'facts' can be sufficient to generate concern, anxiety, indignation or panic' (Cohen, 2002: 10) then the absence of such reporting can likewise diminish such feelings. The story's disappearance from media was not immediately uniform. After September 1833, Sneyd's homicide disappeared from public view but on 30th August, the English newspaper the *Standard* (1833a) re-published two brief paragraphs appearing in the *Dublin Evening Mail*, which lamented the verdict that Mason was insane: 'The perpetrator of a cold, premeditated, and bloody murder has escaped punishment upon the [sic] plea of insanity'. This is despite that Mason pled guilty. On 2nd September, the *Standard* (1833b) reported crimes like Mason's were becoming more common and implied they are contagious:

> It is remarkable that since the period of Mr. Sneyd's assassination several cases have come before the police officers in which individuals (servants and others in the lower walks of life) have threatened the lives of their masters and superiors, quoting at the same time the act of Mason as an illustration of their determination, as if there was something contagious in the horrid example.

The *Standard* appeared interested in perpetuating the notion that Mason's deviance was 'like a disease' (Cohen, 2002: 62). However, only a handful of newspaper reports appeared on the topic through September 1833. The *Leinster Express* (1833b) and *Connaught Telegraph* (1833b) ran brief stories to confirm Mason was transferred to Richmond Asylum from Newgate Prison on 21st September. England's *Morning Post* (1833) ran a story on 20th September to say a committee had been set up by 'Friends of the late Nathaniel Sneyd' to fundraise for a monument of him to be erected.

5. Social Changes

This section relies on scholarship to account for social change in the aftermath of the moral panic as reporting on Sneyd vanished after September 1833. Cohen's original study applied a degree of guess-work to evaluate a panic's volatility (See Cohen, 2002: xxxvii) where he considered panics 'naturally' fade away, are subject to cycles, that the apparent danger may have disappeared, and that the situation may have been *recuperated.* However, considering the claim that the Lunacy (Ireland) Act, 1838 was attributed to Sneyd's case the most plausible thesis for the evidence in this study is somewhat different. Brendan Kelly (2016) noted that the Criminal Lunatics (Ireland) Act, 1838[45] was passed without parliamentary debate following from the murder of Nathaniel Sneyd but also observed it was one among similar laws introduced at this time in Canada, Australia, Switzerland, and France (Kelly, 2008a, 2009a). This again suggests that the 1838 Act contributed to wider European and international discourses and practices for dealing with the insane as observed by Smith (1981).

This does not lead to the conclusion that the panic was not a panic after all, or that it might be considered part of a larger 'permanent panic' (Cohen, 2002: xxxvii). As Cohen (2002: vii) argues 'Calling something a 'moral panic' does not imply that this something does not exist (…) and that reaction is based on fantasy, hysteria, delusion and illusion or being duped by the powerful'. Instead, it points to the presence of broader social continuities, such as those mentioned by Kelly above, that 'this is not just a moral panic' (Cohen, 2002: xxxvii). The reaction to Sneyd's case as described above is better understood as a panic in a longer, sustained trajectory of deviance construction also occurring in contemporary western societies, as noted by Smith (1981).

The passing of the 1838 Act suggests there was a possibility that panic was engineered by elite groups but there is scant evidence of this in the documentation.

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[45] A synonym for the Lunacy (Ireland) Act, 1838. Also often referred to as the Dangerous Lunatics (Ireland) Act, 1838 (See Prior, 2003: 529).

The data examined in this section suggests it is more plausible that media reporting was in response to active interest groups in and around the case, and this appears yet more likely in available scholarship on the passing of the Central Criminal Lunatic Asylum (Ireland) Act, 1845, particularly with Francis White's role in developing the Office of Inspectors of Lunatics (See Finnane, 1981) as well as the Dundrum Asylum itself (Prior, 2005). Data examined below also evidences the active participation of an 'Exploitative Culture' which 'both reflects and creates the amplification of deviance' (Cohen, 2002: 160) to benefit it in commercial and/or ideological ways. This is the fifth and final stage of the moral panic analysis in this study.

The case for the commercialisation of deviance in Ireland is arguable but it likely took a more socioeconomic form. The commercialisation Cohen describes in England in the 1960s was not possible in the predominantly agrarian Ireland of the late 1830s and the news reports examined previously did not indicate the development of a commercial culture around insanity, save for helping to sell newspapers. Yet, as previously indicated, existing scholarship observes that insane asylums became important for sustaining local economies in nineteenth century Ireland and local districts competed to host asylums during periods of new asylum construction (Finnane, 1981; O'Sullivan and O'Donnell, 2012). Pauline Prior (2003) argues that the Lunacy (Ireland) Act, 1838, which enabled members of the public to have family members committed to prisons and then asylums as 'dangerous lunatics', created an increased demand for extra asylum places. The Act caused a steady increase in numbers of insane in Ireland throughout the nineteenth century, and the proportion of 'dangerous lunatics' increased dramatically (ibid). Prior states the scale of this increase was due to the participation of the public: 'without the co-operation of ordinary members of the public, individuals could not have been deprived of their liberty in such large numbers' (Prior, 2003: 534f). As the 1838 Act reconstituted the general public as informal control agents who could very easily have a 'dangerous' family member admitted to prison and then asylums, the 1838

Act created a socially controlled method of increased supply of dangerous lunatics to coincide with the increasing demand for lunatic asylums and their economic benefits.

However, as indicated, the sources explored in this study contained scant evidence to examine the direct impact of Sneyd's case and the 1838 Act that followed from it. Yet public discourse following the Central Criminal Lunatic Asylum (Ireland) Act, 1845 is documented in detail. The Act, which created the Dundrum Asylum, a distinct institution for an old and well-known deviant category—the 'criminal lunatic'—also created Ireland's Lunacy Inspectorate Office which produced a record of annual reports for monitoring and recording developments and practices for the institutional treatment of the insane (Prior, 2004). The section below examines evidence in the Lunacy Inspectorate Reports for the ideological exploitation that followed the further development of the relationship between crime and insanity in Ireland in the 1845 Act.

Sympathy for the Devil

Cohen defines ideological exploitation as occurring where 'the deviant is being used for societally defined ends without any regard to the consequences of this on the deviant himself' (Cohen, 2002: 157). Further, the ideological exploiter is defined as someone who ''gains' from his denunciation of deviance and would 'lose' if the deviance proved, in fact, to be less real and less of a problem than is functional for his ideology' (Cohen, 2002: 158f). The section below examines evidence for this.

Francis White's influential role in establishing the Lunacy Inspectorate in Ireland was discussed at the outset of this thesis (Finnane, 1981; Prior, 2008). Several examples of White's activities suggest he can easily be considered a moral entrepreneur due to his unilateral role in drafting lunatic asylum rules, and his central role in lobbying for the creation of the inspectorate as well as the Dundrum asylum (ibid). Pauline Prior (2005: 20) drew attention to his 'largely benevolent and

optimistic' motivations as he saw Dundrum's inmates as 'lunatics' rather than 'criminals' and pressured for Dundrum's design to be more asylum-like.

However, the creation of Dundrum set up a contradictory relationship between 'criminal' lunatics and their 'dangerous' counterparts. Dangerous lunatics were self-evidently associated with danger for possessing 'a Derangement of Mind, and a purpose of committing some crime' (Parry, 1997: 79, cited in Kelly, 2016: 48). They were then detained, in prison and then asylums for fear they might commit a crime at some time in the future. 'Criminal lunatics' on the other hand were defined in a Lunacy Inspectorate report as persons who:

> when labouring under distinct maniacal excitement, perpetrated offences of the gravest character, and who, up to the period of their trial, evinced no symptoms of convalescence; whilst others had extended to them in a state of sanity a remission of punishment, from the proved or presumed existence of madness at the time that what otherwise would have been a crime was committed. (Asylums Report, 1853: 14)

In this sense, those who had not *yet* committed a crime were constructed as the dangerous group to be detained for preventative purposes, as per Rev. Thomas Mason's request, while those who committed the most serious crimes were subject to treatment. The report characterises 'criminal lunatics' as victimised actors irrespective of their class background:

> Amongst the inmates of an asylum similar to the Dundrum, will be found the victims of a malady that recognizes no social distinction; consequently, we have individuals in it far removed from the lower or pauper classes, but in whose regard, beyond a permission to indulge in occupations congenial to their own taste, no practical distinctions are allowed. (Asylums Report, 1853: 14f)

If Sneyd's case occurred after Dundrum opened, Mason would have likely been confined at Dundrum as a 'criminal lunatic' rather than a 'dangerous' lunatic. The perception of dangerousness that arose after his case would not have been a central factor in his subsequent deviant label. Evidence examined below suggests this contradictory distinction is discursively perpetuated in the Lunacy Inspectorate

reports as Dundrum's management and the Inspectors 'would 'lose' if the deviance proved, in fact, to be less real and less of a problem than is functional for [their] ideology' (Cohen, 2002: 158f). This does not contest Prior's (2005) assertion that Francis White's aforementioned, influential work was motivated by benevolent intentions. Rather, it highlights a need to scrutinise the relationship between the deviant category and the moral entrepreneur. While Becker highlights the moral entrepreneur's problem in demonstrating their role is both successful and increasingly necessary, their means of achieving this is more pertinent to the data examined below. Becker (2011: 22) states 'a good deal of enforcement activity is devoted not to the actual enforcement of rules, but to coercing respect from the people the enforcer deals with.' This explains the social position of the moral entrepreneur, especially the institutional position of the rule enforcer, depends on the societal acceptance of the deviant group and the practices for dealing with them. Becker's observation is vividly captured in the below passage from the same Inspectorate report of 1851-52:

> No doubt, murder and violent attempts on the person, no matter by whom perpetrated, or under what circumstances, carry with them in public opinion the justice of a proportionate punishment; it should not, however, be forgotten, that even in favour of the sane, alleviating circumstances are not denied their influence. In regard to alleged lunacy, the difficulties arise from a morbid disposition occasionally evinced by parties to derive a palliation for crime from the presumption of insanity, without satisfactory proofs of its existence. To guard against this error the most searching scrutiny should be instituted in all cases where lunacy is put forward as a plea, when, if established, no sympathy can be too strong for the unhappy sufferer. (Asylums Report, 1853: 16)

This passage directly addressed public attitudes towards criminal lunacy. It asserts the importance of psychiatric expertise in distinguishing real insanity from malingerers. As Pat Carlen (1983) argues, however, it is unclear why the ability to recognise specific behaviours as symptoms of mental disorder or disease is exclusive to psychiatrists and the above offers no clarity on this. The final line in the passage indicates the professional's dependence on public acceptance of the control culture's definition of the deviance. The passage instructs the audience how to

respond when the courts, resident medical superintendents and/or the lunacy inspectors assign the deviant category. In short, if the public accept this deviance as valid, they concomitantly endorse the expertise of the above control agents and rule enforcers.

As previously indicated, Grimsley-Smith (2011) remarked that inspector John Nugent enjoyed a 'special' relationship with the conservative press in Ireland and the *Freeman's Journal* responded to the above report by exaggerating the importance of Ireland's insane asylums to a wider audience than might be reached by the Inspectorate reports alone. Just as Mason previously represented a threat to social order, the asylums represented a milestone in humanitarianism and Enlightenment, while White and Nugent are singled out for special praise:

> The care bestowed on the insane, and the modes adopted to restore the clouded ray of reason, is creditable to the enlightened humanity of the age. Our thoroughfares are no longer exposed to those lamentable exhibitions which we all remember before the public took charge of the hapless lunatic, and rendered his condition less miserable by housing him from the inclemency of the weather, feeding him comfortably, and adopting, through the agency of intelligent officers and a milder treatment, the only means of restoring reason. Lunatics in Ireland are now in as good a condition and as amply protected from the possibility of oppression as the same classes in England. (…) the characters of Drs. Nugent and White afford a guarantee that the rights of the lunatic poor shall receive all attention. (Freeman's Journal, 1853: 2)

This praise is extended to the Dundrum Asylum and the *Freeman's Journal* quotes the Inspectors' annual report:

> Our readers are familiar with the Central Asylum for Criminal Lunatics at Dundrum—one of the finest institutions of the kind in the empire. Its character is thus summed up in the report:—"Similar in every respect, perhaps more open and less protected by outer barriers than many district asylums, with a freedom to the inmates to exercise or employ themselves on the twenty acres that surround the building, we have not to record a single untoward occurrence arising therefrom, or an accident involving property or life." (Freeman's Journal, 1853: 2)

Hence, the asylum's importance was evidenced in its apparent success. In 1857 George Hatchell replaced Francis White but by the 1860s public attitudes and behaviours towards criminal lunatics were evidently erroneous. The report for 1863 read:

> The shedding of human blood, and the deprivation of life, at all times occurrences from which the mind instinctively recoils, are if possible associated with feelings of greater horror when effected at the hands of a maniac; for the act is deemed by society at large as the practical expression of a fixed propensity, to be carried out whenever the opportunity offered; (…) a marked antipathy exists in the public mind against the readmission of a homicide lunatic into society. The same apprehensions are not entertained towards the individual who in the full possession of intellect commits in a moment of passion or excitement an unpremeditated murder. From our experience, we are inclined to question, as a general rule, the justice of this antipathy. (Asylums Report, 1864: 62f)

The error was in the public's failure to adhere to the sensitisation process by recognising the correct form of deviance responsible for the most severe crimes. In this case, public 'antipathy' prolongs the negative stereotyping of criminal lunatics who ought to be rightfully considered victims of mental disease. Again, this exemplifies Becker's (2011: 22) observation that, the moral entrepreneur is not so focused on enforcing the rule but in 'coercing respect from the people the enforcer deals with.' This is almost explicitly represented in the following passage: 'Our intention [is] to combat on behalf of the truly insane any suppositions or apprehensions in the public mind antagonistic to their liberation, when there exists just reason to believe in the permanency of their cure' (Asylums Report, 1864: 64).

The discussion presented above is primarily concerned with examining whether ideological exploitation of criminal lunatics was reflected in the Annual Reports of Inspectors of Lunatics and to what degree the moral entrepreneurs' professional status was ensured by public acceptance of the deviance. It concludes that White may have been motivated by benevolent aspirations (Prior, 2005) but that he gained professionally from the acceptance of the deviance, as did his partner, Nugent, and their successors and colleagues in Dundrum. The evidence for this is in the annual

reports, which are written by the Lunacy Inspectors, and the attempts to coerce public attitudes in this direction. The data above does not indicate criminal lunatics were intentionally exploited with disregard for the consequences to them. Francis White worked to ensure Dundrum was built to resemble an asylum rather than a prison (Reuber, 1999) and the next section shows this was arguably more to the inspectors' detriment than Dundrum's inmates due to the frequency of escapes and the scrutiny the inspectorate came under as a result.

While this conclusion is somewhat different from Cohen's (2002) explanation of ideological exploitation, whether the intentions behind the creation of Dundrum and criminal lunatics were benevolent or otherwise, it remains that public attitudes towards the deviance were instrumental in guaranteeing the position of the experts. Whether a benevolent or malevolent motivation led to Dundrum's creation either by elite groups for social control purposes or by interest groups (Goode and Ben-Yehuda, 2009), the analysis above is inconclusive but finds greater involvement from institutional actors in the medical profession. The moral panic process illustrates how criminal lunacy was socially constructed and reified by institutional ratification (Foucault, 1971). Furthermore, this ran parallel to wider international attitudes towards insanity, beyond those held in nineteenth century Ireland. Hence, the discourse around criminal lunacy and Dundrum was more likely one development in a wider international discourse on insanity and led by interested groups who stood to gain professionally from its institutionalisation.

5.1.5 Summary

The first half of this chapter examined the homicide of Nathaniel Sneyd in Dublin in 1833 by employing Cohen (2002) and Thompson's (1998) contributions to the study of 'moral panics.' It showed how the media response to the case follows Thompson's (1998) five stage sequence of moral panics, an interpretation developed from Cohen's work on the topic. By applying the analytical concepts outlined in Cohen's text, it elucidated each stage of the panic in Sneyd's case. It began by

summarising the press coverage of Sneyd's case and outlined the analytical approach to be taken in examining 'the operations and beliefs of particular control agencies' (Cohen 2002: 8). It then defined the moral entrepreneurs involved in first, advancing the initial moral crusade and creating the rules for institutionalising insanity in Ireland since the late eighteenth century, and the rule enforcers who had specific roles in responding to Sneyd's case in the police and the courts.

The five stages of the panic were then detailed by analysing the newspaper coverage found in the two-month period after the case in Ireland which included the Coroner's Inquest, the eventual trial, and subsequent scattered mentions in Irish and English newspapers. It showed how Mason's deviance was initially defined in exaggerated abstract terms as an outsider between the extremities of insanity and criminality. It then showed how Mason was made visible in the news reports as a folk devil through symbolisation processes which depicted negative stereotypical images of insanity and criminality to characterise Mason as a new, but well-known evil (Cohen, 2002). Following this, the process of how the media built up public concern about the issue was discussed, where the historical gravity of Sneyd's homicide was again exaggerated and represented as being keenly felt among the public. This was illustrated in coverage of the Coroner's Inquest into Sneyd's death as well as related contemporary public events.

To analyse the 'Social Control Response', the fourth stage of the panic, a detailed analysis was conducted of John Mason's trial. This showed the sensitisation processes through which displays of Mason's ambiguous behaviour were reinterpreted at trial as evidence of his insanity. It demonstrated how a generalised belief system appeared to emerge during the trial (Cohen, 2002), restricting the meaning of Mason's actions to being caused by insanity (Smith, 1981). It showed how expert witnesses and extra-legal factors within the jury reinforced the logic of this belief system and how control practices were finalised to dampen the panic. Mason's labelling as insane was confirmed by ruling him unfit to plead, therefore, legitimising the control practices to follow.

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The final fifth stage analysed the social changes arising after the moral panic. It explained that the direct impact of Sneyd's case upon the subsequent Lunacy (Ireland) Act, 1838 was not evidenced in public documents but that this was likely impacted by wider European discourses on dangerous lunacy at the time (See Kelly, 2008a, 2009a). The section concluded by analysing Annual Reports of the Inspectors of Lunatics to show how moral entrepreneurs who gained from the definition and institutionalisation of criminal lunacy, attempted to coerce respect from the public Becker (2011) to reify this deviant category in Irish society. The following section will demonstrate how criminal (in)sanity was determined in private government documents regarding Dundrum escapees.

5.2 Escape from Dundrum: The Sanity Defence

This section examines correspondences mostly from CSORP files concerning the attempted escapes of twenty-nine inmates from Dundrum. It analyses how the escapes increasingly became a problem for the governance of Dundrum and criminal lunatic confinement practices. It illustrates that medico-legal experts tended to defend psychiatric science and the institution itself by various discursive means following these escapes. Ultimately, this situation contributed to a major dispute over the running of Dundrum in the 1880s which is then analysed in chapter six.

Following the Dundrum Asylum's opening in 1850, key figures in psychiatry in Ireland affirmed the institution's success both publicly and in private. The biennial reports of the Inspectors of Lunacy which reported annually from 1860 onwards included commentaries on Dundrum's nature. The Fifth Asylums Report in 1851, the first published after Dundrum's opening, stated:

> The construction of the buildings themselves is characteristic of a private house, even more than of an ordinary asylum; the windows of ample size, (…) are totally devoid of bars or grating; (…) the Commissioners have carried out at Dundrum, the desirable object of divesting the whole concern, as much as possible, of a prison-like appearance; (…) although the patients enjoy full liberty within the premises, not the

slightest personal accident has occurred – or any injury to property beyond the loss of a few pains [sic] of glass (…) we regard the Dundrum Central Asylum, for the reception of criminal lunatics, so far as our experience permits us to judge, a successful experiment. (Asylums Report, 1851: 14)

This 'success' was echoed in the Inspectorate Report in 1853, which stated '[the Central Asylum] has been eminently successful, fully realizing the object for which it was originally, and, we believe, experimentally intended' (Asylums Report, 1853: 14). Also, in April 1853 Dr. Robert Harrison, Visiting Physician to the Dundrum Asylum wrote to Edward Eliot, Lord Lieutenant of Ireland to apply for a salary increase, beginning:

> This Asylum is the first institution of this nature established in the Empire. The Earl of Clarendon, during whose Viceroyalty it was opened, took especial interest in its welfare, regarding it as an important experiment in the public service: the result has fully realized the expectations of those who designed it. (Harrison, 1853)

These passages highlight several interesting points. Dundrum was celebrated for its 'moral management' approach which sought to balance security with a therapeutic built environment by providing a sense of freedom to inmates (Reuber, 1999). The lack of window gratings was testament to this, but became a point of contention by the 1880s as will be explored in the next chapter.[46] The notion that Dundrum was an 'experiment' was not unusual for its time as various experiments in punishment and policing were instituted in Ireland and England in the nineteenth century with varying degrees of success (Bretherton, 2003; Cox and Marland, 2018; Dooley, 2003).

The experiment's aim was never stated. However, as Said (1978) mentions, an image of success is useful in accelerating the proliferation of a discourse. These assertions of Dundrum's success continued into the late nineteenth century but became increasingly difficult to sustain after 1853 as twenty nine inmate escapes were

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[46] See page 208.

documented between 1854 and 1885 and medico-legal experts responses to this are outlined below.

In November 1884 a small internal inquiry was conducted by Chief Secretary of Ireland Robert Hamilton, examining both Inspectors of Lunatics, John Nugent and George Hatchell and the Resident Medical Superintendent of Dundrum, Isaac Ashe. Among the questions put to Ashe was the following:

> 13. [Is there] Any classification of the Male Patients having regard to their degree of crime and their tendency to escape; if so are those who might try to escape specially watched?
>
> A. There is no such classification. I do not think it would be possible. Any one suspected of a tendency to escape is more closely watched, but not by any special observer. (CSORP, 1884a)

Between 1854 and 1884, when Ashe testified the above, the twenty-nine escape attempts were reported directly to the Chief Secretary's Office by the Lunacy Inspectorate and appear in CSORP documents. When the opposite circumstance occurs and inmates escape, these documents show a strong relationship between the outcome of inmates' escape attempts and their reported (in)sanity. Pauline Prior (2008) similarly observed that Dr. Ashe tended to document escaped patients as sane and this section shows this also was the case long before Ashe had a role in Dundrum.

The reports contain statements on the circumstances of the escapes, prisoners' crimes and sentences, whether the prisoner was recaptured or returned to the asylum, their mental diagnosis after the attempt, and additional remarks by the Inspectors or medical officers. These details are outlined in Figure 5.1 for the escapes during this period, which spans the next five pages. The second and fourth columns each contain two separate pieces of information so comments on inmates' mental state is presented in italics.

Figure 5.1 - Prisoner Escapes			
Inmate Name(s) **Escape Date** **Reference(s)**	**Crime and** *Sentence*	**Details of Escape and Remarks**	**Recaptured?** *Latest medical* *Diagnosis*
1. Forster, George September 1854 (White, 1854)	Shot at his father with intent to kill. *Acquitted on ground* *of insanity.*	While walking outside, exited through small opening under boundary wall. White: Recaptured, 'much in the same state both mental and body as when he left the asylum.' (White, 1854)	Yes, retaken Sept 28th. *Insane.*
2. Mary Kelly 1854 (Asylums Report, 1855: 20)	Not stated *Not stated*	Unbarred window-shutter during the night. Got into airing yard and over boundary wall. Nearly a month concealed by her friends.	Yes. *Diagnosis not* *stated.*
3. Mary Mullen 19 July 1857 (Nugent, 1857)	Infanticide. *Acquitted on ground* *of insanity.*	Details of escape not stated. Convalescent but not of strong mind	No. *Sane.*
4. Mary Murray 5. Bridget McGrath 6. Margaret Kelly 1 February 1864 (Nugent, 1864)	Arson. *Imprisonment* Larceny *Imprisonment* Assault *Lord Lieutenant's* *Pleasure*	All escaped during building works. Contractors left partitioning door unlocked. Allowed patients to pass between areas beside one of the dayrooms and escape. Corbet: 'All these women were for a considerable time sane. (…) Insane persons have little or no facility for combining.' (in Nugent, 1864)	No. *All Sane.*
7. John Dwyer 11 November 1868 (Corbet, 1868)	Sheep Stealing *7 years' P.S.*	Attendant stated he had his hand on Dwyer when he began to run, escaping into the kitchen and out of the asylum. Corbet believed Dwyer was unattended.	No. *Sane.*

8. Joseph Langfrey (CRF, 1867) 9. Michael Mullen 10. James Hogan 26 December 1868 (Nugent, 1868, 1873)	Assaulted police officer. *Insane on arraignment and held at Lord Lieutenant's Pleasure.* *No detail on crime nor mental state of Mullen and Hogan.*	After supper the three patients went up to a dayroom, pulled the window out and dropped down using a cord. Frail construction of windows. Totally unfit for safe keeping purposes. Corbet: All acted in conspiracy. Two of bad character. Hogan a decent man—had not shown much mark of insanity but told police a plot had formed against him. Has since been steady in his mind. (Nugent, 1868) Inspectors: 'The above men were never looked upon as lunatics by the Medical Officers, and the combination gives strength to this opinion.' (Asylums Report, 1869: 33) Corbet: 'all these men were sane.' (in Nugent, 1868) Nugent: Police given a description of all three 'but owing doubtless to the fact of their perfect sanity, they evaded that search which would have been successful had they been insane.' (Nugent, 1873)	No. *All Sane.*
11. R. Smith 1868 (Nugent, 1868)	Cut off wife's head while insane. *Not stated*	No details of escape. Discharge from Dundrum had been repeatedly refused despite him having been sane for years. (Nugent, 1868)	Not stated. *Sane.*
12. Jane Robinson 1869	Murder	No file found in archives	-
13. R. Smith 1870	No file found in archives	-	-
14. E. Bowles 1872	No file found in archives	-	-
15. Michael Hudson September 1873 (MacCabe, 1873; Asylums Report, 1874)	Burglary. Twice convicted. *Not stated*	Sprung the clips on the window sashes and escaped from there in broad daylight. (MacCabe, 1873)	Yes, gave himself up days after. *Not stated*

16. Margaret Aberton 3 April 1875 (Hatchell, 1875)	Not stated	MacCabe put Aberton in a cell with barred windows. Without MacCabe's knowledge she was removed to a cell without bars on orders of Jane Hanlon, the head nurse. The next morning her escaped was reported. MacCabe: 'The great difficulty of managing the sane convicts who are occasionally sent here from Mountjoy Female Convict Prison also induced me to make great allowances for this nurse's conduct.' (in Hatchell, 1875) Hatchell: Head Nurse Jane Hanlon responsible. 'It is a most serious thing for a patient to escape from this asylum, far more than from an ordinary asylum; this is a prison as well as an asylum, for none are here who have not committed a crime.' (Hatchell, 1875) '…there can be no second opinion that she was guilty of gross neglect of duty.' (ibid)	Not stated *Sane. Had become refractory.*
17. John Collins 17 March 1876 (MacCabe, 1876)	Not stated	During the 'bustle' of serving supper, Collins passed through the kitchen into the yard and escaped. A very quiet and industrious patient. (MacCabe, 1876) MacCabe: 'I have given directions that he is no longer to be employed in the far yard (…) so that he cannot again abuse the confidence that was placed in him.' (MacCabe, 1876)	Yes. Gave himself up to police. *Not stated*
18. Andrew Dolan 3 February 1874—February 1876 (MacCabe, 1876b)	Murdered wife due to jealousy. *Found insane. Lord Lieutenant's Pleasure.*	Found his uniform outside Dundrum with hay thrown about. Nugent believes Dolan placed clothes in a haystack on the farm yard while working. Then took an opportunity to escape during a fog. 5 February: 'He certainly, if ever actually insane, evinced no symptoms of mental disease for a very considerable time. (…) He seemed to be contented at the asylum and Dr. MacCabe informs me he frequently remarked how fortunate he was to be in such an institution.' (Nugent, 1874)	Yes. Recaptured and returned 2 years later in Feb 1876. *Sane.*
19. Patrick Connor 5 November 1880 (CSORP, 1880)	Homicidal assault on coachman to Gilbert King. *Unfit to plead due to insanity. Lord Lieutenant's Pleasure.*	Escaped during yard work. Attendant followed Connor walking behind the female building but when he turned the corner Connor was out of sight. Believe he escaped to Glasgow. Ashe: 'His mental condition is in my opinion that of temporary recovery. (…) he was at large for several months, (…) he appears to have associated with his fellow men as a sane man. (…) <u>so long as his present condition of mind continues, his possession of freedom will be unattended with danger to himself or others;</u> (…) it is impossible to guarantee that this condition of mind will continue, (…) free from danger of a relapse into insanity.'	Yes. Absent for several months. *Sane.*

20. James Duggan	Attempted Suicide. *Not stated.*	Two attendants were in charge of approx 100 inmates during yard work. 'They asked leave to absent themselves for a moment to enter one of the farm boxes; Not returning he [Sherman] followed them there and found that they were gone.'	Yes. Captured 28 June. *Duggan – Sane*
21. Michael Glasheen 27 June 1884 (CSORP, 1890)	Murdered his wife. *Lord Lieutenant's Pleasure.*	'The case is merely an illustration of what I have so often brought myself under your notice, viz, the impossibility of keeping these prisoners in safe custody with a staff so utterly unmanned as that of this asylum. (…) life will sooner or later be lost, in consequence of the fearfully undermanned condition of the staff of this asylum.' (Ashe, 1884a)	Yes. Captured *Glasheen – Insane*
22. Peter Allen 30 August 1884 (Ashe, 1884b)	Not stated. *Not stated.*	Succeeded in evading the shoemaker in whose charge he was in during exercise.	No. *Not stated*
23. Thomas Wilson 24. Patrick O'Neill 24 Sept 1884 (CSORP, 1890)	Murder. *Homicidal mania.* Murder. *Epileptiform mania.*	After evening prayers went through corridor-doors left open and exited to the exercised yard using a key Wilson had forged. Scaled boundary wall. Upon seeing Wilson being arrested in a nearby field O'Neill ran away. (For description of homicidal mania see Tuke (1892: 593-599)) Taylor (MO) on O'Neill: 'since his admission here he has shown no sign of insanity, had no fits, and has been fairly well conducted.	Wilson—Yes. *Not stated.* O'Neill—No. Sane
25. Peter Dillon 12 November 1884 (CSORP, 1890)	Not stated. *Not stated.*	Broke into the tailor shop by smashing a window. Stole clothes belonging to attendants and the tailor, leaving his own behind. Also left a pocket kerchief behind 'which he had ingeniously used to break the glass with very little noise.'	Not stated. *Not stated.*
26. Felix King 8 December 1884 (CSORP, 1890)	Broke a window in Parliament and carried away a revolver. *Acquitted on plea of insanity.*	Got away from an attendant. Prevented from exiting at the front gate by constabulary stationed at Dundrum during building works. Nugent: 'He certainly at the time was not of his mind and still turns with delusions.' Ashe: 'About this patient's insanity there can be no doubt, he therefore in any case could not have evaded re- capture.'	Yes. *Insane*

27. Joseph Dorey 16 August 1885 (Nugent, 1888)	Murder *Lord Lieutenant's Pleasure*	Dorey showed Ashe where he got over the wall, stating he could do it any time. Ashe could not understand how escape happened with attendants nearby. 'I regard him as insane but he is very well-conducted and very intelligent and could probably pass himself off on the outside as sane.' (Ashe, in Nugent, 1888)	Yes. Found by Police. *Insane.*
28. Edward Eagney	Murder *Acquitted on ground of insanity*	Leaned a plank of wood left by contractors against the wall and climbed over. Ashe blamed Board of Works staff for leaving wood around. Hatchell believed attendants should be disciplined while Ashe resisted because none were disciplined after escape of John Dorey.	Not stated *Not stated*
29. Alfred Jones 23 December 1887 (in Nugent, 1888)	No file on Jones	Ashe: Eagney was previously a student at Blackrock College. Was admitted to Mullingar Asylum with 'religious melancholy'. On discharge he became a pedlar who visited convents. Accused of murdering a nun at Maryborough Convent. His statement to Ashe was that the nun 'fell dead of heart disease while talking to him, and that he, very naturally, caught her in his arms as she fell, and was accordingly supposed to have murdered her.' (in Nugent, 1888) Eagney's notable history in Dundrum was recalled: On 26 December 1877, he attacked a fellow prisoner at night in the dormitory. On the night of 29-30 July 1879, he attempted to escape with a sane prisoner named Alfred Jones. In May 1885 he fought with another patient, sustaining a fracture of both bones in his left leg.	

From the above cases several themes emerge. The first relates to a relationship between the determination of the prisoners' mental state, and whether they were at large or returned to the asylum. These fall into several categories as shown in Figure 5.2.

Figure 5.2 - Outcome of Escapes and Mental Diagnosis

Sane/Insane	No. Prisoners	Prisoner Names
11 cases returned to Dundrum		
Insane	4	(1) Forster, (21) Glasheen, (26) King, (27) Dorey
Sane	3	(18) Dolan, (19) Connor, (20) Duggan
No diagnosis	4	(2) Kelly, (15) Hudson, and (17) Collins, (23) Wilson
10 cases still at large		
Sane	9	(3) Mary Mullen, (4) Murray, (5) McGrath, (6) Kelly, (7) Dwyer, (8) Langfrey, (9) Michael Mullen, and (10) Hogan, (24) O'Neill
No diagnosis	1	(22) Allen
4 cases whereabouts not stated		
Sane	3	(11) Smith, (16) Aberton, (28) Eagney
Not stated	1	(25) Dillon
4 cases mentioned in Inspector reports, but no archive file found		
	4	(12) Robinson, (13) Smith, and (14) Bowles, (29) Jones.

In the 14 cases where escaped prisoners remained at large or their whereabouts were unconfirmed in CSORP files, they were almost certain to be diagnosed sane as in 12 such cases. One temporary exception (21) Michael Glasheen, was addressed by Dr. Ashe after his escape in 1884, stating 'he is insane and will probably be readily re-arrested' (in CSORP, 1887). As shown in the final column in Glasheen's case he was re-captured the day after his escape (ibid). Furthermore, two of the three sane cases returned to Dundrum were absent for a protracted period: (18) Dolan, for two years and (19) Connor for around four months. The correspondences asserting their sanity were written while they were absent. Escaped patients fell on the 'bad' side of the 'mad-bad' divide, meaning they were agential actors of a negative character.

A second relationship concerns four cases (10, 18, 27, and 28) where prisoners' own statements were invoked either directly or indirectly. This relates to the discursive opposition between Reason and Folly where the madman's speech distinguishes him from the sane person, and doctors assign truth or invalidity to their speech (Foucault, 1971). In correspondence about inmate (27) Joseph Dorey, the inmate showed Dr. Ashe where he had climbed over the boundary wall in 1885 and said he could do it any time. Although Dorey's file stated he was insane, Ashe accepted Dorey's explanation. This statement was of little consequence for his perceived mental state, although Ashe stated Dorey, 'could probably pass himself off on the outside as sane' (Nugent, 1888). This suggests that only a trained professional can identify Dorey's covert insanity, thus reinforcing Ashe's expertise.

A second inmate, (18) Andrew Dolan was among the sane inmates who escaped Dundrum February 1874 for a two-year period before being recaptured in March 1876. Although detained at the Lord Lieutenant's Pleasure being found legally insane, writing before he returned Nugent questioned the notion Dolan was ever insane: 'he evinced no symptoms of mental disease for a very considerable time' (Nugent, 1874). Dolan's speech was invoked to present Dundrum in a positive light stating 'Dr. MacCabe informs me he frequently remarked how fortunate he was to be in such an institution' (ibid). Here, Nugent directly contradicts the court decision to find Dolan insane having murdered his wife due to jealousy. This demonstrated the typical disagreement between legal and medical insanity and illustrates how prisoners considered mentally ill could be reconstructed as 'disordered' subjects requiring discipline (Carlen, 1983).

The third case involves a quoted statement by the inmate (28) Edward Eagney. Eagney's 'religious melancholy' developed while at Blackrock College, an upper-class Dublin boarding school, thus reinforcing the claim that criminal lunacy is a 'malady that recognizes no social distinction' (Asylums Report, 1853: 14f). It is not known from data whether Eagney returned to Dundrum and no conclusion about his mental state appears in this file. He was regarded as insane after being held to

have murdered a nun who he said, 'fell dead of heart disease while talking to him, and that he, very naturally, caught her in his arms as she fell' (in Nugent, 1888). Eagney had been involved in two violent encounters in Dundrum, and one previous escape attempt in 1879, with a 'sane prisoner' (29) Alfred Jones (ibid).

The fourth case was significant for several reasons. (10) James Hogan escaped in 1868 in collaboration with two other prisoners (8) Joseph Langfrey, and (9) Michael Mullen and all three remained at large. Corbet noted that Hogan previously 'told police a plot had formed against him' (in Nugent, 1868), a commonly perceived trait of insanity. Since then Hogan had become mentally stable (ibid). However, the Inspectors reframe this with subtlety in the publicly available annual report, stating the 'men were never looked upon as lunatics by the Medical Officers' (Asylums Report, 1869: 33) when according to the MO the inmate exhibited a common symptom of insanity. Therefore, when it came to public disclosure of the case in the annual report, statements attributed to the MOs—being the 'fellowships of discourse' (Foucault, 1971)—which were not entirely factual, were superficially presented as conveying the meaning of the discourse. While Inspector Corbet appeared suspicious over Hogan's possible insanity, he publicly presented a lack of comment by the MOs about the prisoner as meaningful observation. In this process the Inspectors maintain the position of framing the doctrine of criminal lunacy and the escaped inmate was designated as bad rather than mad.

Further, Nugent claimed that because the three men were sane, they were able to evade the police (in Nugent, 1873). They escaped by collaborating to drop down through a second-floor window using a cord to assist them (in Nugent, 1868). This was similar to the escape of three women four years previous, when (4) Mary Murray, (5) Bridget McGrath, and (6) Margaret Kelly all escaped by passing through an unlocked door during building works (in Nugent, 1864). Of the three women's escape, it was stated 'All these women were for a considerable time sane. (…) Insane persons have little or no facility for combining' (in Nugent, 1864). The same principle was being applied in 1868 to diagnose the three men's sanity. Therefore,

the Inspectors' interpretations were again inconsistent and contradictory. Neither Michael Glasheen, attempting to escape with James Duggan in 1884, nor Edward Eagney attempting to escape with Alfred Jones in 1879, were diagnosed as sane. Both were deemed insane and both escape attempts failed.

In contrast to these cases, on 22nd March 1876, Dr. MacCabe updated the Inspectors on action taken regarding (17) John Collins who briefly escaped the asylum five days previous before turning himself in to police. Collins, 'who is a very quiet and industrious patient usually employed in feeding the asylum pigs' (MacCabe, 1876) escaped in the busy period during supper by passing through the kitchen and into the asylum yard. Collins' escape attempt was attributed to his mental weakness, stating he was a 'very quiet man of weak intellect, contrived to get away' and with an 'inclination for drink' (ibid). Collins was transferred to a secure division 'so that he cannot again abuse the confidence that was placed in him' (ibid). Hence, with Collins in detention at the time of writing his mental state was emphasised, necessitating further treatment in Dundrum.

In the successful collaborative escapes described above, public demonstration of agency determined the subsequent diagnosis of sanity. The same theme appears in the 1880 escape of (19) Patrick Connor. Connor had assaulted his friend and attempted suicide, and his parents were in regular communication with Dundrum to have Connor released into their care (CSORP, 1880). Furthermore, the employer of the victim, a memorialist for the colonial government was vouching for Connor (ibid). Upon escaping for several months Ashe stated, 'he was at large for several months, (…) he appears to have associated with his fellow men as a sane man. (…) so long as his present condition of mind continues, his possession of freedom will be unattended with danger to himself or others' (CSORP, 1890, emphasis in original). Connor's sanity was not confirmed by escaping, but by demonstrating he could live 'as a sane man'. At almost every turn when sustained escapes occurred inmates were being awarded agency and assigned responsibility.

Joseph Langfrey's Convict Reference File shows he was found legally insane and sent to Dundrum only twelve months before his escape, a point not raised during communications to the to the Chief Secretary about the escape (CRF, 1867). Langfrey's case among the others discussed, illustrates that it was not, as Foucault stated, the speech of the madman which distinguished his madness (Foucault, 1971). Langfrey also stated a plot was forming against him, but instead it was the success, or lack thereof the inmates' escape attempts in the above cases which distinguished them from the other inhabitants of Dundrum.

When Ashe responded negatively to the question '[Is there] Any classification of the Male Patients having regard to their degree of crime and their tendency to escape?', he was not mindful of those inmates who had already escaped. By refusing to participate in their construction as passive victims of a malady and publicly demonstrating their individual agency, the *a priori* doctrine of criminal lunacy was shown to be flawed. The experts worked to save face by proclaiming Dundrum's success.

By 1868 Dundrum was reaching a turning point and four days after the escape of (8) Joseph Langfrey, (9) Michael Mullen, and (10) James Hogan, on December 30th a lengthy private correspondence involving the inspectors, the Government, and Dundrum's architects was recorded with the aim of addressing the growing number of escapes. This involved a distinct brand of 'psychiatric pessimism', where the Inspectors themselves indicated their dissatisfaction with the state of Dundrum. Writing the day after the male group escaped on 26th December 1868, Corbet confirmed his view that the men were sane, before explaining that the asylum was inappropriate for the lengthy detention of sane inmates:

> There are several men here who are quite sane enough to attempt what I have related of this escape. The short time for carrying it out and the facility with which it was affected is very alarming, and makes it questionable whether all the windows should not be furnished with bars. I may add that all these men were sane. (in Nugent, 1868)

A similar sentiment was expressed on 30th December 1868, when John Nugent wrote of the escape to Dublin Castle emphasising the escapees' intelligence, who acted very cleverly', thereby making Dundrum's staff blameless (Nugent, 1868). Nugent repeated Corbet's mention that sane persons should not be detained in an institution such as Dundrum, and emphasised the claim that inmates who collaborate to escape, are, by definition, sane:

> A main object of the Commissioners of Public Works in the erection of the building, and one in which the inspectors entirely concurred, was to divest it as far as possible of all appearances of a Gaol-like nature, and of those structural arrangements (barred windows, high boundary walls etc) which, although essential for the safe custody of criminals, are totally unnecessary for the detention of Lunatics, from the fact that the latter are unable to form any combined plan of escape. (Nugent, 1868)

The notion of barring the windows was contrary to the moral management approach of the day and indicates a weakening of psychiatric discourse's influence over the running of Dundrum. From this point on, the setup and control of Dundrum became increasingly debated in private. Since Ireland's psychiatric experts' positions of authority were linked to the 'moral management' doctrine, the continued escapes represented a grave threat to their institutional authority. Still writing to Dublin Castle Nugent again, contested legal insanity:

> A serious question arises for the consideration of the government, namely, what is to be done with criminal lunatics who have ceased to be or who, although acquitted of offences on the plea of insanity, are not, and in some instances too never were, of unsound mind, and will not endure the prospect of perpetual confinement in a place from which escape is comparatively easy? (Nugent, 1868)

This claim sought to illuminate the problem of escapes as being strictly due to the presence of 'bad' rather than 'mad' actors. Legally insane inmates were being reconstructed as 'disordered' (Carlen, 1983). This left the specialist expertise of the RMS of Dundrum and the Lunacy Inspectors, and the validity of the 'criminal lunatic' as a social construction, unchallenged—a key function of a discipline

(Foucault, 1971). Nugent then mooted two alternative courses of action which were unsurprising given the difficulties Dundrum faced:

> Is it desirable for the sake of the detention of a few individuals to convert the asylum into a prison by barring up the windows and raising the boundary walls to such a height as shall render it difficult if not impossible to scale them? – Or would it be desirable to create a prison within the asylum by the erection of a special place of confinement for recovered criminal lunatics and for those who were primarily not insane when admitted into the institution?
>
> If neither of these modes are approved what course should then be adopted for the safe custody of the individuals referred to? (Nugent, 1868)

Therefore, Dundrum's 'moral management' elements were being abandoned by the Inspectors. The image of freedom the asylum sought to maintain was becoming a major strain and the Inspectors were widening the mad-bad dichotomy. As the 'disordered' prisoners became increasingly demonised, inmates who committed crimes of the gravest character were humanised: 'many of the best behaved and kindliest of inmates of the Asylum, be they still mentally diseased or restored to reason, are and have been found to be among those acquitted of murder on the plea of lunacy' (Asylums Report, 1873: 14).

Although there are no examples media responses to the above escapes, and therefore, a very limited basis to consider them through a moral panic lens, there are clear indications of Dundrum's medical personnel working in their own interests (Goode and Ben-Yehuda, 2009) to manage theirs and the institution's public image. They repeatedly re-define the deviance of escapees in their own interests and in some cases, particularly where the Inspectors' Reports covered the escapes, a public audience is present. In this context they appear to be attempting to dampen the anticipated effects upon the audience, public and political, of any doubts arising about Dundrum and its management due to escapes of criminal lunatics. As is often the case for 'rule enforcer' (Becker, 2011) Dundrum's management and the inspectors appear to be preoccupied with coaxing public respect for the deviant categories as and when they redefine them.

The professional identities of those in authority also began to transform during this period with a gradual introduction of the term 'governor', which had two meanings in two related contexts. The boards of governors of district asylums were nominated by the government to manage the asylums (Haslam, 2003), and the prison 'Governor' was well-established in the English prison system by the mid-nineteenth century and a symbol of discipline and control (Bryans, 2007; McConville, 1981). Both the Inspectorate and the RMS of Dundrum began to identify in these terms during this tumultuous period, albeit differently in public and private documents and at different historical moments.

The term 'governor' was first used in Dundrum was by Lunacy Inspector John Nugent in 1864, in private correspondence only. Although Nugent also authored the annual Lunacy Inspectorate reports, he did not use the term there and until 1878 subsections on Dundrum referred instead to the 'Resident Physician' or 'Resident Medical Superintendent'. Nugent forwarded a letter to Dublin Castle from the 'Resident Physician and Governor of the Central Lunatic Asylum at Dundrum, notifying of the escape of three female patients' (Nugent, 1864)—the patients appear in Figure 5.1 above as (4) Mary Murray, (5) Bridget McGrath, and (6) Margaret Kelly (ibid). The annual report published in 1864 discussed the process of patient discharges from Dundrum, stating that a recommendation for discharge could be made by 'the two physicians attached to the asylum, if their opinion coincided with ours [Inspectors]' (Asylums Report, 1864: 66). Whether Nugent purposely employed the term only in private is an open question but there is evidence he chose his words carefully in the public reports when discussing the roles and powers of various professions.

The annual report for 1864, published in 1865 began with Nugent highlighting the Inspectors' 'immediate control' of Dundrum (Asylums Report, 1865: 22), before praising the 'Resident and Visiting Physicians' for its ongoing success (Asylums Report, 1865: 24). The 1865 annual report published in 1866 again emphasised the Inspectors' control of Dundrum: 'The Dundrum Asylum being under our sole

control, is constantly visited by us, and we thus can bear testimony to the efficiency of the medical and other officers connected with it' (Asylums Report, 1866: 23). The 1866 annual report's subsection on Dundrum begins with the Inspectors equating their authority over Dundrum with the Boards of Governors of district asylums: 'Standing in the position occupied by the Boards of Governors with respect to district asylums, the functions exercised by us in regard to its affairs are in every way similar' (Asylums Report, 1867: 36). Subsequent reports recited the inspectors' control over Dundrum and praised the physicians for Dundrum's success. In another private letter to Dublin Castle in 1873 the term 'governor' reappeared when Nugent reported the escape of three male patients—(8) Joseph Langfrey, (9) Michael Mullen, and (10) James Hogan—again referring to the 'Resident Physician and Governor of the Asylum' (Nugent, 1873). Considering that the district asylum governors were nominated by Dublin Castle and bound to privy council rules (Haslam, 2003), Nugent was asserting the inspectorate's government mandated possession of discourse (Foucault, 1971) at Dundrum.

The term 'governor' first appeared in an annual report with respect to Dundrum in 1878, in a letter by Isaac Ashe, Dundrum's Resident Medical Superintendent. This was the second year in which Dundrum's RMS was personally invited to author the Dundrum subsection of the annual report and Isaac Ashe signed his report as 'Resident-Physician and Governor' (Asylums Report, 1878: 20). The timing coincided with the *General Prisons (Ireland) Act, 1877* which established the General Prisons Board and detailed the rules prison governors should follow as well as their duties which pervaded all aspects of the asylum's functions. Ashe's section on Dundrum in the annual report provided updates on the asylum's accounts, the moral condition of inmates, his sparse use of restraint and segregation as punishment, his relationship with the inspectors and visiting physician, his positive assessment of Dundrum's staff, and his supervision of ongoing maintenance works at Dundrum (Asylums Report, 1878)—all which are aspects of governorship detailed in section 12 of the *General Prisons (Ireland) Act, 1877*. In the previous year's

annual report Ashe elaborated his successful investigation into Dundrum's land steward for forgery and embezzlement, resulting in his sacking and conviction (Asylums Report, 1877).

Having been RMS for little over a year, Ashe demonstrated substantial attention to both staff and inmate disciplinary matters. As this chapter demonstrates, this occurred against a backdrop where concern for security issues at Dundrum amid persistent escapes was escalating. By identifying as physician and governor, Ashe aligned himself with the custodial element of Dundrum's institutional identity; the element of control (Bryans, 2007) which had become the model for prisons and for which Dundrum was perceived ill-equipped. Ashe often signed his annual inspectorate report contributions as 'governor' until his replacement in 1891.

The different uses of the term 'governor' between the Inspectors and the RMS of Dundrum in both public and private domains coincided with a wider shift in psychiatric practices from 'care to control' in Ireland and further afield (Prior, 2003). In equating his role at Dundrum with the boards of governors of district asylums Nugent projected the image that the inspectors' authority over Dundrum was official policy. Nugent's initial description of the Dundrum RMS as 'governor' in private, suggests he may have been keen to assuage Dublin Castle's unease over continued escapes while downplaying the issue in the public reports. Ashe's public use of the term in 1878 suggests he saw the discourse of control as being central to legitimising his authority, particularly as the initiative to introduce more carceral structural features into the asylum was well underway. It is plausible that in both instances Nugent and Ashe employed the term 'governor' strategically to frame their professional identities in terms of the evolving hierarchical positions in the asylum and prison systems, evincing Scull's (1981: 6) claim that psychiatrists' 'professional identity was bound up with their institutional status'.

The weakening of moral management discourse coupled with the reinforcement of the Dundrum's carceral features illustrate Foucault's (1971) description that the institution becomes empowered by referring to a more traditional discourse—in

this case, incarceration—as the scientific discourse weakens. Nugent's (1868) proposal to build 'a prison within the asylum' was implemented four decades later, when a 'refractory block' was built in 1909 based on a different discursive representation of criminal lunatics, as will be discussed in Chapter Seven.

5.3 Summary

This chapter explored the social construction of 'dangerous' and 'criminal' lunacy in Ireland since 1833 and after Dundrum opened in 1850. It showed how Dundrum's population became increasingly dichotomised into 'mad' and 'bad' inmates following a series of escapes spanning three decades. It began by examining fourteen newspaper articles on the murder of Nathaniel Sneyd in 1833 and showed how press coverage of the case exhibited the characteristics of a 'moral panic'. The gravity of the case was exaggerated, and the perpetrator was represented as a folk devil. The courts and medical personnel were central in enacting practices to dampen the panic and institutionalise 'criminal lunacy' in Dundrum. This reified the new *but well-known* deviant category in Irish society while establishing the Lunacy Inspectorate to control the perceived deviance. After Dundrum opened in the 1850s 'criminal lunatics' were represented in Annual Inspectorate Reports in markedly different and much more benign terms to their 'dangerous' counterparts, thus evidencing the ways in which moral entrepreneurs are more concerned with coercing their audience to accept the deviance than enforce social control rules and practices. These developments in Ireland coincided with similar contemporary international developments regarding psychological medicine and legislative responses for dealing with dangerous and criminal lunatics.

The final section then showed how in the long series of twenty-nine escapes from Dundrum there was a striking relationship between the ability of the escapee to evade recapture and the likelihood they would be considered sane. As the escapes continued and attracted more scrutiny for Dundrum's management, escaped inmates were more likely to be considered 'bad'. Inspectors contradicted the legal

certifications of certain inmates' insanity. Furthermore, the Inspectors began to recommend structural alterations to Dundrum, such as 'building a prison within the asylum' (Nugent, 1868). Finally, in 1864, Dundrum's RMS was referred to as 'governor' in private documents for the first time. Thus, began an increasing use of the term until Isaac Ashe eventually used it himself more than a decade later. This chapter broadly supported Prior's (2003, 2008) observations that Dundrum shifted from a 'care to control' management approach. The next chapter shows how this situation escalated to the detriment of the Inspectors.

Chapter 6. 'Then Invaded and Possessed': Negotiating Authority

This chapter presents findings for the period 1874 to 1893. The discussion is primarily based around three private commissions of inquiry reports (1882, 1885, and 1891) and the events surrounding them which largely initiated as a response to the frequent escapes described in the previous chapter. This period marks the beginning of a power shift in Dundrum's management. The Inspectors of Lunacy and Governor were incrementally dispossessed of responsibilities while struggling to maintain their authority often by facilitating and legitimating governmental decisions.

The main avenue for this shift was the commission of inquiry and all three inquiries were led by non-Irish doctors; the first two in 1882 and 1885, by the Scottish physician Arthur Mitchell primarily addressed an ongoing dispute between the Governor of Dundrum on one side and the Visiting Physician and Inspectors of Lunacy on the other. These commissions attempted to reframe Dundrum as a more prison-like institution and had limited success in producing further structural changes to enhance security. The third report in 1891 was led by David Nicolson, the Governor of Broadmoor Asylum and was far more successful in enacting more radical change of the management of Dundrum, and this was also partly enabled by the death of Governor Isaac Ashe in 1891 following an attack by inmates. The chapter argues that during this period Dundrum was invaded and possessed by the colonial regime who sought to bring Dundrum under a more direct and responsive form of colonial control.

6.1 Management Disputes: First Inquiry Report, 1882

The 1882 'Report upon Dundrum Lunatic Asylum' was authored by Arthur Mitchell and R.W.A Holmes while Inspector of Lunatics John Nugent did not participate having been appointed head of the commission of inquiry (Robins, 1986). It advised upon eighteen different issues attributed to the management of Dundrum, ranging from minute to general practices, some of which included:

attendants' rations and patients' diets; asylum supplies; insufficiency of the asylum's staff; the Privy Council Rules; a brief accusation by the asylum chaplain that Catholic patients were being treated unfavourably; the Right of the Governor to communicate directly with the Treasury; a dispute between the Governor and Matron; and it primarily set out to address the difficult relationship between the Governor and the Visiting Physician and accusations of harsh treatment of certain patients. This section discusses issues related to the overall governance of Dundrum as well as a detailed written response to the report by John Nugent.

The 1882 report begins by tracing the strained relationship between the Governor and Visiting Physician back to Isaac Ashe's predecessor Dr. Frederick MacCabe who left his position at Dundrum in April 1876, being replaced by Ashe the following month (Mitchell and Holmes, 1882). It states that during Dr. MacCabe's tenure Dundrum's rules dating back to 1850, were interpreted to assign authority to the Visiting Physician (ibid). However, in January 1876 new Privy Council Rules came into effect and 'the general control, management, and responsibility, we believe designedly, were, and in our opinion are, unmistakeably, vested in the Resident Physician and Governor' (Mitchell and Holmes, 1882: 2).

Dr. MacCabe believed this to be the case in an 1874 letter annexed to the report which stated, 'The Visiting Physician's sphere of action is the treatment of bodily diseases. The Resident Physician is charged with the discipline of the establishment, its general control and management, and the special treatment of mental disease' (Mitchell and Holmes, 1882: 38). Further, Dr. MacCabe described the Resident Physician's duty which includes the prevention of escapes, as the 'real work', while the strictly medical work was 'trifling in amount' (ibid).

The report cites 'interference' by the Visiting Physician Dr. John Hughes in attempting to alter aspects of the internal rules and daily running of Dundrum, complaining Hughes had acted beyond the authority of his position (Mitchell and Holmes, 1882: 2). Dr. Hughes was accused of engendering a 'mutinous spirit' among staff and patients who undermined Dr. Ashe's authority over the daily

management of the asylum and prevented the inquiry committee from collecting reliable evidence (ibid). It argued that Hughes had persisted in this course since the final months of Dr. MacCabe's tenure in 1876 (ibid).

It then detailed various aspects of the daily running of the asylum which contributed to the dispute between Ashe and Hughes. First, it discussed accusations by Hughes against Ashe about the management of seven inmates, only two of which contested their mental diagnoses (Mitchell and Holmes, 1882). The report reproduced a letter sent in 1881 by the Roman Catholic Archbishop of Dublin Edward MacCabe, to the Chief Secretary of Ireland, William Forster, making almost identical accusations about Ashe about the seven cases, which are detailed below (ibid). It complained that Ashe's practices may have led to the death of an inmate and that the commission of inquiry would not hear the Archbishop's complaints as he was told they were outside the inquiry's terms of reference (ibid).

The report refuted this on the basis that Hughes' complaints were heard during the inquiry and were presently to be discussed, and it queries the likeness of the allegations made by Hughes and the Archbishop (Mitchell and Holmes, 1882). The Archbishop's letter also complained that Ashe was unfit for the position of Governor, that he only disciplined Catholic attendants, terminating the employment of one attendant after thirty years' service in a disciplinary case, and that 'immorality frequently results from the fact that the men and women attendants are allowed to keep company in the grounds at night' (Mitchell and Holmes, 1882: 39).

Seven inmate cases were then addressed, three of which will be discussed here as the omitted four relate to prison discipline or physical health only and state nothing of note about criminal lunacy:

1) Christina Foster was transferred to Dundrum from Mountjoy Female Prison in July 1875, when frequent 'paroxysms of violence' began on 25th December 1875, and lasted intermittently until April 1880. Ashe and Hughes agreed initially to put her into seclusion and then to into a straitjacket for her for three months,

which Ashe had made. Archbishop MacCabe complained that she was restrained for a total of seventeen months to the severe detriment of her health.

2) A patient named Mahony refused to take off his hat when 'God Save the Queen' was played and upon being prohibited from attending a dance as punishment he tore up his clothes and smashed a window and a chair. Hughes regarded him insane, while Ashe stated he was 'not insane, but that he was simply wicked and obstinate'.

3) A patient named Stackpoole suffered from 'general paralysis of the insane'. Ashe kept him constantly in bed as he alleged that there is an 'oily degeneration of the bones' in such cases, which he had published post-mortem research on in the April 1876 volume of the *Journal of Mental Science*. Hughes ridiculed this theory and wanted the patient freed to protect him from developing bed sores.

(in Mitchell and Holmes, 1882: 3-5 and 38-39).

Evidently, an adversarial relationship between the key figures responsible for managing Dundrum had developed, consisting of two sides: The Inspectors of Lunacy (John Nugent and George Hatchell) and Visiting Physician (John Hughes) on one side, and the Governor (Isaac Ashe) and Commissioners of Inquiry (Arthur Mitchell and R.W.A. Holmes) on the other. Furthermore, the Archbishop of Dublin had intervened on the side of the Visiting Physician, extending his criticism to other areas of Ashe's management, which will be briefly discussed in due course.

The report did not explore the processes by which medical decisions were made, merely stating the different positions Ashe and Hughes took, while scrutinising the justifications for various punishments issued by Ashe. Additionally, only the second and third cases were concerned with the patient's mental state, again ending in disagreement. Nugent's opposing diagnosis of Mahony as will be discussed in the next section. Several recommendations were then made which repeatedly referred to Broadmoor Asylum as the benchmark for good practice. The findings below are paraphrased from (Mitchell and Holmes, 1882):

- Making the Resident Physician 'supreme authority' of the asylum.

- Reinstating the weekly dance as a gender-segregated past-time, as at Broadmoor.

- Only newspapers and books approved by Government should be supplied to Dundrum, as at Broadmoor.

- Labour should be recompensed by a small allowance or a beer ration, as at Broadmoor.

- Broadmoor Asylum's rules are divided in two: one for superior officers and one for subordinates. Dundrum's rules for subordinate staff should be handled by the Privy Council, with rules for superior staff and asylum functioning reassigned to the Chief Secretary of Ireland.

- Privy Council Rule 20 which designates responsibility for the medical care of staff and inmates at Dundrum to the Visiting Physician, should only be enacted upon request by the Resident Medical Superintendent of Dundrum.

- The Governor as Accounting Officer of Dundrum should be able to communicate directly with the Treasury on money matters as the Privy Council Rules removed responsibility for key financial decisions in Dundrum from the Inspectorate.

- The asylum is understaffed. Two additional male attendants and one additional female attendant should be hired.

As Robins (1986) remarks, these proposals would certainly have empowered the Governor by assigning supreme authority for the management of Dundrum to him and reassigning medical responsibilities from the Visiting Physician to the Governor. This would relegate the Inspectors and Visiting Physician to more subordinate roles and almost entirely remove their psychiatric care responsibilities. However, Broadmoor was increasingly perceived as a reference point for organising and legitimising 'true' knowledge about Dundrum and criminal lunatics. It advocated for a sharp realignment of Dundrum's management to be solely answerable to the colonial government and to make its policies and practices more reflective of those in place at Broadmoor.

Almost entirely absent from the 1882 report is any mention of epistemological challenges in understanding and treating 'criminal lunacy', save for Ashe's comments about Stackpoole which are merely mentioned. However, it features a lengthy letter by Dr. MacCabe to the Inspectors in 1874 complaining that Hughes' interference was detrimental to the management of the sane and troublesome convicts, particularly the female ones, who gained increased attention after 1868 as outlined in the previous chapter:

> We also receive from Mountjoy Female Convict Prison female convicts whose insanity is doubtful, but who have been sent here as thoroughly unmanageable, impatient of control, destructive in their habits, and unamenable to any form of prison discipline. (…) Why are scenes of disorder and confusion so frequent during the half hour's visit paid by Dr. Hughes to the female side on three days in the week? The answer is (and I respectfully invite your attention to it) that Dr. Hughes has encouraged the female patients to make complaints of the most trivial character to him. (in Mitchell and Holmes, 1882: 36)

Dr. MacCabe outlines various incidents of disruption by the unmanageable and destructive female convicts, all of which involve complaints to Dr. Hughes after Dr. MacCabe had investigated and found no action was required. One inmate, Catherine Farrell, who for a long time was deemed 'dangerous to herself, as well as to others' (ibid: 36) had been kept under restraint. Upon Hughes' appointment, MacCabe states that he ordered the removal of the restraint which resulted in her breaking her arm (ibid). Thus, the main thrust of MacCabe's letter is consistent with the representation of a distinct group of inmates at Dundrum who were increasingly being dissociated from the category of 'mad'. The implication above is that Hughes' interference somehow involved exploiting the malevolent nature of these inmates for his own disruptive purposes. Written in December 1874, this was during the year the architects Owen and Wilkinson made recommendations to enhance the security of Dundrum against the 'predominately' criminal inmates were being planned and implemented.

The 1882 report concludes with a letter from Ashe to the Inspectors in October 1878, in response to an escape detailed in the previous chapter in 1876 by John Collins. Ashe asks for leniency from the Inspectors due to the 'difficulty of harmonizing two almost incompatible requirements (…). I have not only to keep prisoners safely, but also to consider the mental and bodily health of insane patients, and (…) to provide them occupation suitable to their capacity' (in Mitchell and Holmes, 1882: 40). Ashe then lamented the difficulty of running such an institution, especially with the inferior resourcing of Dundrum compared to:

the kindred institution of Broadmoor, where the proportion of male attendants to patients is, I believe, 1 to 4; mine being, when full only 1 to 7.

If the entire arrangements of the institution were subordinated to the one object of keeping prisoners safe, as in a gaol, there would be little difficulty. If the proper treatment of insane patients were the sole object, escapes might be regarded as a matter of course and of necessity. But the combination of the two makes the perfect fulfilment of either a matter of extreme difficulty. (ibid)

Hence, the person tasked with running Dundrum believed that the institution was designed in a contradictory way or in such a way that required a very fine balance to be struck which had apparently been unsustainable thus far. Ashe's comparison to Broadmoor highlights that Dundrum is less well equipped to avoid escapes and his comparisons to prisons and asylums reveal a more straightforward definition of the how their inmates are to be detained. Throughout the report the representation of the 'criminal lunatic' lacks any discussion of psychiatric knowledge about criminal insanity, merely referring to one study by Ashe which theorises about physiological aspects of one strand of insanity. There is limited discussion of criminal lunacy with mentions of 'refractory' inmates who are subsequently subject to punishment for violent paroxysms, and bone degeneration in those suffering from general paralysis of the insane (See also Tuke, 1892: 519-544)—a notion which was contested by both expert figures who governed the institution.

The final passages by Ashe's letter in the report demonstrates how the epistemological challenge of representing the 'criminal lunatic' was addressed. They are made known (in Mitchell and Holmes, 1882) by continual reference to the criminal lunatic asylum, its management, structural arrangements, practices, authority and governance. It appears that the institution itself not only ratifies the discourse of criminal lunacy but becomes its default mode of articulation and therefore, to speak of the criminal lunatic is to refer to the criminal lunatic asylum. Because the criminal lunatic asylum must balance the secure custody of criminals with an appearance of freedom, in constructing a criminal lunatic asylum which aims to harmonize 'two almost incompatible requirements', (in Mitchell and

Holmes, 1882: 40) then the existence of criminal lunatics becomes intelligible along with the characteristics they might exhibit.

To legitimate and distinguish one's expertise about criminal lunatics in Ireland and the unique position of power this produced necessitated access to control over Dundrum. On this final point, the colonial administration's increasing influence and eventual control over the production of medico-legal knowledge during this period, with specific regard to criminal lunatics in Ireland has not been examined in scholarship to date. The remainder of this chapter will outline the development of the above two issues throughout the decade's commissions of inquiry reports.

6.1.1 An Illegitimate Inquiry

Nugent's response to Mitchell and Holmes' report consisted primarily of a series of rebuttals to the various claims made throughout the 1882 report. Nugent began by challenging the legitimacy of the commission of inquiry, stating the authors proceeded without the Inspectorate's input which was stated in a communication by the Chief Secretary in 1881 to be necessary for the inquiry (Nugent, 1882). He asserted that the eighth rule of the Privy Council makes the Visiting Physician responsible for 'the moral as well as the medical management of the Institution' (Nugent, 1882: 2). Nugent contradicts Archbishop MacCabe's claim that Catholic staff are unfavourably treated, stating the opposite is the case (ibid).

Nugent then proceeds through the seven cases which divided the opinions of the two physicians. He admits that Christina Foster was placed under bodily restraint 'for an unbroken period of eight months' (Nugent, 1882: 2), but justified Ashe's action who 'only continued the restraint when her conduct continued to require him to do so' (Nugent, 1882: 4). Nugent mentions that in March 1876, arrangements were made to place her under restraint for a period of three months, which the physicians found 'objectionable' (ibid), including Nugent who then agreed to this arrangement on the following basis: 'I fully agreed, though adverse generally to restraint, that for

three months, so as to embrace an equal number of periodical turns peculiar to the sex, it should be had recourse to if necessary' (ibid). In this, Nugent rehearsed a tenet of nineteenth century medico-legal discourse which attributed insanity in women to their biology, by prescribing Foster's treatment in accordance with processes of menstruation and reproduction (Pegg, 2009; Prior, 1997).

It was Foster's sex rather than her speech which made her insanity recognisable. This illustrates the construction of women's agency within the discourse of madness. It is not through her agency that her insanity occurs but because of her representation. Her reason is interrupted by what is perceived to be the distinguishing aspects of her biology, whereas men's insanity is generally marked by an action, whether in speech or through escape attempts and which is then reorganised into new knowledge (Foucault, 1971). Hence, the insanity of men implies agency whereas the insanity of women negates it.

Nugent then addressed the inmate Mahony, noting Mitchell and Holmes agree with Dr. Ashe's statement that Mahony was 'not insane, but simply obstinate and wicked' (Nugent, 1882: 4). However, Nugent highlighted 'peculiar features' of Mahony's insanity, who was a convict inmate transferred from Spike Island Prison[47] in Cork to Dundrum after having murdered a prison warder:

> If the combination of his refractory conduct in confinement (…), with marked delusions – at one time believing himself to be Julius Caesar, Scipio, or some such illustrious character of the past; at another, that he was endowed with Divine powers – did not constitute him a genuine lunatic, every asylum in Ireland may be safely voided of its inmates. In a letter before me now, written within the past week, and interspersed with quotations in Greek, French, Latin, and some peculiar jargon, which would puzzle a Mezzofanti, he signs himself in the double capacity of John Mahony, alias "Cneius Pompeius, Magnus the Great." (Nugent, 1882: 4)

There is no similar mention in Mitchell and Holmes' report which only highlights incidents relating to questions of punishment concerning Mahony. The above quote

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[47] Spike Island Prison in Cork opened in 1847 (Dooley, 2003). This was following a Vagrancy Act of that year which was passed during the worst period of the Famine.

relies on the simple binary between Reason/Folly and Mahony is represented as the archetypal manifestation of insanity in Ireland. It exemplifies how the madman's speech comes to distinguish him from the sane and the physician reorganises this statement and assigns it with a new meaning being indicative of the person's madness (Foucault, 1971). The images conjured by the speaker come to represent a void in the madman's reason (Foucault, 1967). However, despite the certainty Nugent projects, this explanation of insanity relies on the audience's assumed familiarity with Reason itself. The passage only illustrates what sanity is not, rather than what insanity is.

Foucault (1967) argues that this discourse produces the Reason-Unreason dichotomy, which in Dundrum's case also emphasised the mad-bad. The above passage leads the reasoning audience to accept its proposition as to reject it is to position one's own mind outside the order of reason. Because this is the paradigm case of insanity, to reject this view is also to believe that 'Ireland may be safely voided of its inmates', which is itself an unreasonable position to hold given the self-evidentiary appearance of the discourse. To contest such a representation is to risk rousing suspicions about one's own reason, or the reason of the 'civilised'. In this way, the discourse of madness is effectively enforced by producing the mad-bad dichotomy without needing to articulate any positive characteristics of its meaning.

Nugent then addresses the 'very important' case of Stackpoole (Nugent, 1882: 4). He began by actively avoiding the only point of expertise raised in the report. Writing of the "oily degeneration of the bones" in those diagnosed with "general paralysis of the insane" (See also Tuke, 1892: 519-544), he stated, 'I have no wish to discuss its merits' (Nugent, 1882: 4). He then subsequently asserted his own expertise on the subject to lean on the side of the Visiting Physician. He stated he observed eight cases of general paralysis in Richmond Asylum who died in the last year, and that physicians at Richmond have not associated the two conditions (Nugent, 1882).

Nugent then contested the accusation of Hughes' apparent 'interference' stating that if Hughes is guilty of anything then the Inspectorate should also be held responsible as they tasked him with the daily running of the asylum, which he carried out without breaking any Privy Council Rules (Nugent, 1882). Therefore, under existing rules any tasks or responsibilities for the management of Dundrum were the Inspectorate's to delegate and Mitchell and Holmes' primary focus on the Visiting Physician for undue participation in Dundrum management was also a misunderstanding of the asylum's structure of governance.

Nugent asserted 'no actual immorality was alleged by the Roman Catholic Chaplain, but that he objected altogether to dancing in every class of life' (Nugent, 1882: 6). He then stated that in banning the weekly dance, Hughes was influenced not by 'the use, but the possible abuse' of dancing at Dundrum, as it is permitted at Broadmoor but not 'by males and females together' (ibid).

Subsequently, Nugent discussed the issue of Ashe communicating directly with the Treasury about rules and financial decisions regarding Dundrum. The issue in Mitchell and Holmes' (1882) report which Nugent contested, was that the Governor had claimed authority as Accounting Officer of Dundrum to communicate with the Treasury under the newer Privy Council rules, thereby consolidating the various facets of decision-making powers in one position.

Nugent explains at length the previously established roles for rule and policymaking set out in the 1st & 2nd Geo IV and that Inspectorate hold 'primary allegiance' to the Lord Lieutenant of Ireland in running the Lunacy Department, which includes Dundrum (Nugent, 1882: 20). The assigning of duties was so the Executive would ensure the necessary measures and personnel were being put into place to run Dundrum with support from the Privy Council as an advisor, while the Treasury would ensure the necessary funds were put in place (ibid). Nugent stated that the executive had referred Ashe to the Inspectors (Nugent, 1882), although they were, as the report stated, relying upon older rules to argue this.

While this dispute ran on, what it illustrates was that the previously agreed roles of speaking subjects who were in positions to influence the general discourse and practice about Dundrum were not being upheld and were vulnerable to repositioning under a different authority. The Inspectors were contesting this. If the Privy Council Rules of 1876 are taken as a starting point for the development of this new system of rarefaction of speaking subjects, this was put in place shortly after the changes in discourse around criminal lunatics and carceral infrastructure developed as discussed in the last section. The power structure of Dundrum was changing and the Inspectors could see it. Their position was quite firmly invested in the 'moral management' and therapeutic approach of the asylum's original development.

Nugent recommended a change to Privy Council Rules to reflect his position, and to bolster his case he again professed Dundrum's overall success as an institution:

> With reference to an improvement in the organization of the Dundrum Asylum, which as a State Institution has proved highly successful ever since its foundation, I consider for all practical objects a distinct and permanent amelioration can be easily effected in its general management by the simple process of introducing a few changes in the Existing Privy Council Code of Rules and Regulations. (Nugent, 1882: 22)

If the 1882 report represented the spilling over of a long-term dispute into a formal investigation over the efficient running of Dundrum, then it remained an open question as to how this would unfold. If instead these documents are read within the broader discursive history of Dundrum, then the dialogue around Dundrum was no longer about how the criminal lunatic and their malady might be known in greater scientific detail. In the one instance in the report where this arose, Nugent did 'not wish to discuss its merits' (Nugent, 1882: 4), and later sought to rejuvenate his authoritative voice via the familiar motif of stating Dundrum's 'success'; a position which had increasingly been held to scrutiny since escapes became a sustained and then worsening problem.

However, Nugent potentially faced a significant difficulty in already possibly having undermined his own authority. The Inspectorate were associated with the 'moral management' doctrine which sought to treat and cure criminal lunatics. However, by the early 1870s it became accepted that the criminal lunatics were a two-fold population, either 'mad' or 'bad'. Nugent's own compromise by recommending 'a prison within the asylum' (Nugent, 1868) contributed to Dundrum's guiding doctrine seeking validation in another, more traditional knowledge—incarceration. Since the Inspectorate's expertise was so rooted in knowledge about the asylum rather than criminal lunatics, disciplinary changes to the asylum threatened their expertise and power. A second related problem which potentially exposed the Inspectorate's position arose in the report—the continual deference to Broadmoor as the standard bearer of criminal lunacy knowledge and practice. Nugent does not challenge this refrain a single time in the report.

Drawing upon Said (1978) then, discursive representations of the criminal lunatic were shifting and alterations were made to Dundrum's structure to consolidate this. The previously rarefied positions of persons qualified to articulate the doctrinal system governing Dundrum was diversified in one crucial way. Arthur Mitchell was a Scottish doctor and his familiarity with the English system made him an attractive actor for conducting such 'inquiries'. Hence, the flow of knowledge and practice about criminal lunacy and its institutionalisation, which had previously passed from Ireland to England before Broadmoor's establishment in 1863, was reversing its course. From the perspective of the Inspectorate an *invasion* of criminal lunacy discourse was underway, and it remained to be seen how it would be *possessed*. This was ultimately a losing battle with the interests of the colonial authority winning out and the following section examines how Dundrum itself became consolidated under colonial rule by exploring two further 'inquiry' documents from 1885.

6.2 'A Prison for Invalids': Second Inquiry Report, 1885

Following seven attempted escapes between June and December 1884, the scrutiny on the management of Dundrum peaked and an internal government investigation was conducted in November 1884 to conclusively establish cause and identify responsibility. The investigation was a failure, leading to a subsequent 'independent' Inquiry but the 1884 discussions by key figures in Dundrum and the Inspectorate provide detail on the difficulties at Dundrum and the construction of criminal lunatics.

Both Inspectors were asked to comment on the issues at Dundrum, and they absolved Ashe of responsibility for the escapes mentioning that he repeatedly requested an increase in staffing due to concerns over safety and security issues which he feared could result in death, shown previously in Figure 5.1 (Ashe, 1884a). Inspector Hatchell's written response on November 14th took a familiar stance by blaming 'A conspiracy between patients coming from prisons, whose insanity is more than doubtful, or merely recurrent, combined with great individual ingenuity, sharpened by a career of crime—such as burglary' (Hatchell, 1884). On November 19th Inspector Nugent issued a similar response, highlighting Dundrum's mostly male population with 'many of them de facto _more_ malingerers than insane and previously of suspicious character' (Nugent, 1884, emphasis in original), while also comparing its under-resourcing to Broadmoor (ibid).

The government issued a strongly dissatisfied response on November 24th as no recommendation was made to prevent future escapes and no responsible individual was identified. Under Secretary Hamilton asked if the Inspectors exonerate Ashe, even though he is responsible for the management of Dundrum. They requested a further report 'at once' in response to these points, stating that 'the government cannot exonerate them if further escapes occur' (CSORP, 1884b). The government stated they will be obliged to appoint an independent inquiry and concluded by stating 'This is a most serious state of things and the Inspectors do not appear to appreciate its importance' (ibid). Considering the dispute outlined earlier this

chapter, the colonial government appeared to participate in polarising the dispute between the Inspectors and Ashe.

The Inspectors co-produced a second lengthy written response on December 3rd. Doubling-down on their previous response, they took the opportunity to exhibit their expertise to illustrate the responsibility of the inmates. They began by stating that while Dundrum is a place of detention, it is not for punitive objects as those held are deemed irresponsible and 'afforded the fullest latitude of freedom consistent with their safe keeping' (Nugent and Hatchell, 1884). They then divided Dundrum's population into four classes, summarised as follows:

1) Inmates acquitted at trial on plea of insanity. Many have not since exhibited symptoms of mental aberration. Of perfectly sound mind, they may remain in Dundrum to the close of a long existence; yearning after freedom, and from association with maniacs. Aware they can claim their rights as lunatics they frequently become morose and discontented, seeking opportunities to escape.

2) Individuals in prison who lose their reason or <u>feign</u> its deprivation. Transferred to Dundrum, they deem themselves irresponsible. If discovered to be malingerers and remanded back, most reassume insanity, get prison disciplines and punishment so they are again certifiably removed to Dundrum.

3) More numerous than the preceding two classes. Comprises patients continuously insane, some generally, others on certain subjects only. As a rule they are intelligent; industriously occupied as it suits their disposition but as a rule, restless and unreliable.

4) Includes the aged, infirm and hopelessly demented. (Nugent and Hatchell, 1884)

They stated that since 1850, the escapes were never of a 'systematic origin', always being irregular and may be attributable to the lack of preparation for contingencies, mentioning that even the most cautiously designed and heavily staffed prisons have occasional escapes (ibid). Therefore, in a place like Dundrum where restraint is minimised, that escapes 'however regrettable' should take place without association with staff neglect (ibid). The Inspectors then reasserted Ashe should be fully exonerated due to the understaffing and insecure conditions at Dundrum and made six recommendations : 1) An increase in dormitory size by 20 for male patients and 6 for domestic staff; 2) Construct a new day room; 3) Enlarge the dining hall as the

existing one is dark and ill-ventilated; 4) Construct a room to serve as a refectory; 5) Cause a change in existing lavatory facilities; and 6) Recruit four male attendants and a laundry maid (Nugent and Hatchell, 1884). While these recommendations might improve living conditions a Dundrum, only the sixth directly addresses the prevention of escapes. Hence, the Inspectors appeared to be advocating for the advancement of 'moral management' practices and depicted escapes as a collateral consequence of running Dundrum and continued their argument that increased staffing would protect against escapes from the first and second classes.

However, by considering these four categories according to the 'principle of reversal' (Foucault, 1971) and questioning the ontological fixing of Dundrum and its inmates a different picture emerges. In epistemological terms the four categories of inmates account for a wide range of possibilities, interpretations and re-interpretations of Dundrum's population, and mobility between them is possible. The second and third classes represent structural opposites where their mental state is associated with their location before Dundrum. The second class, which includes only those transferred from prison are discussed in terms of sanity and responsibility, and therefore, ineligible for treatment. They are likely to perform insanity for personal gain and should members of this class escape or cause disturbance, this should be regarded as unremarkable and confirmation of their sanity, their agency, and their low character. The third class comprises most inmates admitted to Dundrum from court, acquitted by insanity or deemed unfit to plead. They are the sufferers of a malady who will have committed the worst crimes, and the 'best behaved and kindliest of inmates' (Asylums Report, 1873: 14) will come from this class. They are eligible for treatment and the group with whom the physicians do their civilising work in restoring reason to the ill. If they attempt to escape they can be maintained in this class or reallocated to the first class, depending on the success or failure of their escape, as well as the physicians' subsequent interpretation of their attempt.

The first class plays a peculiar role representing various elements in the hierarchising of expert knowledge and rarefaction of speaking subjects on criminal lunacy. The physicians have more prolonged access to speaking positions in the discourse than magistrates who identify criminal lunatics in court, and hence, are in positions to re-diagnose the legally insane with medical discourse. Furthermore, the first class represents successful recovery and therefore, presupposes the possibility both of a cure and of the presence of insanity at the point of crime which is no longer observable.

Persons from the third class whose intelligence manifests as an escape attempt can also be relocated into the first class as was demonstrated in Figure 5.1 and the case of (24) Patrick O'Neill whose successful escape attempt rendered him sane, while his collaborator and failed escapee (23) Thomas Wilson was diagnosed as insane, placing him in the third class. Inmates such as (27) Joseph Dorey whose 'intelligence' meant he could pass on the outside as sane puts him on the threshold of the first and third classes, which would be determined by the outcome of his escape attempt. In this way, while intelligence and agency are held apart in classification of criminal lunatics, one can immediately become the other upon an escape attempt.

This classificatory system is represented as four definitive and distinct categories but in practice each class is comprised of vague approximations which rely on the expert interpretation of the *knowing* psychiatrist to distinguish and populate the four classes. This is *an a priori* system of representation, a 'diagnostically flexible' (Allen, 1987: 75) approach which was adaptable depending on how the psychiatrist satisfies themselves as to the sanity of the individual. The system enables psychiatric science to be absolved of or elide scrutiny, while maintaining an image of coherency and success to their expertise which sustains the discourse. If successful this argument would reassert the Inspectors as authoritative *knowing* experts with positions of power in shaping the doctrine of criminal lunacy and therefore, the running of Dundrum.

Considering the rebuke they previously received for not appreciating the importance of recent escapes, this statement was not an appeasement to Dublin Castle who were not taken in by the Inspectors' response. Two days after receiving it, on December 5th an independent inquiry of sorts, was recommended by Under Secretary Robert Hamilton to the Lord Lieutenant:

> It might be desirable to have such further inquiry conducted by some two competent persons to be selected, of whom one might have an intimate knowledge of the working of Broadmoor, the kindred establishment in England. *But I fear there is something more than mere inquiry wanted*, and until the present inspectors, one of whom is 80 years old and the other 75 years, are replaced by younger and more efficient men it is hopeless to expect that this institution and the large number of County Asylums in Ireland now under their inspection can be properly and efficiently looked after. (Hamilton, 1884, emphasis added)

Evidently, Nugent and Hatchell's second report was dismissed. It is notable that the age of the two Inspectors was invoked to question their mental capacity to contribute productively to such an inquiry, as this was the constituent characteristic of their fourth classification above (in Nugent and Hatchell, 1884). While the pursuit of a solution to Dundrum's security issues continued it seemed the Inspectors would be marginalised from the process following their contribution to the previous investigation and a degree of ageism. Furthermore, Hamilton's desire for 'more than mere inquiry' suggests the primary motivation is not fact-finding, but to produce administrative change. This demonstrates the colonial government's power to redirect knowledge production for control and practice purposes aligned with the coloniser's interests and it began to unfold along these lines.

The more direct move towards Broadmoor as a source of expertise brought about a familiar result. The inquiry was promptly appointed and again led by Dr. Arthur Mitchell, Commissioner for Lunacy in Scotland, and R.W.A. Holmes, Treasury Remembrancer for Ireland. Mitchell and Holmes reported three months later in a memorandum in March 1885. In quantitative terms their memorandum was much less than mere inquiry, with its main body less than half the length of the 1882 report

and including no additional interviews or data gathering save for reference to the most recent asylum reports. Qualitatively, the memorandum was more polemic than its predecessor and advocated a more profound change to the discourse associated with Dundrum, realigning it more closely with punishment.

It began with a brief description of the 35-year history of Dundrum, before attempting to update the discourse by stating it is 'designated an *Asylum* in the Act 8 & 9 Vict. C. 107 (1845), but it is in reality *a prison for invalids'* (Michell and Holmes, 1885: 2, emphasis in original). They claimed this reflected the relations between crime and insanity at the time which had now changed and if Dundrum was created at the time of writing it would be regarded 'an invalid or special prison' (ibid) for insane prisoners or for those insane when their crime was committed.

They elaborated on Dundrum's dual role, stating its primary function was 'that of a prison and its secondary function that of an asylum' (ibid). They differentiated Dundrum from other asylums as it housed both insane and sane prisoners and regarding the latter, 'To these persons it is a prison and nothing more' (ibid). They depart from the 'moral management' doctrine, suggesting that Dundrum is for custodial rather than therapeutic purposes.

> It differs also from an asylum, in this—that it must act as a prison in regard to all its inmates whether they are sane or insane—that it must secure the safe custody of their persons, even though the doing so may involve measures which would not be deemed necessary, and would not be taken, in an institution the primary function of which is *the care and treatment* of insane persons (…) If escapes take place from an ordinary asylum, it does not necessarily show that its management is bad. (…) But it is quite otherwise with establishments for criminal lunatics. They are prisons—their inmates are all prisoners—persons whose safe custody must be secured. (Mitchell and Holmes, 1885: 2, emphasis in original)

In this view Dundrum *is* a prison which should integrate any therapeutic elements within it as a secondary function. In instances where the requirements for treating the insane conflict with those for confining prisoners, detention would take precedence. This passage contradicts the Inspectorate's claim months previous that escapes from Dundrum should be tolerated due to its principle of affording inmates

'the fullest latitude of freedom consistent with their safe keeping' (Nugent and Hatchell, 1884). Mitchell and Holmes acknowledged the implications a prison emphasis would entail, stating, 'effectual security against escapes cannot be provided without materially interfering with that treatment and general management which ought to be adopted for the benefit of lunatics who are not prisoners' (Mitchell and Holmes, 1885: 3). However, they argue that the original association of Dundrum primarily with insane inmates and lunatic asylums has led to a neglect of its prison elements: 'the prison character of these establishments should be clearly understood. It is this which justifies, as regards them, barred windows, high walls, the secure locking of doors, curtailments of liberty, strict discipline & c' (ibid). Mitchell and Holmes stated these internal security features were evidence for Dundrum's new character: 'its windows were "totally devoid of bars or grating". But the windows are barred and grated now' (ibid). Therefore, where Nugent and Hatchell's letter sought to revise Dundrum's function, Mitchell and Holmes' (1885) memorandum did likewise but in the opposite direction. Additionally, they presented this within the frame of a naturalising discourse: 'The true character of the establishment naturally led to the making of this change, and it ought now lead to the making of other changes. (…) The Law has made the inmates of Dundrum prisoners, and their safe custody has to be secured' (ibid: 3).

The memorandum recommends further administrative changes, stating that the asylum 'ought naturally to be under the control of the General Prisons Board' with the Inspectors reporting to them (ibid). It acknowledges that the 1876 Privy Council Rules have assigned to the Lunacy Inspectors 'the sole control and management of the asylum' (ibid: 4) with the asylum's governor answerable to the Inspectors. It also argues that the 'present mode of government of Dundrum is not calculated to work well' (ibid). Hence, private discussions about the asylum's performance were not limited to the perception of success stated in the public facing documents.

Mitchell and Holmes recommended one of two avenues for changing the governance of Dundrum: a change of law via Act of Parliament to transfer the

asylum's management to the jurisdiction of the General Prisons Board, or, failing this, for the Lord Lieutenant to work with the Privy Council to amend the 1876 rules and 'better define the powers, responsibilities, and duties' (Mitchell and Holmes, 1885: 4) of the Governor and Consulting Physician among others—repeating a recommendation from the 1882 report. It recommends raising the boundary wall which offered little resistance to escape, one of the few recommendations implemented with the enthusiastic approval of the Lord Lieutenant Spencer (CSORP, 1885). It states Dundrum's population should either be reduced, or the asylum enlarged (ibid) and that its overpopulation was because the Lord Lieutenant had 'discretionary powers in regard to discharges from Dundrum, but it is not certain that He has like discretionary powers in regard to admissions into the establishment' (1885: 8). On this basis they recommended that the level of evidence required for the transferal of a criminal from prison to Dundrum should be increased.

While this reframing of Dundrum maintained the core concept of criminal lunacy the memorandum attempted to subsume the entire doctrine governing Dundrum within the more traditional discourse of punishment. This was largely disregarded. As will be seen Dundrum remained a criminal lunatic asylum. However, the security installations distinguishing Dundrum's new *true* character which were assented to by the Inspectors between 1868 and 1873, ended up contributing to the memorandum's success in narrowing the group who decided Dundrum's direction, which meant marginalising the Inspectorate. Mark Finnane (1979: 100) viewed the inquiry as an unprecedented moment as it, 'was invading the domain of the inspectors of lunatics who had always been responsible for Dundrum'. This section has shown that the undermining of the Inspectorate can be traced as far back as 1868, when discussions began about compromise arrangements to enhance security at Dundrum. Subsequently, when escapes continued to occur with structural arrangements now put in place, a greater emphasis on individual responsibility arose and between 1882 and 1884 this very explicitly involved the Inspectors and

the Governor. It ultimately led to the marginalisation of the former after their letter of 1884 was met with derision as the Under Secretary regarded them as being incompetent.

6.2.1 The Characteristic of Insanity is Uncertainty

Nugent issued a response to Mitchell and Holmes' 1885 memo, which again relied upon the notion that Dundrum and criminal lunacy were natural emergences, communicating the Inspectorate's expertise in dealing with the problem of criminal lunacy, and restating Dundrum's supposed success. A point mentioned in section 5.1 featured at the beginning of Nugent's response, where he described Dundrum as a tentative undertaking 'impressed upon the public by the assassination of a Governor of the Bank of Ireland in a street of Dublin' (Nugent, 1885: 1). It then states the process by which criminal lunatics were selected for Dundrum which was originally intended 'to give accommodation to all criminal lunatics in Ireland' (Nugent, 1885: 1). As the number of 'criminal lunatics' in Ireland far exceeded Dundrum's capacity upon opening, Nugent outlined four rules for selecting criminal lunatics deemed 'fit' for Dundrum which were adopted by Inspectors Francis White and William Corbet:

> (1st) to include as fit subjects for admission all individuals charged with murder, or who had been capitally indicted; (2nd) all who, while undergoing sentence of imprisonment for a period of two or more years, became mentally affected; (3rd) all who were charged with violent and dangerous assaults on the person; (4th) individuals who, though their offences were not of a serious character, exhibited very dangerous and malevolent propensities. (Nugent, 1885: 1)

The first three rules identify cases according to clearly defined legal terms: first, murder or capital indictment; second, a minimum two years' imprisonment; and third, violent or dangerous assault. The fourth rule involves a psychiatric determination. It stipulates that the individual must have been guilty of a non-serious crime, but its measure of criminal lunacy is according to the intersection between medical insanity and perceived dangerousness. The ambiguous nature of

this rule established a space over which, medical 'experts' were most likely to command authority.

Nugent's rules offer no epistemological clarification from a medico-legal perspective as to what 'criminal lunacy' was, and how a scientific perspective resolved the fourth rule's ambiguities. Since insanity at the time of a crime could be either 'proved or presumed' (Asylums Report, 1853: 14), this rule then incited the expertise of the Inspectorate to enforce it, thereby reinforcing the special position of physicians as experts in 'criminal lunacy'. Therefore, it was not scientific knowledge which gave *meaning* to the term 'insanity', but rather the speaker in the position of authority to assign the label 'dangerous'. As mentioned by Robins (1986), in Ireland, the authority attributed to medical professionals and psychiatrists during the early to mid-nineteenth century was not due to their unique scientific expertise.

Nugent's 1885 response then addressed the Mitchell and Holmes' criticisms. Firstly, he approved of the notion that Dundrum provided a justification for the establishment of Broadmoor in 1863, stating 'I venture to think, however, that a Minister of the Crown adverted, in the House, to its success as a strong argument in support of the proposed measure' (Nugent, 1885: 2). This indicates that regarding questions of criminal lunacy colonial discourse was more ambivalent than unidirectional (Bhabha, 1984), and far from being limited to decision-making in Ireland being implemented from London, it shows how practices in the colonies could later be imposed domestically in the metropole (Lentin, 2004). Nugent (1885) emphasised Dundrum's original 'moral treatment' design which remained for 23 years with surrounding grounds consisting of twenty-six acres, a farm, and a boundary wall no higher than eight feet.

Nugent then disagreed that Dundrum should be transferred to the General Prisons Board by elaborating on the issue of criminal responsibility and the relationship between crime and insanity:

> The subject at issue resolves itself into the simple question whether an individual mentally affected, who may have broken the law while so affected—or,—after a

criminal act becomes insane, is to be regarded and subsequently treated more as a lunatic or a criminal—I contend that such a person standing altogether in the former position, because an aberration of mind in the first case condones the offence however serious, and in the second entails a condonation while the malady exists, should therefore be excluded from the category of an ordinary prisoner undergoing a punishment for guilt. (Nugent, 1885: 3)

This illustrates the criminal lunatic's uneasy existence 'between discourses of guilt and disease' (Smith, 1981: 34). However, in the absence of any clear scientific explanation of the existence of criminal lunacy, this was as much a psychiatrist's self-preserving endeavour since their position was intimately tied to the notion that the criminal lunatic was knowable and treatable through psychiatric methods. Nugent suggested that altering the prevailing criminal lunacy discourse and practices at Dundrum was fraught with danger. He referred to a medical officer from Mountjoy Prison who attributed the insanity of ten prisoners transferred to Dundrum in 1883 to their conditions of confinement in prison:

> The variety of scene and occupation materially lessened the depressing influence of long confinement. In many instances cases on the borderland of insanity improved, and generally the normal mental condition of others was preserved. From my experience of prisons no such favourable results can be hoped for. (Nugent, 1885: 4)

Therefore, Nugent drew on the belief during the period that the prison environment caused insanity amongst some inmates, as occurred in Pentonville (Cox and Marland, 2018). Nugent was arguing that Dundrum would be likely to worsen the mental condition of its inmates if it abandoned the 'moral management' approach and became more prison-like. Nugent then distinguished Dundrum from Maryborough Prison, which was Ireland's existing 'invalid prison', with walls 'over 30 feet high, and the buildings of which are erected on an area of but little over an acre' (Nugent, 1885: 4). Hence, Nugent maintained that rather than be reconstituted in the mould of Maryborough, Dundrum should remain under direct government jurisdiction, which it did.

Nugent then theorised the nature of criminal insanity and its development in Irish society, linking the development of insanity in Ireland to the mass displacement of the Irish population due to the Great Famine:

> In an early paragraph of the memorandum reference is made to the 'relative difference, close on a million and a half by a gradual decrease of the Irish population between 1851 and 1881.' It should, however, be remembered that while the young, healthy, and energetic, have sought in distant longitudes a home, the indigent, infirm, ill-to-do, and insane, who are now found in poorhouses, hospitals, prisons, and asylums, were left behind. (…) Meanwhile the experiment may be consistently tried of not increasing to any marked extent, but of improving, where needed, the existing accommodation at Dundrum. (Nugent, 1885: 6)

Mitchell and Holmes were arguing for the reduction of Dundrum's size but Nugent's perspective represented the population of Ireland as having a distinct predisposition towards insanity because the young and fittest of the population had all been displaced after the famine. Therefore, Nugent's argument against the downsizing of Dundrum was that despite the fall in the national population, the physical and mental quality of those who survived the famine diminished greatly, and older people are more likely to develop insanity. However, statistics on the demographic population of Dundrum do not reflect this assertion as the overwhelming majority of the asylum's inmates between 1850 and 1900 were aged between 18 to 40 years old (Prior, 2008). Nugent's response, therefore, was to recommend further developing the asylum's 'successful experiment' of treating criminal lunatics.

Nugent concludes by quoting extracts from Inspectorate Reports of 1871 and 1874, which he co-authored to emphasise the complexities of dealing with criminal lunatics: 'Drawing a line between responsibility and irresponsibility would be almost impossible. While a plea of insanity protects the innocent, it not unfrequently saves the criminal' (Nugent, 1885: 8). Again, the danger is that certain criminals mimic insanity for their own advantage. He outlines the context in which insanity is diagnosed without stating the process by which it becomes identifiable, where

the psychiatrist should consider 'the character of the offence, the attending circumstances, history of the patient, and the evidence adduced, assuming the parts as a rule not to be a criminal without some distinct reason in evidence' (Nugent, 1885: 9). Therefore, the Inspectors have long been aware of the difficulties caused by criminals feigning insanity and it is they who have the requisite expertise and experience to mitigate this problem having 'successfully' done so thus far (ibid).

In perceiving the challenge put to Dundrum Asylum's legitimacy and performance by Mitchell and Holmes' second memorandum in 1885, little substance appears in Nugent's response to clarify how criminal lunatics are an ontologically distinct group. The epistemological process for identifying criminal lunacy is no more intelligible and while the reader is assured that such a process exists it appears from the above data that it is only accessible to medical professionals. Regardless of whether this is true, the point to note from the exchanges in 1882 and 1885 is these expert testimonies on criminal insanity only demonstrate authority of position, rather than offering an authoritative exposition of intelligible scientific knowledge about criminal lunacy. Therefore, the CSORP data shows that the 'prisoner or patient' question was contested as a socio-political phenomenon rather than as a scientific problem.

A further correspondence later in the year demonstrated the Inspectorate's continuing preoccupation with managing public opinion with respect to criminal lunatics. The letter was part of a larger communication between parties about including a tabular section on the annual reports which publishes the details about individual criminal lunatics' illnesses and developments during the preceding twelve months. Nugent's objection to the proposal was out of respect to the privacy of inmates' families, particularly those of a higher social 'position':

> The poor and the sick, the kind and the exalted have still their failings—*A lady of position*, for example, while in a maniacal state murders her infant child under attendants of a most painful nature—tried and acquitted she is transferred to Criminal asylum "cui bono", the re-publication of such a family misfortune "With a disclosure in addition of the prominent features of her malady driving the fear", it certainly would not advance service, while calculated to produce a morbid

curiosity and be a source of undeserved grief, at a future period to relatives. (Nugent and Hatchell, 1885, emphasis added)

This passage shows that efforts to associate criminal lunatics with feelings of sympathy among the public had limited effect. They remained objects of fascination which individuals and families from higher social positions needed to be protected from. As will be explored in the next chapter, an almost perfect example of this hypothetical 'lady of position' was a prominent case between 1888 and 1905, and the treatment of the case prioritised the care of the family over the individual. The Inspectors then reasserted the perpetual concern for security and safety of the public with regards to their perception of the nature of insanity:

> It should be remembered that the characteristic of insanity is uncertainty—The Lunatic of October may be a very different person in January—So <u>practically</u>, the mental condition of a patient is not to be adjudicated on, by what he may have been, but by what he is likely to be.—On these lines the Irish Executive has always cautiously acted for the safety of the public and with a kindly object towards the individual. (ibid)

Again, by representing criminal lunacy in a vague and approximate manner the role of observant and knowledgeable expert becomes much more valuable. Also, the notion of sympathy is invoked as a response to the *true* nature of insanity. Therefore, the Inspectors and the colonial government have not been taking a neglectful approach to ensuring the security of criminal lunatics at Dundrum but rather one which is appropriate to their changeable existence which requires the creation of an environment to maximise their convalescence and re-entry to society.

Further to the Mitchell and Holmes inquiries, which, if implemented would have limited the Inspectors' influence over Dundrum, in June 1887 General Redvers Buller, then head of an inquiry into the Irish Police force, wrote to ask Reginald Walby, the Treasury Secretary about the possibility of removing Dr. Isaac Ashe from his position as Governor of Dundrum (Buller, 1887):

The Irish Government finds that the introduction of certain reforms into the management of, and into the rules for the government of the Central Criminal Lunatic Asylum at Dundrum are called for; and that in order to carry out these most effectively, the retirement of Dr. Ashe, the Resident Medical Superintendent, or Governor would be desirable (ibid).

Clearly there was a significant motivation to alter the running of Dundrum which the presence of the Inspectorate and Dr. Ashe prevented. Walby's response further evidences this motivation, stating, 'I think we should give up the idea of getting rid of Dr. Ashe for the present at all costs; but there seems no reason why we should further postpone revising the rules for the conduct and management of the asylum' (Walby, 1887). An additional factor became apparent in January 1891, when the new Inspectors George Plunkett O'Farrell and E. Maziere Courtenay wrote that Ashe reported that 'not only was he not furnished with a copy of the [1885] report, but that the recommendations of the Committee were never communicated to him' (O'Farrell and Courtenay, 1891a). It appears Ashe was perceived as an obstacle to advancing changes at Dundrum. Therefore, the key medical personnel who found themselves in opposing positions during the dispute in 1882, later during the 1880s shared a desire to undermine their influence or remove them from Dundrum entirely.

The involvement of expert actors from the metropole in the discursive domain regarding criminal lunacy in Ireland was partly facilitated by the prior actions of the Inspectors around 1873. Figures in key positions of authority over Dundrum faced an effort to marginalise them and they understood it. This ultimately proved successful as the next section will show how the regime tasked with managing Dundrum were replaced with figures more sympathetic to the interests of the colonial government, which did not include redefining the criminal asylum as a prison. The discourse of criminal lunacy in Ireland had been invaded and in years to come it would be possessed by the colonial administration.

6.3 The 'Criminal Class': Third Inquiry Report, 1891

An additional committee of inquiry was launched in 1891, shortly after the retirement of both Inspectors Nugent (retired in 1890) and Hatchell (retired in 1889). It was led by David Nicolson, previously the Governor of Broadmoor Criminal Asylum, alongside three additional investigators including R.W.A. Holmes, the Treasury Remembrancer of Ireland who co-authored the 1882 and 1885 reports, and the two new Inspectors of Lunacy, George Plunkett O'Farrell and E. Maziere Courtenay. Additionally, the 1891 committee's report was the most successful in having its recommendations implemented into policy and practices.

This committee's terms of reference were to address the following four subjects (O'Farrell and Courtenay, 1890):

1. Classification, and necessity for increased cellular accommodation.
2. General management.
3. Departmental Management and expenditure (Stores & c).
4. Reduction of population.

In a letter by the Inspectorate to the Under Secretary, aiming to recruit Nicolson to the committee, they mentioned having addressed the fourth term of reference, reducing the population by discharging twelve men and twelve women, with another twelve male patients to be discharged in due course (O'Farrell and Courtenay, 1891). They highlighted that the prevailing difficulties at Dundrum owe to the continual association of two classes of patients:

a) Prisoners undergoing penal servitude, who become insane, or successfully simulate insanity; patients of a dangerous character, and generally fully capable of combination—and;

b) Queen's, or Lord Lieutenant's, pleasure patients, whose crimes have been the result of insanity, and who as a class are ordinarily well conducted.

In Dundrum no provision has hitherto been made for separating these two classes of patients, whose promiscuous association is not only unsatisfactory but unsafe. (ibid)

Therefore, it was immediately evident that the scientific knowledge produced by Mitchell and Holmes' previous reports as well as the Inspectorate's responses in classifying the population of Dundrum had been firmly rejected by the Government in favour of a more binary classification. Nicolson was being recruited for his 'special and prolonged experience in criminal lunacy, and he has had to deal with many of the difficulties which surround the administration of Dundrum' (O'Farrell and Courtenay, 1891). Nicolson's writings on criminal lunacy are explored further in the next chapter. His recruitment to the Committee of 'Inquiry' was to give this binary division of criminal lunatics an articulation and to devise a method for their separation, and he henceforth became an influential actor in the shaping of practices at Dundrum.

Nicolson *et al.*'s (1891) report is detailed below. It carried out the binary classification of criminal lunatics, further polarising the mad-bad dichotomy by re-situating it in relation to essentialised notions of social class by associating refractory criminal lunatics with the 'criminal classes' of the general population. The recommendations eventually adopted included the classification of Dundrum's inmates as above, the segregation of the inmate classes in Dundrum, and the abolition of the Visiting Physician role. Furthermore, it recommended placing Dundrum under the control of the General Prisons Board and although this was not adopted, Dundrum's accounting processes and employee pay structure was subsumed under the GPB. An additional point of importance in considering the discussion to follow was that immediately prior to the report's publication, Dr. Isaac Ashe died in late 1891, thus removing the remaining obstacle to the overhaul of practices at Dundrum.

The report began by stating its aim was 'to arrive at an opinion upon the merits and results of the present system of control and administration' (Nicolson *et al.*, 1891: 1). It addressed ten broad issues concerning the institution, its governing authority, its inmates, staff, discipline and security practices, resources, and recommendations. It then outlined a general definition of criminal lunatic asylums which was

significantly different from Mitchell and Holmes' conception in 1885 (Nicolson *et al.*, 1891: 2):

> An asylum for the detention of criminal lunatics has to be regarded in a threefold light—
>
> 1. As a lunatic asylum
> 2. As a prison for insane convicts
> 3. As an hospital

This characterisation of the asylum begins the process of distinguishing between Dundrum's prison function for certain inmates, and its asylum or hospital function for others. The following passage outlines the priorities of the Dundrum Asylum in managing its capacities to treat, to punish, and to provide an environment where curable inmates can recover. It raises some familiar themes, rejuvenating elements of the 'moral management' doctrine by emphasising the importance of a therapeutic built environment and noting the peculiarity of a criminal lunatic establishment in combining prison and asylum functions. It also asserts Dundrum's role in reproducing the public's perception that criminal lunatics are curable:

> In prisons safe custody is of necessity a primary consideration, but lunatic asylums have to be so arranged as to make an appearance of freedom an element of cure in dealing with mental diseases which rebel against restraint, and which need for their treatment kindly consideration and surrounding influences of a tranquilising description. Hence, it is that a criminal lunatic asylum, in order to fulfil its functions as an asylum and prison, with facilities for hospital treatment, has to be constructed and administered on exceptional lines; care being taken on the one hand to secure such immunity from personal violence and from escapes as will serve to prevent needless alarm, and to reassure people that lunatics of a criminal and dangerous type are kept under due control and supervision, and, on the other, to satisfy the public mind that its confidence is not misplaced in believing that lunatics even of this type receive every care and attention with a view to the cure or amelioration of their mental derangements. (Nicolson *et al.*, 1891: 2)

This demonstrates a primary concern with the arrangement of Dundrum. As becomes clear, Nicolson *et al.* designated specific spaces within the asylum for the three above functions to co-exist by separating the therapeutic from the punitive. It

also dismisses the Mitchell and Holmes' (1882, 1885) reports in the 1880s and supports Nugent's (1885) position that a therapeutic attitude towards the built environment remains a central function of a criminal lunatic asylum. By providing 'an appearance of freedom' Dundrum could address issues raised by Nugent's 1885 memorandum, that the Mountjoy Prison environment was detrimentally affecting prisoners' mental health. Hence, Nicolson *et al.* were advocating a more traditional view of Dundrum's carceral environment, consistent with its original architectural design.

The report then addresses Dundrum's inmates, identifying 'two classes of criminal lunatics' (Nicolson *et al.*, 1891: 2f):

1) Those who are detained during the Lord Lieutenant's pleasure, i.e. insane persons who have committed criminal offences, and who are under sentence of imprisonment or penal servitude, but under detention, by order of a court of law, during the pleasure of the Lord Lieutenant.

2) Insane convicts, i.e., persons certified to be insane while under sentence to terms of penal servitude.

The subsequent three pages of the report constructs a binary relationship between these two classes, where the negative characteristics of the one constitutes the positive characteristics of the other. Above, the two categories are differentiated by emphasising as the dominant constitutive characteristic the insane in the first, and the criminal in the second. Regarding 'insane persons,' legal insanity is understood as being central to their identity while the criminal act is separate to the person, i.e. 'insane persons who have committed criminal offences'. The second group are labelled 'convicts' but their insanity was circumstantial in that it was 'certified'. Therefore, the first class were considered insane-first who subsequently committed a criminal act, while the second category were prisoners-first before being medically certified rather than legally classified as insane. This dichotomised classification of criminal lunatics was mandated by the terms of reference for the 'inquiry' and Nicolson 'found' this classification in his own investigation. The reductive binary

classification also contradicts Nugent and Hatchell's (1884) typology of four classes of inmates at Dundrum.

The report mentions Dundrum contains 146 inmates, 37 'convict' inmates and 109 'pleasure' inmates—approximately one convict inmate to every three pleasure inmates (Nicolson *et al.*, 1891: 3). The following passage elaborates on the above classification by highlighting the role of social class and drawing a relationship between insane convicts (referred to below as 'convict inmates') and the 'criminal class', while pleasure inmates have no similar relationship to crime:

> Experience has shown that the two classes of criminal lunatics differ from each other not merely as regards the stage at which the insanity was recognised, but in certain essential characteristics of mind and disposition which do not fail to make themselves manifest in the asylum at Dundrum. The convict inmates are drawn from among the criminal classes whose lives have been spent, when not in prison, amid scenes of lawlessness, intemperance, and moral degeneracy. By parentage, education, and association, their minds are impregnated and identified with ideas and habits of a vicious and criminal nature which show themselves during sane not less than during insane periods. The insane inmates who are under detention during the pleasure of the Lord Lieutenant, on the other hand, do not belong to the criminal classes, but have committed during an attack of insanity when they ought to have been under supervision, some isolated criminal offence, no doubt often of the gravest description, which has rendered them amenable to law. During their more lucid periods the behaviour of these inmates is tranquil and orderly, and free from the clamour and insubordination, as well as from the intriguing and mischief-making propensities of the old prison hand. (Nicolson *et al.*, 1891: 3)

This makes several distinctions, first stating that insanity manifests at different stages for each group and suggests distinct innate characteristics of the mind. It then depicts the liberated periods of convict inmates' lives as being permeated by criminal activity and immorality which are social norms associated with that group. It identifies perceived deficiencies regarding parentage, education and inter-group association as being criminogenic and particular to that social group. Such representations of convict inmates in Dundrum presuppose an essentialised understanding of sectors of Irish society. This representation re-fixes the ontological character of convict inmates' agency and associates it with a deterministic innate

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criminality. This strand of criminal lunacy was constructed by representing an entire social class as deviating from the civilised norm.

Conversely, the criminal lunacy of pleasure inmates manifests in an isolated but severe criminal act. Since pleasure inmates do not come from the criminal classes their criminality is understood as a temporary departure from their non-criminal nature. Among this group, insanity (which is assigned by the court) is perceived by Nicolson as a temporary 'attack' on individual will, rendering pleasure inmates irresponsible for the gravest of criminal acts, and amenable to treatment. Convict inmates were a minority of Dundrum's population, but only inmates who arrived from prison were eligible to be convict inmates. By definition this separates the two categories of criminal lunatics predominantly on the basis of a narrow colonial construction of mutually constitutive class identities.

A subsequent passage suggests a need to segregate the two groups within the asylum for the benefit of both pleasure inmates and the functioning of the asylum. An additional distinction is made between the two, where the convict class are the *worst* class, while pleasure inmates are 'not so bad':

> the distinction is so well marked that practical experience has shown the necessity as well as the advantage of keeping the two classes as far as possible entirely apart from each other when treated under the same roof. By this means, the convict classes with their criminal instincts and their dingy social desires and prospects are prevented from contaminating the other class whose convalescence brings with it the hopes of a possible return to their homes and their friends.

> The evil influence of even a few very badly disposed convicts speedily makes itself felt irreparably in disciplinary matters.

> At this point arises the first necessity for classification and separation in the management of criminal lunatics by removing the *worst* class of patients from those who are not so bad; and with the view of promoting efficient and successful administration this principle of classification has to be extended in the opposite direction so that patients who are most convalescent and tranquil shall be separated from those who are less settled and orderly. (Nicolson *et al.*, 1891: 3f, emphasis in original)

This passage addresses the social origin of the pleasure inmates as the 'other class', whose associations are with 'their homes and their friends'. No remarks are made about the nature of this class, which, in isolation, represents them neutrally. Yet, this neutral construction of the 'other class' is produced within a polarised structural relationship with the criminal class. Where the criminal class are the '*worst* class of patients', pleasure patients are 'not so bad' and 'tranquil'. Furthermore, where the criminal class are contaminants possessing an 'evil influence' and innate criminality, the 'other class' are, by inverse association, socially sanitised from criminality and ultimately benign by their nature.

In this passage the criminal aspect of criminal lunacy is fixed to the convict class who import their criminal norms into Dundrum, and thereby, are denied the possibility of convalescence from insanity because the criminal aspect defines their being. The pleasure inmates are precluded from an innate criminality and since they can recover from criminal lunacy their deviance is temporary even though their criminal act will have been more severe or *of the gravest character*. Finally, since the proposed response to this circumstance is to segregate the two classes in Dundrum on the grounds of 'necessity' and 'advantage', the above is represented as being objectively true, and within the domain of scientificity rather than representation. It is worth reminding that this elaboration is consistent with the classification outlined in the terms of reference letter communicated to the Under Secretary (O'Farrell and Courtenay, 1890).

This segregationist practice was to become the basis for running Dundrum Asylum. The report stated Dundrum itself should be wholly reorganised around this principle of classification:

> The construction of a criminal lunatic asylum – and indeed of any lunatic asylum –
> ought to be based upon this principle of classification, not only as regards
> dayrooms, dining-rooms, and sleeping accommodation, but also as regards the
> airing-courts wherein the patients associate for exercise and recreation; so that on
> the one hand, dangerous, insubordinate, vicious, or dirty patients may be so dealt
> with as to prevent them from being a source of disturbance to their quieter fellow-
> inmates, and on the other a convalescent, orderly, and practically sane inmate may

have every opportunity of continuing to improve and of completing his recovery. (Nicolson *et al.,* 1891: 4)

Therefore, this two-tiered classification and concomitant segregation was intended to permeate the entirety of Dundrum, to impose a differential management of space, agency and subjectivity within the asylum. By imposing this segregation upon all aspects of the asylum—which came to full fruition in 1909 when a refractory block was built—the above constructed image of division between the two classes could be consolidated, thus reifying the social and class identities of the two categories of inmates as well as their institutional identity.

Later, the report recommends classifying male inmates according to three categories—refractory, middle, and convalescent, each with separate divisions and airing courts in the building (Nicolson *et al.,* 1891). However, this is the sole mention of a 'middle' category and as outlined above, the understanding was very much based upon polarised discourses of criminality, madness, and class.

The binary classification of criminal lunatics and segregationist policy was also useful for restoring the notion that Dundrum could enact its proper perceived function, in enabling the convalescence of pleasure inmates through an appearance of freedom:

> The wards and dayrooms can be kept comparatively tranquil and free from turmoil and insubordinate conduct by the removal to their own rooms when necessary, of maniacal, turbulent, offensive or noisy patients, who are unfit for association with others. In this way the better disposed are allowed to live quietly, and the noisy ones have the inducement of returning to association in the dayrooms when they are willing or able to behave themselves. (Nicolson *et al.,* 1891: 13)

Rather than relaxing the deprivation of pleasure inmates' liberty, by increasing the carceral punishment of the convict group an increased *appearance* of freedom could be presented to the pleasure inmates. In this way, the construction of a criminal

class, both within Dundrum and wider society was beneficial for justifying that Dundrum was fulfilling its traditional intended function.

The report noted the inspectorate seemed to have more authority over Dundrum than the Governor which caused confusion amongst staff, as well as conflicts of interest as the inspectorate are responsible for the institution they are inspecting (Nicolson *et al.*, 1891). It recommended that Dundrum should be 'placed under the supervision and control of the Prisons Board' (ibid: 9) and while this was not implemented, the General Prisons Board's financial and accounting practices, including staff pay scales were introduced in Dundrum. It recommended abolishing the Visiting Physician's office to 'strengthen' (ibid: 11) the Governor in maintaining discipline among staff and inmates, and held the Visiting Physician responsible for previous difficulties at Dundrum.

The report targeted staff, and to empower the Governor in maintaining a disciplinary regime, it asserted 'discipline should be an essential feature in the management of both its inmates and its staff' (Nicolson *et al.*, 1891: 11). Staff were found to be 'too friendly' towards inmates and 'completely in the power of [inmates] who are well aware of the hold they have upon those in charge of them' (ibid: 12) stating that these relationships contributed to the frequent escapes in preceding years. It then condemned Dundrum's male attendants whom it found 'with but few exceptions, to be a discredit to the public service' (ibid: 18), which sharply contrasted with Inspector Nugent's repeated defences of staff following inmate escapes during his tenure. Again, a hierarchical notion of class is invoked to enforce this view: 'They are drawn from the wrong class, and are not paid sufficiently well to make them give their first regard to their duty, and to enable them to resist the wiles and temptations of clever and unprincipled inmates' (ibid: 18). As such, a disciplinary turn in Dundrum extended to the asylum's staff and this also coincided with the general heightening of class-conscious discourse employed to categorise inmates.

In a memorandum annexed to the report by R.W.A. Holmes, the recommendation to abolish the office of the Visiting Physician was emphasised (Nicolson *et al.*, 1891). Holmes also recommended to make the Inspectors' duties in Dundrum purely inspectorial and no longer administrative, stating, 'I cannot overrate the importance of the recommendation' (Nicolson *et al.*, 1891: 23) before suggesting that the problems faced by Isaac Ashe's management of Dundrum were because he was not the 'sole and responsible head of the asylum' (ibid: 24). Therefore, the report's aim was to enact a substantial overhaul of administrative practices and a hierarchical reorganisation of carceral life at Dundrum, including the role of staff was central to this effort. Dundrum's power structure was to be more closely concentrated internally and if not answerable to the General Prisons Board, it should be answerable directly to the colonial government.

6.3.1 Irish in Blood, English in Taste

Substantial changes were implemented at Dundrum almost immediately after the 1891 report was completed. This was mainly enabled by the sudden death of Ashe in November 1891. Ashe was attacked on the 7th October 1891 by two inmates after having been dragged into one of their cells and he died on 19th November with medical testimonies suggesting head injuries suffered during the attack led to his eventual death (O'Farrell and Courtenay, 1891b).

On 6th January 1892 Under Secretary John West Ridgeway wrote two letters on the issue. The first conveyed an application by Dr. Ashe's widow for compensation for Ashe's death to the Treasury, which he expressed his support for, and which was eventually rewarded as a lifelong pension to his family (West Ridgeway, 1892a). The second was a detailed letter which outlined the power structure under which Dundrum now operated. It first addressed the question of confirming his successor Dr. George Revington, which occurred in December 1891 and was now 'ripe for settlement' (West Ridgeway, 1892b). This condemned Ashe's management of Dundrum stating, 'if he had lived we would have been obliged to relieve him of the

charge. The report of the Commission discovered a most deplorable state of things in the Asylum which is directly under the Inspectors of Lunatic Asylums' (West Ridgeway, 1892b). As has been shown, the degree to which Nicolson's 1891 committee made such penetrating discoveries is highly doubtful. This also contradicted the response received by Redvers Buller (1887) after he attempted to oust Ashe and was informed it was not possible. West Ridgeway then outlined Dr. Revington's appeal as a Governor, which calls to mind Homi Bhabha's (1984) analysis of Macaulay's (1835) *Minute on Education:*

> Dr. Revington, (…) was immeasurably superior. (…) He was a pure Irishman, educated in Ireland, who had a most distinguished career in Trinity College Dublin. He had been trained in (Bethlehem) Asylum and was now Senior Assistant of Prestwich Asylum, Manchester, where he had a large number of Criminal Lunatics under his charge. His high moral qualifications for the arduous duties which would devolve upon him were vouched for by the highest authorities. (…) It seemed to me to be an unquestionable advantage that Dr. Revington should have been trained in the best English Asylums. This had been the case with several of our best superintendents eg. Dr. Courtenay, the Inspector of Lunatic Asylums, who had been transferred to the charge of the Limerick Asylum from an English Asylum. (West Ridgeway, 1892b)

Therefore, the colonial government succeeded in replacing the management of Dundrum with 'a class of persons [Irish] in blood (…) but English in tastes, in opinions, in morals and in intellect' (Bhabha, 1984: 128). This development revealed further ambivalence between the Irish bourgeoisie and the colonial government. Upon Revington's appointment, on 16th December 1891 an article appeared in the Freeman's Journal (1891: 7) reporting on the Irish Medical Association's denunciation of Revington's appointment as 'a scandal', as 'several of the [Irish] gentlemen whose names were mentioned had vastly more extensive experience'. While Revington 'elected to throw his lot with the English branch of the profession from the very commencement of his career' the just claims of the Irish candidates, one of whom had 'occupied the position of Superintendent of an Irish Asylum for seven years' were overlooked (ibid). Additionally, the article reports that an English official wrote to the Medical Association urging them not to bring a 'racial feeling'

to the process, pointing out that many Irish physicians are in English Asylums. The Medical Association replied that,

> if there are a great many Irishmen in the English Lunacy Service it is not because Irishmen are particularly favoured by the officials who can make these appointments in England, but because our race are a naturally bright and clever race, who can, as a rule, more than hold their own in competition with the people of any other country. (ibid)

These protests were defended in the House of Commons by the Colonial Government (West Ridgeway, 1892b). West Ridgeway then concluded his letter by raising twelve points in response to these protestations, some of which include:

4) The Dundrum Lunatic Asylum is entirely outside the ordinary lunatic asylum service. It is not only a Criminal Asylum but a Government Asylum directly under the Inspectors of Lunatic Asylums.

6) The report of the Commission disclosed a deplorable state of things in the Dundrum Asylum which required a man of exceptional moral qualifications to grapple with.

10) The training which he has received in the best English Asylums especially qualifies him for the work of reorganisation.

11) It was very desirable if not essential that the new Superintendent should have had experience of criminal lunatics (…) Revington had charge in Prestwich Asylum of a large number of criminal lunatics.

12) The Inspectors are responsible for the Dundrum Asylum. Its present condition is due in a great measure to the incompetence of their predecessors. (West Ridgeway, 1892b)

Hence, a reorganisation of the management and hierarchal authority governing Dundrum was being framed as a response to the incompetence of the previous generation of Inspectors and management. By 1892 several of Dundrum's attendants were dismissed after being investigated for their conduct in relation to an inmate's escape while sixty staff appointments were made (Asylums Report, 1893).

The financial management of Dundrum was brought under the General Prisons' Board with an improved wage structure to attract attendants from the *correct* class.

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Furthermore, the office of the Visiting Physician was soon abolished for all lunatic asylums in Ireland including Dundrum, entailing a further rarefaction of individuals with a say in the institution's operation. This was also met with protest among Irish medical personnel who immediately called for its reinstatement. However, there was significant division over this issue as the Irish Medical Association argued some Resident Medical Superintendents such as Dr. Conolly Norman, who supported the move, would benefit by being empowered to consolidate control within their institutions (CSORP, 1893).

Many of the key issues raised in this chapter echo Foucault's (1978a) argument that in the nineteenth century psychiatry in Europe began to operate as a 'public hygiene' with a greater concern for public safety than a knowledge of criminal responsibility. The 1882 and 1885 reports made little effort to advance psychiatric theories about criminal insanity and gave primacy to Dundrum's administrative functions and custodial features. The shift is perhaps best evidenced by Nugent and Hatchell's (1885) assertion that 'the characteristic of insanity is uncertainty' and that the Irish Executive 'has always cautiously acted for the safety of the public' (ibid). Foucault's observation that psychiatry began to distinguish between the absolutely dangerous and those who can recover with treatment, rather than the responsibility-irresponsibility binary was realised in the 1891 report, and part of its preconceived purpose.

Yet these developments occurred alongside an increased presence of colonial actors in the everyday, private matters and shifting practices at Dundrum. This was an unprecedented period of change at Dundrum and 1891 saw the most successful report of inquiry in having its recommendations become institutional policy. The minimisation of roles narrowed the number of Irish medical personnel in authoritative positions within the Irish Lunacy system, while the members of the Inspectorate and Governor of Dundrum were selected based on their sympathies with the interests of the colonial government. Practices at Dundrum were brought increasingly in line with those at Broadmoor and the reconstitution of the asylum's

management as *almost the same but not quite* (Bhabha, 1984) would ensure this could be done with increasing flexibility and regularity in future. In this sense, a certain colonial *repossession* of Dundrum had been executed, and this was during a period when Ireland's asylum network was being incrementally 'democratised' (Finnane, 1981) culminating in the Local Government (Ireland) Act, 1898 which enabled Irish Catholic men to assume control of the network of asylums. Therefore, this chapter has also shown how, as Prior (2004) argued, forensic psychiatry in a colonised society is more likely to reflect the interests of the coloniser.

6.4 Summary

This chapter detailed findings between 1874 and 1893. It examined three commission of inquiry reports into Dundrum and associated responses which appeared to oversee the marginalisation of the Inspectorate from positions of influence at Dundrum. This was particularly evident in the 1885 report which requested 'more than mere inquiry' due to the inefficiency of the older inspectors (Hamilton, 1884). Even though the 1885 recommendation to reclassify Dundrum as a prison was not heeded, the ambivalence of colonial discourse was evident as the Inspectors sought to appease Dublin Castle by agreeing to institutional reforms while still relying on their 'diagnostic flexibility' approach to assert their expertise. However, it appeared after 1885, as Prior (2008) argued, that the Governor and the Inspectors were losing the power struggle.

When Nicolson *et al.* produced a report in 1891, Dundrum was again unanimously understood as a hybrid institution but by this time it was no longer populated by a 'bad' population whose insanity was contested but by a 'criminal class'. The section diverges from Robins' (1986) analysis that Dundrum's issues were due to a convoluted management structure. It appeared clear from the 1887 onwards, after Buller's inquiry to remove Ashe, that personnel were the issue.

This reorganisation and restructuring of Dundrum's management was viewed as an oppressive tactic by the Irish Medical Association who understood these changes as side-lining the Irish profession and partly driven by racial logic. However, from this period a related system of knowledge production about Irish criminal lunatics was coming into existence, permeating the discourse with a general racialisation of the Irish. The next chapter will document the history of how such representations emerged and became increasingly integrated into psychiatric practice at Dundrum through the turn of the century.

Chapter 7. 'Then Re-Created by Scholars': Race, Class and Criminal Lunacy

The final findings chapter examines how essentialising racial and class discourses explicitly informed the representations of criminal lunatics at Dundrum as well as the general population of Ireland. It begins by examining two instances where insanity in Ireland drew upon racial discourses prevalent at the time. It details the class composition of Dundrum's 'convict' inmates. It then examines the case of a previous Dundrum inmate named Bellina Prior which spanned between 1888 and 1909, and who was not re-committed to institutional care out of concern for her brother and uncle who were serving army officers.

The chapter then examines the writings of David Nicolson in the *Journal of Mental Science* between 1873 and 1875 on 'The Morbid Psychology of Criminals', where he developed his essentialised theories of criminal lunatics. Similar writings in Irish journals and by Irish authors are also discussed. Nicolson's ideas informed the subsequent commission of inquiry report in 1905 which Nicolson led, and which had further implications for the changing character of Dundrum, resulting the construction of a refractory block for the *worst* 'habitual criminal' inmates. The chapter concludes by examining a press article covering the testimony to parliament by previous Visiting Physician to Dundrum Christopher Nixon in 1906 which largely replicated Nicolson's essentialised claims of Irish criminal lunatics.

These files were chosen for their explanatory power in demonstrating how criminal lunacy discourse shifted towards racist, gendered, and class-based constructs, during the period when Ireland's asylum system was democratised. By relating Nicolson's earlier academic publications to the 1905 report he led, the chapter follows Said's (1978) direction in emphasising that individual actor can be determinate in shaping colonial discourse. This chapter concludes by suggesting that Dundrum's population and the general population of Ireland were discursively 're-created by scholars' in more explicitly racialised terms.

7.1 Racialising Criminal Lunacy

7.1.1 'Certain practices of a bestial character', 1882

The Convict Reference File for Michael Kennedy, convicted of a Whiteboy[48] offence in 1882, contains a Medical Certificate diagnosing him as insane and recommending his transfer from Mountjoy Prison to Dundrum. The certificate contains an unusual reference, associating Kennedy with animalistic behaviour:

> The prisoner Michael Kennedy, received 12th Dec 1882 from Wicklow Prison under sentence of P.S. for (sic) Whiteboy Offence, was considered to be somewhat weakminded on reception, has of late become partially idiotic & *indulges in certain practices of a bestial character*. He is however obedient to orders and understands them, although when he leaves his cell for any purpose he is unable to find it again.
>
> I consider it not improbable that under proper treatment he may improve or even recover. (Young, 1883a, emphasis added)

Kennedy was transferred to Dundrum under this certificate. The file contains no further mention of bestial practices and when cross-referenced with his GPB Penal File (Young, 1883b) the same Medical Certificate appears again without further detail. A newspaper search revealed more on Kennedy's case and bestial characterisation. On Saturday 27th of May 1882 the Nenagh Guardian in Tipperary reported Kennedy's crime the night before:

> A very atrocious occurrence took place late on Friday night at Ballyphillip, the residence of Benjamin F. Going, Esq., D.I. It appears that at about eight o'clock that evening a man named Michael Kennedy, a tenant of Mr. Going's, came into the yard in a most excited manner, and with a hatchet or billhook, he commenced slashing at the back-door evidently intending to force an entrance into the house. The servants, however, who had seen the man approaching the place from the rear and in such a violent manner, had fortunately time to lock the door against him, so that the man was foiled in his attempt. All the while he was in the yard he kept roaring out and indulging in the most vehement denunciation of all landlords. The first blow he gave the back door struck the heavy latch, and cut the iron literally in two; the wood framework was also hacked right and left to a depth of nearly an inch in some places. Finding that he could not burst in the door, Kennedy left the yard. Mr. Going hearing the noise in the yard, came down, and on going outside he found

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[48] The term 'Whiteboys' referred to an Irish agrarian resistance movement who used violent means to defend Irish farmers' land rights and whose activities peaked in the mid-eighteenth century.

two setter dogs of his lying dead near the kennel with their heads cut open and mangled frightfully. (Nenagh Guardian, 1882a: 2)

The police were alerted following Kennedy's attack and he was found in a pub drinking with friends some hours later and arrested (ibid). This was the only additional mention of anything related to animals in Kennedy's case, apart from the depiction of him in his above Medical Certificate. On the same page of the Nenagh Guardian the political implications of another, more infamous offence which occurred three weeks earlier were discussed (Nenagh Guardian, 1882b).

7.1.2 'The Irish Frankenstein', 1882

On 6th of May 1882 the infamous Phoenix Park murders were carried out (Lyons, 1977). Members of the 'Invincibles', an Irish Republican Brotherhood offshoot, fatally stabbed the newly appointed Chief Secretary of Ireland, Frederick Henry Cavendish and Under Secretary Thomas Burke on the day they took office. Cavendish was appointed to replace the previous Chief Secretary William 'Buckshot' Forster who resigned in protest of the Kilmainham Treaty on 2nd of May which saw the release from prison of Irish MPs Charles Stewart Parnell and Michael Davitt, political leaders of the Irish Land League. A parade was held on 5th of May in celebration of the release of Parnell and Davitt. Therefore, during May 1882 nationalist sentiment in Ireland was heightened particularly regarding the question of land rights.

On 20th of May 1882, Punch Magazine printed John Tenniel's 'The Irish Frankenstein' cartoon to illustrate the Phoenix Park murders, depicting 'a giant Paddy striding forward obsessively with a dripping knife, his animal jaws jutting out beneath his eye mask. Behind this nightmare kneels Parnell, hand upraised as if to hold the monster back' (Morris, 2005: 300). Captioning the image was a reference to Mary Shelley's 1817 novel *Frankenstein*, which reads: '"The baneful and blood-stained Monster … yet was it not my Master to the very extent that it was my

Creature? … Had I not breathed into it my own spirit?" *(Extract from the works of C.S. P-RN-LL, M.P)'* (See Appendix B).

A similar depiction of the Irish 'Land League Paddy' by Tenniel featured in Punch earlier in 1870, entitled 'The Irish "Tempest"' (See Appendix C), which depicted 'a hideous monster, misshapen and fanged, the only thing Irish about him being the stereotypical high-crowned hat with the small pipe affixed to its brim' (Morris, 2005: 298). Therefore, the subhuman representation of Nationalist Land League violence was an established motif long predating Michael Kennedy's case. Hence, the infliction of punishment upon the *soul* rather than the *body* (Foucault, 1977), which asks what is to be known of the person who committed the crime rather than the facts of the criminal act, in Kennedy's case reproduced an already circulating racist trope.

Kennedy's crime, which was very possibly influenced by the Phoenix Park murders less than three weeks earlier, occurred when this racist imagery was prominent in colonial consciousness. As mentioned on the same page as the Kennedy article the political fallout from the Phoenix Park murders was still unfolding in Westminster (Nenagh Guardian, 1882b). The Phoenix Park murders breached a truce between the National Land League and Dublin Castle leading to the proposal of a Prevention of Crime (Ireland) Bill (ibid) which was never enacted into law. Therefore, nationalist rebellion was very much in the public mind at this time.

7.1.3 Insanity and the Celtic race, 1905

In 1905 a special supplement to the Inspectors' report represented the Irish as being predisposed to insanity, stating: 'The statistics of insanity in other countries, even more than those of Ireland itself, point to the fact that the Celtic race, notwithstanding their undoubted intellectual gifts, are peculiarly prone to mental disease' (Asylums Report, 1906: xxxii). In America, Irish immigrants were overrepresented in lunatic asylums, comprising 30% of the foreign-born white

asylum population while only comprising 15.6% of the foreign-born white general population (Asylums Report, 1906: xxv). This contradicted previous explanations of prevalent insanity in Ireland being due to mass emigration of the young and healthy, leaving behind the aged and infirm who are more prone to insanity (Nugent, 1885).

While affirming psychiatry's benevolent purpose, the same report stated that public 'prejudice' against the asylums in Ireland had 'passed away' (Asylums Report, 1906: xxviii):

> Instead, there is an increasing recognition on the part of the poorer classes of the humane methods of the modern treatment of the insane, and of the protective and curative influences which modern asylums afford.
>
> Further, the struggle for existence in a poor country like Ireland is so great that the young and healthy, as a rule, will not burden themselves with the support of their aged insane relatives, now that they are satisfied they will be as well cared for in a public institution, without cost or further trouble to themselves. (ibid)

In this discussion, the Irish were paradoxically represented as more reasonable in accepting psychiatry's civilising and benevolent work, yet more uncivilised as an empirical claim was made about their innate madness. At this point the Local Government (Ireland) Act, 1898 had 'democratised' Ireland's asylum system (Finnane, 1978, 1981). Therefore, remarks about the racial distinctiveness of the Irish aligned with a perceived increased docility in accepting the colonially imposed lunatic asylums. This was just as Mamdani (2012) argued regarding colonial efforts to shape the subjectivities of colonised populations. The 'class of interpreters' (Bhabha, 1984) began to employ post-Enlightenment empiricism and post-Darwinian ideas about degeneracy and atavism to racialise the Irish as insane, simian, and bestial.

Similar essentialised representations also entered scientific discourse of criminal lunacy in writings by David Nicolson between 1873 and 1875. Nicolson led the Commissions of Inquiry into Dundrum in 1891 and 1905 and his writings in the

1870s will be examined in section 7.3. Firstly, the next section examines the ill-fated case of an upper-class woman in Dublin who was surprisingly not detained in Dundrum or elsewhere due to her family's class and patriarchal interests.

7.2 Class Composition at Dundrum

From the available GPB Pen records, 155 penal files document details of inmates transferred to Dundrum from prisons between 1881 and 1919. 24 of the inmates were female and 131 were male. These files contain information on inmates' literacy levels and occupations making possible a comparison of class composition of Dundrum's inmates transferred from prisons during this period with those described by Prior (2008).[49] The below figures show that the literacy levels and occupations of inmates transferred to Dundrum from prison were similar to those observed by Prior (2008) and Gibbons, Mulryan and O'Connor (1997). This suggests that regardless of whether inmates entered Dundrum via prison or the courts, they came from similar socio-economic backgrounds.

7.2.1 *Literacy*

The Annual Inspectors report of 1886 found that one third of Dundrum's inmates were illiterate during the twelve months previous (See Prior, 2008). Literacy levels among the inmates transferred from prison in GPB Pen files was noticeably higher but this difference is likely attributable to the steady improvements in literacy among the general Irish population and the period being discussed. For the period of 1881 to 1919, 21% (*n = 33*) of inmates transferred from prison were illiterate as opposed to one-third in 1886 (in Prior, 2008). 68% (*n = 106*) could read and write, while 10% (*n = 16*) could read or had a low standard of literacy. As Daly (1981) notes by 1900, 16% of the general Irish population were illiterate. Hence, the figures found in this study are probably to be expected considering literacy levels among

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[49] See discussion of Dundrum's class composition in section 1.1 of this thesis.

Dundrum's inmates were significantly worse than among the general population (Prior, 2008) but would still have progressed somewhat in line with wider population trends. Furthermore, male prisoners in Dundrum during this period had better literacy levels than women. 71% of men (*n = 93*) could read and write as opposed to 54% of women (*n = 13*); 20% of men (*n = 26*) were illiterate as opposed to 29% of women (*n = 7*), and 9% of men (*n = 16*) could read or had low literacy standards as opposed to 17% of women (*n = 4*).

7.2.2 *Occupation*

Inmate occupations were also comparable to those observed by Gibbons, Mulryan and O'Connor (1997) regarding patients transferred to Dundrum from the courts between 1850 and 1995. They found that during the 145-year period of their study, 50% of Dundrum's 'unfit to plead' inmates were unskilled labourers, 45% were tradesmen or farmers, and less than 5% were businessmen. 64% of 'guilty but insane' inmates were unskilled labourers while 27% were tradesmen or farmers. Of the GPB Pen inmates between 1881 and 1919, 59% were unskilled labourers (men, n = 79; women, n = 12); 21% (all men, n = 33) were farmers or tradesmen; 12% (men, n = 9; women, n = 9); while 7% (men, n = 8; women, n = 3) were dealers or contractors, although this number may have included small shopkeepers or owners due to ambiguous terminology used.

7.2.3 *A Lady of Position: Bellina Prior, 1909*

On 24th of November 1909, the Dublin Metropolitan Police reported to the Under Secretary of Ireland the discovery of two deceased women at their home in Rathmines, Dublin. The women were 42-year-old Ms. Bellina (Violet) Prior and her 65-year-old mother Mrs. Nina Prior who 'agreed to die together and there did not appear to be a struggle' (CSORP, 1909). Bellina Prior was previously an inmate at Dundrum having admitted infanticide at her previous home in Co. Armagh in 1888,

by drowning Ann Slevin in a kitchen boiler and being found 'guilty but insane' (Dundalk Democrat, 1888). If Bellina Prior was one of many 'victims of a malady that recognizes no social distinction' (Asylums Report, 1853: 14f), her case illustrated how men's social distinction could render arbitrary the medical and legal practices for dealing with women considered dangerous. The extent to which gender and class considerations could supplant medical considerations is demonstrated in the account below.

Bellina and Nina Prior were found lying on the floor with burn marks on their lips and mouths and two empty bottles of carbolic acid near them on the floor (CSORP, 1909). A note nearby read:

> 2 Charleville Road, Rathmines. 7th November '09.
>
> I leave all I die possessed of to my younger son Harvey, and I would wish him if he comes across Adel to give her my fond love and some souvenir from me Nina I Prior. I destroy my daughter so that no one may get her and do away with myself immediately after. (ibid)

The Superintendent, Lambert Ormsby who was also their doctor, stated they had been dead three or four days (ibid). Ormsby had been taking care of their affairs and stated they were both eccentric, having suffered hallucinations, and confirmed Bellina was once confined in Dundrum (CSORP, 1909). Ormsby also identified the chemist from whom two carbolic acid bottles were bought by the Priors on March 30th (ibid). The conclusion was that during temporary insanity (See Tuke, 1892: 1302-1306), Mrs. Nina Prior administered the acid to Bellina before taking the poison herself (CSORP, 1909). Their deaths were reported in the Freeman's Journal and Irish Times (ibid).

The CSORP file is a 400-page correspondence spanning eleven years from 1888 to 1909. In 1888, when Bellina committed the infanticide, the Prior family's social position significantly influenced Bellina's treatment. She was the daughter of late Colonel Prior (Dundalk Democrat, 1888). For between seven to eight years she had

numerous encounters with the police and Dr. Revington at Dundrum, where her dangerous conduct was documented, as is discussed below.

Following the infanticide, on 2nd May 1888 Prior's medical certificate at Armagh Prison stated she was 'probably incurable', that she had reflected on her inability to control her feelings when the child was destroyed and 'she declares she is anxious for death for some time' (CSORP, 1888). In August 1892, after four years in Dundrum she was conditionally discharged by Revington and Nixon as sane:

> The condition of the above patient has much improved. She has gained self-control, and is quiet, hard-working and orderly, and has been free for a year from the periodic attacks to which she was subject.
>
> She is now in our opinion sane, but she must be regarded as of a slightly weak and nervous nature. (Revington and Nixon, 1892)

After 1900 however, discussions about incarcerating Bellina Prior were ongoing. Between 1900 and 1902 she wrote several letters to Dr. Revington asking to meet him. Almost all her writing is illegible but on 13th May 1902, Revington wrote to the Under Secretary requesting that steps be taken to detain the dangerous lunatic 'Violet'[50] Prior (Revington, 1902). Revington annexed several of his correspondences with Prior. The first was on 17th February 1900, stating Prior threatened to shoot Lord Beresford (Revington, 1900). A second correspondence from Mrs. Nina Prior claimed Beresford, who was a Lieutenant Colonel serving in the Boer War, reversed a promise to marry Bellina and asked Revington to use his authority and intervene (in Revington, 1899). A second letter by Bellina Prior accused Beresford of sexually assaulting her and asked Revington to convey demands to him, including 'from Lord Beresford an apology + 5000 damages for drugging and viciously assaulting her against her will in Dundrum Government Asylum whilst under her Majesty's probation' (in Revington, 1899). Of these correspondences only Prior's threats against others were discussed. Her accusation that Lord Beresford assaulted her

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[50] 'Violet' was Bellina's alias.

was not directly commented upon, though being annexed to Revington's letter to the Under Secretary it was part of the evidence base for her proposed incarceration. Therefore, its meaning was reformulated within the discourse of insanity.

Prior was under constant police surveillance throughout April 1905, whereby a photograph was taken to identify her while she walked through Dublin with her mother and distributed by the Constabulary Office (See Appendix D). Daily police surveillance reports tracking her public movements were produced (See Appendix E). Her violent threats continued. In July 1905 she visited Dublin Castle, and in August she threatened 'one of the prominent Castle Officials' (CSORP, 1905). Deliberations continued over her detainment as in July, Inspector O'Farrell noted two possible ways to detain her:

(1) By her friends taking action and having the necessary Forms filled up for her admission to a District Private Asylum, or other institutions for the insane.

(2) By having her committed to District Asylum as a dangerous lunatic, under the 10th section of the Act 30 & 31 Vic cap 118. (O'Farrell, 1905).

Significant hesitancy about her detention remained despite the Lunacy (Ireland) Act 1867, which gave primacy to medical opinion in committing a 'dangerous lunatic' to a district asylum (Kelly, 2008a). Doctors favoured Prior's committal, but the 1867 Act was never invoked. An Act of 1901 did not exist when Prior was originally detained as a Criminal Lunatic and, therefore, no power existed to discharge her conditionally meaning she could not be detained under breach of conditions (Kelly, 2008a).

A decision was finally made about Prior's liberty in 1906 by male family members rather than institutional experts. On 13th August 1906, the Inspectors wrote to Prior's uncle Lieutenant Colonel George Rowley Hadaway, 'to ascertain whether you would be willing to take action with a view to avoiding the possibility of having a lady in her social position committed to a public lunatic asylum and the police court proceedings which would thereby be entailed' (CSORP, 1909). The same letter was

sent to her brother Harvey Prior who was in South Africa serving in the Boer War (ibid).

Hadaway responded on 15th August 1906, stating he 'became seriously alarmed as to the young lady and her mother, and at once consulted Doctors Bell, Revington, and Dawson of Dublin. They confirmed my opinion which apparently now proves to have been correct' (ibid). Hadaway mentioned he earlier wrote to Harvey Prior in 1903 to say it might be necessary to take measures if he had Harvey's approval but 'to this he did not assent' (ibid). They requested no action be taken against Prior and Hadaway's letter ended with the following postscript: 'I shall be most thankful if we can be spared the pain of our name appearing in the Press' (ibid). On 18th August 1906, the Inspectors replied to Hadaway stating:

> In the event of Miss Prior's case being brought before a court, it is not probable that your name will be mentioned and, so far as the Inspectors are in a position to do so, they will use every means in their power to prevent it from appearing in connection with the matter. (ibid)

The Lunacy Inspectorate and the Irish Executive were primarily concerned with mitigating implications for the Priors' male relatives in being publicly associated with two 'lunatics'. Paternalistic attitudes, biological explanations of deviance and hereditary discourses, and concern for personal reputation, determined the institutional decision against incarcerating the Priors. Therefore, despite Bellina's history of violent and suicidal threats, psychiatric care was a secondary priority, subordinate to class and gender considerations.

The neglect to detain Bellina and Nina Prior for therapeutic purposes arguably contributed to their suicide. This case illustrates the removal of agency from the two women. Not only were their appeals for assistance taken to be indications of madness, there is no evidence that their allegations against Lord Beresford were given serious attention. Bellina's agency was limited to her potential for violence and madness, and the male family members were empowered to decide how medical and legal responses would be enacted.

When Nugent and Hatchell discussed the sensitivities arising if a 'lady of position' committed infanticide, their successors were concerned with 'the re-publication of such a family misfortune' in producing 'a morbid curiosity and be a source of undeserved grief, at a future period to relatives' (Nugent and Hatchell, 1885). It cannot be said in this case that 'the Irish Executive has always cautiously acted for the safety of the public and with a kindly object towards the individual' (ibid).

7.3 The Morbid Mind of Criminals

The next two sections examine writings by David Nicolson who led the 1891 and 1905 Committees of Inquiry into Dundrum. The present section examines Nicolson's seven-part publication in the *Journal of Mental Science* between 1873 and 1875, entitled 'The Morbid Psychology of Criminals' (Nicolson, 1873a, 1873b, 1874a, 1874b, 1875a, 1875b, 1875c). These articles had little relation to Dundrum until thirty years after they were written as they influenced the final 1905 Report of Inquiry, which is examined next. The types of prisoners theorised in these articles are those eligible to be transferred to Dundrum from prison.

Six of the seven articles are discussed below as one was dominated by what the Inspectors earlier dismissed as 'the metaphysical theories and abstract reasonings of professional men' (Asylums Report, 1864: 63). It elaborates theories on the psychological manifestation of symptoms of insanity and delusions, and due to this thesis' sociological focus and limited scope, only the six articles which directly construct the 'normal-pathological binary' (Allen, 1987) are examined.

Nicolson (1873a: 222) considered prison an ideal setting for psychological research because its uniform environment allows individuals 'varying in moral and intellectual status' to be observed. His writings are underpinned by essentialised notions of race and class. Nicolson (1873a) identifies two 'distinct types of mind' in prison, in the *accidental criminal* and the *habitual criminal*.[51] This binary classification

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[51] These terms are hereafter capitalised in Nicolson's writing and therefore, are capitalised here.

underpins all of Nicolson's claims. Much of his empiricism comes from literature and biology such as Shakespeare and Darwin, although anecdotes of two Irish prisoners exemplify his Habitual Criminal.

7.3.1 Habitual Criminals, Animality, and the Irish

Nicolson's first paper described the two prisoner groups and their position in relation to humanity. The Accidental Criminal's mind differs 'little or nothing from that of the ordinary run of mortals (…) intelligent and fairly educated (…) liable to give way under strain in the midst of novel and disgraceful associations' (Nicolson, 1873a: 223). Conversely, *criminal mindedness* characterises Habitual Criminals whose 'whole life-history bears the impress of crime and tells of a fearful falling away from the dignity and prerogative of humanity' (ibid: 224). Their physique displays an 'animal expression (…) a very embodiment of grossness and unworthiness', while 'social instincts and sympathies have almost no place in his nature' (ibid). Hence, Habitual Criminals are a deviation from humanity while Accidental Criminals' sanity has been disrupted by wrongful association.

Habitual Criminals possess *criminal-mindedness*, 'the lowest form of sanity' which delineates the 'borderland[52] (…) whereon crime and insanity mingle freely' (Nicolson, 1873a: 225f). Due to 'original defective development' the Habitual Criminal's mind lacks the 'sensitiveness' of the Accidental Criminal but maintains 'strong motives to deception' (ibid: 226). Habitual Criminals came in various characters: 'quiet', 'rebellious', 'violent', 'intractable', 'scheming and dodging', and Nicolson's encounter with an Irish prisoner illustrated the 'simple-minded' (ibid: 227). While in his cell another prisoner told the Irishman to put his bare feet under the cell bars for the doctor's inspection and a passing warder forcefully pushed

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[52] Borderland prisoners were the object of inquiry in the 1905 Report led by Nicolson.

them back in, to the Irishman's protests (ibid). A Fenian[53] prisoner supposedly demonstrated that Habitual Criminals, like animals, act on emotion rather than rationality (Nicolson, 1873a). He held invented beliefs about his bodily health and complained his diet caused bodily "defluxions" which he sought to cure by standing on his head for prolonged periods (ibid: 229). Nicolson concluded that 'a predominance of emotions over the higher mental qualities involved in intelligence and volition may be due to an absolute excess of the impulsive and more animal propensities' (ibid: 231). Hence, the Irish prisoner was devoid of humanity and agency.

7.3.2 'A Class of Fools'

Nicolson's second paper further described the Habitual Criminal's defects and the influence of class and nationality in their development. He stated a readiness for the stirring of emotions indicates 'mental inferiority' (Nicolson, 1873b: 398). Such pre-disposed persons lack the capacity for reflection 'which forms the link between the feelings and the will' (ibid: 404), and are often incapable of self-comprehension:

> this quality of reflection is certainly feebly represented in criminals generally. Many of them do not, and some possibly cannot, comprehend their own position or realize their true self-interest as social and responsible beings; and their actions are but too frequently prompted by what appears to them the expediency of the moment. Speaking proverbially, they form a class of fools, whom even experience fails to teach. (1873b: 404).

As Said (1978: 32) argued, *knowing* an object means 'rising above immediacy' to dominate it and deny the object its own autonomy. By incapacitating the Orient as incapable of self-comprehension, the West re-presented the Orient in accordance with disinterred social, cultural, and racial characteristics posited 'beyond the

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[53] Fenians originated as members of the Irish Republican Brotherhood, a militant organisation in pursuit of Irish independence and most active throughout the nineteenth century. The term became synonymous with militant republicanism and conflated with the National Land League and members of the Irish Parliamentary Party such as Charles Stewart Parnell (See McGee, 2005).

modern Oriental's ken' (Said, 1978: 92). This process is at work above. Habitual criminals' agency is fixed at the juncture between stimulus and emotional response and they cannot understand their inability to rise above this immediacy.

Nicolson (1873b: 405) then generalised his essentialist view to class and national influences. Firstly, the 'criminal class' are represented in Manichean terms with 'a low retentiveness for good and evil (…) perhaps the most radically incurable of all natural defects', which explains their 'vicious displays'. Nicolson invokes national origin to explain the 'strangeness of behaviour due to emotions which are more pathetic in their nature. The inborn national characteristics of individual prisoners are strongly represented in reference to the occurrence of impulsive demonstrations' (ibid: 406). He neglects to expand on the relationship between national origin and the behaviour of the criminal class in prison.

Since their behaviour is by nature, incurably ignorant of moral sense and driven by pathetic emotions shaped by national origin, Nicolson is 'ethnicising' the criminal class. Thus far, his theory of Habitual Criminals relied upon racist Irish stereotypes. This discussion illustrates Bhabha's (1990) assertion that colonial discourse justifies conquest by racialising colonised populations as degenerate. Nicolson's Habitual Criminal was discursively formed by intersecting essentialised nation, race and class constructions.

7.3.3 Special Delusions in Prison

Nicolson's (1874a) third paper describes the types of delusions prisoners experience, drawing a similar binary distinction between *ordinary delusions* which all human beings experience, and *special delusions* which arise in the circumstances of prison life. His explanation of four common special delusions[54] was self-fulfilling.

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[54] (1) Unfair treatment, by the infringement of his "rights" or by undue punishment; (2) The food he gets is tampered with. Sometimes poisonous substances are added; (3) Mysterious visitations and communications (usually associated with thoughts of home or guilt); (4) The original injustice of his conviction and prison sentence. (See Nicolson: 1874a: 21f)

Where prisoners complained their rights were being infringed Nicolson stated that whether their complaints are 'natural and well-grounded, or (…) evidence of defective or diseased conditions of mind (…) a false idea becomes established in the mind of the individual that he is purposely annoyed and ill-treated' (ibid: 23).

Nicolson references a biography of Dickens to claim, 'That their food is poisoned, is popularly accepted as *the* delusion of prisoners' (ibid: 24). Where Dickens claimed 'three-fourths' of inmates at Lausanne Prison believed their food was contaminated, Nicolson states it is less frequent in English prisons, but no delusion is more common (ibid). To show prisoners were deluded by mysterious visitations he quotes Macbeth[55] (ibid: 25). Even where a prisoner's complaint is evidenced, the psychiatrist can invalidate complaints by referencing fiction and poetry. Hence, the incarcerated madman speaks without agency (Foucault, 1971). Thanks to the prison's uniformity psychiatrists 'have attained a knowledge that will enable us so far to predict the nature of the prisoner's delusion' (Nicolson, 1874a: 28), though Nicolson's primary interest concerns 'how far it can be done with other groups of individuals' (ibid).

7.3.4 Unemployed, Uneducated, Unteachable, and 'Weak-minded'

Nicolson developed a typology of the 'psychological classification of criminals in relation to prison discipline'. This is outlined below and situated the beginning of his discussion of 'weak-minded' criminals which was the focus of his remaining articles:

Figure 7.1 - Psychological classification of criminals in relation to prison discipline (in Nicolson, 1874b: 168)

| I. | Fit for Prison Discipline | 1. *Accidental or Casual Criminal*—Mental condition, within ordinary range. |
| | | 2. *Habitual or Thorough Criminal*—Mostly unintelligent, wilful, and impulsive. Moral depravity and grossness, with low selfish cunning. (Criminal-minded) |

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[55] Nicolson states the prisoner's hallucination is 'but a dagger of the mind'. He continues quoting: 'There's no such thing; It is the bloody business which informs; Thus to mine eyes.'

II. Unfit for Prison Discipline	3. *Weak-minded[56] Criminal*—Evidences of a mind morbidly defective or disturbed, requiring the relaxation of prison discipline, but not warranting or rendering expedient a certificate of Lunacy. Partially responsible.	
	4. *Insane Criminal*—Irresponsible and fit for certificate	

The distinction between the criminal-minded and the weak-minded is opaque but appears to hinge on the differing degrees of punishment they warrant. Weak-minded prisoners are *sui generis* (unique), 'forcing themselves into prominence by their behaviour in prison' (Nicolson, 1874b: 174), just as criminal lunacy was 'impressed upon the public' (Nugent, 1885: 1) when John Mason murdered Nathaniel Sneyd. Weak-minded prisoners require a lenient imprisonment, being too delusional, too excitable or too dull of intellect to respond to it favourably (Nicolson, 1874b).

Unlike *special delusions,* Nicolson's evidence for the 'weak-minded' focused on cases of so-labelled prisoners, although once again, he chose to ignore prisoner testimony. He described a population of 200 weak-minded prisoners in England, 70% of whom were aged between 20 to 40 years old (1874b). While almost all of them had industrial employment, their occupations were of 'no great interest' to Nicolson (1874b: 178) and he dismissed the 95 identifying as labourers as 'not caring to give their real occupation, if, indeed, they had any except thieving'.

These prisoners lacked education, which was predictable to Nicolson, since they belong to the 'lowest strata of the criminal classes, we shall be prepared for the most meagre display of anything like *education*. They are not only lamentably ignorant, but, what is worse, they are lamentably unteachable' (1874b: 179, emphasis in original). Their lack of education, inability to learn, and lies about their occupations consolidate their innate *Otherness*. The weak-minded class are 'addicted' to certain crimes, particularly burglary (ibid: 180). However, homicides are not well-represented among them as these cases are more likely to indicate mental

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[56] The term is sometimes expressed without the hyphen as 'weakminded' but both expressions are used interchangeably.

unsoundness at trial (Nicolson, 1874b). Nicolson did not notice the contradiction in describing the crimes of the weak-minded in pathological terms, while reserving insanity exclusively for homicidal cases.

7.3.5 Dehumanising Benevolence and Psychological Salvage

Nicolson (1875a) outlines the psychiatrist's sceptical rigour in determining the nature of prisoner (mis)conduct which involves observation, the circumstances of the case, probable motive, and the prisoner's history. The (mis)conduct is classified in one of four ways: 1. *Ill-temper and devilment*; 2. *Morbid Impulse*; 3. *True maniacal outburst*; or 4. *Feigned Insanity* (ibid). These classifications reproduce previously described behavioural defects regarding emotion, deception, and *true* insanity, requiring continuous observation until 'some trivial accident, possibly the individual himself, reveals the imposture, or else something occurs to establish the genuineness of the case' (ibid: 528). Medical Officers' observations are vital in supporting the psychiatrist's assessment: 'They not only touch upon the subject from various points, but they show also certain features which are more or less common to the group' (ibid: 534). As 'fellowships of discourse' (Foucault, 1971) they play a key role in reproducing and circulating the discourse.

Nicolson recalls a definition of the weak-minded class by a Medical Officer at Millbank Prison named Mr. Gover, which demonstrates the value of MO observations in psychiatric doctrine. The lengthy quote below constructs them as animalistic in action, as incapable of reason and self-comprehension, as mentally and physically unevolved, and ultimately as a problem for eugenicist thinking. Despite these several orders of dehumanisation, it remarkably performs the 'psychological salvage' (Allen, 1987: 50) necessary to define them as punishable:

> The term 'weakminded,' (…) is very comprehensive, and includes every variety and every degree of mental affection short of that which would justify a certificate of insanity. It comprises, for example, many who are merely dull and slow; men who are dull of apprehension, and whose reasoning processes are carried on slowly and with apparent difficulty. (…) Such men may make good and steady farm labourers,

but let them migrate to a town, and they stand no chance against their more nimbleminded competitors. Like 'unready' men generally, they are always at a disadvantage, and their fate must depend very much upon those into whose hands they fall. (…) The weakminded man (…) cannot accomplish the complicated process of reasoning which is called 'foresight;' he is at the mercy of the impulses and impressions of the moment; weak in volition; often a slave to animal passions; and sometimes insubordinate through the sheer force of animal spirits which he cannot control. What is to be done with such a being? How come he comes into existence? What is his position in society? What his mission in nature? To what extent is he responsible? (…) the weakminded man is a necessary product of an imperfect stage of civilisation. A time will surely arrive when some limit will be put to the propagation of their kind by the half developed in mind and body; (…) when wise sanitary legislation will have done its work, and a new generation will arise to whom the weakminded man will be a stranger. In the meantime he is in our midst; let us deal gently with his weaknesses; exercise pity and forbearance towards his caprices; and avoid undue severity when punishing him for those crimes into which he has been led, either by evil example or by the coercion of designing men who have taken advantage of his infirmity. (cited in Nicolson, 1875a: 538ff)

The above statement paradoxically constructs and denies the complexity of the weakminded. While weakmindedness encompasses *every variety and every degree of mental affection* these innumerable varieties all reduce the weak-minded to being unfit for civilised capitalism. Their complexity can only be understood by psychiatric experts, while their simplicity denies their position in the modern world. They are distinct from the criminal-minded, as they do not constitute an immediate threat to civilised society but are liable to become its victim. Therefore, their exclusion from society and unfitness for prison discipline is a benevolent act.

The above passage employs racial discourses to represent the weak-minded as evidence of humanity's incomplete societal evolution. Concomitantly, it depicts them as being vulnerable to the malevolence of 'designing men', which appears to be a thinly veiled reference to the *criminal minded*. Hence, the weak-minded lack the capacity to understand their vulnerability to enabling the spread of criminality. They are constructed simultaneously in various contradictory terms as being passive, punishable, vulnerable, subhuman, and worthy of the sympathy of the civilised—until they can be exterminated. Of course, the sane, civilised modern men are none of these things and represent humanity's magnificence partially realised.

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Furthermore, to construct the extent of the weak-minded inmate's responsibility and therefore, punishability, they are represented as ontologically distinct, stripped of agency and dehumanised. Since 'weak-mindedness' recognises mental deviation it is also distinct from sanity and is essentially a catch-all term to construct mentally disordered deviants as being punishable. As with the general lexicon of madness, 'weak-mindedness' is expressed as a negation. It is a denial of insanity, which itself has historically been expressed as a denial of sanity (Foucault, 1967). Their agency is constrained by a combination of psychiatric understandings of reason, comprehension, and insubordination. Mr. Gover perpetuates the notion that the weak-minded are unable to move beyond the immediacy of 'animalistic' emotional responses to a stimulus, and therefore, any is insubordination beyond their control.

At this point the weak-minded become a problem for the civilised. They are misfits in the civilised order of things, existential anomalies positioned beyond the pale of *natural* social order. However, as Porter (1987) points out it is by allowing madness to play out that reason asserts its authority and imposes its order on nature and society. 'Weak volition' preserves their limited agency and hence, responsibility, but constructs their subhuman inferiority. It represents the 'psychological salvage' operation (Allen, 1987) which occurs amidst dehumanising discourses and enables punishment, or the relaxing thereof, to be projected as benevolence. Once again, this quote mobilises sympathy's affective force to assist the Othering process.

Nicolson (1875a) classifies three forms of weakmindedness, one of which is personified by another Irish prisoner and reinforces the racialisation of the weak-minded: I. Simple Mental Weakness; II. States of Mental Depression; and III. States of Mental Exaltation. Due to this thesis' limited scope, only the first, 'Simple Mental Weakness' is of interest as it furthers the civilising discourse of colonialism which this study examines:

> It implies a want of mind; a want of mental penetrability. The individual is intellectually dull or blunt; slow of comprehension; unteachable; thick-headed (…). There is a something wanting in them (…). This "something" (which comprises a mixture of ready judgment, forethought, and healthy volition) is the common factor

in this case of weakmindedness and criminality; it is this which here links together crime and mental weakness, which makes crime an expression of mental weakness; and which, if you will, makes crime, but assuredly not all crime, a "form of insanity". (Nicolson, 1875a: 544f)

While the above describes the limited mental capacity and ability of the 'weak-minded', the missing 'something' signifies an essential human characteristic, the absence of which relegates them to subhumanity. Nicolson (1875a: 547) further subdivides 'Simple Mental Weakness' which can develop through 'Infirmity from inherited or congenital defect', as depicted by an Irishman described (See Appendix F, prisoner 1):

> Prisoner 1—An Irish pig-driver. Crime—Rape and Manslaughter, with one previous conviction for theft. Remarkable baboon-like expression—a veritable "missing link." Simple mental weakness, with animal propensities. (Nicolson, 1875c: 250)

Again, the Irish prisoner is compared to an animal. His humanity is denied through the earlier deterministic biological and psychological processes in Nicolson's articles. Further, Nicolson argues prison life does not produce insanity of the moral type, because 'the habitual criminal whose moral defection is in question in all probability never reached any reasonably complete stage of moral sanity' (Nicolson, 1875c: 234). He states that an important precondition for the possible diagnosis of prison mania is that it must 'come on within a short time' to be provable (ibid: 236). In cases manifesting slowly and gradually it is indistinguishable from mere vice which is then a significant possibility for the cause of insane-like conduct (ibid). By definition, this excludes persons classified as weak-minded or criminal-minded.

Nicolson's entire theoretical approach reinforces his initial distinction between Accidental and Habitual Criminals, as well as the pre-determined actor theories which were becoming popularised during this period. As Said argues, a constructionist view of history as an *a priori* form enables us to 'appreciate how possible it is for many objects or places or times to be assigned roles and given

meanings that acquire objective validity only *after* the assignments are made' (Said, 1978: 54, emphasis in original). The racialised representation of the Irish criminal lunatic was developed further by Nicolson in a 1905 Commission of Inquiry and adapted to advance more segregationist practices at Dundrum, and racist claims about Irish society more generally. These issues are discussed in the next section.

7.3.6 Habitual Criminals in Irish Sources

Discussions of criminal lunatics appeared in Irish journals during the final period of this study. The least significant of these was in editorials of the *The New Irish Jurist and Local Government Review* between 1901 and 1905 where mentions of criminal lunatics were limited to the reprinting of the Lunacy (Ireland) Act, 1901 (Anon, 1901a) and the issuing of court orders to the Inspectors of Lunatics in 1902 (Anon, 1902). Details of conference proceedings about financial maintenance of criminal lunatics were addressed on two separate occasions (Anon, 1903, 1904a). There were sparse mentions of habitual criminals, most notably in reprinted circulars of the Irish Prisons Board, notifying prison governors that fingerprinting of habitual criminals would replace anthropometric measurements (Anon, 1904b), and that habitual criminals would be prevented from taking privileged employment roles including as cooks, bakers, mechanics, cleaners (Anon, 1905). Furthermore, Christopher Nixon's statement to the Royal Commission on the Care and Control of the Feeble-Minded in 1906 was re-printed in the *Dublin Journal of Medical Science* in 1912 (Nixon, 1912). A newspaper report on the statement printed in the *Freeman's Journal* (1906) is examined later in this chapter as Nixon's statement discusses the treatment of habitual criminals in Dundrum following a report (Nicolson *et al.*, 1905) on Dundrum, which itself, is analysed in the next section.

Among the more significant contributors to Irish writings on criminal lunacy for the purposes of this study were Dundrum's governors Ashe and Revington. Isaac Ashe's (1876) article 'Some Observations on the General Paralysis' appeared in the *Journal of Mental Science* and was written while he was still RMS of Londonderry

Asylum. Ashe asserted that insanity is generally understood as a bodily disease rather than a disease of the mind and sought to understand its pathological effects, hence, justifying the sequestration of a sick body (Prior, 1996). This was the article contested by Mitchell and Holmes in the 1882 Commission of Inquiry Report where Ashe outlines how general paralysis of the insane (See also Tuke, 1892: 519-544) caused a 'degeneration' of tissues, and primarily affected members of the manufacturing and operative classes in Scotland and England rather than agricultural labourers more commonly found in Ireland (Ashe, 1876).

George Revington's (1888a, 1888b, 1902) writings also appear in the *Journal of Mental Science.* His first article on 'Neuropathic Diathesis' (1888a, 1888b) was published less than four years before he took the role of governor of Dundrum and as an aside remarks that criminality is a 'diathesis', which according to Tuke is 'a deterioration of brain, inherited or acquired, indicated by peculiarities of function, by tendencies to 'mental disorder, and often associated with bodily stigmata' (Tuke, 1892: 383). Therefore, diathesis indicates a degeneration or deterioration of the brain. Revington suggested general paralysis of the insane was more common in families with histories of alcoholism and drew attention to the 'organic realities' of the disease, noting a 'predominance of the animal instincts', particularly in 'the criminal' who is 'an animal dominated by the lowest characteristics of the human mind. I have no doubt that criminality is a diathesis' (1888b: 173). This refers to 'the criminal' rather than the 'criminal lunatic'. Revington's concluding recommendation was for psychological medicine to accept this division and avoid attempting to treat criminality: 'If we have read- the rules of heredity aright, we must recognize the utter futility of attempting by argument or therapeuty [sic] to change the nature of the man who says, "I feel thus; I cannot feel otherwise"' (Revington, 1888: 176). More than a decade later, while Governor of Dundrum, he wrote of 'Mental Conditions Resulting in Homicide' (1902) and argued that criminality and homicidal mania were not conditions of perpetrators of the most serious offences, i.e. criminal lunatics:

> I believe that my homicidal cases do not suffer from any peculiar forms of mental disease. I believe that most of them are not criminals in any sense of the word; I maintain that the crime is, in practically all my cases, an accident in the mental disease, not its essential or its typical outcome. (Revington, 1902: 322)

Therefore, Revington viewed the actions of *criminals* as being caused by atavistic factors rather than mental disease. This involves a distinction between these *criminals,* and people who have happened to commit a crime while suffering from mental disease, those who Nicolson (1873a) would term 'Accidental Criminals'. Hence, both Ashe and Revington adhered to ideas around inherited degeneracy as the cause of criminality, and the binary division between supposedly habitual criminals and those mentally ill people who happened to commit serious crimes.

However, despite Revington's assertion that therapeutic interventions would not benefit *criminals,* debates regarding prevention of habitual criminals were ongoing in Irish medical sources from at least the 1880s. A discussion of 'habitual criminals' appeared in *the Journal of the Statistical and Social Inquiry Society of Ireland.* A prominent judge, F. R. Falkiner (1882) wrote of 'Our Habitual Criminals' suggesting remedial actions also with the objective of eliminating them from society. The article suggested habitual criminals spread the 'moral malaria of our lower streets' (1882: 318) through association, idleness, and drunkenness. This was also a problem beyond Ireland: 'The habitual offender is, and has long been, the despair not simply of the Dublin criminal courts, but of the gaols throughout the United Kingdom' (Falkiner, 1882: 319f). Falkiner cites several agents in prisons throughout the British Empire as evidence of the degeneracy and inferiority of habitual criminals. Falkiner, a director of convict prisons in Australia, considered them 'Both physically and morally (…) a lower class of men' (1882: 320). Female prisoners were described as 'the residuum (…) of the criminal population' (Falkiner, 1882: 321), while the principal surgeon HMP Portland remarked:

> As a class they are greatly deteriorating; they are not nearly the vigorous set they where [sic] when I joined the service nineteen years ago. (…) it is from the degradation of the men of their class, that it descends from parent to child. They are

smaller in stature (…) I think it is very likely because the town criminal is very different from the rustic labourer criminal class.

As with Mr. Gover's lengthy statement (in Nicolson, 1875a) a distinction was drawn between urban and more rural manifestations of habitual criminality. Therefore, many of the attitudes and understandings of habitual criminality were shared internationally as well as across professions, and as Stepan (1982) argues, similar attitudes about innate criminality and degeneracy were commonly held throughout Europe during this period.

Falkiner's recommended remedies for the problem were not ultimately realised in practice. He was against the use of long-term prison sentences for habitual criminals but suggested four principles for solving the complex problem which included, industrial training for city prisoners to prepare them for employment post-release, transportation on discharge, the abolition of 'separate and silent' prisons, and the establishment of 'moveable' prisons to redistribute prison labour around the country in rural areas as needed for public works and economic purposes (Falkiner, 1882: 321-324). While those writing of 'habitual criminals' largely agreed on their inferior characteristics and the heredity nature of their deviance, the suggested responses to these groups were somewhat diverse.

A further proposed solution to this perceived problem was made over a decade later in Rev. Henry Osborne's (1895) article on 'Prevention and Elimination of Disease, Insanity, Drunkenness and Crime—A Suggestion'. Osborne identified insanity, drunkenness and crime as being caused by inherited, congenital diseases which are 'by far the most disastrous' and 'practically incurable' (Osborne, 1895: 85f). Osborne propounded the Lombrosian perspective that these diseases are passed through generations 'due to a well-known law which is named atavism' (1895: 87), and the criminal impulse was evident among those who display certain physical characteristics including skull size, facial angle, and physiognomy which is 'markedly different from that of good and healthy people' (1895: 88). Therefore, he

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suggested the passing of eugenicist legislation to prevent habitual criminals from marrying and reproducing: 'The remedy is to prevent the legal union of all persons physically or mentally unfit to produce a healthy offspring, and (…) to gradually eliminate from the human constitution those diseases and morbid tendencies which we have seen to be incurable' (1895: 89). This was the responsibility of the paternalistic State, requiring 'Imperial legislation' (ibid) as individuals were 'not sufficiently awakened or enlightened (…) not sufficiently under the control of reason; [and] the knowledge of natural science is not sufficiently diffused among the people to ensure right action if the people are left altogether to their own discretion' (Osborne, 1895: 90). Again, Stepan's (1982) work is pertinent here. She shows how post-Darwinian evolutionary theory was used to establish and 'prove' a hierarchy of distinct racial identities characterised by degeneracy, heredity, criminality, and that eugenics became a prominent proposed solution to the 'problem' into the twentieth century.

While the various writings discussed above share similar understandings of inherited degeneracy in habitual criminals each author's suggested response are as different as the next. Ashe (1876) perceived a connection between insanity as a bodily disease and its degenerative physiological effects as a problem for medicine; Revington (1888, 1902) recognised a fundamental division between accidental and habitual criminals and suggested the latter were not suitable to psychological intervention; Falkiner (1882) advocated for the reintroduction of transportation, the use of prison labour to meet economic needs and address public works, and the development of mobile prisons to distribute this labour nationally as required; and Osborne (1895) argued for sanitary legislation to eliminate this class of criminal from society, a proposal which was becoming increasingly commonplace throughout Europe when Osborne was writing (Stepan, 1982). The next section will show that the response enacted in Dundrum drew more from Nicolson's writings, particularly his emphasis on separate observation of problem inmates (Nicolson, 1875a).

7.4 1905 Report on Borderland Cases: Habitual Criminals and the Feeble-Minded

The report of 1905, which was again led by David Nicolson of Broadmoor, examined fifteen 'borderland' inmate cases, nine of which were in Dundrum and six in convict prisons. It reproduced and developed upon Nicolson's previous essentialised discussions of the Irish as criminal and weak-minded and their relationship to criminal insanity and the criminal class. It also discusses habitual criminals and the boundaries of sanity, criminal responsibility and punishability. Therefore, much like Nicolson's seven-article volume, it devotes most of its discussion to the 'bad' rather than the 'mad', and associates criminality with the general Irish population.

On the committee's appointment on 29th June 1904, three terms of reference were specified which empowered it to decide prisoners' mental state and criminal lunacy doctrine more generally, rather than require experts to argue a reasoned and evidenced scientific case:

1. To decide authoritatively as to the sanity or insanity of the special cases now in question.

2. To lay down some general principles for the assistance of the Prison and Asylum Medical Officers as regards the considerations that should weigh with them when deciding whether cases are to be classified as proper cases for treatment in the Central Criminal Lunatic Asylum at Dundrum.

3. To determine what period, if any, is necessary before cases which the asylum officers certify as sane, are re-transferred under His Excellency's warrant to the Convict Prison. (Nicolson *et al.*, 1905: 1)

By being mandated to 'decide authoritatively', and 'to lay down principles', the committee was assigned power to produce new expertise and rules of discourse about criminal lunacy, and to establish corresponding policies. Hence, this committee's role, was simply to establish doctrine and practices about inmates whose (in)sanity was questionable.

7.4.1 Farm and Labour Colonies, and the Refractory Block

The first term of reference concerned fifteen inmates representing 'that class of criminal whose behaviour and actions are a perpetual source of anxious thought and trouble' (Nicolson *et al.*, 1905: 4).[57] One 'pleasure inmate' at Dundrum was discharged, and two 'convict inmates' were transferred to prison, while the remaining twelve remained in their institutions (ibid: 5). Dundrum had been overpopulated until then, and this eased its logistical problems.

Fourteen prisoners were considered typical of the 'criminal class', while a sixty-six-year-old male convicted of murder with no previous convictions was considered an exception (Nicolson *et al.*, 1905). The fourteen were aged between 26 and 49 with a shared total of 176 previous convictions, ranging from one to 47 each (ibid). The report stated 'they led idle and useless lives amidst dissolute and debasing associations—drunkenness, assault, and larceny figuring largely in [their] previous convictions' (ibid: 6). Their recent offences were more serious including, 'five cases of personal violence, including [one] of murder and one of manslaughter; three cases of grave sexual crime, seven cases of housebreaking and other offences against property, two of them being accompanied by personal violence' (ibid). Their education levels, and social and moral standing were described, as 'uneducated, of low social class, and untrustworthy' (ibid). Their "vulgar" crimes befitted their social class as they were 'unaccompanied by circumstances or indications that would imply the existence of mental sagacity or refinement in the offenders' (ibid).

The 'life-history' and 'social demeanour' of the fourteen prisoners indicated their *criminal-mindedness* and therefore, partial responsibility: 'Although this condition is characterised by lowness of mental type, bluntness of moral sense, and stolidity and insensitiveness of nerve tone, it has none the less to be regarded as coming within the area of responsibility and punishability' (Nicolson *et al.*, 1905: 9). The report then

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[57] There is insufficient scope here to outline details of the fifteen case. Several criteria are described in each case including, crime and previous convictions, inmates' prison history, general remarks, and the committee's opinion of inmates' mental condition. These criteria are similar to Nicolson's criteria for identifying weak-minded criminals (See Appendix G).

characterised the general population in similar terms, describing 'criminal-mindedness' as a parasitic threat which could contaminate the entire social body, and recommended indefinitely detaining the feeble-minded:

> society has in its power to protect itself more effectually than it does against the cankerous growth of criminal-mindedness which so abundantly feeds upon it. In the first place, provision should be made by legislative enactment for the feeble-minded class and the mental and moral incapables *in the general community from whom so many criminals are recruited*; and such provisions would include their distribution on farm and labour colonies under efficient supervision, discipline, and control. Similarly, for habitual criminals there should be formulated and passed into law some scheme of indeterminate sentence, such as that of "imprisonment during the pleasure of the Lord Lieutenant," to protect the public from their presence until some assurance can be given by the authorities as to their fitness for conditional release. (Nicolson *et al.,* 1905: 9, emphasis added)

Much of the above is consistent with Nicolson's writings in the 1870s. This represented Irish society itself as being disordered, thereby defining those who are ineligible to be *re-ordered* through treatment. Despite their moral defects a 'psychological salvage' process (Allen, 1987) is employed to represent the fourteen inmates from the 'criminal class' and the general public alike as having agency and being punishable. In both theory and practice this equates incarcerated habitual criminals with the law abiding weak-minded in the general community, recommending their indefinite detention through 'wise sanitary legislation' (Nicolson, 1875a) to prevent the spread of criminal-mindedness. The use of farm and labour colonies act as zones of exclusion to quarantine from the modern world, this class of 'unready men' who 'may make good and steady farm labourers, but (…) stand no chance against their more nimbleminded [urban] competitors' (in Nicolson, 1875a: 538f). Although never implemented, it echoed the concentration camps used in the South African War 1900-1902 (Sturma, 1983). This demonstrated the colonial tendency to apply similar practices across the empire—a form of epistemological sympathy which recognises similarities between colonised societies (Said, 1978). Also notable at the time, was that eugenics ideas were widespread

throughout Europe as proposals for dealing with groups perceived to be racially inferior and innately criminal (Stepan, 1982).

The remaining discussion of the first term of reference was also heavily influenced by Nicolson's previous publications. It further elaborated on the mental character of 'borderland cases' under four sub-headings:

1. The evolution of the weak-minded class in Prison;
2. The management and treatment of the weak-minded class;
3. Insane convicts and cases of doubtful insanity;
4. Dundrum Asylum, and its inmates. (Nicolson *et al.*, 1905: 10)

1. *The evolution of the 'weak-minded' class in prison: Borderland cases.*

The first subheading makes the case for a new class of Irish prisoners 'officially recognised as the "weak-minded"' (Nicolson *et al.*, 1905: 10). This would enable 'borderland cases' to instead be managed in prison, restricting the flow of convict inmates to Dundrum. Of this new 'weak-minded' class 'the great majority of the fifteen cases examined by the Committee form marked or exaggerated illustrations' (Nicolson *et al.*, 1905: 10). In this case the supposed 'evolution' of the 'weak-minded', 'borderland cases' was largely driven by logistical concerns for managing overcrowding.

This subheading described these prisoners as being not 'mad'. It began (Nicolson *et al.*, 1905: 10) by defining 'criminal-mindedness' as involving 'moral obliquity, criminality, and general viciousness of conduct' and 'influenced by sane motives' such as avoiding work, self-indulgence, and escaping imprisonment. 'Criminal mindedness' characterised habitual criminals. However, the 'weak-minded' are distinct. They are not ineligible for Dundrum but many exhibit 'insane-like, but not necessarily insane, conduct (…) causing some confusion as to the meaning or value of the term "Insanity"' (ibid). Therefore, prison medical officers who misidentify insanity are liable to certify as insane inmates who *can* be managed in prison under modified conditions.

Just as Nicolson's earlier writings claimed, the 1905 Report favours relaxing rules of punishment in prison for the, 'weak-minded' as this 'enables prisoners of this exceptional type to be detained in prison' (ibid: 10). This, in turn, required extending 'the usual standards or boundaries of sanity' in recognition of this new 'weak-minded' class (ibid). The uniformity of prison discipline was at odds with 'the inherent resistive antagonism which dominates certain minds or types of mind' (ibid). The recalls MO Gover's lengthy quote in the previous section, the weak-minded are 'weak in volition; often a slave to animal passions (…) which he cannot control' (Nicolson, 1875a: 538ff). Hence, to solve Dundrum's overcrowding while justifying incarceration of the weak-minded in prison, punishment must be sympathetic to their subhuman mind.

Their differential agency and 'punishability' is situated: 'The recognised existence of a special class of this kind presupposes irresponsibility, or at all events, limited responsibility, and therefore, limited punishability, of certain individuals living in the restricted environment of prison life' (Nicolson *et al.*, 1905: 10). Since the weak-minded are only partially responsible and unfit for prison discipline (Nicolson, 1874b) the 1905 Report argues their punishment should be more lenient (Nicolson *et al.*, 1905).

The report again stresses the necessary role of psychiatric experts to differentiate between three similar groups, including: 1) the non-criminal insane in the public, 2) the 'weak-minded' class in prison, and 3) convict inmates in Dundrum (ibid). It states that in theory, the 'weak-minded' in prison are almost identical to Dundrum's convict inmates, however, 'this is a matter in which the teachings of common sense and practical experience have to be followed' (Nicolson *et al.*, 1905: 10). It emphasises the 'all-powerful' influence over 'seriously disturbed and deranged' convicts in prison of the desire to escape work and punishment and 'obtain an entrance to the haven of asylum life', referring to Dundrum (ibid). Although all three groups are deemed very similar it argues that Medical Officers' failure to distinguish between the prison weak-minded and Dundrum's convict inmates can

disrupt prison 'discipline and good order' and lead inmates to feign insanity to forge a route into Dundrum.

As Anne Worrall (1990: 18) argues common sense is used by experts as a 'procedural device (…) which allows them to make sense of data which have no inherent meaning or coherence'. The appeal to common sense is, therefore, an aim to reproduce consensus while minimising challenges to one's expertise (ibid). Therefore, psychiatrists' common-sense expertise was invoked to consolidate their authoritative position in the discourse on weak-minded and criminal-minded groups in Ireland; a process which excluded medical officers from being *knowing* figures (Foucault, 1971). Furthermore, by depicting a sympathetic relationship between different colonized groups (Said, 1978), psychiatry was able to extend the reach of its expertise, and its disciplinary and racial discourse beyond the confines of Dundrum to Irish society more generally. Therefore, discourse and practices related to the incarcerated weak-minded demonstrated how punishment targeted others (Foucault, 1977) and limited the subjectivities of the colonised (Mamdani, 2012).

2. *'The management and treatment of the weak-minded class'*

The second subheading examined a detailed system of segregation in Maryborough Convict Prison running across five different blocks, A to E, which 'very favourably impressed' the Committee (Nicolson *et al.*, 1905: 11) to the extent they recommended Dundrum introduce its own segregation system. Both Governor and Medical Officers could deal with difficult cases with patience and tact. Prisoners were exercised in separate airing yards, and block E contained ten cells 'for convicts, whom for refractory conduct or other reasons it was desirable to keep in a part of the block which contained no other cells' (Nicolson *et al.*, 1905: 12). This practice was to be expanded at Maryborough:

> the Prisons Board have now devoted one of the smaller isolated blocks (D) for the detention of prisoners under punishment, refractory prisoners, and such weak-

minded prisoners as may be permanently or temporarily unfit for prison discipline or participation in associated work. (ibid)

It is unclear whether the Prisons Board uses the same terminology, including weak-minded and refractory prisoners. However, as mentioned previously the issue of adding a refractory block to Dundrum is raised later and Maryborough's success was taken as an example to follow. At Broadmoor segregation of 'pleasure' and 'convict' inmates began early in its history (Partridge, 1953) and it is significant that Broadmoor's ex-governor, David Nicolson was highly influential in introducing this classification and segregation to Dundrum. It is curious that Nicolson failed to mention his prior experience with the segregating inmates.

3. *'Insane convicts and cases of doubtful insanity'*

The third subheading outlines the mental nature of insane convicts, which it depicts as an escalation of the 'weak-mindedness' previously discussed:

> The insanity of the insane convict is for the most part characterized by a morbid intensification of the resistive antagonism of the weak-minded prisoner, with the addition of delusion, melancholia, incoherence, or other definite symptoms of active mental disease. In these cases the course to be pursued by the medical officer is simple, and certification and removal to the asylum are accomplished without difficulty. (Nicolson *et al.*, 1905: 12)

It does not clarify the meaning of 'resistive antagonism' but Nicolson's own articles describe the 'vicious displays' (Nicolson, 1873b: 405f) of the weak-minded class which was worsened by national characteristics—as described earlier, he often took Irish prisoners as examples of this (ibid). However, the above only concerns inmates for whom an insanity diagnosis is perceived to be uncontroversial. Inmates whose insanity is 'obscure, ambiguous, or suspicious' (Nicolson *et al.*, 1905: 12) require longer observation in separate cells which they can be removed to and prevented from disrupting prison order.

In isolating the difficulty of the emotionally weak-minded, Nicolson emphasises a problem which intensifies the importance of the knowing, observing subject. This final section of the report sought to re-construct carceral practices in Dundrum to segregate prisoners by building a refractory block, thus facilitating an increased attention to the emotionally weak-minded prisoners and as a result, further empowered the doctor position in Dundrum.

4. *'Dundrum Asylum and its inmates'.*

The fourth subheading makes the report's most influential recommendation to build a 'refractory block' at Dundrum for the purposes of segregation and observation. It first outlined the scale of 'pleasure' and 'convict' inmate populations in July of 1904 which stood at 133 'pleasure' and 27 'convict' inmates; a ratio of almost 5:1 as compared to approximately 3:1 in the 1891 report (Nicolson *et al.*, 1905). Therefore, the scale of Dundrum's convict inmate 'problem' was diminishing.

The report stated Dundrum was 'overcrowded,' that the 'nature and distribution of the accommodation is inadequate and unserviceable,' and therefore, 'classification, the primary necessity in an asylum for criminal lunatics, is impossible' (Nicolson *et al.*, 1905: 12). The committee's concern was less with the scale of the problem as its malevolent influence, as the 'association of men of this restless, turbulent, and dangerous description (…) is fraught with risks in many directions; violence, escape, combining, and indecency being the chief' (ibid). Hence, it recommended constructing an additional block 'with single rooms and airing court' for the segregation of the inmate populations (ibid: 13). The refractory block's expected advantages would be:

1. To resolve Dundrum's overpopulation problem;
2. Increase dormitory safety;
3. Isolate 'refractory, noisy, turbulent, and dirty patients';
4. Reduce risk of escapes and discontent;
5. Increase the 'prospect of recovery in new, tranquil and convalescent cases'; and

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6. Enable the Governor and staff to deal with 'those borderland cases, and cases of doubtful insanity, which at present give rise to so much trouble and anxiety' (Nicolson *et al.*, 1905: 13f).

The first four of these are elementary logistical concerns related to daily management and security, while the fifth and sixth relate to psychiatric expertise. This Manichean mode of segregation reshapes the subjectivities of the two inmate classes as moral opposites. By institutionalising this epistemological division in the refractory block psychiatric knowledge appears as increasingly self-evidentiary, thus, enhancing the power of psychiatric common-sense to generate consensus.

7.4.2 Private Expertise

The second and third terms of reference were addressed much less extensively. The second[58] which sought to prescribe rules and practices to Medical Officers for correctly identifying was instead used to emphasise the psychiatrist's expertise. The section begins by stating such rules and guidance are impossible due to the complexity of the task and requisite expertise which only psychiatric professionals held:

> It is impossible to lay down any categorical instructions in this matter, as so much depends on professional knowledge and experience, the exercise of common sense, and the capacity which individuals may have for introspecting the minds of others, and of interpreting the meaning of conduct in relation to circumstances and motives. (Nicolson *et al.*, 1905: 14)

Again, the notion of common-sense expertise is invoked to produce consensus and render expert discourse unproblematic (Worrall, 1990). Since Medical Officers do not possess this expertise to decide on cases fit for Dundrum, Nicolson *et al.* recommended MOs observe and record information detailing the inmate's previous

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[58] Reference No. II. To lay down some general principles for the assistance and Asylum Medical Officers as regards the considerations that should weigh with them when deciding whether cases are to be classified as proper cases for treatment in the Central Criminal Lunatic Asylum at Dundrum. (See Nicolson *et al.*, 1905: 1)

history, convictions and sentences, their mental history, prison conduct, industriousness in prison, and other notable information 'that might be of assistance in forming an estimate of the man as he now is in relation to the circumstances in which he is placed' (Nicolson *et al.*, 1905: 14). These criteria for assessing insanity are like those outlined by Nicolson previously (1875c; See Appendix G).

The passage is also an example of the rarefaction of speaking subjects in discourse (Foucault, 1971). It denies MOs the capacity to reorganise observations about criminal lunacy by associating them with new meanings and reduces their role to collecting information to be acted upon by psychiatrists. Hence, MOs are positioned as 'fellowships of discourse' whose role is to reproduce and circulate a discourse 'within a closed community, according to strict regulations, without those in possession being dispossessed by this very distribution' (Foucault, 1971: 18); those in possession being the psychiatrists who shape doctrine.

Contrastingly, MOs are permitted to determine if prisoners are 'naturally weak-minded' (Nicolson *et al.*, 1905: 14) or if their mental state is due to 'penal discipline and compulsory labour' (ibid). Although MOs are guided on criteria to follow when making this determination the ultimate power to judge these cases instead resides with psychiatrists as will be shown below. Firstly, however, inmates' 'normal state' is evaluated in relation to the presumed standards of their social class:

> If he is of average mental capacity (for a man of his social class) the question comes to be whether the indications of excitement or depression or of delusion or suspicion are a distinct and genuine departure from his normal state, arising from psychological conditions or exciting causes which may or may not be referable to the effect of imprisonment or special punishment in prison. (ibid: 14)

In this instance, MOs serve to further embed social class as a consideration in criminal lunacy discourse and practice at Dundrum. This increases the class consciousness of criminal lunacy expertise, and part of the MOs' role is to participate in constructing weak-minded inmates' 'punishability' in terms of their socioeconomic background.

MOs are also directed to consider whether prisoners' mental disturbance is hereditary, or whether it arises during prison life due to punishment, diet, isolation, and deprivation of open air (ibid) The 'vigilant' MO should observe for 'concomitant physical indications, more especially paralysis, abnormal wasting, and persistent sleeplessness' (Nicolson *et al.*, 1905: 14). They should also identify prison conditions including if the prisoner was working before being observed, whether undergoing punishment at the time, if any strange behaviour began suddenly, and when questioned, if the prisoner repeats the question before replying, 'or replies readily, or is silent and apparently not willing to commit himself' (Nicolson *et al.*, 1905: 15). A key reason for these varied observations is to identify 'impostors' (ibid), and hence, 'borderland cases' are better observed in a refractory block:

> as in all doubtful cases of insanity, the facilities are afforded for prolonged observation and study of the individuals, away from the main block, in "separate" cells or in the hospital, help towards a settlement as to the proper mode of disposal under the circumstances. It occasionally happens that the impostor, when under hospital observation betrayed himself in his behaviour with the other prisoners in the ward. (Nicolson *et al.*, 1905: 15)

The construction of a separate space further consolidates the doctor-patient asymmetrical power relationship within the institution. It increases the dichotomy between the doctor as actor, and inmate as a reactor (Foucault, 1967, 1971); between a *knowing subject* and a known object (Said, 1978). It also reifies the constructed distinction between the mad and bad prisoner, the accidental and habitual criminals, the curable and incurable, and the criminal and civilised classes of Irish society.

However, neither the weak-minded nor the malingerer constitutes an organised object of knowledge, identifiable by specific characteristics. Nicolson *et al.* state the key question is 'whether the insane like behaviour of an ill-conditioned prisoner is genuine or feigned. No special act or kind of act will decide this question' (Nicolson *et al.*, 1905: 15). Again, the MO is directed to consider this question along a range of

pre-defined criteria like those mentioned above. As with other states of insanity and weak-mindedness the knowing subject's experience is key:

> The more experience he has had of the insane and their ways, the less likely he is to make a mistake in his diagnosis. For this reason, the Committee venture to order the necessity for every candidate for appointment as Medical Officer in a convict Prison producing testimony as to his having had special experience among the insane in an asylum. (ibid)

This passage outlines valid Medical Officer expertise is constructed, acquired and given validity. Just as 'weak-minded' prisoners and convict inmates' history of incarceration in lunatic asylums informs their diagnosis, MOs' professional life histories in lunatic asylums constructs their expertise. Although the diagnosis process is never operationalised, time spent in the profession guarantees one's ability to know the carceral subject and makes the subject more knowable. However, such claims about the nature of valid knowledge require Nicolson *et al.* to establish its boundaries in the first place. In this way the hierarchical structure of discourse came into force and the agreed role of speakers who frame its doctrine was brought up to date (Foucault, 1971) by amending the MO's role. However, a final caveat empowers institutional psychiatrists alone to ratify inmate transfers to Dundrum:

> the transfer of a lunatic from one asylum to another has sometimes a tranquilizing effect, and beneficial influence; and this may doubtless occasionally happen on the transfer of a lunatic from restricted prison surroundings to the freer atmosphere of an asylum. After making every allowance, they, also after due care and observation, have to make up their minds that further detention in the asylum is unnecessary, and that the convict is fit to return to prison and bear the strain of penal discipline, before they certify to the effect that the man is sane. (Nicolson *et al.*, 1905: 15)

This adds a flexibility (Allen, 1987) into psychiatric discourse and practice at Dundrum, enabling psychiatrists to subvert scientific inquiry to satisfy the institution's logistical needs, as in cases where the asylum is becoming overcrowded. It also allows Dundrum psychiatrists to establish inmates' *true* mental state, although the MO's diagnosis can still be considered correct if an inmate

transferred to Dundrum as insane is diagnosed as sane on arrival. This illustrates how a hierarchical system of control governs new statements, selecting and excluding those which support or are rejected from the discourse's central doctrine. The recommended response to this was also the brief response to the 1905 Report's third term of reference.[59] It recommended that once a prisoner arrives at Dundrum they should be observed, most likely in the refractory block and under close medical supervision for three months (Nicolson *et al.*, 1905).

The above provided a way to overcome the challenge facing the psychiatric profession and the tendency to diverge in diagnosing insanity. Instead of making mental disorder more transparent it sought to enhance the profession's prestige. While this report appears to empower MOs into a more expansive role beyond recording information about subjects the hierarchical structure of the discourse remains intact.

The refractory block represents a further increasing polarisation of criminal lunatics between discourses of guilt and disease, and punishment and treatment, with psychiatrists arbitrating the associated knowledge and practices. Since psychiatrists make the 'expert' observations, the refractory block, which centralises this process, monopolises the accumulation of experience in observing and shaping the meaning of inmates' statements and behaviours. In this way, the refractory block strengthens their profession as *knowing experts*, in the institution and the scientific field more broadly.

The 1905 Report largely reproduced key elements of Nicolson's earlier writings between 1873 and 1875. It relied on essentialising and distinguishing deviant groups by first assigning categories and then mobilising retrospective evidence for the categorisations, thus, following the historical constructionist process argued by Said (Said, 1978). Despite alternative proposals in contemporary Irish journals (Falkiner,

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[59] Reference No. III: 'To determine what period, if any, is necessary before cases which the asylum officers certify as sane, are re-transferred under His Excellency's warrant to the Convict Prison' (Nicolson *et al.*, 1905: 1).

1882; Osborne, 1895) for dealing with the group with which the 1905 report was most concerned, as well as throughout Europe (Stepan, 1982), Nicolson's own earlier writings were championed in the report. This demonstrates an element of colonial expansionism, where knowledge and practices developed in, and for inmates at Broadmoor was being imposed onto Dundrum.

Knowledge and practices for dealing with criminal lunatics addressed non-criminal populations beyond Dundrum, representing them in similar essentialising ways. These representations constructed large groups of the Irish population as being innately disordered, passive, premodern, animalistic, and subjects for eugenicist legal and carceral practices. By essentialising Irish populations by recycling centuries' old Irish stereotypes, psychiatry in Ireland demonstrated Mamdani's observation that the shift to indirect colonial rule was an effort to strengthen itself by limiting the subjectivities of the masses. In the early twentieth century Dundrum's institutional role became more explicitly directed towards what Said (1978) describes as the epistemic element of colonial domination.

The final findings section examines a newspaper report in 1906. It outlines a testimony by an Irish-born doctor, Christopher Nixon to a Committee of Inquiry in England, detailing the refractory block's benefits and reinforcing the racist discourse which justified its implementation.

7.5 'Replacing of a Certain 'Species' of Men by Another 'Species' of Men'

In March 1906, Christopher Nixon, ex-Visiting Physician to Dundrum, testified in Westminster before a commission on the Care and Control of the Feeble-Minded, regarding insanity in Ireland. Nixon's testimony reproduced many elements of Nicolson's earlier writings as well as the 1905 Report into Dundrum. He represented the Irish and English feeble-minded in sharply contrasting ways, recommending a sympathetic welfarist response to the English and a eugenicist response to the Irish. He also commented on Dundrum's refractory block which, although initially

deemed a success, became the focus of new logistical problems in Dundrum by 1916 due to the overcrowding of refractory inmates.

Born and educated in Dublin in 1849, Nixon's career spanned twenty-five years as Visiting Physician to the Dundrum Asylum, a period as President of the Royal College of Physicians of Ireland, and Professor of Medicine at Catholic University of Ireland. The *Freeman's Journal* (1906) reported his testimony which addressed two issues: first, causes of insanity among the criminal and feeble-minded poor in England, and second, carceral practices for insane convicts in Ireland.

Nixon's testimony advocated that the English upper 'well-to-do' class take steps to improve living standards for the feeble-minded poor in England. He highlighted the urban environment's role 'in developing conditions of physical and mental degeneration so grave as to be a menace to society' (Freeman's Journal, 1906). According to Nixon, anyone familiar with large city 'slums' will understand how they 'lead to a low standard of physical health, and such a lowering of the moral standard as to develop criminal mindedness and feeble-mindedness' (Freeman's Journal, 1906). For Nixon, the condition of the poor posed a threat requiring intervention:

> It should not be forgotten by the well-to-do in our large cities, that the starving poor constitute a standing menace in being the class most predisposed to take any form of infectious disease with which it may be brought in contact in which it inevitably would be the means of propagating. (ibid)

This was demonstrated by previous epidemics like 'smallpox, diphtheria, cholera, or the plague' which spread among the poor who barely obtain the means to sustain themselves (ibid). The presence of large numbers of feeble-minded poor in such an advanced society as London, 'which is regarded as the centre of civilization, are sources of danger to the community at large' (ibid).

Nixon proposed a welfarist response of integrating the feeble-minded English poor into the capitalist system through better housing with access to 'air and sunshine',

'steady employment' and 'good food' (Freeman's Journal, 1906). He suggested this would represent the British Empire extending the civilising benevolence it afforded to colonised societies throughout the world to its own population:

> With people who evince so meritorious an interest in the lives of the Chinaman, the South-African, the Bulgarian, and other European and Asiatic races, it should not be unavailably pleaded that more interest and active sympathy should be exercised as to the fate of the waifs and strays of our urban populations. (ibid)

The above is significant for two reasons. First, it relates two types of colonial sympathy, the first of which is a standard in colonial history; that the British Empire's global conquest is motivated by a humanising concern for its colonies. On the other hand, it imposes a similarity between the colonies and since the Empire has been so benevolent to peoples 'From China to Peru' (Said, 1978: 118), it should extend this humanising concern to its own poor. Second, it shows the Irish intellectual class reinforcing and reproducing colonialism's ideological hierarchy. The application of the feeble-minded discourse in England and Ireland shows the ambivalence of colonial discourse in traversing the coloniser-colonised division (Bhabha, 1984). Nixon's ingratiating laudation of Empire as 'the centre of civilization' is less significant than his recognition that the feeble-minded English poor are remediable through welfare capitalism and compatible with modern civilisation. As will be shown Nixon's view of the Irish was sharply contrasted. As an Irishman, but 'English in tastes, in opinions, in morals and in intellect' (Bhabha, 1984: 127f) Nixon has taken good care not to break with colonialism (Fanon, 1965).

Nixon neglected to examine criminal-mindedness in England despite mentioning he would. The remainder of his testimony describes the poor in Ireland, associating them exclusively with criminal-mindedness. He described 150 Dundrum inmates, divided into two classes, 'Pleasure' and 'Convict' inmates, where pleasure inmates comprised 115 men and 18 women, with 24 men and 3 women in the convict class

(Freeman's Journal, 1906).[60] The two groups differed, 'not merely in the way in which insanity is developed, but in certain characteristics of mind, tendencies, and disposition which in the convict are singularly uniform' (ibid). For Nixon the convict who becomes insane in prison is 'usually a person of unstable mind', while the pleasure inmate is 'most frequently one whose habits and associations are unobjectionable', who committed 'a crime of the gravest nature' while 'under an insane impulse' (ibid). Hence, in Ireland the pleasure inmate's insanity is temporary and the cause of their crime while the convict class are uncomplex and homogenised under a fixed and essential identity.

Nixon reproduces the notion in the 1905 report that transfer to Dundrum can have a tranquilising effect on inmates. He states pleasure inmates frequently arrive at Dundrum with all traces of insanity having disappeared and suggests 'It is easy to realise the horror felt by this unhappy individual when compelled to associate with the moral lepers represented by the convict class' (Freeman's Journal, 1906). This problem was worsened when Dundrum was overcrowded 'necessitating the daily and nightly association of the restless, turbulent, and dangerous class with the harmless and well-conducted members of the community' (ibid). Again, while criminal lunatics are worthy of public sympathy, the convict classes' innate immorality denies them this. Despite the pleasure inmates having committed far worse crimes, convict inmates are the threatening and contaminating presence.

Nixon mentions the 1905 Report's recommended refractory block which served 'not merely to provide for a proper classification of its inmates, but also to render it more suitable than it is for the reception of a class of cases which can or should be treated in the asylum' (ibid). Therefore, the refractory block is to protect pleasure inmates from moral contamination and provide the 'appearance of freedom' (Nicolson *et al.*, 1891: 2) which their treatment requires. Nixon endorsed the refractory block and stated that in prison, three inmate classes have their mental state examined

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[60] The figures given actually total 160 inmates.

(Freeman's Journal, 1906). The *obviously* insane are immediately transferred to Dundrum, while the 'feeble-minded' and 'borderland' cases, require lengthier observation as to whether they can be managed in prison (ibid), as recommended in the 1905 report.

However, Nixon favoured indefinite detention for these classes in Ireland. The refractory block would permanently provide for 'the feeble-minded and for the habitual criminal. The danger to society of setting persons of this class free to continue their life of crime at the expiration of their sentence is one that should be faced' (Freeman's Journal, 1906). Such provision would 'be beneficial alike to them as well as to society' (ibid). This contrasts sharply with his recommendation that the English feeble-minded poor should be de-institutionalised. Nixon favoured extending the incarceration of the Irish habitual criminal on humanitarian grounds:

> It may no doubt seem a strong measure to deprive an individual of his liberty after he has paid the penalty of his crime, but it can be fairly argued that he should be protected against himself, against conditions hopeless for reformation and good conduct; that returned to the world, he helps to swell the class from which criminals are recruited, free to begin again the course of violence and crime which inevitably will lead him again within the meshes of the law. This is a natural sequence. (Freeman's Journal, 1906)

Criminality is considered innate to the Irish in Nixon's testimony. Their liberty and presence in civilised industrial society represents a threat to themselves and society itself. Incarcerating them reinforces the benevolence of the British Empire while fixing the Irish in evolutionary terms. Nixon stated the current practice of transferring insane convicts to county asylums on expiration of their sentence 'amongst a community that is free from the dangerous elements of criminal-mindedness is, to say the least, a cruel and dangerous procedure' (ibid).

As discussed previously[61] such humanitarian benevolence has historically provided justifications for colonial rule. Nixon refers to the example of Australia where the

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[61] See chapter three.

repeat offender could be detained indefinitely under the "Habitual Criminals Act" until he has made 'some moral improvement, and (…) is fit to mix in decent society' (ibid). Like Nicolson *et al.*'s (1905: 9) recommendation regarding the 'distribution on farm and labour colonies' of the criminal and feeble-minded, Nixon advocates to confine these groups on moral grounds (Freeman's Journal, 1906). This simultaneously represents more advanced industrial societies as being morally superior, while the Irish are generally considered racially inferior to the English based on the perceived nature of their moral and intellectual capacity.

Subsequently on 15th August 1909, the refractory block opened and was immediately proclaimed a success, with the Inspectors considering it 'an inestimable gain (…). The patients are absolutely isolated from the rest of the inmates, and the moral effect on the disorderly can hardly be overstated' (Asylums Report, 1910: 50). In 1911 Revington stated the 'observation ward' was proving 'most useful, and has enormously strengthened my hands in dealing with the disorderly and dangerous classes' (Asylums Report, 1911: 53). The 1911 Inspectors' Report showed the number of seclusion hours for 'dangerous' cases more than doubling between 1901 and 1911 (Asylums Report, 1912):

> Total hours of seclusion:—
>
> Year 1901,   …   10,886
>
> Year 1906,   …   18,246
>
> Year 1911,   …   23,934

It provides no further reflection on these figures although they are presented as proof of the refractory block's necessity. However, they do not account for the fact that the refractory class of inmates became increasingly important in Dundrum in the 1891 Report which recommended segregating convalescent inmates from the *worst* class (Nicolson *et al.*, 1891). The colonial discourse which produced this Manichean division among Dundrum's inmates also advanced the view that seclusion practices in Dundrum were necessary.

The next mention of the refractory block told a much more negative and dysfunctional story. The report for 1916 stated, 'The dangerous and refractory classes now amount to 60 per cent of the total population' (Asylums Report, 1918: 39). Revington described the logistical challenges this presented Dundrum's management:

> As to the accommodation of these classes, I need give only two illustrations. The refractory ward contains about 40 patients with only two single rooms, with the result that night and morning a crowd of refractory patients has to be shepherded to distant wards. (ibid)

In the decade since Nicolson *et al.'s* 1905 Report, the *worst* class of patients became the dominant group at Dundrum, far exceeding their population at any time previous and were back among the accidental criminals and curable inmates, who were presumably still vulnerable to their moral leprosy. The re-creation of Dundrum's population and criminal lunatics in general had produced the 'refractory class', reifying the notion that moral degeneration characterised the criminal and dangerous classes in the asylum and Irish society more generally.

7.6 Summary

This chapter examined the role of colonial discourse in reconstructing 'criminal lunacy', and by extension, the Irish 'weak-minded' population, in distinctly racialised ways. The chapter began by drawing upon two 'criminal lunatic' cases to illustrate the pervasiveness of racism and sexism in the colonial repertoire since 1882. A description of Dundrum's 'convict' class composition was followed by an analysis of events leading to the deaths of two upper class females. It then examined David Nicolson's writings in the early 1870s when he took three Irish prisoners as examples of his notion of the 'weak-minded' and 'habitual criminal', identifiable by a mix of racial markers. Contemporary writings in Irish journals was discussed which suggested some alternative proposals for dealing with habitual criminals, and the problems of heredity and degeneracy.

Nicolson's racist early writings were then reproduced in the 1905 committee of inquiry into Dundrum with striking similarity. Recommendations to introduce internal segregation at Dundrum and to construct farm and labour colonies in the general community re-constructed criminal lunatics as a racially inferior group. The link made between them and the general population served to racialise Irish peasantry also, however, the recommendation to introduce farm and labour colonies in Ireland was not implemented. Contemporary Irish writers' alternative proposals for dealing with habitual criminals did not feature in the report, evidencing the reproduction and imposition of ideas from England to Ireland. When Christopher Nixon distinguished the English and Irish feeble-minded poor the recommendation to expand the welfare state in England was justified as the British Empire extending its colonial benevolence domestically. The indefinite detention of the Irish was part of a civilising mission, for their own sake.

Following the democratisation of Irish government institutions and its asylums due to the Local Government Act, 1898 the intensification of racist discourse was overt. Inside Dundrum this manifested as an overflowing of the refractory block with 'habitual criminals' who soon comprised most of Dundrum's population. Although the recommendation for farm and labour colonies was not implemented, Dundrum's population was effectively reconstructed by scholars and the *worst* class of inmates which Nicolson warned about for so long, had, as a consequence of his policy, multiplied greatly.

Chapter 8. Discussion

The purpose of this qualitative case study is to explore discursive representations of criminal lunatics incarcerated at the Central Criminal Lunatic Asylum in Dundrum, Ireland between 1833 and 1916. By presenting new information on the incarceration of 'criminal lunatics' in the nineteenth century this study aimed to enhance existing knowledge on the historical treatment of offenders with a mental disorder. It sought to analyse evidence from a postcolonial perspective to account for Ireland's position as a British colony.

The study explores documents from several archival sources including semi-private state correspondences and report documents on the running of the Central Criminal Lunatic Asylum at Dundrum, as well as supplementary documents from newspaper archives, prison penal files, and articles from the *Journal of Mental Science*. The collected data was coded in three stages: first, by using provisional codes drawn from key themes in literature to organise data into historical periods; second, by applying open coding to identify emergent themes; and thirdly, by using theoretical coding to examine data in relation to the study's theoretical framework outlined in chapter three.

The study's three research questions and associated key findings are illustrated in Figure 8.1 below. These research questions primarily correspond to the focus of each findings chapter, while nine key findings were identified in the study. Research questions one and two relate to chapters five and six respectively although they also bear on the broader period of the study. The third research question is more specific to the late nineteenth century when racist theories about a 'criminal class' and 'moral insanity' were becoming popular.

Figure 8.1 - Research Questions and Associated Findings

Research Question	Findings
1. How did discourses and practices associating criminal lunatics with notions of 'madness' and 'badness' in Ireland undergo transformations between 1833-1916?	1. A moral panic was initiated in 1833 after a prominent homicide case in Dublin. The perpetrator was ambiguously represented as a folk devil and then labelled insane by moral entrepreneurs and social control agents. A subsequent legislation for dealing with 'dangerous lunatics' was apparently necessitated by the case. After Dundrum opened in 1850, criminal lunatics who committed similar crimes were instead represented as victims of disease and worthy of sympathy.
	2. Psychiatric expertise at Dundrum was 'diagnostically flexible', allowing escaped inmates to be retrospectively diagnosed as 'bad', and therefore, agential, rather than 'mad'.
	Findings below also relate to this question
2. How were these discourses and practices influenced, if at all, by colonial rule in Ireland at the time?	3. After decades of escapes, an 1882 Inquiry report documented management disputes where the Inspectors' authority was challenged by doctors from Britain.
	4. In 1884 Dublin Castle marginalised the Inspectors from control over Dundrum. The Inspectors attempted to preserve their authority by blaming 'bad' inmates for escapes and backing government plans for increased security.
	5. By 1892 the Inspectors and Governor were replaced by figures more sympathetic to colonial interests. An 1891 report represented inmates transferred to Dundrum from prison as a 'criminal class'. It recommended segregating 'convict' inmates from 'pleasure' inmates to prevent moral contamination of the latter by the former.
3. How did nineteenth century psychiatric notions of race, class and gender feature in discourses on criminal lunacy, if at all?	6. In two exceptional CSORP cases between 1882 and 1909, essentialised notions of Irish racism, class and gender feature.
	7. David Nicolson's writings from 1873 to 1875 dehumanised 'habitual criminals' as animalistic, controlled by emotional impulse, incapable of self-governance, atavistic and worthy of elimination. Irish prisoners were used as the primary examples. Similar attitudes could be found in Irish journals though their proposed solutions had no influence in practices at Dundrum.
	8. The 1905 report reproduced ideas in Nicolson's earlier writings. Racist representations of the 'criminal class' were extended to the wider Irish peasantry who the report recommended relocating to farm and labour colonies. It recommended building a refractory block in Dundrum which was accepted by Dublin Castle and implemented in 1909.
	9. An Irish doctor, Christopher Nixon, testified to a British Inquiry Commission in 1906 reproducing claims in the 1905 report. He proclaimed the English a benevolent civilisation but recommended indefinite detention for the Irish 'criminal class'. The refractory block became vastly overpopulated by 1916 with refractory inmates comprising 60% of Dundrum's population.

Provisional coding categories were observed in Prior's (2008) work, where various issues affecting Dundrum's internal operations occurred during different periods in its history. After data was examined using an open coding process more specific themes emerged within the three identified time periods across Dundrum's history. The theoretical coding process linked emergent themes from the open coding phase to postcolonial and criminological literatures discussed in chapter three, as well as the ten archaeological rules of FDA discussed in chapter four. Theoretical coding revealed data related to key themes in theoretical literature and FDA. This enabled explanations to be built about how specific statements represented carceral subjects, the structures of knowledge informing practices, and the role of power in shaping knowledge and rarefying speaking subjects.

Theoretical coding yielded a suitable range of themes and phenomena for the duration of each findings chapter's historical period. FDA's four Genealogical rules were used to synthesise findings on a broad historical scale and relate them to postcolonial theory. Broader historical trends in data were identified which related to the seven theoretical propositions represented in section 3.3[62] and a historical narrative encompassing the study's entire period was produced through an iterative process of reducing data and synthesising findings.

Competing explanations in theory and literature were examined and eliminated. Some avenues of inquiry were abandoned due to missing archival documents, unintelligible handwriting, and outlying findings which did not relate to the research aims or questions. Due to theoretical saturation almost the entire GPB Pen and CRF data were eliminated from the study as their 'explanatory power' (Wahidin, 2002) was minimal.

This study's findings are not generalisable to Said's entire work in *Orientalism* (1978). Said's is a much larger study and this thesis did not seek to fully account for its analytical scope. Additionally, the two major themes from Said's work which

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[62] See page 84.

were almost entirely absent from CSORP data used in this study were how the Orient has historically been sexualised by the West, and the role of religion in constructing the Orient as Other. It may be that such issues are more likely found in case files, as Oonagh Walsh (1999) did in her study of Ballinasloe Asylum.

However, Said's understanding of the role of epistemological domination in colonial rule was found to be applicable to Ireland. As Said understood from Foucault (1970, 1977), discourse is central in the exercising of power, and several of Said's (1978) arguments feature in this study such as: the role of 'representation' in producing knowledge (ibid: 21f); the notion that 'the Orient is contained and represented by dominating frameworks' (ibid: 40); how 'the Orient was reconstructed, re-assembled, crafted, in short, *born* out of the Orientalists' efforts' (ibid: 87, emphasis in original); the 'textual attitude' (ibid: 92) taken by the West in developing 'experts' who comprehend and proliferate knowledge about an unknown, and threatening Other; and that the production of 'consensus' was important to managing Orientalist knowledge (ibid: 202). These processes describe how the West dominated the Orient by inventing a series of images and representations of the Orient from its own perspective and to its own ends, and then refined that perspective and those ends throughout the history of colonial rule. As mentioned, the central organising concept for this thesis' findings was in Said's (1978: 92) argument that Western Orientalist discourse followed an observable representational process where:

> the Orient needed first to be known, then invaded and possessed, then re-created by scholars, soldiers, and judges who disinterred forgotten languages, histories, races, and cultures in order to posit them—beyond the modern Oriental's ken—as the true classical Orient that could be used to judge and rule the modern Orient.

The three findings chapters represent this process. Chapter five examined the decades after Dundrum opened and the ways in which the 'criminal lunatic' in Ireland was 'first to be known' after the murder of Nathaniel Sneyd in 1833. Chapter six documented how discourse about criminal lunacy was 'invaded and possessed'

during the 1880s through disputes, Reports of Inquiry Committees, and the restructuring of the administrative and psychiatric regime for treating criminal lunacy. Chapter seven explores the period when criminal lunatics and Ireland's general population were 're-created by scholars, (…) and judges' when the country was transitioning to local government, through centuries' old racial stereotypes about the Irish.

This chapter discusses the study's key findings in terms of relevant academic literature, historical background, and theoretical and methodological frameworks. It addresses the three research questions posed above. It supports and enriches existing scholarship on Dundrum's history, particularly Prior's (2004, 2008) work in discussing the history of escapes and disputes at Dundrum between 1850 and 1891, as well as how inmates were characterised either as prisoners or patients (Prior, 2004). It also discusses Robins' (1986) discussion of disputes during the 1880s.

Three aspects of Foucault's (1971) four rules of Genealogical analysis are useful in the analysis below—*reversal, discontinuity,* and *exteriority.*[63] As previously described, these concepts invite the analyst to be sceptical towards expert claims, to examine whether supposedly causally related events are instead disconnected, and to consider chance events external to the discourse which could lead to its emergence, and possibly, to its appropriation.

While the findings support Prior's (2004, 2008) work, this study analyses the influence of colonialism which Prior (2004) highlights the importance of. The thesis conflicts with Robins' (1986) argument that the cause of disruptions at Dundrum during the 1880s was due to a complex management structure. Robins does not account for the effects of colonialism and this study provides evidence for an alternative explanation. The findings in chapter seven are unaccounted for in

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[63] See page 145. *Reversal* (identify the reverse of a discourse's claim); *Discontinuity* (historical events are not necessarily causally related), and *Exteriority* (Examine whether there may be an alignment of chance events which enabled a discourse to emerge at a point in history).

literature and hence, the third section below examines evidence with respect to theoretical literature on crime, insanity, and colonialism.

8.1 Knowing the 'Criminal Lunatic' and the Weakening of Experts

Chapter five addressed the study's first research question by examining documents from both before and after Dundrum was established to detail transformations in how criminal lunatics were understood. It contains the study's first two key findings. The first shows how new, but old and well-known deviant categories of insanity (Cohen, 2002) were constructed in the aftermath of a high-profile homicide in Dublin. However, the 'dangerous' lunatics the 1838 Act was ostensibly intended to prevent from committing violence, were already being similarly dealt with throughout Europe, Australia and Canada (Kelly, 2008a). Furthermore, after Dundrum opened and instituted a second deviant category of 'criminal lunatics', the relationship between insanity and violent crime was, in their case, understood as warranting public sympathy rather than fear. The chapter then discusses how escaped inmates were retrospectively diagnosed as sane because institutional psychiatry is 'diagnostically flexible' (Allen, 1987). Escapes were usually blamed on inmates transferred from prison who were more likely to be considered sane, and their presence in Dundrum associated with 'badness'. The section concludes by responding to the first research question as follows: that Dundrum's population was increasingly dichotomised between the mad and bad. Those who committed the most serious crimes were more likely to be considered with sympathy, as 'mad', and those transferred from prison who committed less severe crimes were more likely to be considered the 'bad' inmates. This enriches Prior's (2004) work which asks whether Dundrum's inmates were 'prisoners or patients?', showing that Dundrum's population was classified internally in different ways and at different times.

The process of unifying crime and insanity into a formal relationship in law in Ireland during the nineteenth century was examined via the case of Nathaniel

Sneyd in 1833. It was shown how concerns over such a relationship were amplified by a moral panic, which as Godfrey *et al.* (2010) suggest drove interest in crime in the eighteenth century. By representing Sneyd's murderer, John Mason, either as extremely mad, 'a maniac', or extremely bad as 'one of the most desperate criminals that ever disgraced humanity' (The Freeman's Journal, 1833), Mason was represented as a folk devil and the demonological opposite to the hagiological Sneyd—a 'person of one of the most humane, amiable, charitable, unoffending, and respectable members of the community' (ibid).

However, during the trial process Mason's abstract otherness was instead labelled as a dangerous form of insanity rather than the diabolical criminal he was also suspected to be. After a juror's interruption during witness hearings to suggest court officials agree he had been proven insane, establishing Mason's general insanity was considered a formality due to the set of abstract and neutral behaviours past and present given as evidence. This revealed the consensus of court officials, lay and expert witnesses, the jury of high social standing, and the judge, almost all of whom agreed Mason could not instruct his defence counsel and therefore was not fit to plead. This in turn meant the death penalty was avoided, which is often an influential factor in insanity trials (Smith, 1981). After these moral entrepreneurs had successfully categorised Mason a lunatic, he was redirected to Richmond asylum for detention for life. In this way, the practices for responding to the deviance and dampening the panic, symbolised and confirmed Mason's insanity to wider audiences and interest groups.

While the Sneyd case is reported to have resulted in the introduction of legislation—the Lunacy (Ireland) Act, 1838—to prevent dangerous lunatics from committing such crimes as Mason's (Select Committee on the Lunatic Poor, 1843; Kelly, 2008a), reporting of the case disappeared shortly after the trial. While this indicates the moral panic's volatility it also makes it difficult to examine the extent to which the case had a direct influence on the subsequent 1838 Act. However, Brendan Kelly's (2008a, 2009a, 2017) work offers important international context as the 1838 Act was

passed through parliament without any debate at a similar time when dangerous lunacy laws were also passed in France, Switzerland, Canada, and Australia. Therefore, there is evidence to suggest that the Lunacy (Ireland) Act, 1838 was part of a wider international discourse on dangerous lunacy. If the Act was, as claimed, influenced by Mason's case then it is possible that the control culture who interpreted Mason's insanity were cognisant of these wider held attitudes. However, the absence of a public record on this makes it impossible to verify.

Dangerous and criminal lunatics were essentially what Cohen (2002: viif) describes as new versions of 'traditional and well-known evils', and derivatives of culturally established discourses of insanity and criminality dating back at least to the late eighteenth century. Mason, in turn, embodied an originating experience for future psychiatric discourse on crime and insanity to refer to and bring the discourse up to date (Foucault, 1971). This was demonstrated in Francis White's justification for the 1838 Act during his testimony to the 1843 Select Committee which resulted in the establishment of Dundrum. It was also evident in John Nugent's later description of Dundrum as an experiment, 'impressed upon the public by the assassination of a Governor of the Bank of Ireland in a street of Dublin' (Nugent, 1885: 1). However, there remains reason to question the justification for the establishment of Dundrum and institutionalisation of criminal lunacy in Ireland after 1843. Official documentation in the 1843 committee suggests Dundrum was conceived in recognition of a dearth of accommodation for criminal lunatics in Ireland yet the evidence is scant in the records explored in this study and there is reason to believe the intervention of a moral entrepreneur also played a role.

Mark Finnane (1981) discussed Francis White's pioneering role in establishing Dundrum and the Office of Inspectors of Lunatic Asylums, as well as developing the Privy Council Rules for managing the asylums. Evidence suggests this pioneering role had international significance also as Dundrum was the first criminal lunatic asylum in the world, while others followed suit, most notably, Broadmoor which opened in 1863. Again, this further demonstrates that

psychological medical practice in Ireland participated in and contributed to international debates and developments pertaining to crime and insanity, and that no single national or local centre dictated the field's progression. From a postcolonial perspective this also illustrates Bhabha's (1984) observation that colonial discourse flowed both ways while Lentin (2004) points out that practices and knowledge developing in the colonised fringes often manifest back in the metropole itself.

Yet this is not to say such milestones in psychological medicine signified 'scientific progress' in its purest sense, and evidence to the contrary was presented in chapter five. The Annual Reports of the Lunacy Inspectorate indicate the Inspectors behaved as an ideological exploitative culture who stood to gain (Cohen, 2002) from the perceived reality of dangerous and criminal lunacy among the public. By 1853, after Dundrum opened, the discourse on crime and insanity completely shifted, which has not yet been emphasised in scholarship. The Lunacy inspectors reported the appropriate response to deviants such as Mason, who had committed similar crimes and been similarly found to be insane, was sympathy rather than fear or anxiety: 'No sympathy [could] be too strong' (Asylums Report, 1853: 16) for sufferers of criminal lunacy. This was elaborated extensively in the 1853 report and it received renewed attention in the 1864 report which encouraged the public to reverse antipathetic attitudes to criminal lunacy (Asylums Report, 1864).

Contradictorily, non-offending lunatics were perceived as dangerous while serious offenders were considered harmless. This sympathetic approach to care for criminal lunatics signified 'the enlightened humanity of the age' (Freeman's Journal, 1853: 2), an attitude as yet, restricted to the inspectorate, the RMS of Dundrum and the asylum itself. Furthermore, previous scholarship (Grimsley-Smith, 2011) has suggested a close relationship between the lunacy inspectorate and conservative newspapers in Ireland and the findings in this thesis appear consistent with that as the *Freeman's Journal* (1853) enthusiastically conveyed the message of Dundrum's success. In doing so, they relieved the some of the weight from the shoulders of the

moral entrepreneurs who must assert the success of their own efforts while stating the problem persists or is getting worse to keep their professional position tenable (Becker, 2011).

The asylum reports contain no proof or evidence or institutional psychiatric expertise. They instead indicate that psychiatric professionals acted as moral entrepreneurs whose professional identities relied on public acceptance of the newly created deviant categories which they sought to coerce respect for, rather than enforce a set of rules or practices for dealing with the deviance (Becker, 2011). Notably, the public also played a key role in committing the large numbers of dangerous lunatics to asylums and then prisons (Prior, 2003), as they often acted as informal control agents (Cohen, 2002) by reporting them to authorities.

From the available evidence, the social construction of criminal and dangerous lunacy in Ireland, ultimately eventuating in the construction of Dundrum, appears to be due to a mix of factors which boil down to the presence of influential interest groups (Goode and Ben-Yehuda, 2009), i.e. professional psychiatrists, a willingly docile and participating public, and shared attitudes towards the insane and criminally insane internationally. This can be summarised in the following factors. A moral panic was initiated after the murder of Nathaniel Sneyd in Dublin in 1833 and press coverage of the case consolidated the image of an abstract folk devil, either criminal or insane, in the public consciousness. The moral entrepreneurs and social control agents who scrutinised Mason's deviance conferred his dangerous lunatic label and by the time this was legislated for in Ireland, five years after the case in 1838, similar legislation was being passed in Europe, North America and Australia. The Irish legislation enlisted the public to participate in reifying dangerous lunacy by reporting suspects to the authorities who did so readily. By the time the office of lunacy inspectors and the Dundrum asylum were instituted following a committee on the lunatic poor in 1843, the public were arguably desensitised to new and altered discourses on crime and insanity. However, the annual lunacy reports published after Dundrum opened in 1850 suggests the

authority of the asylum and the expert actors who managed lunacy and criminal lunacy in Ireland were dependent on the acquiescence of the public in accepting the deviance, as this appeared to occupy the focus of their public efforts. Hence, the moral entrepreneur's dilemma in asserting their successful efforts while stating the deviant problem is getting worse (Becker, 2011) was quite evident in the asylum reports.

The lack of a detailed public record on the passing of the 1838 and 1845 Acts leaves open questions over the development of criminal lunacy in Ireland and whether the deviance was engineered from above or led by the presence of motivated interest groups (Goode and Ben-Yehuda, 2009). The first question concerns the actual impact of Sneyd's case in the passing of the 1838 Act. This is not possible to address in this study beyond the indications given in existing scholarship (Kelly, 2008a, 2009a, 2017) and merits further study in alternative sources. The second question concerns the rationale for constructing Dundrum and while the 1843 Select Committee suggests this was because of inadequate accommodation for criminal lunatics in Ireland, there may have been additional top-down motivating factors from elite interests.

The 1843 committee commenced in March 1843, two months after the McNaughten case in London in January 1843. While Francis White was already deeply engaged in his work to professionalise psychiatric care in Ireland for lunatics and criminal lunatics, the timing of the assemblage of the committee could be coincidental. Following Foucault's (1971) emphasis on considering the *reverse* of what a discourse purports to be, and on considering the wider conditions of possibility for a discourse, it is possible to speculate on, but not verify, further factors in Dundrum's emergence. John Nugent's (1885) claim that Dundrum was necessitated by Sneyd's murder, is difficult to accept since the Select 1843 Committee which created Dundrum began a decade after Sneyd's death in 1833—too long to be considered urgent change. Daniel McNaughten's case in 1843 is a more likely candidate. As discussed in chapter one, an institution for dealing with criminal lunatics was being

mooted since the early nineteenth century. When the insanity defence was codified in law there was an increased appeal for such an institution and a continued reticence among some in England following mixed experiences with the two criminal lunatic wings at Bethlem (Forshaw and Rollin, 1990).

If, as O'Donnell (2011) argues, changes to Ireland's carceral system follows event rather than deliberative expert and evidence-based processes, it may be significant that the 1843 committee occurred shortly after McNaughten, at a time when public anxieties were heightened. Evidence from the 1838 Act suggests there was alignment of interests and attitudes in responding to concerns around crime and insanity in Ireland. It may have been considered likely that the public would accept the new (but old) deviant category of criminal lunatics, as they appeared to have done with dangerous lunatics after the 1838 Act. Furthermore, Francis White had demonstrated himself to be a willing, energetic and productive moral entrepreneur in his work before 1843 in establishing a Prison Inspectorate (Finnane, 1981). Dundrum may have been established as a penological experiment, like many similar experiments in nineteenth century Ireland (Bretherton, 2003; Carroll-Burke, 2000) which also included the 'failed experiment' at HMP Pentonville in 1842 with its austere conditions and panoptic surveillance (Cox and Marland, 2018). Under these conditions, Ireland was poised to make its own contribution to international and colonial discourse and practices for dealing with the insane by instituting the world's first criminal lunatic asylum—a practice later adopted in England in 1863.

Considering suggestions that Ireland's asylum network was motivated by efforts in London to undermine nationalist sentiments in Ireland (Finnane, 1981; Walsh, 1999), less evidence exists for considering Dundrum's establishment a practice in colonial dominance. Daniel O'Connell's 'monster meetings' which were subsequently banned by Prime Minister Robert Peel, were attracting the public assembly of hundreds of thousands of Irish to repeal of the Act of Union (Carroll-Burke, 2000) so nationalist ambitions were likely a concern in London around the time. Why Dundrum would be considered an appropriate response to this,

however, is unclear. It is possible that Dundrum's establishment enabled the British to exploit the moral force of the Whig perspective on asylums—Whigs considered asylums a genuine attempt to address the needs of the insane and their communities (Prior, 1996), but chapter five contains little evidence to suggest this was the case. While it remains unclear why the British Empire's first criminal lunatic asylum was built in Dublin as opposed to London so soon after McNaughten, the evidence in chapter five to the participation of interest groups and moral entrepreneurs such as Francis White, the direction of travel of international attitudes towards the 'dangerous' insane, and an Irish public accustomed to perceiving insanity in tandem with criminality.

The fact remains that in 1845, the discourse of criminal lunacy obtained institutional ratification (Foucault, 1971) in Dundrum for the first time in the world. Hence, criminal lunacy found material expression in an institution which provided the necessary preconditions for growth of forensic psychiatry in Ireland. As Scull argues (1979: 43) lunatic asylums were the necessary precondition for psychiatry, offering 'a guaranteed market for the experts' services [where] the proto-profession could develop empirically based craft skills in the management of the distracted'. Said (1978) is also pertinent here, in his assertion that deviant classifications tend to receive objective validity *after* assignments are made. Dundrum establishment meant the scientific process of *knowing* criminal lunacy could flourish and the remaining chapters documented the implications of this from a postcolonial perspective.

8.1.1 From 'care to control'

As already mentioned, Dundrum was an adaptation of pre-existing practices in the detention of criminals and the institutionalisation of the insane in Ireland and throughout the world. It was built during a period of 'therapeutic optimism' in the 1840s (Scull, 1979), which saw eight asylums built in England and which a decade later were denounced by their former advocates. Like other asylums Dundrum was

criticised for its ineffectiveness (Porter, 1987). Escapes throughout the mid to late nineteenth century likely weakened Dundrum's perceived legitimacy and claims of Dundrum's 'success' (Asylums Reports, 1853) were at odds with public antipathy towards its population (Asylums Report, 1864). From the first escape in 1854, the authority and expertise of the Inspectorate and the RMS of Dundrum was scrutinised as they were forced to explain the escapes. CSORP files show that eleven of the twelve escaped inmates who avoided recapture were considered sane, while the sole exception was predicted to be soon re-arrested and was the following day. It is difficult to fully account for this exception but the CSORP file suggests Ashe had reason to believe the inmate would not make it far. Prior (2008) stated Ashe tended to diagnose escaped patients as sane, and data in the second half of chapter five shows that his predecessors did this also, indicating this was possibly a professional tendency.

A second issue affecting psychiatry's scientific validity was in the inconsistent interpretation of inmates' own statements (Foucault, 1971) as evidence for insanity which occurred in four instances. Two inmates' positive statements about Dundrum's security and environment were accepted as true. In the third case it was unclear if his speech was deemed significant evidence of insanity. Statements by the fourth inmate were ignored even though he claimed to be persecuted, which was regarded as a classic symptom of insanity. This inmate avoided recapture and was considered sane.

The asylum regime, and, by extension, the validity of Dundrum as an institution was coming under intense scrutiny following the escapes. I argue that the escapes forced Dundrum's experts into face-saving practices which their 'diagnostically flexible' facilitated (Allen, 1987). Escaped prisoners were discursively represented through 'a delicate process of psychological salvage' (Allen, 1987: 50), asserting their sanity, and hence, their responsibility for their escape, thus alleviating the institution and its management of responsibility. Returned escapees were 'temporarily stripped of the excusing condition of 'mental illness' and, for the

moment clothed instead with the disciplinary needs of the 'disordered'' (Carlen, 1983: 197). Following a failed escape they were subjected to disciplinary practices as in the case of John Collins who was 'no longer to be employed in the far yard (…) so that he cannot again abuse the confidence that was placed in him' (MacCabe, 1876). Therefore, there is little evidence to suggest that any defence of Dundrum's legitimacy can argue psychiatry could objectively understand and diagnose criminal insanity, let alone treat it.

Foucault (1971) states that when a new discourse, particularly in the human sciences, becomes institutionalised it gradually weakens, while the institution grows in power and gradually refers instead to a more traditional discourse such as punishment. After three male patients escaped in 1868, a wind change occurred at Dundrum and internal security features were enhanced. Again, this thesis supports Prior's (2003, 2008) argument that Dundrum shifted from a 'care to control' focus during the 1860s. The shift towards a control discourse became evident privately in the language used to refer to Dundrum's authority figure which, after 1864, became more frequently referred to as 'governor' rather than RMS. This shift was finally conveyed in public documents by Isaac Ashe in 1878. Surprisingly, CSORP data showed John Nugent was the first to offer a practical control recommendation in his 1868 suggestion to 'create a prison within the asylum by the erection of a special place of confinement' (in Nugent, 1868). Subsequent concerns over security appeared more frequently in CSORP files, culminating in the building of a refractory block in 1909 for inmates transferred from prison. Instead of meeting the epistemological problem of 'criminal lunacy' (Menzies, 2001) and resolving the problem of the mad-bad dichotomy, Nugent contributed to widening the epistemological divide which was enacted through structural practices (Reuber, 1996, 1999).

This divide was further emphasised by the inspectors in an 1872 Annual Report which highlighted that inmates transferred from prisons damaged the running of Dundrum (Asylums Report, 1872). The following year's report stated Dundrum's

kindest inmates were those who were acquitted of murder on pleas of lunacy (Asylums Report, 1873). By 1873 Dublin Castle was consulting non-psychiatric professionals to resolve Dundrum's escapes. Two architects recommended that inserting iron bars on the windows would not interfere with Dundrum's criminal lunatic asylum character. This was accepted and the alterations began. This development suggests firstly that there was no real scientific basis underpinning nineteenth forensic psychiatry since architects could decide if an institution was suitable for psychiatric purposes. Second, it was from the institution that psychiatry derived its authority (Scull, 1979).

This section address this study's initial period during which the category of 'criminal lunacy' was established, and the conditions were established for knowledge production on criminal lunatics in the form of a carceral institution—Dundrum—and associated experts, the Lunacy Inspectors and the asylum's RMS/Governor. In response to the first research question, it shows two transitions regarding 'mad' and 'bad' associations with criminal lunacy. First, a moral panic was initiated after Sneyd's death, representing the folk devil John Mason as being ambiguously othered as either mad or bad. Following his trial and the involvement of moral entrepreneurs and formal control agents in the courts, Mason was more specifically categorised as insane but not fully dissociated from criminality which remained as a 'dangerous' propensity. After Dundrum opened this representation was reversed in application to criminal lunatics and moral entrepreneurs attempted to mobilise sympathy among the general population to coerce respect for the deviant category and their own professional position by extension.

The data in this study suggests Dundrum was instituted due to the roles of interest groups, international trends in understanding the insane, and the public's acceptance of a previous (dangerous) category of the insane, but there are also reasons to suspect that McNaughten's case may have hastened the introduction of a new carceral experiment in Ireland. The second part of the section showed Dundrum's shift from 'care to control' practices. Escaped inmates were likely to be

subject to 'diagnostic flexibility,' and diagnosed as sane as their escapes represented a threat to the psychiatric profession. Dundrum's inability to contain its inmates became a more pronounced problem and practical recommendations to enhance its security features as well as the adoption of a more prison-like terminology to refer to its management further indicated this shift. Hence, by the 1870s Dundrum's practices were more acutely prepared for dealing with a 'bad' population, while the ostensible therapeutic discourse remained alongside this.

8.2 Take very good care never to break contact with colonialism

Chapter six showed how between the mid-1870s and early 1890s three Commission reports and related disputes resulted in marginalising those responsible for running Dundrum, while the institution was brought more directly under colonial governance. It shows how Dundrum's security features were enhanced following a series of escapes, while the Inspectors of Lunacy and Governor of Dundrum struggled to maintain institutional and intellectual authority. This period documented a series of disputes involving Dundrum's Governor on one side and the Inspectors and Visiting Physician on the other.

This section primarily addresses the second research question which concerns the ways in which colonial rule affected knowledge and practices at Dundrum. Colonial intervention into Dundrum's management was clear and made more evident by considering Commissions of Inquiry from a postcolonial perspective where they are produced to cause a policy change (Stoler, 2002). The discussion also has a bearing on the first research question which sought to understand how criminal lunatics were considered as either 'mad' or 'bad' and how this changed over time. In chapter six, prison inmates became increasingly associated with badness and the section concludes with a detailed response to questions one and two. Regarding question one, it argues that prison inmates were further represented as 'bad' by all interested parties in Dundrum. Regarding question two it argues colonial rule increasingly

determined how Dundrum was managed and eventually *possessed* the asylum by 1892, identifying five related ways this unfolded.

The section argues that two related and concomitant shifts in knowledge and practices occurred in Dundrum. First, institutional psychiatry's 'diagnostic flexibility' (Allen, 1987) became more apparent as inmates transferred from prisons to Dundrum were blamed for Dundrum's management troubles. Second, I argue that the three Commission reports in 1882, 1885 and 1891 signalled three stages of the process by which Dundrum was 'invaded and possessed' (Said, 1978: 92).

1. Following the 1882 report, both Dundrum's Governor Isaac Ashe and the Inspectors of Lunacy lost Dublin Castle's approval as legitimate managers of Dundrum;

2. Though its recommendations were largely ignored, the 1885 report which attempted to re-categorise Dundrum as a special prison illustrated the rarefaction of speaking subjects. Existing experts (Governor and Inspectors) were excluded from shaping Dundrum's institutional and intellectual approaches to criminal lunatics. This period signalled the colonial *invasion* of Dundrum.

3. The 1891 report and subsequent events show how Dundrum was *possessed* by colonial experts.

This section broadly concurs with Pauline Prior's assertion that in the ensuing dispute Governor Isaac Ashe 'lost the war' (Prior, 2008: 71). However, it differs from Joseph Robins' (1986) argument that problems arising during the disputes at Dundrum persisted because of its complex 'tripartite' administration involving the Governor, the Inspectors, and the Visiting Physician. Robins failed to identify the extent of colonial involvement in the 1891 report. This thesis conceives this period in terms enunciated by Mark Finnane (1979: 100) who viewed the second Commission of Inquiry into Dundrum in 1885, as 'invading the domain of the inspectors of lunatics who had always been responsible for Dundrum'.

8.2.1 The Struggle for Authority: The 1882 Inquiry Report

The 1882 report on Dundrum led by the Scottish physician Arthur Mitchell was evidently a partisan description of a dispute between two opposing sides, with the

Inspectors of Lunacy (John Nugent and George Hatchell) and Visiting Physician (John Hughes) on one side, and the Governor (Isaac Ashe) and Commissioners of Inquiry (Arthur Mitchell and R.W.A. Holmes) on the other. Details of this report are well documented (Finnane, 1981; Prior, 2008; Robins, 1986), although a postcolonial perspective on the role of colonialism in this period is lacking. The report's recommendations were not accepted but would have restructured Dundrum's managing authority by making the Governor its 'supreme authority' and relegating the Inspectors to subordinate roles (Mitchell and Holmes, 1882). The recommendations took Broadmoor as an institutional benchmark, therefore, creating a hierarchal relationship between Dundrum and Broadmoor.

Appendices attached to the 1882 report explicitly recognised a class of 'bad' inmates transferred from Mountjoy Female Convict Prison as having been 'thoroughly unmanageable' and irresponsive to prison discipline (Mitchell and Holmes, 1882: 36). This was a year after Dundrum architects Owen and Wilkinson recommended to enhance security at Dundrum (Owen and Wilkinson, 1873). In 1878 Ashe responded to increasing attention to frequent escapes, complaining of the complexities of running Dundrum, specifically 'the difficulty of harmonizing two almost incompatible requirements' (in Mitchell and Holmes, 1882: 40). As with Nugent's (1868) suggestion to build 'a prison within the asylum' this statement would likely have instilled little confidence in the colonial government about Dundrum's management. Hence, inmates who were regarded as unfit for prison were highlighting Dundrum's seemingly incompatible functions as both an asylum and a prison.

In response to the 1882 report Nugent challenged the commission's legitimacy for proceeding without his own input as Chair (Nugent, 1882). Although Dundrum's authority was being debated, Nugent's assessment of problem patient John Mahony epitomised how psychiatric expertise defined insanity negatively. Mahony called himself "Cneius Pompeius, Magnus the Great," and Nugent stated if he was not insane then Ireland had no insane patients (Nugent, 1882). Here, Nugent employs

the procedural device of common sense 'which allows [experts] to make sense of data which have no inherent meaning or coherence' (Worrall, 1990: 18). Nugent induces the reader to accept insanity as being self-evidentiary as the alternative is to position oneself outside the order of reason and hence, of the civilised. Foucault describes this relationship as the institutional doctor reinterprets the speaker's speech and gives it new meaning by reconstructing him as mad (Foucault, 1967, 1971).

Nugent (1882) appeared concerned with Governor Ashe being made supreme authority which would mean an internal consolidation of power within Dundrum. Such rarefaction of subjects (Foucault, 1971) marginalised Inspectors from influencing the doctrine of criminal lunacy. Nugent recommended preserving the many authority positions involved in Dundrum's management and rehearsed the 'textual attitude' (Said, 1978) of asserting Dundrum's success since 1850. The Inspectors had overseen this 'success' partly by making the previously unknown and threatening object knowable and conquerable (Said, 1978).

This 1882 report shows that psychiatrists were concerned with possessing the discourse (Foucault, 1971) and faced a struggle to do so. Their strategy was in appealing to colonial interests, particularly by enhancing Dundrum's security features and hence, a negotiation with a possible compromise was ensuing between the colonial government and the native intellectual class (Fanon, 1965). However, it is possible that Nugent (1868) had already contributed to spoiling the Inspectors' professional identity by recommending increased security features which began long before 1882.

8.2.2 'Invading' Dundrum: 1884-1887

Following seven escape attempts between June and December 1884,[64] scrutiny of Dundrum's management intensified greatly. An internal investigation into the

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[64] See escapes 20-26 in Figure 5.1.

escapes unanimously blamed inmates transferred from prison, which was a rare point of agreement among the disputing parties. Governor Ashe tended to characterise disruptive and escaped inmates as sane and therefore, responsible (Prior, 2008). Inspector Hatchell blamed 'patients coming from prisons, whose insanity is more than doubtful, or merely recurrent, combined with great individual ingenuity, sharpened by a career of crime—such as burglary' (Hatchell, 1884). Nugent (1884) called them mostly malingerers rather than insane and previously of suspicious character.

After a strongly worded letter of dissatisfaction from the government to the Inspectors for not locating responsibility for the escapes (CSORP, 1884b), the Inspectors' ill-received response reclassified Dundrum's population along four new categories (Nugent and Hatchell, 1884). These categories articulated a 'diagnostically flexible' system (Allen, 1987) more explicitly, which could protect the Inspectors' positions of power by further demonising the 'prison inmates' as 'bad' and enabling them to be blamed for escapes and retrospectively diagnosed as sane. This process was informally used already but the Inspectors' letter gave it an expert veneer to formalise it into knowledge (Foucault, 1971).

A letter by Under Secretary Hamilton (1884) appears to show the Inspectorate had lost the government's backing. Hamilton requested a further inquiry into Dundrum led solely by doctors Mitchell and Holmes from the metropole, but to conduct 'more than mere inquiry' by 'younger and more efficient men' than the Inspectors (Hamilton, 1884). This illustrates the coloniser's ability to exploit a commission of inquiry for their own interests, as previously discussed by Stoler (2002) and Fanon (1965).

Mitchell and Holmes' second 'inquiry' did not even posture as a fact-finding effort. They attempted to rebrand Dundrum as a 'prison for invalids' (Michell and Holmes, 1885: 2) because it had bars and gratings. Although this report preserved 'criminal lunacy' as a concept, it subsumed it within the more traditional discourse of punishment by eradicating the 'moral management' elements of freedom and

treatment in favour of secure custody. As Foucault (1971) mentions, this is the typical fate of novel discourses in the human sciences. As the discourse weakens in legitimacy, the institution in which it occurs is empowered by appealing to a more traditional discourse such as the law, medicine, or in this case, punishment (ibid).

The 1885 report's recommendations were ineffectual, but it can plausibly be regarded as the moment the Inspectors and Governor at Dundrum were side-lined from control over 'criminal lunacy' discourse. Nugent's 1885 response exemplifies emphasise 'the 'necessity' and 'naturalness' of distinguishing the [criminally] insane from other deviants' (Scull, 1979: 44) by suggesting Dundrum was 'impressed upon the public' (Nugent, 1885: 1) by the emergence of a criminally insane figure, John Mason. However, his claims for associating psychiatry with scientific discourse were essentially baseless and ineffective. Nugent's process for identifying medical insanity is teleological: 'The subject at issue resolves itself into the simple question whether an individual mentally affected (…) is to be regarded and subsequently treated more as a lunatic or a criminal' (Nugent, 1885: 3). As Carlen (1983: 198) states it is unclear why psychiatrists have the sole ability to recognise behaviours such as 'selfishness', 'callousness', 'loyalty' etc, as symptoms of mental disorder.

Nugent (1885) attempted to associate his expertise and Dundrum's asylum-status with accepted practices in England by claiming that Dundrum was a success because it influenced the establishment of Broadmoor Asylum in 1863. This shows colonial discourse was two-way or ambivalent (Bhabha, 1984) and that colonised intellectuals maintained their own self-preserving dialogue with the coloniser (Fanon, 1965). Likewise, Inspectors Nugent and Hatchell demonstrated their class-consciousness by rejecting Mitchell and Holmes' (1885) recommendation to present tabular information on criminal lunatics in the annual reports as it would be detrimental to the upper classes. Using the example of a hypothetical 'lady of position' who committed infanticide, 'the re-publication of such a family misfortune' would attract undue interest and increase the hardships they would experience in her incarceration at Dundrum (Nugent and Hatchell, 1885). Again,

demonstrating their diagnostic flexibility (Allen, 1987) they state 'the characteristic of insanity in uncertainty. The Lunatic of October may be a very different person in January' (Nugent and Hatchell, 1885). Therefore, documenting this publicly would be harmful.

The Inspectors likely perceived their expertise was being eroded and to preserve their authority, they made a four-fold move. First, Nugent (1885) adopted a textual attitude by suggesting Broadmoor's existence is evidence of Dundrum's success, and therefore, of his own success (Said, 1978). Second, the Inspectors demonstrated their belief that psychiatry should be sympathetic to upper class offenders, and hence, were class-conscious (Lentin, 2004). As colonialism is typically hierarchical the Inspectors were projecting a sense of sameness to the coloniser (Bhabha, 1984). Third, they sought to subtly undermine challenges to their authority by stating 'facts' about psychiatry which were merely introducing diagnostic flexibility, and not scientifically verifiable (Allen, 1987). Finally, all of this demonstrated the Inspectors' negotiations with the colonial government would perpetuate colonial interests and therefore, their own positions of power. As argued by Fanon (1965: 48f) such dialogue 'finds the settlers and the young colonized bourgeoisie at one and the same (…) because that party has taken very good care never to break contact with colonialism'.

The primary recommendations of the 1885 report were never enacted. It is possible that relabelling Dundrum as a prison-first was not palatable to the British government who wished to preserve an ostensibly therapeutic criminal asylum. Rebranding Dundrum as a prison would significantly alter its use as a 'human zoo' (Virdee, (2019: 18), and its capacity to produce an empirical base (Scull, 1979; Walsh, 1999) for the advancement of psychological medicine and social control institutions. It would diminish psychiatry's capacity to act as a technology of disciplinary power by targeting the population through *normalising* discourse (Foucault, 1977).

I argue the British government wished to preserve Dundrum's role and relationship to colonial rule but to replace its personnel. General Buller's (1887) letter enquiring

about the possibility of replacing Dr. Ashe so that certain reforms could be made at Dundrum show that the colonial government wanted to pursue their own interests but were being stifled by institutional personnel. The colonial government's chance to *possess* Dundrum arose in 1891.

8.2.3 Dundrum Possessed

Unsurprisingly, an alternative solution was found in London. By 1890 two new Inspectors were in place, George Plunkett O'Farrell and E. Maziere Courtenay who, as Under Secretary John West Ridgeway explained were among the best medical superintendents: 'Dr. Courtenay, the Inspector of Lunatic Asylums, who had been transferred to the charge of the Limerick Asylum from an English Asylum' (West Ridgeway, 1892b). Dundrum Governor Ashe died in November 1891 and was replaced by Dr. George Revington who was more cooperative with the colonial government. George Revington was 'a pure Irishman, educated in Ireland, who had a most distinguished career in Trinity College Dublin. He had been trained in (Bethlehem) Asylum' (West Ridgeway, 1892b). This demonstrated the colonial 'mimicry' Bhabha identified '"a class of interpreters (…) [Irish] in blood and colour, but English in tastes, in opinions, in morals and in intellect"—in other words a mimic man raised "through our English school"' (Bhabha, 1984: 127f).

The 1891 'commission of inquiry into the state of Dundrum' led by David Nicolson, previous head of Broadmoor Asylum, is almost entirely absent from literature. Only Robins (1986) briefly discusses it to mention the new inspectors were more sympathetic to arguments made in previous inquiries, and that issues arising due to staff discipline, asylum management, and the Visiting Physician dispute were more successfully addressed after 1891. However, Robins does not identify Nicolson's involvement in the report and hence, misses a key detail in the inquiry's role. The 1891 Committee's terms of reference requested separating two classes of inmates at Dundrum—pleasure patients, and prisoners undergoing penal servitude (O'Farrell and Courtenay, 1890). Hence, the commission of 'inquiry' was tasked

with producing its findings to match its terms of reference, in a manner similar to that argued by Stoler (2002).

The 1891 report departed from the 1885 conception of Dundrum, describing it three-fold as an asylum, then a prison, and subsequently as a hospital (Nicolson *et al.*, 1891). It conceived Dundrum in a more traditional way, consistent with the original architectural principles outlined by Reuber (1999). Nicolson *et al.* (1891) then explained Dundrum's dichotomised population in detail, effectively reproducing a more expansive account of O'Farrell and Courtenay's (1890) framing in the terms of reference for the commission. Again, they gave an account of the desired policy in the language and method of the psychiatric 'discipline' (Foucault, 1971), enabling it to be formalised into practice.

They divided the population into 'Pleasure' patients and 'insane convicts' (Nicolson *et al.*, 1891), where the former were considered insane first, and the latter were primarily prisoners. They described convict inmates who 'are drawn from among the criminal classes' (Nicolson *et al.*, 1891: 3) due to a multiplicity of psychological, social, familial, and environmental factors which situated them:

> when not in prison, amid scenes of lawlessness, intemperance, and moral degeneracy. By parentage, education, and association, their minds are impregnated and identified with ideas and habits of a vicious and criminal nature which show themselves during sane not less than during insane periods. (ibid)

In representing this group as perpetuating criminalised norms which deviate from civilised society, they are abnormal in relation to the 'Enlightened humanity of the age' (Freeman's Journal, 1853: 2). This rehearses the intersection between race and class and the role of mental deficiencies in proliferating a 'criminal class' (in Godfrey *et al.*, 2010). In contrast, the pleasure inmates' *tranquillity* and *lucidity* demonstrates their kinship with civilised society (Nicolson *et al.*, 1891). Nicolson recommended segregating the two classes, as prescribed by O'Farrell and Courtenay's (1890) terms of reference letter. This was to protect 'pleasure' inmates—those who had

perpetrated crimes of the gravest character—from contamination by the *worst* class of inmates (Nicolson *et al.*, 1891) i.e. 'the criminal class'.

By incarcerating the *worst* class of patients within the asylum, the more civilised patients would be able to envision their own comparative freedom (Nicolson *et al.*, 1891). The inmates at Dundrum who had committed the most violent and harmful crimes would have a structural reminder that they were not a threat to civilised society. Where Goffman (1961) argued the equal treatment of inmates in a total institution could be democratising, therefore, the unequal treatment of inmates could be dichotomising. Hence, the 'pleasure inmates' could see themselves as more civilised as they were not placed in 'a prison within the asylum' (Nugent, 1868).

Nicolson *et al.'s* recommendation to abolish the Visiting Physician's Office was to reinvigorate Dundrum's internal discipline which should be directed by the Governor (Nicolson *et al.*, 1891). Dundrum's difficulties were attributed to the lack of a centralised authority within the asylum (ibid). Hence, the recommendation to reduce the Inspectorate's role to mere inspection would empower the governor who faced various management problems because he was not the 'sole and responsible head of the asylum' (Nicolson *et al.*, 1891: 24).

When Ashe died late in 1891, the opportunity was seized to replace him with a regime sympathetic to British rule. The 'pure Irishman' Dr. Revington was appointed, and although the Irish Medical Association protested this appointment their argument was that Irish administrators trained in Ireland were being overlooked. Therefore, their protests were motivated by the benefit of '[taking] very good care never to break contact with colonialism' (Fanon, 1965: 48f) and they desired access to the rarefying colonial power structure to gain from it.

During 1892 major reforms were made. The Visiting Physician's office was abolished, several staff were dismissed on conduct grounds while sixty staff appointments were made, and the placement of Dundrum's financial management under the General Prisons' Board sought to attract a *better* class of staff by increasing

wages. Irish psychiatry's willingness to support colonial policies was evident when several District Asylum governors endorsed the decision to abolish the Visiting Physician's role as it empowered their own positions (CSORP, 1893).

From the early 1870s Dundrum's authority figures were gradually marginalised from control over the asylum when, with the Inspectors' approval, structural alterations were implemented to enhance its custodial security. Governmental scrutiny into Dundrum's management increased over the next two decades. Responsibility for resolving 'the difficulty of harmonizing two almost incompatible requirements' (in Mitchell and Holmes, 1882: 40) was assigned to figures from the metropole. The Inspectorate and Ashe sought to strike a difficult balance, by resisting challenges to their authority while manoeuvring to preserve their positions of authority. However, as Prior (2008: 71) stated, Ashe 'was winning the battles, but (…) losing the war'. In the 1891 report when Broadmoor's David Nicolson acquired greater influence in Dundrum's future, explicit racism and classism permeated knowledge about Ireland's criminal lunatics (Nicolson *et al.*, 1891). Nicolson employed essentialised notions of race, class, moral deficiencies, and inherent criminality, to characterise the 'criminal class' as was consistent with racist discourses of the period (see Godfrey *et al.*, 2010; McClintock, 1995; Walsh, 1999).

By viewing the period as invading the domain of the Inspectors (Finnane, 1979) several important issues are highlighted related to the first two research questions. Regarding research question two: first, these Commissions of Inquiry were unprecedented in Dundrum's history and signalled a colonial intervention which changed Dundrum's internal architecture and how it was managed; second, the impartiality of the Inquiry reports was highly questionable, and the 1891 Report was likely produced to legitimise the introduction of desired colonial policies; third, and relatedly, the discourse of criminal lunacy in Ireland was likely being appropriated by colonial power; fourth, the reports showed the degree to which Irish psychiatrists drew their status from the institution, and ultimately from colonialism itself; fifth, as the Inspectors' legitimacy weakened and they lost control

of the discourse, Dundrum was empowered in the colonial relationship by referring to the more traditional discourses of punishment and eventually, racism. Therefore, in response to question two, Dundrum's discourses and practices were influenced by colonial rule in several related ways, which reinforced colonial rule.

This section also contributed to research question one. The entire dispute during this period was based on pathologisation of inmates who came from prison, and who were therefore, more likely to be from lower classes (Prior, 2008). A 'diagnostically flexible' (Allen, 1987) psychiatric discourse was developed to classify these inmates as 'bad', to strip them of eligibility for mental illness and reclassify them as 'disordered' and hence, as punishable 'in a masterly stroke of professional imperialism' (Carlen, 1983: 208). In response to research question one, different actors at Dundrum unanimously sought to characterise 'prison inmates' as bad, to legitimise their own interests. The Inspectors and Governor wished to exonerate themselves from responsibility for escapes while the colonial regime began to characterise a 'criminal class'.

Genealogical analysis (Foucault, 1971) suggests this may indicate an alignment of chance events rather than a colonial orchestration to take over Dundrum and use it as a platform to begin racialising the Irish. The escapes were only addressed in a Committee of Inquiry in 1882 when the Home Rule movement was receiving significant attention in Ireland and London (McGee, 2005). Following the 1882 Phoenix Park murders there was likely an increased apprehension over the secure detention of violent offenders and hence, a further degree of control in Dundrum meant the marginalising of psychiatry. As questions around self-governance, which were ongoing during this period were often accompanied by racialised scrutiny of colonised populations (Walsh, 1999), the emergence of biological positivism required a distinctly essentialised classification of institutionalised subjects in the 1880s. Hence, the invasion, possession and racialisation of criminal lunacy was a reflection of wider trends in colonial rule.

Existing literature fails to account for much detail around the 1891 report, and particularly how it relates to colonial rule. By this time Irish psychiatrists were dispossessed of control over criminal lunacy discourse by a colonial 'invasion' (Finnane, 1979). The institution, Dundrum, which introduced criminal lunacy to the world had been successfully invaded and possessed, and its population was in the early stages of a racialised re-construction. This process subsequently intensified with more explicit race and class representations of Dundrum's inmates, as is examined next.

8.3 Colonial Recreation: Race, Class and Criminal Lunacy

As chapter seven demonstrated, essentialist discourses around criminal lunacy were increasingly integrated into policymaking at Dundrum. The divisions constructed in the 1891 report became a mode of classification of the asylum's population and as scholars have argued (Porter, 1987; Scull, 1979; Stepan, 1982) such expertise was more a reflection of wider sociocultural discourses throughout Europe than a driver of it. Findings from the study's final period have a bearing on the first two research questions but primarily address the third research question. These findings are entirely new to scholarship, although Bellina Prior's case was recently described in a newspaper article (O'Neill, 2017).

Theoretically however, the section supports contentions by Menzies' (2001), Allen (1987), and Carlen (1983). It shows how a sixty-year-old asylum 'was a far different place from the lunatic asylum of earlier eras' (Menzies, 2001: 129). It agrees that 'Psychiatry (…) deals (…) with the leakages at the edges of the publicly conceived and sanctioned order' (Allen, 1987: 115, in Menzies, 2001: 141). Therefore, those incarcerated at Dundrum are discursively reconstituted to inhabit 'the void within which the experience of madness resides' (Foucault, 1976: 76f, in Carlen, 1983: 209). Finally, this section pursues the assertion that '"The essential question," writes Foucault, is the role of the asylum "in the reproduction of power in the world beyond its walls"' (Foucault, 1983: 169, in Menzies, 2001: 142).

Michael Kennedy's representation as indulging in bestial practices for a 'Whiteboy Offence' occurred weeks after the 'Invincibles' committed the Phoenix Park murders in 1882, resulting in their depiction in *Punch Magazine's* infamous racist cartoon 'The Irish Frankenstein' (Morris, 2005: 300). While Land League activism and paramilitary operations were heightened during the 1880s, Kennedy is the sole case appearing in GPB Penal Files and no mentions of Irish nationalism appear in CSORP data on Dundrum. If increasing centralisation of institutions in Ireland was partly driven by an aim to subdue emerging nationalist power bases (Walsh, 1999) Dundrum had at least one vivid case of this.

It is notable that while Ireland's asylum system was supposedly undergoing a period of 'democratisation'—culminating in the Local Government (Ireland) Act, 1898, which dismantled Grand Juries and established County Councils for a more local form of rule—the colonial government was tightening its grip on Dundrum. As Mamdani argued, similar strategies were employed to strengthen colonial rule by limiting the subjectivities of the masses by defining them in narrow nativist constructions (Mamdani, 2012). Kennedy's case exemplified this and the special supplement to the 1905 Inspectors report stated the 'fact' that the Celtic race were 'particularly prone to mental disease' (Asylums Report, 1906: xxxii).

While the racialisation of criminals was becoming more explicit prior to the 1891 Inquiry Report (Nicolson *et al.*, 1891), evidence for an increased class consciousness followed Nugent and Hatchell's letter (1885). The 'lady of position' they imagined materialised three years later. Bellina Prior's case illustrated the scope for arbitrary treatment of a supposedly 'dangerous' person with a history as a criminal lunatic. Prior's file was marked 'confidential' and despite Revington's calls for Prior's detainment in an asylum, having threatened to shoot an aristocrat who she accused of sexually assaulting her, she remained under daily police surveillance in Dublin. Neither her previous offence of infanticide nor her speech determined her fate. Instead her uncle Colonel Hadaway's refusal to permit her incarceration was the deciding factor and his primary concern was evident in stating, 'I shall be most

thankful if we can be spared the pain of our name appearing in the Press' (CSORP, 1909). Prior and her mother eventually took their own lives in 1909.

Prior's case was a startling dismissal of dangerous lunacy and criminal lunacy practice, as the danger she posed meant she could have been detained under the Lunacy (Ireland) Act, 1867. Class status and paternalism superseded any concerns for Prior's well-being. This eerie manifestation of Nugent and Hatchell's (1885) 'lady of position' illustrated that whether criminal lunatics were 'victims of a malady that recognizes no social distinction' (Asylums Report, 1853: 14f), in certain circumstances such social distinctions could be decisive. Prior was a clear example of Allen's (1987) argument that medico-legal discourse often constructs female agency around a normal-pathological binary in a paradoxical way where perceived pathological behaviour can be represented as normal *female* behaviour 'through a delicate process of psychological salvage' (Allen, 1987: 50).

Kennedy and Prior are exceptions in the data and hence, only indicate that knowledge and practices regarding criminal lunacy could be permeated by essentialised race and class discourses. This is directly relevant for the study's third research question as it shows criminal lunacy discourse could be appropriated externally and follow 'the well-trodden battle-lines of social conflict' (Foucault, 1971: 19). However, this does not show that medico-legal knowledge re-constructed its subjects in racial terms as I have argued by drawing upon Said (1978). David Nicolson's writings, however, show a fundamental re-organisation of practice concerning criminal lunatics in this way.

8.3.1 Dehumanisation of Habitual and Weakminded Criminals
During the late nineteenth century it was notable that degeneracy, heredity, and habitual criminality were the subject of writings in Irish journals. Falkiner (1882) wrote of an inferior and habitual criminal class who ought to be set to work in 'moveable' prisons while serving their sentences and then subjected to

transportation upon discharge. Writing just over a decade later, Osborne (1895) was more concerned with prevention of disease, insanity, drunkenness, and crime, which at the time, often involved eugenics-based interpretations. His suggestion was to eliminate the possibility for those who inherited these degenerate characteristics by preventing them from marrying and reproducing. Neither suggestion appeared to have any further bearing on Dundrum's population as indicated by the data examined in the remainder of the study but again, this shows that scientific ideas about race which were found throughout Europe (Stepan, 1982) also appeared among the writings of intellectual elites in Ireland. However, the most influential works in shaping practices at Dundrum were from David Nicolson.

Nicolson's seven-part treatise on *The Morbid Mind of Criminals* (1873-1875) demonstrates Said's argument that deviant classifications 'acquire objective validity only *after* the assignments are made' (Said, 1978: 54, emphasis in original). In the second paragraph of Nicolson's approximately one hundred pages about the nature of criminal lunatics he distinguishes between *accidental* and *habitual* criminals (Nicolson, 1873a). The accidental criminal comes from the 'ordinary run of mortals' (ibid: 223), while the habitual criminal is characterised by *criminal-mindedness* 'whose whole life-history bears the impress of crime and tells of a fearful falling away from the dignity and prerogative of humanity' (ibid: 224). Therefore, as with Allen's (1987) analysis, Nicolson assigns the 'normal-pathological binary' and then mobilises retrospective evidence for this. This practice was common in European science at the time (Stepan, 1982).

Nicolson's writings assume prison creates a uniform environment where individual psychological characteristics become intelligible (Nicolson, 1873a). His 1870s articles encompassed several topics but like the 1891 report, were largely concerned with defining 'habitual criminals'. The articles served to pacify habitual criminals, associating their agency with criminality while emphasising their criminal responsibility. Nicolson referenced key themes including animalistic comparison, lack of human sympathy, uncontrollable emotionality, incapacity for self-reflection

and self-governance, 'criminal class' origins, arrested evolution, eugenics, and institutional and colonial benevolence. Three examples of Irish prisoners represented these themes as well as his broader claims about habitual criminals (Nicolson, 1873a, 1875c).

His first article (1873a) largely re-ordered the habitual criminal in association with socially constructed stereotypes of Irishness which, as Pat Carlen (1983) argued, tended to happen to female prisoners. Nicolson described how their physique bears an 'animal expression (…) and sympathies have almost no place in his nature' (1873a: 224). However, they retain 'strong motives to deception' (ibid: 226), and two Irish prisoners demonstrated the 'simple-minded' habitual criminal (ibid: 227). One was the butt of a cellmate's joke while the other was a delusional Fenian with emotion-driven behaviour devoid of rational thought (Nicolson, 1873a). As Walsh (1999) shows, stereotypes about the 'backward' Irish were proliferated by colonial administrators at the time. The ethnologist John Beddoe believed that the inherent capacities of the Irish 'could be distinguished by other physical signs' i.e. their prognathous features (Walsh, 1999: 235f). The Irish were of 'low intelligence, cunning and suspicious, and (…) the centre of the 'prognathous type' (ibid: 237). This is not to suggest Nicolson's writings above ought to be considered indicative of a general anti-Irish racism in London, or in Dublin Castle. However, Nicolson was not alone in his attitudes at this time as Walsh (1999) has shown.

Nicolson then highlighted habitual criminals' incapacity for self-governance. Their susceptibility to the stirring of emotions demonstrated their 'mental inferiority' and therefore, denied them the ability to self-reflect:

> which forms the link between the feelings and the will (…) Many of them do not, and some possibly cannot, comprehend their own position or realize their true self-interest as social and responsible beings (…) they form a class of fools, whom even experience fails to teach. (Nicolson 1873b: 404)

This incapacity for self-reflection is a modern construct introduced to insanity discourse by modern racism. As Bennett Simon (1978) observed, the Homeric

heroes were overwhelmed with feelings of grief and shame but retained the capacity for self-reflection to overcome adversity and re-establish personal responsibility. The above demonstrates Virdee's (2019: 18) argument that colonialism provided intellectuals access to a 'human zoo' from which their 'magical theories of scientific racism' derived which were impossible before the Enlightenment.

A self-fulfilling construct for the manifestation of delusions in prison was outlined in the third article. Nicolson (1874a) stated that even if prisoners' complaints in prison are well-grounded, they manifest as delusional regardless. Hence, behaviour recognised as normal can be pathologised—the paradoxical normal-pathological binary which represents normal behaviour committed by deviants as *normal deviant behaviour* (Allen, 1987). Nicolson's fourth paper then introduced the notion of the 'weak-minded' class, from the 'lowest strata of the criminal classes, we shall be prepared for the most meagre display of anything like education. They are not only lamentably ignorant, but, what is worse, they are lamentably unteachable' (1874b: 179). Therefore, a stringent determinism characterised his theories drawing from both racial and class stereotypes.

Nicolson's fifth paper (1875a) then proposed a eugenicist approach to deal with the weakminded class. He endorsed a long quote from a Medical Officer, Mr. Gover containing all his essentialist claims made so far including references to their animalistic passions, their lack of reason and self-comprehension, and their mental and physical atavism (ibid). It describes them as 'unready men', unfit for modern capitalism, who personify an 'imperfect stage of civilisation', and incapable of self-governance as 'their fate must depend very much upon those into whose hands they fall' (ibid: 538ff). Therefore, as with colonised populations whose ability to govern themselves is questioned or denied under colonial rule (Fanon, 1965), habitual criminals are entirely dependent on their more civilised peers for survival.

Nicolson's proposal captures the extremity of scientific racism which sought to arrest the spread of degeneracy, an idea which was proliferating internationally and

became more common in the wider eugenics movement in the early twentieth century (Stepan, 1982). Incarceration of the weakminded class was essentially a sympathetic holding action by the civilised until 'sanitary legislation' eradicated them from humanity (Nicolson, 1875a: 540):

> In the meantime he is in our midst; let us deal gently with his weaknesses; exercise pity and forbearance towards his caprices; and avoid undue severity when punishing him for those crimes into which he has been led, either by evil example or by the coercion of designing men who have taken advantage of his infirmity. (ibid)

Once again, in this instance the benevolence of the knowing subject accompanies an egregious form of racism, situating the criminal associated with the lower classes outside of humanity and unworthy of reproduction. Hence, 'Psychiatry (…) deals (…) with the leakages at the edges of the publicly conceived and sanctioned order' (Allen, 1987: 115, in Menzies, 2001: 141).

Finally, Nicolson again refers to an Irish prisoner to conclude his treatise. Referring to 'Simple Mental Weakness' he states, 'There is a something wanting in them (…) This "something" (which comprises a mixture of ready judgment, forethought, and healthy volition) is the common factor in this case of weakmindedness and criminality' (Nicolson, 1875a: 545). An Irish prisoner is photographed in his final paper to illustrate the simple mental weak-minded prisoner (Nicolson, 1875c). The Irish prisoner's 'baboon-like expression' and veritable 'missing link' (Nicolson, 1875c: 250) again suggests that the innate capacities of the Irish are identifiable by their physical, animalistic features (Walsh, 1999). While this does not directly implicate the colonial government or other agencies in subscribing to Nicolson's writings, it again offers evidence of Stepan's (1982) argument that wider racist stereotypes often permeated scientific discourse in the nineteenth century.

These characteristics of insanity and weakmindedness are made possible by the existence of carceral institutions which seek to make 'criminal lunacy' intelligible. Several of Nicolson's claims are mentioned by Godfrey *et al.* (2010) who stated that

habitual criminals were understood to be irresponsive to prison discipline and as Mary Carpenter (1864) stated, like animals. Godfrey *et al.* (2010) also observed the Victorians believed these sorts of 'mental defects' became hereditary which was illustrated by Nicolson's (1873a) claim that habitual criminals' prior defects become contiguous.

Although Nicolson's articles relied on essentialised notions of race and class, they also reproduced the core concepts comprising 'moral insanity'. After Prichard coined the term in 1835, the relationship between emotionality, rationality, and social conduct constituted how the morally insane were distinct from the civilised (Jones, 2016). As Nicolson's articles constructed habitual and weakminded criminals as being incapable of self-reflection, and therefore, of self-governance, so did 'moral insanity' since the sufferer was not responsive to 'moral treatment' (ibid). Although Nicolson's articles had little relation to Dundrum until 1905, they indicate the degree to which colonial discourse projected itself as a benevolent and civilised force in the world and how this discourse was being updated (Foucault, 1971). First it distinguished the civilised from those in need of moral treatment, then in the late nineteenth century the civilised were distinguished from the inferior criminal races and classes in very similar ways. The next section further analyses how these ideas permeated practices at Dundrum.

8.3.2 Shaping the Subjectivities of the Masses

The 1905 Commission of Inquiry Report has not yet been examined in historical scholarship. I argue this document embodied the process by which the Irish population were 're-created by scholars' (Said, 1978: 92) as an inherently criminal, premodern and uncivilised race. Therefore, this section directly addresses the third research question regarding the role of race and gender in discourses on criminal lunatics in Ireland. Notably, this was after the Local Government (Ireland) Act, 1898, which left Dundrum as the sole colonially administered asylum after Ireland transitioned to indirect colonial rule.

Like Nicolson's articles in the *Journal of Mental Science*, the 1905 Report focuses on Dundrum's 'bad' rather than 'mad' inmates. The terms of reference for the Report assigned the authority to decide new policies to the Committee which Nicolson led once again. Therefore, a psychiatrist from the metropole was empowered to construct new knowledge on Dundrum and its inmates, to reshape the 'criminal lunacy' doctrine (Foucault, 1971). As with the history of Orientalism the coloniser was *'able to do that'* (Said, 1978: 32, emphasis in original) i.e. to produce ontologically stable knowledge about colonised people.

The primary aim of the 1905 report was to deal with fifteen 'borderland' cases, a concept which Nicolson earlier described as the 'lowest form of sanity', where 'crime and insanity mingle freely' (Nicolson, 1873a: 225f). Their 'life-history and social demeanour' was recognised by Nicolson as *criminal-mindedness*, 'characterised by lowness of mental type, bluntness of moral sense, and stolidity and insensitiveness of nerve tone' (Nicolson *et al.*, 1905: 9). Therefore, the report's approach to diagnosing the fifteen cases was akin to Carol Smart's (1977) 'sickness model', as the fifteen cases led idle and useless lives, were uneducated and of a low social class (Nicolson *et al.*, 1905). As Smart argues, the pathologisation of female offenders under the 'sickness model' invokes socioeconomic structure, not for its criminogenic role generally, but as 'triggering an already pathological mind' (Smart, 1977: 147f). Nicolson's approach in this report, which he led, was again to essentialise criminal lunatics as he had done thirty years' previous.

Another striking exhibition of racism in the 1905 report, and which demonstrated that criminal lunacy knowledge was usually a reflection of wider socio-cultural forces was in the claim that society should defend itself from:

> the cankerous growth of criminal-mindedness which so abundantly feeds upon it. In the first place, provision should be made by legislative enactment for the feeble-minded class and the mental and moral incapables in the general community from whom so many criminals are recruited; and such provisions would include their distribution on farm and labour colonies under efficient supervision, discipline, and control. (Nicolson *et al.*, 1905: 9)

This eugenicist thinking was broached previously in Mr. Gover's testimony about the nature of the weakminded class in prison (Nicolson, 1875a). Nicolson updated the discourse (Foucault, 1971) to reflect twentieth century innovations in eugenics in the use of concentration camps. The British Empire previously employed concentration camps in the Boer War (Sturma, 1983), and the above construction depicted a close sympathy, in Edward Said's (1978) use of the term, and synonymity between the habitual criminal and the social group from which they were argued to originate. Again, Nicolson's views were not isolated as Carroll-Burke (2000: 225) observed James Organ's insistence 'that most criminals were not fundamentally different from the working class in general'. This also repeated Nicolson's distinguishing of weakminded inmates as premodern, rural subjects who 'may make good and steady farm labourers, but let them migrate to a town, and they stand no chance against their more nimbleminded competitors' (in Nicolson, 1875a: 538f).

This is also the clearest example in the report of punishment targeting others through discourse (Foucault, 1977). The report began by constructing borderland inmates at Dundrum as being weakminded and therefore, as dangerous. In the above quote that has been transposed onto the general population to essentialise them as a race incompatible with modern capitalism. By constructing them as inherently violent and criminal it dehumanises the Irish (Lloyd, 1999) as being 'unruly, barbarous—all of those things for which the Irish and women have been traditionally praised and scorned' (Meaney, 1991: 6). During a period of democratisation of Ireland's asylum network (Finnane, 1978), Dundrum, deliberately or otherwise, had become a site for discursive representations of a more racialised Irish peasantry. This is similar to Mamdani's (2012) argument of colonial powers in Africa during the late nineteenth century which shifted away from a form of rule reliant on force to one reliant on discourse and focused on shaping the subjectivities of the colonised. Again, there is no evidence to suggest these attitudes were shared at the level of colonial governance. The recommendation for building

farm and labour colonies was never enacted and such racism was an international phenomenon in the early twentieth century. Yet the discursive representation remained and further practices were developed to institutionalise this attitude in Dundrum, in the form of the refractory block.

After stating their expertise is due to 'common-sense' (Nicolson *et al.*, 1905: 10) and practical experience; once again invoking that procedural device which protects the psychiatrist from scrutiny (Ward, 1997; Worrall, 1990), the report then outlines typologies of weakminded prisoners. It elaborates the 'resistive antagonism' (Nicolson *et al.*, 1905: 12) of the weak-minded prisoner, which echoes the 'impulsive demonstrations' resulting from certain prisoners' inborn national characteristics previously described by Nicolson (1873b). Hence, the prisoner who resists their imprisonment deviates from civilised society (Carroll-Burke, 2000), thus encouraging inmates to perform (Sykes, 1958) their own racialised subjection.

The suggestion to construct a refractory block was to segregate the *worst* class of inmates: 'those borderland cases, and cases of doubtful insanity, which at present give rise to so much trouble and anxiety, owing to the lack of sufficient and secure accommodation' (Nicolson *et al.*, 1905: 13f). Again, the report is referring to the weak and criminal-minded, habitual criminals who are averse to modern civilisation.

Interestingly, the 1905 report fails to mention the segregation of refractory patients at Broadmoor, which Nicolson oversaw as Governor from 1886 to 1895 (Partridge, 1953). Instead, it refers to the 'impressive' segregation system at Maryborough Convict Prison which had a block of ten cells 'for convicts, whom for refractory conduct or other reasons it was desirable to keep in a part of the block which contained no other cells' (Nicolson *et al.*, 1905: 12). Unlike previous inquiry reports in 1882 and 1885 which repeatedly referred to Broadmoor as a reference point for Dundrum's recommendations, the 1905 report omitted this in its most significant and successful recommendation.

This may have been in anticipation of possible backlash from the Irish Medical Association and the republican press who had previously protested what they perceived as the biased appointments of Dr. Revington and Dr. Courtenay. By referring to Maryborough it would have been possible to conceal the rationale for a refractory block through mimicry (Bhabha, 1984), by making the recommendation appear contiguous with existing practice in Ireland. Therefore, further accusations of bias could be avoided. It is possible that practices at Maryborough genuinely influenced the refractory block recommendation though it is unlikely that Nicolson's decade-long experience at Broadmoor had no bearing on this.

8.3.3 Bourgeois Compromise and Racism Reified

The self-referential nature of the 1905 report demonstrates the farcical superficiality commissions of inquiry can practice. As Ann Laura Stoler argues 'commissions organized knowledge, rearranged its categories, and prescribed what state officials were charged to know' (Stoler, 2002: 104). In this sense, commissions of inquiry shape social interaction (Prior, 2008) by reorganising knowledge through institutional systems (Foucault, 1971) such as Dundrum. A further example of the Irish intellectual class' reproduction of colonial knowledge was evident in a familiar source. The Freeman's Journal (1906) published Christopher Nixon's testimony to another 'inquiry'—the Royal Commission on the Care and Control of the Feeble-Minded at Commission House in Westminster about insanity in Ireland.

A year after the Dundrum inquiry, Nixon, an Irish physician, demonstrated how racist colonial discourse such as in the 1905 report, could be perpetuated by colonised intellectuals, as Fanon argued (1965). Nixon's testimony which discussed both Irish and English feeble-minded poor was effectively a confirmatory response to the inquiry, that the racist policies and practices advocated in the 1905 report were acceptable to some in Irish psychiatry. His comparison of the English and Irish feeble-minded poor was sharply contrasting. He recommended sympathetic welfarist policies for the English to integrate them into capitalist society, and

indefinite detention for the Irish until they proved they were fit for modern civilisation (Freeman's Journal, 1906). Nixon's testimony replicated the main thrust of the 1905 Report.

The first half of Nixon's testimony recommended to enact social reforms for the feeble-minded poor in England by providing housing, access to 'air and sunshine', 'steady employment' and 'good food' (Freeman's Journal, 1906). Nixon asserted that a benevolent empire such as the British, should liberate the poor from workhouses and asylums:

> With people who evince so meritorius an interest in the lives of the Chinaman, the South-African, the Bulgarian, and other European and Asiatic races, it should not be unavailably pleaded that more interest and active sympathy should be exercised as to the fate of the waifs and strays of our urban populations. (ibid)

The second half of Nixon's testimony referred to the Irish equivalent of this population detained at Dundrum. Dundrum's 'pleasure' inmates were forced to associate with the 'moral lepers represented by the convict class' (ibid). Nixon endorsed the decision to build a refractory block at Dundrum as 'the refractory element is likely to overflow, necessitating the daily and nightly association of the restless, turbulent, and dangerous class with the harmless and well-conducted members of the community' (ibid). In Nixon's view the Irish person's criminality was innate and their liberty threatened to contaminate the civilised world (ibid). Therefore, he recommended indefinite detention of the Irish lunatic poor: 'the danger to society of setting persons of this class free to continue their life of crime at the expiration of their sentence is one that should be faced' (Freeman's Journal, 1906). In keeping with standard colonial justificatory discourse (Said, 1978), such provision would 'be beneficial alike to them as well as to society' (Freeman's Journal, 1906).

With regards to the refractory block, the increased appetite for confining the *worst* class reorganised the functioning of power within Dundrum. Wahidin argues that

the array of an institution's characteristics, including its people and practices relates to the form of power it imposes, which re-shapes its carceral subjects:

> it [power] results from the whole spectrum of routines, forms of treatment, disciplines, attitudes of staff, other prisoners, (…) and the outside culture; (…) the effect is very much the reconstruction of the subject as opposed to the mere punishment of the illegal act. (Wahidin, 2004: 44)

From this perspective the refractory block conceived by Nicolson *et al.* (1905) to deal with the *worst* class of patients reified 'habitual criminals' rendering their presence a central characteristic of the asylum and daily life inside it. Since the theoretical basis for the validity of Nicolson's writings between 1873 and 1875 was that the uniform environment of a carceral institution allows deviations of an individual's character and mind to be distinguished and observed (1873a), then constructing a refractory block in Dundrum contradicted this. The refractory block subjected 'habitual criminals' to a different carceral gaze, denying the possibility that their deviance could be interpreted in the same way as 'pleasure' inmates. Their placement in the refractory block meant they could not be understood as anything but a habitual criminal and confirmed their status as such.

This alteration also served an epistemological purpose in the treatment of the 'pleasure' inmates. Goffman remarks that the democratising effect of even the harshest total institution is in their uniformity where 'the inmate's assurance of being treated no worse than any other of his fellows can be a source of support as well as a deprivation' (Goffman, 1961: 121). Since the refractory block bifurcated Dundrum's uniformity, the worse treatment of refractory inmates enabled 'pleasure' inmates to view themselves as their opposite, as mad, and therefore, amenable to treatment. The refractory block had a productive effect in creating an 'appearance of freedom' (Nicolson *et al.*, 1891: 2) within the asylum, which was crucial to the principles of therapy while maintaining the necessary security features. Its role in symbolising society's rejection (Sykes, 1958) of habitual criminals simultaneously symbolised society's pending acceptance of 'pleasure' inmates.

As habitual criminals were not to be distinguished from the lower classes, this material alteration to Dundrum also altered the subjectivities of the Irish peasantry in Irish criminal lunacy discourse. Their innate weakmindedness meant they were 'unready men', fit to be farm labourers (Nicolson, 1875a). The weakminded masses are, therefore, characterised also by dependency. Since they are incapable of any form of complex reasoning and self-comprehension the lower classes of Irish society are discursively fixed as a pre-modern, agrarian people. The presence of the coloniser is necessary to do the civilising work of humanity where 'a new generation will arise to whom the weakminded man will be a stranger,' (Nicolson, 1875a: 540) a responsibility requiring utmost care and benevolence. This represents colonial discipline as a necessary aspect of human evolution. The uncomprehending Irish peasant who falls under the classification of criminal lunacy was 'clothed instead with the disciplinary needs of the 'disordered'' (Carlen, 1983) and excluded to the lower confines of an institution which hierarchises Reason and Unreason and symbolises Western civilisation's sympathy for, and rejection, of its subordinates. Such is the absurd power of the colonial psychiatrist.

Immediately after the refractory block was implemented in August 1909, it was also pronounced a success with a positive moral effect on the disorderly (Asylums Report, 1910). However, by 1916 there was little mention of the block's success as the dangerous patients comprised 60% of the asylum's population (Asylums Report, 1918: 39). Dundrum had become overcrowded by the class of 'dangerous' patients whose influence it sought to mitigate, just as the wider asylum network had done throughout the nineteenth century following the Dangerous Lunacy Act of 1838. The refractory block, as a colonial technology devised to engineer a new generation 'to whom the weakminded man will be a stranger' (Nicolson, 1875a: 540), began to accumulate the population it worked to eradicate. Therefore, Dundrum underwent a similar transition as in the district asylums during the nineteenth century from being an instrument of regeneration to a dustbin for the incurable (Porter, 1987).

This section primarily responded to the study's third research question. It showed how racist stereotypes, and gender and class essentialised constructs permeated criminal lunacy discourse and practice. First, in 1882 Michael Kennedy was transferred to Dundrum for a violent nationalist offence and characterised as having animalistic behaviours, which was a misrepresentation of the details of his offence. Second, Bellina Prior's testimony as well as her threats of violence were largely ignored due to her gender and class. As a 'lady of position' the potential harm to her male family members was prioritised above her own well-being. Prior's case showed that just as institutional psychiatry could be flexible in condemning the 'bad' it had arbitrary scope to serve patriarchal interests.

The section then showed the influence that a single colonial psychiatrist had over practices at Dundrum. In a self-referential report of inquiry in 1905 which David Nicolson led, and which reproduced his earlier writings between 1873 and 1875, he perpetuated a range of racist stereotypes pertaining to the Irish and to the working and peasant classes. Nicolson characterised the Irish and lower classes as animalistic, incapable of self-governance, unevolved, simple-minded, and morally degenerate. The important point here is not to establish how widely held such opinions were but that colonial practices resulted in Nicolson's appointment to chair the 1905 committee. This afforded him an opportunity to institutionalise his understanding of criminal lunacy in practice at Dundrum, regardless of whether his ideas were widely shared.

The Irish doctor Christopher Nixon demonstrated the willingness of native intellectuals to reproduce the discourse of colonial actors in a testimony to an English Committee of Inquiry in 1906 where he largely replicated Nicolson's claims from the 1905 report on Dundrum. In response to the third research question, essentialised notions of race, class, and gender permeated discourse and practices at Dundrum from pre-existing social and cultural sources. The racial representation of Kennedy's case drew on historical Irish stereotypes. The treatment of Bellina Prior erased her agency due to male family members' interests and re-characterised

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her potentially pathological behaviour as *normal female behaviour* (Allen, 1987). From 1905 onwards, Dundrum epistemologically re-constructed its captive population of 'bad' inmates as racially inferior and in that sense, very much like their peers in the peasant classes of the general population.

8.4 Assumptions Revisited

The three major assumptions underpinning this thesis, and which are outlined in chapter one all held true. First, it was not likely that research of this nature would be best placed to challenge the assumption that 'criminal lunacy', as it has historically been operationalised, is a social construct and beyond the capacities of the human and social sciences to comprehend. The findings in this thesis very much reinforced that assumption. The demonstrations of psychiatric discourse encountered in this thesis remained diagnostically flexible throughout the entire period of the research and its ambiguous categorisations were always unresolved (Allen, 1987). It appeared that institutional psychiatrists were much more concerned with social and political forces impacting on their profession than with developing and demonstrating valid scientific practice. At almost every turn institutional psychiatrists sought to conceal their expertise even in circumstances where their authority was being undermined.

Second, if the essence of colonialism can be summarised as coercive, violent and driven by capitalist expansionism, this study reinforced this belief. The findings in the third chapter demonstrated the extent to which colonialism sought to extend its oppressive practices well beyond the confines of the asylum to the general population. Colonialism and psychiatry asserted their own benevolence at various stages throughout the study, most alarmingly in chapter seven, as a holding action before eugenics practices could be developed to eradicate the weak-minded class.

Third, it appeared obvious in the findings that archival documents generally produce the history they purport to witness. This was most apparent in reports of

Commissions of Inquiry. The 1885 and 1905 reports responded to prescriptive terms of reference. It is less obvious to what extent individual CSORP letters did this as their content is less controlled than a commission of inquiry report. However, CSORP letters represent 'deviant cases' (Perakyla, 2011) as by their very presence in the collection, they have been selected by the Chief Secretary's clerk as being documents of some import (Quinlan, 1994) whether they document routine occurrences or otherwise.

8.5 Summary of Analysis of Findings

This chapter synthesised key findings and examined them in relation to historical and theoretical scholarship on crime and insanity, and colonialism. Findings were synthesised according to the study's central organising concept adapted from Said (1978) which also broadly aligned the chapters to the three research questions. Archival data showed that institutional attitudes towards Dundrum's inmates changed significantly over the study's period. Data was displayed in the three findings chapters and thickly described (Geertz, 1973) to highlight its relationship to key literature and theory. Where possible, documentary sources regarding key findings were cross-referenced for 'complementarity' (Heap and Waters, 2018), to enrich meaning and enhance their validity.

The study's main findings appeared in chapter seven. Findings 7 and 8[65] which showed that David Nicolson's racist theories about the Irish and the 'criminal class', published during the 1870s were reproduced in 'inquiries' into Dundrum which he led in 1891 and 1905 were surprising. The central concepts in Nicolson's earlier writings reappeared with striking similarity. The most important concept was that which materialised, regarding the refractory block. The building of Dundrum's refractory block owed to the racist writings of a colonial psychiatrist, exporting carceral practices in the metropole to a colony—segregation of inmate classes had

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[65] In Figure 8.1.

been in place at Broadmoor (Partridge, 1953) long before Dundrum. By restructuring Dundrum's internal infrastructure around two opposed inmate classes—one civilised, the other a contaminant to civilisation—colonial Manichaeism became structurally reified at Dundrum. This representation was then extended outwards to the general peasant population of Ireland who were akin to Dundrum's habitual criminals. This is does not necessarily mean Nicolson's ideas were held by governmental figures at Dublin Castle or in London. However, during the period in which Ireland's Local Government was democratised (Finnane, 1978) habitual criminals were much more explicitly racialised in criminal lunacy discourse at Dundrum.

It is little wonder that refractory patients overwhelmed Dundrum by 1916 as the poorer 'weak-minded' classes in the general population, who were much more likely to end up in prison were represented as being identical to Dundrum's 'habitual criminals'. A prison MO could easily identify a 'habitual criminal' from their socioeconomic background, any supposedly distinguishing racial features, their Irish identity, and any insubordinate displays of 'resistive antagonism'. By creating an epistemological sympathy between the refractory block and 'weakminded' Irish peasants Nicolson, perhaps counterintuitively, made rigid the diagnostic flexibility of institutional psychiatry, and made the labelling of 'habitual criminals' in prison much more certain.

The second most important set of findings relates several issues found between chapters six and seven (Findings 5, 6, 7, 8, and 9). The 1905 report's recommendation to establish what would effectively amount to concentration camps in Ireland was consistent with recent colonial history, particularly with British practices during the Boer War (Sturma, 1983). Nicolson's repeatedly racist depictions of Irish prisoners in his earlier academic publications, as well as the issues of race, gender and class in Kennedy and Prior's cases, show that Irish racism in the 1891 and 1905 inquiry reports was not 'a rationalization of colonial rule' (Said, 1978: 39) but demonstrates 'the extent to which colonial rule was in advance justified by [Irish racism], rather

than after the fact' (ibid). Again, this is not to say that a racist view of the Irish was universally held by colonising elites, but it indicates that understandings of race which took shape in the context of British and European empires tended to permeate scientific practice in the late nineteenth century (Stepan, 1982).

That such racist policies could be generalised to the Irish population based on the 'human zoo' (Virdee, 2019) of colonial incarceration, which mobilised retrospective validity for far-reaching claims, indicates that regardless of Dundrum's originating purpose, its eventual institutional function was closely tied to the perpetual threat of colonial violence (Fanon, 1965). The Irishman, Christopher Nixon's willingness in 1906 to advance these ideas at a Royal Commission on the 'Feeble-minded' poor, by racialising the Irish as inferior to the English, indicates that the experts and administrators who enabled the conditions out of which Nicolson's writings could emerge, were one and the same 'species' of men (Fanon, 1965). The above issues are particularly important as they are new contributions to scholarship.

The third most important set of findings (3, 4 and 5) was evident in the lengths to which Irish psychiatrists went in seeking to advance their private interests through the legitimisation of the colonial state. Amid the ongoing disputes throughout the 1880s, figures such John Nugent and George Hatchell eventually agreed to policies which undermined their own profession, although not without some limited resistance. But this was also evident in protests by the Irish Medical Association to have their own personnel promoted in Dundrum. Although Irish psychiatry may have had a 'burgeoning confidence in its own future' (Finnane, 1981: 223) their future was dependent upon colonial confinement architecture which the British initiated in Ireland. This diverges from Robins' (1986) observation that disputes in the 1880s stemmed Dundrum's complex 'tripartite' administration. It supports O'Sullivan and O'Donnell's (2012) argument that the general population and stem families participated in the proliferation of district lunatic asylums.

Fourth, the findings in chapter five (1 and 2) were the least surprising but also arguably made the findings discussed above more apparent. The shift in

representation of criminal lunatics from arousing feelings of anxiety and dangerousness, to being worthy of sympathy, and increasingly towards a dichotomisation between the 'mad' and 'bad', address Prior's (2004, 2008) question of whether Dundrum's inmates were 'prisoners or patients'. The 'diagnostic flexibility' (Allen, 1987) exercised during the period of escapes shows that Dundrum's psychiatrists wielded significant power to represent despite the apparent scientific baselessness of their profession. It is possible that the eventual disputes involving the early Inspectors Nugent and Hatchell, Governor Ashe and the colonial administration was due to the commitment of the former to psychiatric professionalism, despite their agreement to security installations at Dundrum. As the tenth rule of Foucault's (1971: 19) theory of discourse suggests, institutional discourses can be appropriated externally and follow 'the well-trodden battle-lines of social conflict'. In this respect, there was only likely to be one winner in a power struggle to possess the doctrinal system of criminal lunacy which Dundrum institutionalised.

While these findings are presented in order of importance, they are generalisable to Said's argument about the epistemology of Orientalist discourse:

> the Orient needed first to be known, then invaded and possessed, then re-created by scholars, soldiers, and judges who disinterred forgotten languages, histories, races, and cultures in order to posit them—beyond the modern Oriental's ken—as the true classical Orient that could be used to judge and rule the modern Orient. (Said, 1978: 92)

In the late nineteenth century, David Nicolson, among others, dug up centuries' old stereotypes about the Irish to subjugate emerging cultural, social and political revivals such as the Home Rule movement to the racially inferior subjectivities imposed by indirect colonial rule. These subjectivities were formulated through the 'magical theories of scientific racism' made possible by the Enlightenment (Virdee, 2019: 18), of which Dundrum was very much a product.

The ambivalence of colonial discourse (Bhabha, 1984) was evident in Christopher Nixon's testimony at Westminster in 1906. Although by this time England had its own 'criminal class' and its own criminal lunatic asylum, Nixon, an Irishman travelled to the centre of the metropole to *re-present* the products of colonial discourse to those seated at the 'centre of civilization' (Freeman's Journal, 1906). Nixon's testimony made clear that while the English weak-minded poor could be rehabilitated through the benevolent civilising reforms frequently bestowed by the British Empire upon its colonies, the Irish equivalent ought to be indefinitely detailed until they made 'some moral improvement' and could demonstrate they are 'fit to mix in decent society' (ibid). Nixon, a member of the native intellectual class had 'taken very good care never to break contact with colonialism' (Fanon, 1965: 49) by confirming the colonial assertion that the Irish were 'almost the same, but not quite' (Bhabha, 1984: 126).

Chapter 9. Conclusion

This study's purpose was to explore and critically analyse the discursive representation of criminal lunatics incarcerated at the Central Criminal Lunatic Asylum in Dundrum, Ireland between 1833 and 1916. The conclusions that follow derive from the study's three research questions and key findings. Therefore, this chapter's first section addresses three areas: 1) representations of inmates at Dundrum in accordance with notions of 'madness' and 'badness' and how these proceeded over time; 2) the influence of colonial rule in shaping discourse about Dundrum's inmates; and 3) how criminal lunacy in Ireland was understood in terms of psychiatric notions of race, class, and gender. A discussion of conclusions from these research questions and findings is followed by a broader concluding argument about Dundrum's historical position in the colonial relationship in Ireland. The chapter then outlines the study's recommendations and finally provides some reflections on this research.

9.1 Mad or Bad? Prisoner or Patient? Ordered and Disordered

This thesis has shown that Dundrum's inmates were rarely, if ever, formulated as a homogeneous group, neither fully prisoner, nor fully patient, and any suggestion they were a hybrid of both was always in the vaguest terms. Advances and transformations in knowledge and institutional practices for dealing with them were usually driven by social, cultural, and political forces rather than the needs of the inmates themselves. When institutional changes were driven by inmates it was usually in response to inmates' resistance to the institutional regime, either through escapes or insubordination. In this regard, Dundrum was a typically disciplinary institution.

From medico-legal perspectives Dundrum lacked clarity of purpose, which was made no clearer by competing attempts to alter its functioning over time, some more successful than others. Throughout the study's period, Dundrum's minority population comprised inmates transferred from prison—referred to as 'convict

inmates', and 'habitual criminals.' Despite their underrepresentation, CSORP data is overwhelmingly dominated by documents discussing this group. In 1909 when the refractory block opened, the most significant of Dundrum's alterations, its result was to swell the number of convict inmates to comprise 60% of the asylum's population rather than its stated purpose to reduce their institutional and societal presence.

Immediately following Nathaniel Sneyd's death the relationship between crime and insanity in Ireland was refracted through exaggerated and distorted media coverage which often rendered Mason's deviance as ambiguous. Therefore, this coverage was capable of heightening public anxiety in a manner typical to a moral panic. When Mason was formally labelled insane by the courts his deviance was more specifically defined in terms of insanity, although the criminal element remained as was reflected in the resultant Lunacy (Ireland) Act, 1838 for pre-emptively detaining 'dangerous' lunatics. As Kelly (2008a, 2009a, 2017) notes this Act was part of an international trend of legislating for dangerous lunatics.

Once Dundrum opened, the representation of criminal insanity Mason personified was reversed and directed at mobilising the sympathies of the public to regard the criminal lunatic as 'mad' rather than dangerous. I have argued this reversal was an attempt by moral entrepreneurs to legitimise the view that institutional psychiatry had curative capacities, by generating respect among the public for the deviant category.

The subsequent section 5.2, which documented the series of escapes from Dundrum showed institutional psychiatry had little, if any, scientific basis upon which to establish a professional identity. Escaped prisoners were retrospectively diagnosed as sane, and therefore, represented as agential actors responsible for disrupting Dundrum's benevolent and curative operation. In response, Dundrum began to shift its practices as well as its internal discourse from 'care to control' (Prior, 2003), and this was reflected in its renewed emphasis on security as well as the asylum's management being considered a Governor alongside their RMS title.

From 1833 to within less than two decades after Dundrum opened criminal lunatics were broadly represented as dangerous, then mad, and then bad. Throughout this period the category became fragmented, which was visible in the asylum's architecture as well as the commissions of inquiry reports which began to appear during the 1880s. By 1884 a consensus was reached that inmates transferred from prison to Dundrum were innately distinct from those who committed one-off offences of the gravest character. Despite ongoing disputes among expert figures, 'convict inmates' were understood as disposed to malevolent conduct and responsible for persistent escapes. The general view of Dundrum's inmates became increasingly dichotomised between the 'mad' and the 'bad' as the century progressed. This dividing of Dundrum's population was achieved because psychiatry is 'diagnostically flexible' (Allen, 1987), but this presupposes that psychiatry is not likely rooted in scientific empiricism, as it had claimed. Therefore, the suggestion that insanity is a cultural phenomenon (Porter, 1987; Prior, 1996) has greater explanatory power for the context in nineteenth century Ireland.

9.2 Colonial Rule and 'Criminal Lunacy' Discourse

The direct influence of colonialism upon criminal lunacy discourse in Ireland became increasingly transparent between 1882 and 1893. This was most visible in the 'rarefaction of speaking subjects' (Foucault, 1971), where the personnel who *possess* the discourse were eventually replaced. Three key findings indicated this process. First in 1882, the Inspectors and Governor of Dundrum were challenged in a Commission of Inquiry, not for their lack of expertise, but their inefficiency in managing Dundrum (Hamilton, 1884). When they failed to give a satisfactory account to the colonial government of those responsible for persistent escapes, the existing regime, Inspectors and Governor lost the backing of the colonial government. Second, in 1885 a second Commission of Inquiry made a bolder attempt to marginalise the Inspectors from their influence in running Dundrum by suggesting it was no longer a criminal asylum but a prison. This Inquiry failed but

the fact that it was tolerated by the government illustrated the extent to which Dundrum's existing management structure was under threat. Third, between 1890 and 1891 the Inspectors were replaced by a pair more cooperative to colonial interests. A third Commission of Inquiry report racialised 'convict inmates' as a 'criminal class', and Governor Ashe died, to be replaced by the 'pure Irishman' George Revington.

I have suggested this period shows how the governing authority of Dundrum was *invaded and possessed* by the colonial government. Equally revealing in this period were the lengths to which the established Inspectorate went to preserve their authority. Their attempts to placate shifting colonial interests involved agreeing to reforms in which they had little input and to which they were previously ideologically opposed, such as the intensification of security features. Dundrum's move towards custodial infrastructure was a move away from asylum infrastructure. This shows that as a novel human science discourse declines in power (Foucault, 1971)—in this case 'criminal lunacy'—the institution becomes empowered by referring to a more traditional discourse, in this case punishment (and in the next section, racism). This also suggests that the colonial government who imposed these reforms became indifferent to the scientific claims of institutional psychiatry.

Explanations for the replacements of the Inspectors and Governor Ashe were most revealing. Inspector George Plunkett O'Farrell was sympathetic to Dublin Castle's interests and despite protests from the Irish Medical Association, Governor George Revington was considered the ideal appointment as a 'pure Irishman' trained in the best English asylums. Chapter six shows the selective rarefaction of speaking subjects at Dundrum where a class of loyal 'interpreters', *Irish in blood but English in tastes* (Bhabha, 1984) were installed to replace the native intellectual class who sought to 'take very good care never to break contact with colonialism' (Fanon, 1965). In the 1891 report the convict inmates were represented in racialised terms and Dundrum became more explicitly hierarchical.

9.3 Race, Class and Gender

The study's most important findings concerned Dundrum's role 'in the reproduction of power in the world beyond its walls' (Foucault, 1983: 169, in Menzies, 2001: 142). The findings in chapter seven show that during the late nineteenth century when expert discourse began to explicitly racialise Dundrum's inmates according to centuries' old stereotypes and modern scientific discourses regarding insanity, degeneracy, and the 'criminal class', these representations were quickly extended outwards and associated with the Irish more generally. Through carceral discourse at Dundrum, which targets others beyond its walls (Foucault, 1977), the Irish peasantry became associated with characteristics such as animalistic physiques and behaviours, arrested evolution, pre-modernity, and incapability of self-governance. This representation was introduced by the self-referential oeuvre of a sole British psychiatrist, David Nicolson, in an 'inquiry' report of 1905, which he chaired. The inquiry sourced most of its findings from seven articles published by Nicolson in the *Journal of Mental Science* in the three years between 1873 and 1875, and other similar writings and alternative proposals appearing in Irish journals during this period were not acknowledged. This occurred during a period when the district asylums were democratised after 1898 (Finnane, 1978), while Dundrum became more intimately tied to colonial control.

The pathologising of Dundrum's 'habitual criminals', 'proceed[ed] through a delicate process of psychological salvage' (Allen, 1987: 50). Irish 'convict inmates' were represented as punishable despite their apparent mental disorder (ibid). Therefore, the Nicolson-led 1905 report constructed the Irish 'neither entirely as madmen [nor mad women], nor entirely as criminals (…) nor entirely as ordinary people' (Carlen, 1983: 209). It stripped them of the possibility of mental illness and reconstructed them as disordered, yet sought to *reorder* (Carlen, 1983) them in accordance with centuries' old stereotypical representations of Irishness. Feminist criminology has shown these processes have also been imposed on female offenders to fix them as perpetually deviant populations. Hence, Irish 'habitual criminals'

have been represented at the intersection of innate violence and femininity (Lloyd, 1993).

As this representation emerged after the Local Government (Ireland) Act, 1898, it shows the carceral institution's process of reconstituting the subject under the carceral gaze (Wahidin, 2004). Most alarming was the finding that Nicolson *et al.* (1905) recommended to establish a network of farm and labour colonies to incarcerate the non-offending premodern Irish peasantry, as a benevolent preventative act for the betterment of Irish society. In criminal lunacy discourse Irish peasants became a class of 'habitual criminals' in waiting and due to their incapability for self-governance they were fated to criminal lives. Although this was not implemented and it is unclear how widely shared Nicolson's attitudes were in London or Dublin Castle, the building of the refractory block at Dundrum was informed by the same logic. Hence, Nicolson's writings and position at Dundrum had a broader racialising effect in Irish society.

The study's final finding demonstrated the salience in Fanon's (1965: 27) argument that 'decolonization is quite simply the replacing of a certain 'species' of men by another 'species' of men'. Just as the Inspectors of the 1880s sought to appease the colonial government by agreeing to the restructuring of Dundrum, another Irishman Christopher Nixon reproduced the main 'findings' of the 1905 Dundrum Report at the Commission House in Westminster in 1906. This included distinguishing the English 'feeble-minded poor' who were eligible to be civilised into modernity, from the Irish 'feeble-minded poor' who were fit only for indefinite detention. Nixon intimated to the colonial government that essentialised views of the Irish would be proliferated by the 'class of interpreters' (Bhabha, 1984).

9.4 General Conclusions

As we know from Foucault (1971) and Said (1978) discourses are productive, in that they produce meaning about the object they appear to describe. But they are

likewise constraining by limiting subjects to narrow ranges of possible thought, thereby excluding subjects from association with alternative possible knowledges. As David Lloyd (1993: 4) succinctly puts it 'the formation of identity requires the negation of other possible forms of existing.' In this regard, scholarship on the history of crime and insanity has argued that medical and legal conceptions of insanity are irreconcilable (Smith, 1981), while the category 'criminal lunatic' is inherently Manichaean and therefore, impossible to simultaneously treat and punish (Menzies, 2001). However, historical studies which have sought to identify possible convergences or (in)compatibility between these two discourses are necessarily limited to the question of how institutional psychiatry responds to the arguably futile task of simultaneously treating and punishing criminal lunatics.

By analysing representations of this group through a postcolonial lens an entirely different question emerges. This question is not whether the criminal lunatic is to be legitimately viewed as either a prisoner, or a patient, or a satisfactory reconciliation of both. A key question might instead be: What is achieved by subjecting inmates of an asylum such as Dundrum simultaneously to discourses of criminality and insanity? Or furthermore: What is the role of institutional psychiatry in subjecting criminal lunatics to the competing discourses of criminality and insanity? If the offender and the lunatic, and the institutional responses to them in the modern period have been incompatible as literature has argued, then perhaps the purpose of discourse about criminal lunacy has been to institutionalise and maintain that division, rather than to resolve it.

In this respect, the criminal lunatic is a perpetually divided subject amenable to increasing numbers of normalising discourses. They are never fully criminal, and never fully insane, but their lack of a coherent identity makes them perpetually disordered, in need of correction, and raises questions about their position in the modern world. They are reducible to a 'veritable missing link' (Nicolson 1875c: 250), the abstract characteristic which negates their identity to subhuman forms: 'criminal', 'insane', 'animal', 'unevolved', 'premodern', 'incapable of self-

governance', 'incapable of emotion', 'incapable of controlling emotion', and so forth. In this respect 'Psychiatry (…) deals (…) with the leakages at the edges of the publicly conceived and sanctioned order' (Allen, 1987: 115, in Menzies, 2001: 141).

Throughout this study the nature of criminal lunacy has either been discussed in the abstract or as an absence. As Foucault (1967) has argued it is by representing madness that we are able to comprehend Reason and identify ourselves as normal. But crucially, as Said argues 'it means *being able to do that'* (Said, 1978: 32, emphasis in original). While institutions such as Dundrum allowed the discourse of madness to play out so that reason could assert its sovereignty (Porter, 1987), towards the end of the nineteenth century they also allowed racialising discourses to play out which allowed European colonial powers to assume a position at the peak of human civilisation (Stepan, 1982).

Despite my assumption that criminal insanity is a social construction, I maintain that Dundrum likely emerged and developed in response to chance events and as a result of specific ideational conditions in psychological medicine in Ireland, Britain and internationally. Although Dundrum was established under colonial rule, I do not argue that Dundrum's history maps a carefully thought-out colonial project to produce an intended set of oppressive outcomes. The evidence in this thesis suggests its creation was driven by Irish actors participating in and contributing to wider debates on psychological medicine throughout Europe and beyond. Furthermore, as it was regarded as a reference point for the establishment of Broadmoor, Dundrum provides evidence to suggest practices in colonised societies could inform and inspire similar practices to be adopted in the metropole.

An early Visiting Physician to Dundrum described the asylum as 'an important experiment in the public service' (Harrison, 1853) and I consider this to be about half-true. Dundrum was also likely an experiment in service of interest groups (Goode and Ben-Yehuda, 2009), which legitimised an emerging profession (Finnane, 1981), and in the perpetuation of prevailing ideas about insanity and criminal lunacy throughout Europe. This thesis has argued that Dundrum was

invaded and possessed (Said, 1978) towards the end the nineteenth century meaning its discursive and ideational functioning was also appropriated (Foucault, 1971) to operate in the interests of the coloniser (Prior, 2004). The racialisation of the criminal class in the 1905 report also typified science throughout Europe at the time (Stepan, 1982). However, the more stereotypical representation of the Irish peasantry as a criminal class in the 1905 committee report required the tacit approval of the colonial government. In this respect, the discursive practices at Dundrum contributed towards colonial oppression in Ireland during the late nineteenth and early twentieth centuries and added to the racist representations of the Irish already circulating in public discourse (Curtis, 1997).

Although the findings from this case study are limited in generalisability, the application of Said's argument in *Orientalism* to a sociological history of punishment in Ireland breaks new ground. Said's (1978) text had almost nothing to say of Irish history, save a couple of incidental mentions. If colonialism has a describable epistemological 'nature', Said may have captured it in *Orientalism* and the historical trajectory of criminal lunatics in nineteenth century Ireland attests to this. Specifically, I am referring to the central organising concept in this thesis which adapted Said's argument that for Western power to overcome what it perceived as a distant and threatening Other, 'the Orient needed first to be known, then invaded and possessed, then re-created by scholars' (Said, 1978: 92).

9.5 Recommendations

This exploratory case study examined the history of a carceral institution from the nineteenth century, and like all historical research it faces the question of how its findings can be applied in a contemporary context. Like any documented history its applications are limited to whatever use the reader may put it to. This section outlines recommendations resulting from the study.

The main practical recommendation was apparent before fieldwork began. As I was denied access to the Central Mental Hospital archives on the basis that they did not have the resources to facilitate my research, it would be highly recommended that their archives are relocated to an appropriate establishment that can facilitate research. It was with regret that I was unable to further pursue cases of mentally ill inmates who are 'temporarily stripped of the excusing condition of 'mental illness' and, for the moment clothed instead with the disciplinary needs of the 'disordered'' (Carlen, 1983: 197). This would entail identifying 'criminal lunatics', acquitted on grounds of insanity and examining their case files to explore conflicts between the legal and medical perspectives. Therefore, this requires access to the Central Mental Hospital's archives. An obvious destination for them would be the National Archives of Ireland which houses similar materials, although any reasonably accessible public establishment would be better than the current arrangement.

Several recommendations for further research arise from this study. First, this thesis has demonstrated the relationship between psychiatric discourse and institutionalisation in Ireland and colonial rule. Yet the period of study concludes at the height of the struggle for Irish independence in 1916 and this research can provide a platform for examining Dundrum's history into the twentieth century. If Fanon's (1965: 27) assertion that 'decolonization is quite simply the replacing of a certain 'species' of men by another 'species' of men', then this study can be used to hypothesise trajectories in Dundrum's history into the mid-twentieth century and up to the present day. If the institution continues to exert power beyond its walls and influence the subjectivities of various publics in Ireland, this raises questions as to how this may have unfolded throughout the twentieth century. Since the institution is re-locating to another site in North Dublin on the fringes of metropolitan life does this represent a reproduction or a reconstruction of the boundary 'between sanity and madness'? (Prior, 1993: 25).

As already mentioned, Dundrum and Broadmoor are among the few still operational Victorian era institutions apart from prisons. As shown in this study,

there were commonalities and distinctions in how Dundrum and Broadmoor's histories progressed. A comparative analysis of the contemporary Irish-Anglo history of these institutions would undoubtedly be insightful.

Opportunities for further research arise due to the study's acknowledged limitations. Phyllis Chesler's (1974) criticism of Erving Goffman (1961) also rings true for this thesis. Chesler argued that Goffman critiqued the asylum for feminising incarcerated men, but he neglected to examine the gendered treatment of incarcerated women and the institution's denial of feminine identity. Broadly, the same criticism can be applied to this thesis. While one interesting case of a female criminal lunatic appears in chapter seven, the thesis's focus on private government correspondence positioned it as a history of discourse produced by and about men. Pauline Prior's (2008) work on female criminal lunatics has shown that the gendered contours of criminal lunacy produced sharply distinct diagnoses and sentences for male and female inmates. A postcolonial examination of the gendered experience and discourse of criminal lunacy would build upon this thesis as well as Prior's work, while accounting for historical invisibility of women in histories of punishment.

Fourth, by adopting Edward Said's discourse analysis method this thesis shares a similar limitation to Said's *Orientalism,* in overlooking the voices of the subjugated, i.e. the criminal lunatic. While the National Archives of Ireland do not contain an organised archive of correspondences by those who incarcerated at Dundrum, some scattered files and letters exist in CSORP documents, and an accessible source of witness testimonies exists in Convict Reference Files. By examining these files, it would be possible to construct a history of the experience of criminal lunacy from below, to complement Roy Porter's (1967) ground-breaking work. Such research could be supplemented with census materials to examine class dimensions of individual cases and this should also account for criminal lunatics housed elsewhere in Ireland's carceral system during the nineteenth century.

An exploration of the Kew National Archives may shed light on areas of missingness in this study. The link between Sneyd's case and the 1838 Act which it apparently necessitated requires further verification. Questions remain over the rationale and timing for the movement to establish a criminal lunatic asylum in Ireland in the wake of the McNaughten case in 1843. Several possible factors which contributed to this decision are yet to be established/eliminated and such an exploration would likely contribute towards speculations on the role of the asylums in Ireland's position as a colonised society, some of which are presented in this thesis. Further exploration of the background to the decision to hire George Revington as Governor of Dundrum and the appointment of David Nicolson to the 1905 committee would possibly reveal interesting insights into the importance of Dundrum's management and control over the discourse and practices associated with it. Of course, this assumes such records exist, but the exploration is necessary.

An examination of newspaper coverage of the escapes from Dundrum as documented in section 5.2 would shed further light on the role of moral entrepreneurs in the ongoing representation of criminal lunacy throughout the nineteenth century. An examination of Dundrum's role as a social control agent and its symbolic power in both amplifying and dampening moral panics around notorious criminal lunacy cases and escapes throughout the nineteenth century would further contribute to scholarship on the social construction of deviance in Ireland.

Additionally, an examination of Irish scholarship on mental diseases and criminal responsibility in nineteenth century and its relationship to practices employed in Dundrum throughout the nineteenth century, would provide valuable insights into how psychological medicine in Ireland contributed to broader international debates on the subject. Such an examination would also offer a deeper understanding of how newly emergent categories of disease and legislative responses to deviance tied in with similar developments throughout Europe and beyond.

Finally, this research will be of interest to clinical staff in mental hospitals, especially those currently affiliated with the Central Mental Hospital and at Broadmoor Hospital. An opportunity for further research would first involve clinical staff engaging with this study and reflecting on its implications for their own clinical practice.

9.6 Reflections on the Research Process

As this thesis concludes, I reflect on the process of conducting the research. The most recent and obvious challenge I faced was in balancing the demands of a full-time lecturing position while finding the time to work on the thesis during my write up year. Obviously, I would have liked to maximise time I spent with the thesis. It must be said that in addition to my background in sociology, having had the opportunity to teach penological and criminological theory for two years I developed a well-rounded knowledge base to draw upon in developing the research.

The early stages of this research presented its own challenges. As mentioned in the methodology chapter, due to issues in accessing data the focus of this research was reconceptualised on two separate occasions: after first being refused access to archives at Dundrum, and secondly due to temporary closure at the NAI. The support I received from my supervisory team throughout this process was crucial, and equally was the support I received from NAI staff who went to substantial trouble to continue providing a service to me. However, during these periods I was conscious of how the research process can feel like a solitary journey, particularly when the practice of *doing* research is focused in the first instance on accessing and collecting suitable data. Anxieties and doubts can be frequent particularly when plans need to be shelved. The research process at times felt like an endurance test. However, I also had memorable breakthrough moments and ultimately found it a rewarding experience.

Since the issue of representation was a central question in this study it would be an oversight not to reflect on my role in producing the study's history. Since I began studying an MPhil in sociology postcolonial theory resonated with me in a way that other sociologies did not. It seems to enable me to envision a much closer proximity between the 'past' and 'present' than I previously did. If the sociological historian has a vocation it appears obvious that it should prioritise the re-telling of human history or intervening in and contesting dehumanising histories. I pursued this study from the latter perspective possibly to the neglect of the former, but I hope this research can enhance the work of others and provide insights for future researchers to engage with, challenge and develop.

Appendices

Appendix A: Using CSORP Finding Aids

CSORP finding aids are large, heavy volumes about a metre in length and to locate a CSORP file can be time consuming. Two types of finding aids must be worked through—one in text and one numerical, and there is at least one volume of each per year. The text index contains alphabetised subheadings with a list of numbered correspondences underneath. For example, under the subheading 'Dundrum' is a list of subjects of letter communications for the year each with a number representing its location in the numerical index.

The researcher must then search the same year's numerical index which is organized as a spreadsheet with columns including the letter's subject, the 'current correspondence', 'previous correspondence', and 'next correspondence'. Each individual letter has its own unique reference number which will appear in these columns. Having located the current correspondence, the researcher must look at the column entitled 'next correspondence'. If this column contains a number, the researcher must find the 'current correspondence' location for that number later in the index and follow the trail until the 'next correspondence' column is empty. This means the communication has ended. The number of the final correspondence is known, and the file has been collated and stored in a carton which can be identified, and the file retrieved to the NAI reading room for the researcher.

Individual files often contain numerous correspondences where individuals were communicating back and forth over a period, and each communication has a different number. In some cases, single correspondences can last more than a decade requiring the researcher to follow the trail through dozens of indexes until the 'next correspondence' column is eventually empty. One file comprising over 1,100 pages and spanning seven years, took approximately two hours to identify the final correspondence. Furthermore, only an estimated 50% of the CSORP files have survived and the only way to know this is to correctly identify it in the indexes and call it to the reading room. (See Quinlan 1994)

Appendix B: The Irish Frankenstein.

*Image removed due to third party copyright.

Appendix C: The Irish "Tempest"

*Image removed due to third party copyright.

Appendix D: Photograph of Bellina Prior

(in Considine, 1905)

*Image removed due to third party copyright.

Appendix E: Police Surveillance Report on Bellina Prior's movements

26 April '05

I beg to report with reference to Violet Prior, 2 Charleville Road, Rathmines on 26th instant. She left her above residence at 1:45 p.m. in company with her mother, went walking by Wynnefield Road, taking Rathmines and Terenure tram car from Castlewood Avenue to Stephen's Green thence walking by Grafton Street, College Green, Westmoreland Street, Sackville Street, Henry Street, calling at Henry Street warehouse. Thence by Mary Street, calling at Todd Burns millinery establishment and at Hogg and Robertson, Seedsman, 22 Mary Street, returning said way to Stephen's Green taking Rathmines and Terenure tram car. From said Green to Castlewood Avenue. They went walking by Wynnefield Road to their above residence arriving there at 4:40 p.m.

She did not leave her above residence again on said date.

Patrick Dunne

P.C. 216

To the Superintendent of E. Division

Appendix F: Types of Weak-Minded Prisoners

(in Nicolson, 1875c: 253)

*Image removed due to third party copyright.

Appendix G: Signs of Mental Exaltation in Prisoners

1) Their Previous History	Distinguishes whether the person is an accidental or habitual criminal and examines histories of insanity in their family.
2) General State of Intellect	Prisoners with moral deficiencies will usually exhibit great ignorance and deficiencies in perceptive and reflective faculties.
3) Nature of the Signs of Excitement	The vicious prisoner will usually respond excitedly to prison discipline. Weakminded prisoners are more likely to take up one or two ideas as objectionable which can also vary over time.
4) The Exciting Cause or immediate circumstances leading up to the Excitement	If a prisoner has a quarrel with a warder and sustains his emotional state for a prolonged period the cause can be attributed to an adverse response to discipline. If no cause is identifiable or if a trivial occurrence or fanciful idea occupies his mind and causes a sustained emotional state, his mind may be defective.
5) Frequency and Persistency of attacks	A bad prisoner's conduct will be more likely to be amenable to punishment. Weakminded prisoners' attacks are liable to increase steadily in the regularity and duration of ill conduct when under care. These prisoners possess just enough intellect to be reasoned with and will recognise advantage to be gained if promised 'something will be done for him'.
6) Physical Signs of Derangement	Includes signs of bodily depression and exhaustion from overwork or punishment. Can involve signs of fever with white and clammy tongue, redness about the eyes and a throbbing soft pulse. Prisoners over 35 are more likely to develop mental irritability.

(in Nicolson, 1875c: 236-239)

Appendix H: Six Categories of Prisoners

1) Casual or Accidental Criminal	Gives no trouble. When he breaks into excitement the signs are generally acceptable as being due to insanity.
2) More Advanced Criminal	Fully responsible. May at times be irascible, temperamental, irritable, or demonstrative. His actions often wear themselves out but can be helped with punishment.
3) Criminal-minded	A poverty of intellect and shallowness of mind indicating absence of moral competence. Demonstrative or violent behaviour is so normalised that he is partially responsible.
4) Weakminded	If we recognise partial responsibility in the previous category, in the weakminded the emphasis is more heavily on partial irresponsibility. Often subject to misconceptions, false ideas and delusions. A subject for protective treatment.
5) Further stage of Positive Insanity with increased irresponsibility.	No elaboration
6) Feigned Insanity	Outward appearances and manifestations are like the insane but with a sane mind behind the scenes. These cases require a sustained and careful observation of subjects before making judgments.

(in Nicolson, 1875c: 240-242)

Key Legislations

Criminal Lunatics Act 1800 (39 & 40 Geo. 3, c. 94)

Irish Lunatic Asylums for the Poor Act 1817 (57 Geo. 3, c. 106)

Lunacy (Ireland) Act 1838 (1 & 2 Vict. c. 27)

Central Criminal Lunatic Asylum (Ireland) Act 1845 (8 & 9 Vict. c. 107)

Lunacy (Ireland) Act, 1867 (30 & 31 Vict. c. 118)

General Prisons (Ireland) Act 1877 (40 & 41 Vict. c. 49)

Trial of Lunatics Act 1883 (46 & 47 Vict. c. 38)

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