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**12 March 2020**

<http://hdl.handle.net/2440/123620>

## Performing Emotion and Reading the Male Body in the Irish Court, c.1800-1845

Katie Barclay

### *Abstract*

*Justice in the early nineteenth-century Irish court was shaped by the bodies of men. Physical appearance was understood to provide information about a person's social background, character, sense of guilt, and honesty; it was available to be read by others in the court when interpreting events during trial. As well as making judgements based on clothing and the appearance of the body, how court actors performed emotion was central to discussions of how their bodies, and so their character, should be read. Such readings of emotion on the male body were heavily shaped by the science of physiognomy that provided a model for interpreting often complex, ambiguous and individualised displays of emotion. This paper uses evidence provided in newspaper reporting of criminal trials in early nineteenth-century Ireland to explore how performances of emotion were used and interpreted as a form of evidence in the courtroom. It demonstrates that emotion and 'emotional dispositions' were central to determining a man's character, impacting on how their evidence was viewed and whether they received justice. As importantly, displays of emotion in court were involved in the shaping of courtroom dynamics. In both cases, emotion became implicated in the making of justice.*

In 1721, William Hawkins protested against the use of defence lawyers in court, arguing that 'the very Speech, Gesture and Countenance, and Manner of Defence of those who are Guilty, when they speak for themselves, may often help to disclose the Truth'.<sup>1</sup> A century later and whilst the use of defence lawyers had grown significantly, the importance of the body to determining 'truth' still remained a central idea within European society. With the growth of modern scientific techniques that allowed bodies to be measured, compared and analysed, nineteenth-century observers could feel more comfortable than ever that they had the technologies, knowledge and ability to accurately 'read' the body for evidence of individual identity and character.<sup>2</sup> The increasing popularity of forms of knowledge that claimed to be able to measure character, disposition, criminal proclivities, religious leanings, and numerous other qualities through a study of the body imbued it with new meaning.<sup>3</sup> Here physical characteristics, from height and build to colouring and shape of head, could be used as evidence of personal character, and so guilt or innocence.

These ideas were not always novel to the period, but were rejuvenated by popular science lectures and publications, where the work of phrenologists, physiognomists and medical doctors was made available to a wider public.<sup>4</sup> Moreover, when bodies were abstracted from the individual, they could be viewed as a synecdoche for wider society, national identity and state of civilization.<sup>5</sup> The body was implicated in hierarchies of meaning and power that reified social class, gender, race and nationality as biological, rather than social, constructs. In turn, these ‘biological’ categories informed how the body of the individual was read when they came to tell their ‘truth’ to the court. The body was an important cultural signifier of guilt or innocence, a site that could be read for evidence, whether that was in the form of personal character or marks, such as injuries, that supported personal testimony.

The embodied experience of historical actors is a growing area of interest for historians, who seek to understand how the physical body, its apparel, and expression shaped human experience.<sup>6</sup> Engaging with cultural theorists, such as Sara Ahmed, such histories draw attention to the ways that bodies exist within ‘affective economies’, where cultural meaning attaches to different bodies in different ways, determining how they are read, responded to and their ability to exercise power. Such readings of the body have practical repercussions for people’s experience and treatment; the hated body understands that it is socially-diminished, that it has been injured through its position within the affective economy.<sup>7</sup> Such theorising of embodiment attends to the detail of bodily experience because affective economies are produced through cultural relationships and therefore differ over time and place. Focusing on the body, its clothing, gestures and behaviours, not only provides insight into how the body is understood by historical actors, but broader social, cultural and political relationships.

This article explores how the embodiment of emotion within the early nineteenth-century Irish court shaped understandings of masculine character, and so the application of justice, and the dynamics of courtroom space. The portrayal of emotion on the body was understood to convey the intention and feelings of the actor, providing one form of evidence of their underlying character, so vital to contemporary ideas of justice.<sup>8</sup> In this, character was not only embodied but gendered, with successful performances of particular forms of masculinity and character collapsed into each other.<sup>9</sup> Whilst models of femininity were similarly central to understandings of female character, there were significant differences in how men and women were expected to portray emotion, and the significance of such expressions for their character, which make it worth treating them separately.<sup>10</sup> This article focuses on men, partly due to space constraints, but also because men dominate the arena of the court in an era before women were permitted to practice law or sit on juries. As a predominantly ‘male space’, the behaviours of men within it became implicated in wider constructions of manliness and thus social power relationships. As Phillip Mackintosh and Clyde Forsberg argue, ‘masculine behaviour in all its varied forms generates masculine identity’.<sup>11</sup> This article argues that the embodied experience of emotion was central to men’s performance of masculine character, shaping their ability to hold power and negotiate meaning within the court space.

This is also a story shaped by the broader political context within which the court operated. Early nineteenth-century Ireland was a place of social and political contest across multiple domains. The 1798 Irish rebellion saw the political relationship between Britain and Ireland placed under scrutiny, and whilst the Union of 1801 sought to both make Ireland an equal partner in the United Kingdom and to draw Ireland into a more harmonious relationship with its neighbour, debates continued as to whether this benefited Ireland or the extent to which this was simply another species of colonialism, such as had marked their history over

the previous centuries. At the same time, there was a growing movement for the political emancipation of Catholics, something that began in the late eighteenth century, but was not completed until 1829, as well as increasing demands for representation by a growing middle class and sometimes the lower orders too.<sup>12</sup> These demands were closely tied to ideas of masculinity as political rights were rooted in claims to having achieved the qualities of the archetypal ‘independent man’, who held the correct economic, social and personal characteristics to exercise political leadership.<sup>13</sup>

The courtroom, which provided a space to police these political demands (deciding what political debate was legitimate and what was sedition) and to debate them publicly, was therefore often drawn into these debates. Even when cases were not explicitly political however, readings of the male body became implicated into these wider social contests, with failures in masculinity not only speaking to personal character but to the wider social groups they represented. The disorderly working-class man could become further evidence that his social group were not ready for a political voice; a drunken Catholic could affirm the need for their political restrictions. Conversely, the nature of physiognomic science could allow others to read this same behaviour as ‘personal flaws’, rather than evidence of a wider social attribute, placing embodied activity under scrutiny and social debate.

This article uses descriptions of men’s bodily behaviours in courtrooms within newspapers and similar popular literature of the period, such as trial reports, pamphlets and magazines, to access the performance of emotion within the courtroom. It particularly draws on the popular descriptions of legal men written by the lawyer, playwright and campaigner for Catholic emancipation, Richard Lalor Shiel (1791-1851), and published first in the British periodical press and later in compilations of his writing. Shiel was educated at Trinity College, Dublin, before undertaking legal training at Lincoln’s Inn. He was a talented writer with an eye for social description, who, perhaps reflecting his classical education, held a

sincere belief that character could be read through bodily performances, particularly of emotion. Whilst this was a period where a number of social commentators expressed anxiety around the possibility that men could ‘fake’ character through their courtroom performances and particularly through swaying judges’ and juries’ emotions, Shiel remained convinced that ‘sympathy’, the ability to emotionally engage with another, was only possible through truthful performance.<sup>14</sup> Not all commentators were as hopeful, but in practice most people operated on the assumption that character could be read through a full bodily performance of identity – one that included physiognomy, clothing, gesture, expression and emotion. Without such assumptions and in a legal system where character remained essential when weighing evidence, determining guilt or innocence was difficult.<sup>15</sup>

In exploring the performance of emotion in such reports, this work is underpinned by theoretical approaches that understand emotion as ‘performed’ or ‘practiced’.<sup>16</sup> Here emotion is not the free-flowing expression of the soul, or a straightforward biological response to stimuli, but a cultural expression of feeling that is created, not prior to, but through performance. Emotion does not pre-exist its performance, but can only be understood within the cultural and social structures, the affective economies, that give emotional performances meaning. This approach recognizes that the descriptions found in newspapers or pamphlets cannot capture what is being felt by those described, particularly as so much of this writing reflects the political and social prejudices of the authors. However, it does provide access to how nineteenth-century audiences construed particular gestures, expressions and physiological responses in emotional terms and the significance they placed on such behaviour, not least in determining the character of those whom they were observing. Given that emotions are cultural products and that many of the men described shared similar beliefs around the expression of emotion as the authors of these reports, it may be that the historian can begin to access the performed emotions of those emoting normatively. Importantly, as

such bodily performances of emotion, and how they were interpreted, are culturally and historically specific, they can be historicised. That the manly body might be read differently from the unmanly in the courtroom is not simply ‘common sense’, but worthy of scrutiny in context and comparison over time. Other bodies in other places may emote differently or have their bodily displays of emotion interpreted to different ends. For the purposes of this article, this approach allows the significant role that performances of emotion played in shaping courtroom power dynamics to be uncovered.

### **Performing Emotion, Performing Character**

From the late eighteenth century, the individual, associated during the period with an ‘authentic’ and discrete internalized selfhood, was increasingly discussed using the vocabulary of ‘character’. As Stefan Collini argues, character was a complex entity.<sup>17</sup> On the one hand, it was a moral code instilled during youth and which determined action in later life and so reflected an internalized set of values that could be either negative or positive (character could be bad as well as good); on the other hand, it was also a set of behaviours that could be viewed and assessed by others and so references to character were often allusions to an external code of behaviour that people were expected to follow. The use of the word ‘character’ often implied that it was synonymous with self, if an aspect of self that was formed through socialization.<sup>18</sup> In this sense, character was understood as performative, with men becoming of good character through their daily behaviours and conduct. Reflecting a contemporary concern that action might not display intention however, they also worried about the deceptive nature of appearances, studying each other’s performances for cracks that might give insight into the internal self and so allow ‘true’ character to be revealed.

In a context where physical proof was less definitive and most evidence was given as witness testimony, judges and juries used a judgement of character to determine what weight should be given to individual testimonies or to guilt or innocence.<sup>19</sup> Thus while courts did not ignore clear evidence of wrongdoing in men of good reputation, character was vital to determining justice. The way men looked and deported themselves in the courtroom was a key evidence of their character, informed by a growing scientific literature that tied physiognomy to psychology, personality and behaviour. The works of the Swiss physiognomist Johann Lavater (1741-1801) were particularly popular, regularly advertised in the Irish press for sale.<sup>20</sup>

As a general rule and not without some contest, a healthy, attractive body and pleasant countenance was closely related to good character, whilst bodily deformity, ugliness, disability, and negative emotions such as anger and fear, were seen as evidence of weaknesses of personality or disposition. Physiognomy rested on a belief in humanity's shared biology, so that whilst a lower order man that dressed above his station might be subject to criticism, those who displayed fine bodies or emoted correctly were presumed to be of better character than others of their social group. As a result, displays of emotion became a part of a complex reading of the body for character. Did men display the right emotions – distress, anger, calmness – and how did such displays inform their manliness? As importantly, did men evidence a particular 'emotional disposition' that spoke to their inner self? Did they appear calm, gentle and kind, or wild and unruly, and what did such emotional dispositions suggest about guilt or innocence?

The highest members of the court were not immune to such scrutiny. Richard Shiel's outstanding sketches of his colleagues at the bar draws heavily on the idea that a detailed physical description provided insight into them as men.<sup>21</sup> His text suggests that he was heavily influenced by theorists such as Lavater, spending several pages for each man on their



appearance and drawing on wider principles that associated particular bodily features with specific dispositions. Unsurprisingly given the vagaries of this kind of analysis, his interpretation of his colleagues was clearly influenced by his personal relationship with them. Charles Kendal Bushe (1767-1843), Solicitor General and later Lord Chief Justice of the King's Bench, was a particular favourite: 'There is a certain rhetorical heroism in the expression of his countenance, when enlightened and inflamed, which I have not witnessed in the faces of other men.'<sup>22</sup> Shiel acknowledged that locating Bushe alongside Greek classical heroes in his demeanour perhaps seemed 'too extravagant and Irish' (due to the stereotype that Irish people were prone to exaggeration), but thought that anybody who had seen him would agree.

Bushe was the epitome of manliness for Shiel, not too beautiful but comely, and suggestive of strength and power. His 'complexion is too sanguineous and ruddy, but has no murkiness or impurity in its flush; it is indicative of great fullness, but at the same time of great vigour of temperament'.<sup>23</sup> A sanguineous nature was suggestive of passion and power, but this was not necessarily viewed as a problem, especially in men, with such people showing greater benevolence towards their fellow man, as well as being quick to anger.<sup>24</sup> Shiel did not consider Bushe an 'intellectual', but thought his 'forehead is more lofty than expansive, and suggests itself to be the residence of an elevated rather than of a comprehensive mind'. It was 'smooth, polished and marble'. Following Lavater, the latter was a compliment where a lack of wrinkles and clear skin were 'the most indubitable signs of an excellent, a perfectly beautiful and significant, intelligent and noble forehead'.<sup>25</sup>

Bushe's eyes were 'large, globular, and blue'. According to a number of physiognomists, blue-eyed people tended to be more inclined to 'weakness, effeminacy, and yielding', whilst 'globular' eyes were suggestive of less control, but perhaps also indicative of greater honesty.<sup>26</sup> These anatomical failings, however, were offset by his mouth, which

was ‘characteristic of force, firmness, and precision, and is at once affable and commanding, proud and kind, tender and impassioned, accurate and vehement, generous and sarcastic, and is capable of the most conciliating softness and the most impetuous ire’.<sup>27</sup>

Bushe then was not ‘perfect’, but combined great feeling with a manly firmness. He was not too ‘intellectual’ with its associations with bookishness and timidity, but intelligent and precise.<sup>28</sup> His physiological ‘weakness’ also signified him as manly, indicative that he could be brought to honourable anger, if risking emotional excess, whilst his feminine eyes also spoke to openness and honesty. His general physique complimented this reading. Shiel thought Bushe ‘too corpulent and heavy’, but that he framed it well beneath his legal gown, contributing to the impression of him as wise, powerful and manly.<sup>29</sup>

Shiel, a key leader of the Catholic Association, was much less complimentary of the Attorney-General William Saurin (1757-1839), who was actively hostile to Catholic Emancipation and perceived as biased against Catholics in his legal activities.<sup>30</sup> Saurin’s eyes were ‘black and wily, and glitters under the mass of a rugged and shaggy eye-brow’.<sup>31</sup> ‘Wild and perplexed’ eyebrows denoted a corresponding mind noted Lavater.<sup>32</sup> For Shiel, Saurin’s physiognomy spoke to a sly, dishonest nature. He lacked an ‘intellectual elevation in his aspect, but he has a cautious shrewdness and discriminating perspicacity’. If you looked past the initial appearance of ‘affability’ about the mouth, ‘a sedate and permanent vindictiveness may be readily found’. Saurin’s movements intimated ‘slowness and suspicion’ and ‘a spirit of caution’, and while there was ‘no fraud about him’, ‘there is a disguise of his emotions which borders upon guile’.<sup>33</sup> Shiel concluded that ‘he looks altogether a worldly and sagacious man – sly, cunning, and considerate – not ungenerous, but by no means exalted. ... moral, but not pious: decent but not devout: honourable, but not chivalrous: affectionate, but not tender: a man who could go far to serve a friend, and a good way to hurt a foe’.<sup>34</sup>

Whilst dark eyes were more indicative of ‘strength, manhood’ than blue, Shiel’s choice to describe them as ‘black’, which Lavater was clear was not a real eye-colour, rather than brown, was perhaps intended to associate him with the ‘effeminate’ and ‘indolent’ Asian nations.<sup>35</sup> This comparison was even more explicitly made for the Solicitor General Henry Joy, a well-known Protestant Tory, who situated himself politically with the anti-emancipation movement. Joy’s eyes were ‘dark, bright and intellectual, but the lids are shrivelled and pursed up’, and his deportment was explicitly likened to a ‘Mandarin’. Indeed, Joy was ‘extremely polite, but his politeness is as Chinese as his look’.<sup>36</sup> ‘Chinese politeness’, in contrast to its western counterpart, was not motivated by sincere regard for another, but a consciousness of self-position – a display of correct behaviour but without the underpinning sensibility that evidenced character. Such imagery tied particular deportment and their associated emotions into imagined hierarchies of race and manliness, and acted to place men like Joy as ‘less’ than the true (Catholic?) Irishman.

As was the nature of physiognomic science, no physical characteristic was entirely negative, but Saurin’s slow, cautious and discriminating qualities were used to suggest that he was sly and vindictive. Whereas the ability to control the expression of emotion was generally viewed as a marker of manliness, Shiel suggested that in this case it was less control than disguise: ‘his passions are violent, and rather covered than suppressed’.<sup>37</sup> Moreover, he was not capable of deep, sociable and moral emotions, ‘decent, but not devout ... affectionate, but not tender’, that enabled elite men to put aside their personal selfishness and work together for the good of the nation.<sup>38</sup> Saurin may have been a ‘useful and estimable member of society’, but he was not the model of masculinity that Bushe presented. He lacked the honesty and openness, the practical intelligence, the deep feeling, and the physical stature that signified the ideal masculinity of the period.

As this discussion suggests, a man's emotional expressions were closely tied to general behaviours, appearance and physical characteristics, each informing the other. Shiel drew this out explicitly in his discussion of Henry Joy's 'emotional disposition', the innate general emotional tenor of his character. This idea had roots in an older humoral model for personality, where a person's disposition was shaped by their body chemistry, but was framed in the scientific language of physiognomy.<sup>39</sup> Joy was marked for Shiel by a 'habitual irony' that over time had 'given an expression to his face which is peculiarly sardonic. Whatever mutations his countenance undergoes, are but varied modifications of a sneer'. This underlying sarcastic personality had worn its way into Joy's physiognomy: his cheeks had 'two deep cavities', that in his youth might have been dimples, but now '[h]ere it is that Ridicule seems to have chosen her perpetual residence'.<sup>40</sup> Over time, Joy's emotional disposition shaped his physical body, bringing both in alignment and so ensuring its truthfulness to viewers.

The mechanism by which the body displayed character could be complex. In the case of Daniel O'Connell, lawyer and hugely popular leader of the Catholic Emancipation movement, it is difficult to determine whether Shiel viewed his political success as a bi-product of his physical appearance or his physical appearance a product of his nationalist politics. Shiel thought his 'tall, expanded and muscular' frame, 'extremely comely' face, and whole countenance, which is 'national in the outline and beaming with national emotion' was such as 'befits a man of the people'.<sup>41</sup> This reading might suggest that O'Connell's success was in part down to serendipitous biology. Yet, Shiel also thought that an 'intensely national sensibility is the prevailing peculiarity of O'Connell's character', his passion for Irish affairs revealed in his walk, gait and gestures (and legal practice!).<sup>42</sup>

Moreover, Shiel did not think that oppositionary politics was natural to O'Connell, a man of 'elastic, unbroken spirits', who 'has naturally so bad a face for a grievance'. This

created an effect where ‘clouds of patriotic grief or indignation’ tempered ‘the sunshine that is ever bursting through’ it.<sup>43</sup> O’Connell was fortunate to have a body that located him as manly and Irish, but his political character, and general emotional disposition, was a product of his commitment to the Irish people. That this had never become ‘natural’ to O’Connell, unlike Joy’s sneer, might well be a hint of Shiel’s politics, where emancipation would also allow men like O’Connell to revert to their ‘natural characters’, highlighting another downside of British rule. Whatever the biological mechanism, this reading of personality in physical features embodied character in a way that was visible for audiences: emotional dispositions eventually evidenced themselves through the body as well as through behaviours and actions.

Viewers were aware that people’s bodies could display a complex array of emotions, appropriate to specific contexts or events in their lives. Shiel describes the physical manifestation of Bushe’s distress when he was overlooked for a judgeship (later rectified). His body displayed the ‘malady of procrastinated hope’ and the ‘natural buoyancy of his spirit sunk’. ‘Conscious of the power of our emotions, and the readiness with which they break into external results, he was ever on his guard against them’. Indeed, he attempted to escape commiseration from his colleagues by portraying a ‘wild and feverish hilarity’, but the ‘care that consumes the heart manifested itself, in spite of all efforts to conceal it’.<sup>44</sup> This was not Bushe’s underlying personality but an emotional response to disappointment. Yet, despite his best efforts, even these emotions were visible to the watching audience; his body and feelings speaking an emotional truth for the viewer.

Through the science of physiognomy and a close reading of the body and its emotional performances, men, like Shiel, judged that they could access the character of those around them. This was a character that was literally embodied, displayed in physical traits and features, not so much an inner self to be sought in the cracks of an outer shell as an inner

self that came to make the outer shell. Over time character shaped the body, making itself physically known for the benefit of the viewer. Complexly however, whilst the body reflected the inner man, it was also recognised that the inner man could be a product of social, cultural and political relationships – bodies were shaped not just by the individual but their class and positioning within colonial power structures. This did not necessarily reduce personal culpability for criminality or lack of character, as explain it. Despite this, the early nineteenth-century public were confident that the body could be used as a reliable form of evidence in the court.

### **Emotional Dispositions in Court**

While men such as Shiel did not expect those from lower social groups to conform to models of elite masculinity, nonetheless the same physiognomic ideals that applied to the elite were used to measure the worth and honesty of the men that appeared before them in court. Moreover, as a model that understood bodies and their embodied emotions as a product of character, cultural conditions and their intersections, the embodied emotional experience became implicated in class identity, reifying social distinctions. Shiel himself described a number of defendants using similar language to that he used for members of the bar. In doing so, he showed a general disdain for the Irish lower classes, tending to view those that were respectable as ‘greatly superior to persons of [their] class’ or ‘a remarkable contrast with the ordinary class of culprits’.<sup>45</sup> The ‘honest, industrious’ farmer Mathew Hogan, when charged with manslaughter, was thought to be more like ‘an English yeoman, than an Irish peasant’. His appearance at the bar was ‘moving and impressive – tall, athletic, and even noble in his stature, with a face finely formed, and wholly free from any ferocity of expression’. Rather than having his ‘guilt and depravity stamped upon him’, his ‘countenance was indicative of

gentleness and humanity'. When he was sentenced to transportation, Hogan went pale, his hands shook, but his eyes were unable to cry. The sentence felt 'with more deep intensity, because he is naturally a sensitive and susceptible man'.<sup>46</sup>

This interesting and ambiguous account, not atypical of what also appeared in newspapers, combined physiognomic theory with a number of assumptions around the manliness of the lower classes. Hogan's superiority over his fellow peasants was marked by his masculine, athletic body and attractive face, and his gentle humanity. Like with Bushe and Saurin, the right combination of emotions marked Hogan as civilized and manly; this required deep and controlled feeling, but should lack violence or excess. Moreover, for Shiel, a peasant who managed to combine an attractive physical body with an appearance of middle-class sensibility, not only exceeded his social class but his national identity, moving from Irish to English. Shiel, of course, was not an anglophile, situating the poverty of Ireland's peasantry as a product of the colonial relationship between Britain and Ireland.<sup>47</sup> Similarly, the colonial relationship created the unmanly Irish body, denaturalising the manly Irish peasant.

The connection between the beautiful body and right feeling is particularly notable given Shiel's association between 'want' and 'depravity'. The emaciated body, whilst demanding pity, was deeply threatening. He described John Brown, charged with murdering his master, as 'cadaverous and charnel ... eyes in which fear and famine glared together; his wild and matted hair; his stooping and contracted form; his ragged clothes, and the union of physical meanness with cowering debasement' constituted a 'nauseating combination'.<sup>48</sup> Brown was sickeningly ugly, starving, and fearful; he not only lacked manly courage, but hinted at violence and lack of control through his 'wild' hair and hunched physical form. For Shiel, Brown's body was a physical signifier of his inner self, and not only demonstrating the unfortunate consequences of poverty, lack of food and disease, it suggested a twisted soul.

Similarly the *Freeman's Journal* described the approver Nash as 'a very ill-looking and miserable creature'; John Healey, charged with murder, was 'of most ferocious and forbidding aspect'; and William Lyons, indicted for criminal violation of a child, was 'of an uncommonly forbidding countenance and appearance'.<sup>49</sup> The bodies of these men spoke to their threatening characters, acting as a guide to, and collapsing, their moral and emotional dispositions.

In many respects, this 'scientific' interpretation of physiognomy gave voice to a much older belief system which associated beauty and morality, and where sin had the potential to corrupt the outer body.<sup>50</sup> The ugly body was accountable for its monstrosity, allowing it to be read as lack of character. In contrast, the existence of beautiful bodies acted as a reminder that individuals could overcome their backgrounds and circumstances – a belief that might have been particularly important for a middle class in a colonial context who needed to explain their achievement of civility and their ability to rule.

Shiel was not unique in interpreting bodies this way. When John Tobin appeared before the Carlow Petty Sessions for interfering in a friend's arrest and assaulting the police, the news reporter drew on these ideas whilst playfully questioning the association between beauty and innocence. Tobin was described as: 'one of the brightest specimens of an unsophisticated innocence ... a young able bodied fellow standing about six feet high and exhibiting the very prototype of Paddy Carey for "broad were his shoulders, four feet sq, his cheeks like thumping red potatoes!"'.<sup>51</sup> Paddy Carey was the central character in a popular song about a handsome Irishman, beloved of all women, who was conscripted into the army, breaking the hearts of his admirers.<sup>52</sup> Tobin here is represented as a healthy, attractive, physically large man, whose beautiful body stood for his 'innocence'. His movements reiterated his honesty: 'He bounded on the table with a light step giving a jerk of the right shoulder and a flourish of the right heel, as much to say "so innocent am I, I don't care that –



for them” and ‘in a most bashful & simple manner, wringing his caubeen [hat] in his hands’, he accused the police of lying about his participation in this crime. Sadly, his two character witnesses did not appear in court and he was bound over for trial. The humour of this report rested on the question mark that lay over Tobin’s ‘innocence’, and so the clash between physiognomic science and common sense knowledge that beautiful men did commit crimes. For all that his body spoke positively of his character, a number of policemen testified to his guilt, and the news reporter was clearly entertained by these contrasting images. Nor did the magistrate find Tobin’s performance compelling enough to dismiss the charges.

The difficulties of using the body as a marker of evidence in proceedings was highlighted when respectable and handsome men committed crimes. Mathew Lavin, despite being tried for murder, was ‘a man of the better class, and is rather good-looking’.<sup>53</sup> Shiel himself complained that many prisoners ‘will exhibit a set of features from which a committee of craniologists would never infer a propensity to crime’ with ‘honest, open, manly countenances’. He thought that this was because they were ‘either as guiltless as they appear to be, or their crimes have been committed under circumstances of excitation, which, in their own eyes at least, excuse the enormity’, using the modern psychology of guilt, rather than the corrupting power of sin, to explain how crime impacted on physical appearance.<sup>54</sup> For others, that the biological process of embedding character in the body took time was reflected in a language of ‘hardened’ criminality. Thus, a ‘desperate half giant-looking fellow’, Thomas Kelly was described as a ‘hardened vagabond’, and the highway robber, Andrew Cosgrave, was a ‘most depraved and hardened villain’.<sup>55</sup> By this logic, the criminality of repeat offenders was more marked on the body than first-time lawbreakers, enabling judges and juries to assess whether leniency was appropriate.

Whilst the wretched and miserable body was associated with criminality, it could provoke compassion, particularly in cases where such men were not being tried for a crime.

The eighty-plus year-old bankrupt, Andrew Coughlen, was described as a ‘miserable old man, whose wretched appearance and palsied limbs bespoke general commiseration for him’.<sup>56</sup> When prosecuted for not paying his tithes, John Reilly was described as ‘an aged, wretched, emaciated looking creature—an unfortunate, who had evidently drained the last cups of bitterness and human misery’. He was dressed ‘literally in rags, sickness and want and suffering were strongly depicted in his hollow cheeks ... poverty and oppression it was evident, had done its worst’.<sup>57</sup> Like in other accounts of poor men, Reilly’s poverty was assumed to have affected his character, ‘having drained the last cup of bitterness’. This may have implied that he was twisted by malice, but in the early nineteenth century, bitterness also held the more neutral quality of being full of grief.<sup>58</sup> In either case, his emotions had debilitated him and he was unable to provide for himself, both locating him as unmanly in a context where masculine independence was prized. When Reilly appeared in court, the ‘awful spectacle’ excited a ‘thrill of horror’, creating fear mixed with hatred in his audience.<sup>59</sup> Yet, the ‘professional gentlemen’ in the court ‘enlisted their sympathies’ and took a collection to pay his fine. Whilst in this instance, Reilly’s appearance led to a positive outcome, had he been charged with a crime, the court’s ‘horror’ may have directed their emotions against him.

As this suggests, readings of emotional dispositions and character displayed through men’s bodies played a significant role in how judges and juries received their evidence or that against them. The display of emotion was significant in determining justice. When presented for the public through the press, it also contributed to debates around Ireland’s political positioning. Some men went further, not only demonstrating the emotional dimensions of their character for the court and nation, but using displays of emotion to shape courtroom dynamics and influence the balance of power within it.

### **Moving the court**

Shiel's writing is suggestive of a wider cultural norm, where manliness required men to feel deeply and to express such emotion appropriately, but also to control violence or excess of feeling. On the British mainland, the nineteenth century saw a contraction in manly emotion, where the ideals of the culture of sensibility were replaced with a greater emphasis on self-control and stoicism.<sup>60</sup> The latter ideas were not new and played an important part in British discourses of masculinity across the eighteenth century. Yet whereas previously men were expected to show controlled emotion, increasingly emotion, or perhaps specifically sentimental values, were eradicated from models of manliness. Male lovers were now expected to falter over their sweet nothings, and it became more endearing for men to be lost for words than to have a fluency in romantic language.<sup>61</sup> Lawyers in the English courts, often disingenuously, claimed that they did not have the skills to sway a jury using sentimental language, and asked juries to bear with them.<sup>62</sup> Duelling for honour, as a method of expressing manly anger, declined.<sup>63</sup>

Yet, Ireland did not follow these trends, at least in the first half of the century. Rather, Irish manliness continued to require a greater level of visible emotional engagement from men, marked through their gestures and performance of emotion. Just as Shiel spent considerable time identifying Charles Kendal Bushe's portrayal of emotion through the body as a measure of his manliness, so other Irish men were lauded for their visible emotionality. Perhaps most noticeably, weeping by Irish judges on pronouncing death sentences was a mainstay in Irish courts into the 1840s. A weeping judiciary was not unique to Ireland, but as Thomas Dixon notes, examples were only noted rarely in English press reports, with the Irish Justice Willis, sitting on the English bench, one of the last examples of this pattern there.<sup>64</sup>

In contrast, overt emotion in Irish courts was not only expected but viewed positively. Upon pronouncing death on Luke Dillon for rape, Judge Torrens 'burst into a flood of tears',

a response that was mirrored in the courthouse where ‘there were few who appeared so unmoved as the prisoner’.<sup>65</sup> The Judge at the Waterford assizes was ‘moved even to tears as was a great proportion of the thronged crowd’, when he sentenced James Darcy for murdering his brother. Earlier, the foreman could ‘scarcely articulate the fatal word and evidently his fellow Jurors shared his emotion’.<sup>66</sup> Even when the judge was not recorded as weeping, the court often responded with the tears expected at a pronouncement of death. At the sentencing of Henry Canny for embezzlement, the jury requested mercy due to his youth and that he was ‘deprived of his parents at an age when he most required their care’. The *Carlow Morning Post* noted that ‘The tears of almost every person in the court, whether arising from the youth and condition of the prisoner, or the earnestness of the judge, speak more on the subject than any report we have attempted’.<sup>67</sup>

As Dixon notes, weeping during death sentences was a complex cultural phenomenon, ‘an intellectual, social and religious performance’, informed by the association between weeping and religious experience, medical understandings of the purpose of tears in expressing particular types of emotion, and the need to embody a particular form of pity and religious awe for the court.<sup>68</sup> The audience of the weeping judge, however, also read it as evidence of his elite masculinity, a marker of both status – manifested through his emotional depth – and his manliness. It was a performance not only of pity, but of authority, demonstrating the judge’s awareness of the power, literally over life or death, that he held, and thus contributed to the performance of judicial majesty.<sup>69</sup> It gave gravitas to his decision, but also to himself as the enactor of that decision. Audiences appeared to have responded appropriately, joining in his tears and being deeply moved by this act. As a result, not only did the judge retain an important humanity but he enlisted the court audience in his decision. Together, the court audience and the judge felt pain at this decision and sympathized with it, reducing the potential dislocation that an execution might have on other members of the

condemned party's community, particularly kin or religious-political grouping. Similarly, weeping by the prosecutors might act to reconcile warring factions.

This was particularly important in Ireland, where the relationship between the general public, but particularly the Irish lower classes, and the courts was not always strong. The decisions of the court were sometimes viewed as invalid or unfair, and, at times, the courts were seen as a method of colonial control rather than impartial governance.<sup>70</sup> Executions in early nineteenth-century Ireland were at times accompanied by riots, attempted rescues and general unrest – behaviour that signified the discomfort that many legal decisions met.<sup>71</sup> The ability of the weeping judge to engage the sympathy of the wider audience and heighten their respect for his decision gave it continued practical importance in Ireland, which may have been less significant in Scotland and England where the court was such an important signifier of justice for most social groups.<sup>72</sup>

Weeping justices were not only found during death sentences. Emoting appropriately in response to the cases that came before them demonstrated a justice's sensibility. In this, emotional responses were clearly driven by fashionable concerns. In the first half of the nineteenth century, men wept at tales of virtue seduced and stories of disrupted family life – situations that the reading public in a sentimental age had been educated to feel pity towards through popular novels and periodicals.<sup>73</sup> In 1840, when a child was brought into court to testify against her mother during a murder trial:

The good old Judge (Burton) wept- the juy[sic] entreated the removal of the child from the table; the mother grasped at it convulsively from the dock & seizing it pressed it closely to her heart. Almost everyone was in tears and the unfortunate prisoner, overcome by her feeling sunk down in a fit, which was succeeded in a second more violent than the first. The child was not examined.<sup>74</sup>

After the jury went out to make a decision on the case, one of the members of the jury had an ‘apoplectic fit’ and, as a result, the case was retried the next day. Having young children testify against their parents, particularly in capital cases, was an emotive and distasteful event, often causing distress and comment amongst those watching. It was considered unnatural for a child to take a role in their parent’s death, even in the name of justice. This case seems to have caused a particularly heightened response from the court because the accused was a woman during a period where the mother-child bond was considered particularly sacred.<sup>75</sup>

The tears shed by ‘almost everyone’ evidenced the court’s sensibility, humanity and manliness during a proceeding that was considered particularly distressing. Similarly, when Mary Anne Quirk was brought in front of the magistrates charged with theft by her father, the magistrate, Dr Kelly, asked if it was ‘possible she is on the town?’ When her father replied yes, ‘the excellent and humane magistrate actually shed tears, and all persons in the office seem greatly affected, with the single exception of the father’.<sup>76</sup> The father, it is implied during the case, is the true guilty party here in not ensuring his daughter’s virtue through appropriate financial support, forcing her into prostitution through his lack of parental guidance. Not only did he fail as a provider, he also did not emote appropriately to her downfall, a situation which would have stood in marked contrast to the emotional distress of fathers in novels and in seduction suits that came to trial.<sup>77</sup> He could be contrasted with the father of Rebecca Smyth, prosecuted for being ‘idle, disorderly, and dissolute’. William Smyth, a master shoemaker, testified to the ways he had tried to help his daughter, including putting her in the Penitentiary and Lock Hospital, but she had been incorrigible. The testimony of this ‘unfortunate parent’ was ‘frequently interrupted by his tears’.<sup>78</sup> Feeling pity towards the woman who had fallen from virtue was the emotional ideal of the era.

It was not just elite men who displayed sensibility in court. Not only were the tearful audiences likely to have been socially diverse, but a number of witnesses, victims and defendants were able to move the court through their emotional expression. Mr Pescoe, a retired owner of an 'extensive' malt house, complained to the magistrate that his son-in-law, Captain Hicks of the Garonne Schooner, had assaulted him, when he tried to rescue his daughter from her husband's dreadful treatment. Mrs Hicks then appeared badly injured and supported by their thirteen-year-old daughter. She burst into tears and fainted, and her daughter and father 'hung over her crying' and trying to restore her: 'This melancholy scene overpowered the feelings of magistrates and every person present'.<sup>79</sup>

In contrast, a number of men, particularly lower-order defendants, did not emote for the court. During the trial of William Leary, a servant boy, and Mary Stanley, for the murder of Stanley's husband, his Lordship was 'so much overcome by his feelings, as to render some parts of [the death sentence speech] inaudible'. Despite this when he was finished, Leary 'in the most hardened manner, said, he hoped God Almighty would yet give him the power to pass sentence on his Lordship [the judge]'. The news reporter noted that 'no two prisoners could betray less sensibility to the awful state in which they were placed'.<sup>80</sup> James Darcy, during his trial for fratricide where both the judge and court openly wept, was 'one of the least moved'. The reporter noted that 'He shewed, however, neither obduracy nor stupidity. ... he was attentive, calm and firm'.<sup>81</sup>

Whilst the reasons why men did not respond with 'visible emotion' were no doubt varied and complex (including reflecting different emotional codes amongst different social groups), not emoting appropriately could act as a form of resistance to the expected emotional norms of the court. Whether or not such resistance was intentional on the part of the actor, by refusing to conform, defendants disrupted the narrative of the court as place of justice.<sup>82</sup> Men who did not weep or show distress effectively rejected the authority of the

court over them. To display disinterest was to deny the court the satisfaction of its victory in punishing the guilty, a victory that should be demonstrated on the body of the prisoner. When William Lepper and his two sons, a family of stone breakers, were tried for murdering their neighbour's son:

The demeanour of William Lepper was characterised by apparent carelessness, and his son Thomas also appeared unmoved; William, the youngest seemed at times deeply affected, and frequently shed tears, for which he was reproved by his father, who touched him with his hand on his back when he saw him weeping.<sup>83</sup>

In this case, William encouraged his youngest son to control his weeping through touch, a hand on the back that provided both comfort and discipline.<sup>84</sup> Like men of all social classes, weeping in inappropriate contexts demonstrated lack of manly self-control, and William senior encouraged his son to exercise that control over himself. Yet, in the eyes of the news reporter, this was not the resilient display of controlled humanity observed above in the farmer Mathew Hogan, nor Bushe's deep but disciplined feeling. Rather, the Leppers' control of their passions made them appear 'careless' and 'unmoved'; something that they may well have intended in order to deny the court the expected performance of regret and contrition that justice demanded of the guilty. Like the execution victims who refused to repent on the scaffold, they challenged the logic of the criminal trial, an act of resistance, if limited, to the encompassing authority of the court.<sup>85</sup>

Like other bodily performances, displays of emotion spoke to character, but they also actively shaped the dynamics of power in the court space. Weeping judges enlisted the court audience in their legal decisions, or directed the court in how to respond to a particular case. The emotions of victims moved the court to compassion, authorizing their demands for



justice and encouraging the court to act their part. Alternatively, men could deny the court the emotion it expected of the guilty prisoner, showing a hardened face to a court system that used punishment to rehabilitate and prevent crime in others. In doing so, whether or not this was their intention, such men challenged the authority of the court, raising questions over its efficacy and purpose. Such emotional displays were enabled to influence power dynamics because conveying appropriate emotion remained central to models of manliness in Ireland during this period. That they did so may have reflected that overt displays of emotion continued to have cultural and political efficacy within the affective economy of Irish colonial society.

## **Conclusion**

Although the body and its expressions, gestures and emotions had long been understood as implicated in performances of identity, speaking to gender, class, race, ability and more, contributing to readings of individual conduct and morality, and intersecting with wider medical and cultural beliefs (such as the humoral model or the relationship between the body and sin), the growing popularity of the physiognomic sciences increased the scrutiny given to the biological. As Laura Gowing has shown, witnesses in the seventeenth-century English court might complain of poor conduct, such as a lack of modesty or humility and occasionally accompany that with bodily descriptions, but they placed more emphasis on describing moral failings (lack of modesty; lack of humility) than bodily action.<sup>86</sup> In contrast, by the nineteenth century, court witnesses were more confident that bodily description could speak for itself, allowing and perhaps requiring detailed accounts of physiognomy to stand in place of accounts of conduct and reifying the biological. Through the science of physiognomy, nineteenth-century lawyers, juries and courtroom audiences believed that a close reading of

the body could allow access to the character of those who came before them, whether as defendants, plaintiffs, witnesses or indeed lawyers. Displays of emotion played an important role in this reading, whilst ‘emotional dispositions’, an innate temperament, were a key signal of man’s character. This was possible as, over time, a man’s emotions were understood to shape the physical body, leaving a mark that could be interpreted by observers. At times, this may have been the result of underlying personality, but as Sheil suggests could also be a product of social and political circumstances and life choices, tying the body and character into broader social groups, political movements and nations. In this way, individual emotions became implicated in wider debates about social class, civilization and imperial power, especially as they moved into the public sphere through the press that reported on them.

As importantly, it also brought emotion into the courtroom. Although this was not the first period to find emotion as displayed through the physical body useful in determining guilt or innocence, the greater weight placed on physical expression, of which displays of emotion were part, ensured that emotion played a vital role in shaping the distribution and application of justice; men who emoted correctly or who displayed greater sensibility in their disposition were more likely to be viewed as innocent and vice versa. But emotions could also go further, being used by men within the court to shape power dynamics. Weeping judges could reinforce their authority and bring court audiences on side; desperate men could seek compassion from juries or judges. Men could also display incorrect emotions or none at all, a risky legal strategy perhaps, but a method of resisting the authority of the court, perhaps a claim to autonomy and agency in a space where it was otherwise constrained. These opportunities were available because displays of emotions were not only expected of early-nineteenth-century Irishmen, but central to performances of masculinity. Emotions made the man and so were central to determining justice. As evidences of ‘affective economies’, systems of emotionally-resonant cultural meaning that produced the social and political

positioning of individuals, men's emotions became implicated in wider systems of political power. The continuing emphasis on sentimental manhood in Ireland, marked by emotional expressiveness and tears, reflected the utility of such emotional displays in creating a shared humanity across social groups and a collective sense of justice in a contested political regime.

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<sup>1</sup> Quoted in David Lemmings, "Criminal Trial Procedure in Eighteenth-Century England: the Impact of Lawyers," *Journal of Legal History* 26, no. 1 (2005): 73-82.

<sup>2</sup> Lucy Hartley, *Physiognomy and the Meaning of Expression in Nineteenth-Century Culture* (Cambridge, 2008); Enda Leaney, "Phrenology in Nineteenth-Century Ireland", *New Hibernia Review* 10, no. 3 (2006): 24-42; Gwenda Morgan and Peter Rushton, "Visible Bodies: Power, Subordination and Identity in the Eighteenth-Century Atlantic World," *Journal of Social History* 39, no. 1 (2005): 39-64.

<sup>3</sup> Hartley, *Physiognomy*.

<sup>4</sup> Leaney, 'Phrenology'; Enda Leaney, "'Evanescent Impressions': Public Lectures and the Popularization of Science in Ireland, 1770-1860," *Éire-Ireland* 43, no. 3 (2008): 157-82; Jill Howard, "'Physics and Fashion': John Tyndall and his Audiences in mid-Victorian Britain," *Studies in History and Philosophy of Science* 35 (2004): 729-58; for the long roots of physiognomy as a measure of masculinity, see Derek Neal, *The Masculine Self in Late Medieval England* (Chicago, 2008): 128-40.

<sup>5</sup> Philippa Levine, "States of Undress: Nakedness and the Colonial Imagination," *Victorian Studies* 50, no. 2 (2008): 189-219; L. Perry Curtis, *Apes and Angels: The Irishman in Victorian Caricature* (London, 1971); J. A. Mangan, "Images for Confident Control: Stereotypes in Imperial Discourse," *International Journal of the History of Sport* 27, no. 1-2 (2010): 308-27; Donna J. Haraway, *Primate Visions: Gender, Race, and Nature in the World of Modern Science* (London, 1990).

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<sup>6</sup> Kathleen Canning, “The Body as Method? Reflections on the Place of the Body in Gender History,” *Gender & History* 11 (1999): 499-513; Diana Tietjens Meyers, “Frontiers of Individuality: Embodiment and Relationships in Cultural Context,” *History and Theory* 42 (2003): 271-85; Ulinka Rublack, “Matter in the Material Renaissance,” *Past and Present* 219 (2013): 41-85; Ruth Barcan, *Nudity: A Cultural Anatomy (Dress, Body, Culture)* (Oxford, 2004); Karen Harvey, *History and Material Culture: A Student’s Guide to Approaching Alternative Sources* (London, 2009).

<sup>7</sup> Sara Ahmed, *The Cultural Politics of Emotion* (London, 2004).

<sup>8</sup> For a discussion of the significance of gesture and demeanour to trial processes see: John Langbein, *The Origins of the Adversarial Trial* (Oxford, 2003); Thomas A. Green, *Verdict According to Conscience: Perspectives on the English Criminal Trial Jury 1200-1800* (Chicago, 1985).

<sup>9</sup> Angus McLaren, *The Trials of Masculinity: Policing Sexual Boundaries, 1870-1930* (Chicago, 1997).

<sup>10</sup> Martin J. Wiener, *Men of Blood: Violence, Manliness and Criminal Justice in Victorian England* (Cambridge, 2004).

<sup>11</sup> Phillip Gordon Mackintosh and Clyde R. Forsberg, “Performing the Lodge: Masonry, Masculinity, and Nineteenth-Century North American Moral Geography,” *Journal of Historical Geography* 35 (2009): 451–72.

<sup>12</sup> Padhraig Higgins, *A Nation of Politicians: Gender, Patriotism and Political Culture in Late Eighteenth-Century Ireland* (Madison, 2010); Kevin Whelan, *The Tree of Liberty: Radicalism, Catholicism and the Construction of Irish Identity 1760-1830* (Cork, 1996); Jacqueline Hill, *From Patriots to Unionists: Dublin Civic Politics and Irish Protestant Patriotism, 1660-1840* (Oxford, 1997).

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<sup>13</sup> Anna Clark, *The Struggle for the Breeches: Gender and the Making of the British Working Class* (Berkeley, 1995); Mathew McCormack, *The Independent Man: Citizenship and Gender Politics in Georgian England* (Manchester, 2006).

<sup>14</sup> Allyson N. May, *The Bar & the Old Bailey, 1750-1850* (Chapel Hill, 2003), 214-28.

<sup>15</sup> Nicola Lacey, *In Search of Criminal Responsibility: Ideas, Interests and Institutions* (Oxford, 2016).

<sup>16</sup> Katie Barclay, "Performances," in *Early Modern Emotions: an Introduction*, ed. Sue Broomhall (London, 2016); Monique Scheer, "Are Emotions a Kind of Practice (and is that What Makes Them Have a History)? A Bourdieuan Approach to Understanding Emotion," *History and Theory* 51, no. 2 (2012): 190-220; William Reddy, *The Navigation of Feeling: A Framework for the History of Emotions* (Cambridge, 2001).

<sup>17</sup> Stefan Collini, "The Idea of 'Character' in Victorian Political Thought," *Transactions of the Royal Historical Society* 35 (1985): 29-50; P. J. Cain, "Character and Imperialism: the British Financial Administration of Egypt, 1878-1914," *Journal of Imperial and Commonwealth History* 34, no. 2 (2006): 177-200.

<sup>18</sup> Thomas Ahnert and Susan Manning, "Introduction," in *Character, Self, and Sociability in the Scottish Enlightenment*, ed. Thomas Ahnert and Susan Manning (Basingstoke, 2009), 1-3.

<sup>19</sup> Green, *Verdict According to Conscience*; Lacey, *In Search of Criminal Responsibility*.

<sup>20</sup> See adverts for example in *Belfast Newsletter*, October 17, 1806, November 25, 1842; *Freeman's Journal*, April 28, 1808, December 16, 1809, January 13, 1815, November 18, 1823, November 20, 1835; *Dublin Evening Mail*, November 26, 1824.

<sup>21</sup> These were published individually in the 1820s, but compiled later in the century as single collections. See: Richard Lalor Shiel, *Sketches, Legal and Political*, ed. M. W. Savage, 2 vols (London, 1855); Richard Lalor Shiel, *Sketches of the Irish Bar*, ed. R. Shelton MacKenzie, 2 vols (New York, 1854).

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- <sup>22</sup> Shiel, *Sketches, Legal and Political*, vol. 1, 28.
- <sup>23</sup> *Ibid.*
- <sup>24</sup> Thomas Cooke, *A Practical and Familiar View of the Science of Physiognomy* (London, 1819), 30.
- <sup>25</sup> Lavater, *Physiognomy*, 59.
- <sup>26</sup> *Ibid.*, 60-62.
- <sup>27</sup> Shiel, *Sketches, Legal and Political*, vol. 1, 29.
- <sup>28</sup> Mike Goode, "Dryasdust Antiquarianism and Soppo Masculinity: the Waverley Novel and the Gender of History," *Representations* 82, no. 1 (2003): 52-86.
- <sup>29</sup> Shiel, *Sketches, Legal and Political*, vol. 1, 30-31.
- <sup>30</sup> Desmond Keenan, *Pre-Famine Ireland: Social Structure* (Bloomington, 2000), 39.
- <sup>31</sup> Shiel, *Sketches, Legal and Political*, vol. 1, 58.
- <sup>32</sup> Lavater, *Physiognomy*, p. 67; Shiel, *Sketches, Legal and Political*, vol. 1, 58.
- <sup>33</sup> Shiel, *Sketches, Legal and Political*, vol. 1, 58-9.
- <sup>34</sup> *Ibid.*, 59.
- <sup>35</sup> Lavater, *Physiognomy*, 61.
- <sup>36</sup> Shiel, *Sketches of the Irish Bar*, vol. 1, 183-4.
- <sup>37</sup> Shiel, *Sketches, Legal and Political*, vol. 1, 58.
- <sup>38</sup> David Lemmings and Claire Walker, *Governing Emotions: the Affective Family, the Press and the Law during the Long Eighteenth Century* (Basingstoke, forthcoming), Chapter 3.
- <sup>39</sup> Thomas Lacqueur, *Making Sex: Body and Gender from the Greeks to Freud* (Cambridge MA, 1990).
- <sup>40</sup> Shiel, *Sketches of the Irish Bar*, vol. 1, 182.
- <sup>41</sup> *Ibid.*, 80
- <sup>42</sup> *Ibid.*, 81

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- <sup>43</sup> *Ibid.*, 81
- <sup>44</sup> *Ibid.*, 177.
- <sup>45</sup> Shiel, *Sketches of the Irish Bar*, vol. 2, 53 and 152.
- <sup>46</sup> Shiel, *Sketches, Legal and Political*, vol.1, 272.
- <sup>47</sup> Richard Shiel, *The Speeches of the Right Honourable Richard Lalor Sheil* (Dublin, 1865), p. 103.
- <sup>48</sup> Shiel, *Sketches, Legal and Political*, vol.1, 330.
- <sup>49</sup> “Recorder’s Court,” *Freeman’s Journal*, April 24, 1833; “County of Sligo,” *Cork Examiner*, March 13, 1843; “City Crown Court,” *Freeman’s Journal*, July 27, 1831.
- <sup>50</sup> David Turner, “Introduction,” in *Social Histories of Disability and Deformity: Bodies, Images and Experiences*, ed. David M. Turner and Kevin Stagg (London, 2006), 5-6.
- <sup>51</sup> “Carlow Petty Session,” *Carlow Morning Post*, January 2, 1832.
- <sup>52</sup> “Paddy Carey’s Fortune,” in *Fairburn’s Complete Pocket Melodist, Or New Multum in Parvo* (London, 1840), 186-88.
- <sup>53</sup> “County of Sligo,” *Cork Examiner*, March 13, 1843.
- <sup>54</sup> Shiel, *Sketches of the Irish Bar*, vol. 1, 31.
- <sup>55</sup> “A Hardened Vagabond,” *Sligo Champion*, November 19, 1842; “Assizes Intelligence,” *Drogheda Journal or Meath & Louth Advertiser*, July 23, 1831.
- <sup>56</sup> “Filial Affection,” *Tuam Herald*, December 17, 1842.
- <sup>57</sup> “Exchequer Court,” *Freeman’s Journal*, November 10, 1836.
- <sup>58</sup> *Samuel Johnson’s Dictionary*, ed. John Walker (Boston, 1836), 39.
- <sup>59</sup> *Ibid.*, 167 (horror); 339 (terror).
- <sup>60</sup> Thomas Dixon, “The Tears of Mr Justice Willes,” *Journal of Victorian Culture* 17, no. 1 (2012): 1-23.

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- <sup>61</sup> Katie Barclay, *Love, Intimacy and Power: Marriage and Patriarchy in Scotland, 1650-1850* (Manchester, 2011), 118.
- <sup>62</sup> Katie Barclay, "Emotions, the Law and the Press in Britain: Seduction and Breach of Promise Suits, 1780-1830," *Journal of Eighteenth-Century Studies* 39, no. 2 (2016): 267-284.
- <sup>63</sup> James Kelly, *That Damn'd Thing Called Honour: Duelling in Ireland, 1570-1860* (Cork, 1995).
- <sup>64</sup> Dixon, "Tears of Mr Justice Willes".
- <sup>65</sup> "Commission Court," *Connaught Journal*, April 21, 1831.
- <sup>66</sup> "Waterford Assizes," *Carlow Morning Post*, March 22, 1821.
- <sup>67</sup> "Ennis Assizes," *Carlow Morning Post*, August 1, 1822.
- <sup>68</sup> Dixon, "Tears of Mr Justice Willes".
- <sup>69</sup> Douglas Hay, "Property, Authority and the Criminal Law," in *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England*, ed. Douglas Hay *et al* (New York, 1975), 17-63.
- <sup>70</sup> Janet K. TeBrake, "Irish Peasant Women in Revolt: The Land League Years," *Irish Historical Studies* 28, no. 109 (1992): 63-80; Mary Kotsonouris, *Retreat from Revolution: The Dáil Courts, 1920-24* (Dublin, 1994).
- <sup>71</sup> Shane Kilcommins, Ian O'Donnell, Eoin Sullivan and Barry Vaughan, *Crime, Punishment and the Search for Order in Ireland* (Dublin, 2004), 12-13.
- <sup>72</sup> J.A. Sharpe, "The People and the Law," in *Popular Culture in Seventeenth Century England*, ed. Barry Reay (London, 1985), 244-70.
- <sup>73</sup> Susan Staves, "British Seduced Maidens," *Eighteenth-Century Studies* 14 (1980-1): 109-34.
- <sup>74</sup> "Murder," *Ballina Advertiser*, August 7, 1840.
- <sup>75</sup> Jennifer Popiel, "Making Mothers: the Advice Genre and the Domestic Ideal, 1760-1830," *Journal of Family History* 29 (2004): 339-350; Eileen Jane Yeo, "The Creation of



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<sup>76</sup> “Dublin Police,” *Ballina Advertiser*, February 12, 1841.

<sup>77</sup> Staves, “British Seduced Maidens”; Barclay, “Emotions, the Law and the Press”.

<sup>78</sup> “Shocking Depravity,” *Freeman’s Journal*, August 31, 1822.

<sup>79</sup> “Dublin Police,” *Freeman’s Journal*, August 6, 1831.

<sup>80</sup> “Extraordinary and Horrible Case of Murder,” *Carlow Morning Post*, April 18, 1822.

<sup>81</sup> “Waterford Assizes,” *Carlow Morning Post*, March 22, 1821.

<sup>82</sup> For an extended discussion of intentionality and political resistance see: Katie Barclay, *Men on Trial: Embodiment, Emotion and Identity in Ireland, 1800-45* (Forthcoming).

<sup>83</sup> “Country of Antrim,” *Cork Examiner*, March 13, 1843.

<sup>84</sup> Anthony Synnott, “Handling Children: To Touch or Not to Touch,” in *The Book of Touch*, ed. Constance Classen (Oxford, 2005), 41-6.

<sup>85</sup> Peter Lake, “Deed Against Nature: Cheap Print, Protestantism and Murder in Seventeenth-Century England,” in *Culture and Politics in Early Stuart England*, ed. Kevin Sharpe and Peter Lake (Stanford, 1993), 275-6.

<sup>86</sup> Laura Gowing, “‘The Manner of Submission’: Gender and Demeanour in Seventeenth-Century London,” *Cultural and Social History* 10, no. 1 (2013): 25-45.