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**Rebels, Murderesses & Harlots: 'Fallen Women', Changes to Gender Relations in
Post-Famine Ireland**

By

Lisa Huntingford

A Major Research Paper
Submitted to the Faculty of Graduate Studies
through the Department of History
in Partial Fulfillment of the Requirements for
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at the University of Windsor

Windsor, Ontario, Canada

2023

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**Rebels, Murderesses & Harlots: Fallen Women, Changes to Gender Relations in
Post-Famine Ireland**

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April 26, 2023

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ABSTRACT

A woman is nothing without her reputation. In the latter half of the nineteenth century, a conflict of values emerged for ordinary women in Ireland. It is this conflict that has been under-addressed in the historiography, particularly in the context of the roles institutions played in putting forth a prescribed ideal of womanhood for working class women. Ordinary women risked ostracization and condemnation when stepping out of the prescribed roles of daughter, domestic servant, and mother. In doing so, this increased the likelihood working class women would come into contact with moral reformists, the court system or religious organizations which would deem this behaviour as deviant. Examined within is the role infanticide, institutionalization and incarceration were opportunities for women to exert agency within the confines of prescribed gender roles.

DEDICATION

For Taylor, *anam cara* & anchor.

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REBELS, MURDERESSES & HARLOTS

INTRODUCTION

The worst fate possible in nineteenth-century Ireland was that of the ‘fallen’ woman. Condemned by honest society, without connections, friends or family, a woman without a reputation had no prospects. The circumstances under which a woman could find herself in this position varied greatly, determining not only how society viewed her but the recourses of assistance available to her. Young and unmarried women were worthy of pity, viewed as victims of cruel and violent men or unsympathetic older women who had failed due diligence in ensuring their protection. However, older women – particularly those who faced poverty and were unable to meet the standards of cleanliness – were not greeted with the same treatment. Nor were women who were outspoken, rowdy, or rough in speech or habits, defying norms of femininity in dress, company, or occupation.

While often discussed in terms of nationalism, security and colonialism, the second half of the nineteenth century brought about shifts in the ways in which marginalised and working-class women navigated daily life, despite externalising pressures from reform societies and shifting social norms. Moralising education and training from wealthy and middle-class reformers attempted to regulate the degree of agency, standards of propriety, and most importantly definitions of deviancy in relation to gender roles prescribed for Irish women. Of particular importance was the shift away from a punitive model of correction of social transgressions, such as prisons, to a rehabilitation model seen in institutionalisation and reformatories. These institutional responses reveal the ways in which class acted as an arbiter of opportunities and came into conflict with the values of existing gender roles for Irish women. For many, restrictions to employment opportunities, social activities, and parenting practices were soundly rejected or otherwise ignored, despite efforts of moral reformists in the second half of the nineteenth century. Not only were the views of acceptable behaviour imposed by moral reformists a burden, unattainable for many women, but a direct challenge to the

pre-existing acceptable social norms in Ireland. Lenient sentencing for otherwise non-violent such as drunkenness and vagrancy, as well as violent crimes such as infanticide, demonstrates increases in the intersection between female criminality and moral regulation of behaviour. The confines of acceptable gender roles within both the public and private sphere resulted in the increased institutionalisation of women. While some marginalised women demonstrated agency in the decision-making process through the choices they made, the paths available were broadly co-opted by wealthy reformers who sought to educate marginalised women in the latter half of the nineteenth century.

The ways in which class restrictions impacted the degree of institutionalisation a woman could expect to encounter throughout her life can be understood as a consequence of changing patterns of economic, social and cultural norms in the latter half of the nineteenth century. Labour in particular served as a focal point for conflict between moral reformers' – those who believed it was their calling and duty to uplift the poor into respectability – efforts in establishing many young women in pursuits they felt appropriate for their station in life, lest they fall prey to temptation of urban life and independence away from the security of home.¹ Irish women in the post-Famine years faced unique social pressures of competing messages from the Church and as a result of colonialism. The presence of messages centred around modesty, humility and privacy conflicted with the notions of progress and independence. Furthermore, working-class women's rejection of paid work opportunities in favour of returning to the home was viewed by the Anglo-Irish Ascendancy—the principal body responsible for establishing cultural, political and religious norms—as a rejection of progress and modernity. Increasingly seen as inevitable that women move into the public sphere, reformers were quick to establish an acceptable course of behaviour, language, and company. With these views in mind, it becomes evident that by simply making choices that were best for herself and her family, a woman ran the risk of transgressing respectability in terms of gender roles. Those who came into conflict with the standards of propriety were increasingly likely by the end of the nineteenth century to encounter external forces as the

¹ Catriona Clear, *Social Changes and Everyday Life in Ireland 1850-1920*, (Manchester, UK: Manchester University Press, 2007),117.

medicalization of sin in the form of institutionalisation became the principle means of correcting a women's behaviour, or as a prevention of 'falling.'

Through examination of court records, contemporary newspaper reports and community petitions, it becomes clear that notions of deviancy were subjective. However, these records provide illustrative examples of the ways in which Irish women were deemed by the courts and by broader society as being deviant or otherwise deserving of ostracization. References to these so-called 'fallen' women appear in the historical record often only as a cautionary tale of paths available for women who indulged in immoral or deviant behaviour. This deliberate lack of inclusion in the historical record highlights the message of control that can be viewed as a direct result of attitudes and treatment of women who were considered to be deviant. This has fundamentally shaped the ways in which the historiography of nineteenth-century Ireland followed the pattern of contemporary thought, and the exclusion of marginalised women from the historical narrative can be understood as an over-emphasis on nationalist history, both by 'traditional' Irish historians and revisionists. Revisionists in Irish history are broadly concerned with challenging sectarian narratives and the established narrative of nationalist heroes. Neither of these historiographical frameworks are particularly dedicated to devoting space in the historiography to the ordinary. It is essential to challenge this narrative in ways that highlight the notion of agency outside of those participants engaged in disrupting British rule, and instead shift the focus towards those who attempted to survive within the confines of a system they could not hope to change.

Conflicting ideas regarding women's role in the nineteenth century among Irish historians persist. This is especially true of ordinary women, who infrequently left a written record. In such cases where they did, it was often filtered through the transcription by a wealthy counterpart, or state or institutional official, who sought publication of the material to make a deliberate point – either a romanticisation of the past, condemnation of choices or to garner pity for a cause.² Without these written sources, Irish historians have largely been left to fill in the gaps with assumptions on the basis of reading 'between the lines.' Modern historians such as Catriona Clear, and

² Catriona Clear, *Social Changes and Everyday Life*, 75.

Joanna Bourke have criticised the ways in which women have traditionally been written. Historians have relied too much on the work of Conrad Arensberg, Solon Kimball, and Kenneth Connell, who primarily utilised statistics and legal précis. While demographics statistics, police records, and emigration rolls are useful in their own right, there is a great deal missing from this narrow view of what constitutes a historical record. Female criminality in particular is virtually non-existent if historians are to rely on these traditionally valued sources. It becomes necessary then to challenge this established narrative of the views of contemporary men (as recorded by them) must be in line with women's views on social issues. Catriona Clear makes the argument there is no evidence to suggest ordinary women did not disagree or hold contrary beliefs and opinions with the men who recorded and reported on issues in their communities. In this, it can be understood that it is essential to consider alternate means of interpreting evidence available, in particular consider what is not said, rather than what is directly stated. Clear suggests that it is entirely possible that women held vastly different beliefs about the role of women in society, labour or marriage.³ The lack of inclusion does not necessarily preclude the potential of alternative interpretation of data. Challenging this established narrative is necessary in order to highlight the ways in which ordinary and marginalised women understood the changing nature of agency available to them in the latter half of the nineteenth century. Further examination into the conflicting interpretations is needed. This is particularly true with consideration given to the intersection of class and externalising forces of institutions such as prisons, which typically have sought to marginalise those who fell outside of the expected normative social roles in terms of their behaviour.

Furthermore, complications arise in the writing of Irish women's history with regard to the role of both colonialism and religion. For the Anglo-Irish Ascendancy, and both Protestant and Catholic churches, what constitutes immoral behaviour was prescriptivist. It becomes necessary then to challenge how historians interpret deviancy in this context. Most significantly, it is necessary to establish the fact that while Irish women were certainly influenced by trends of British and American norms, they

³ Catriona Clear, *Social Changes and Everyday Life in Ireland*, 79.

themselves were neither British nor American.⁴ While on occasion, in this case, British sources have been utilised, it is done so as a means of establishing the origin point of standards of propriety and decorum within the public sphere as a means of defining limitations to movement. The Irish context must then consider the roles both religion and colonialism have played in establishing definitions of acceptable gender norms. Within this, Cliona Murphy argues, is the inclusion of working-class and ‘hidden women’ who have heretofore been excluded from the narrative of Irish women’s lives in nineteenth-century Ireland.⁵ If we are to understand female criminality in a way that highlights the agency of women who encountered institutionalism, stepping outside of the male dominated hypothesis (as represented by existing historical record of prison records and judicial returns) in terms of motive and intent is necessary. In doing so, a more nuanced understanding of the ways in which moral policing of gender and sexuality affected the agency of women in the post-Famine years is possible.

With regard to the ways in which crime has been documented in the historiography, specific attention has been drawn to the notion of deviance from prescribed gendered behaviour as an indicator of the likelihood to commit offences. Most notably, scholars such as Barbara Onslow have pointed toward the double standard imposed on women to conduct themselves in line with social norms as protection from a life of vice and immorality.⁶ The standard imposed upon women to keep their appearances tidy and their acquaintances be of good conduct was not an expectation held of men, even among the working-class. As such, it can be argued that the burden of maintaining a positive reputation was an additional burden unique to working-class Irish women, one that had broader consequences if not attended to appropriately. However, women in nineteenth-century Ireland were not considered a danger to the broader community, even when charged with criminal offences, in the same ways that their English counterparts were perceived to be. This indicates a distinct understanding of the ways in which Irish women could interact with the judicial system, one that must be

⁴ Catriona Clear, *Social Changes and Everyday Life in Ireland*, 79.

⁵ Cliona Murphy, “Women’s History, Feminist History or Gender History?” in *The Irish Women’s History Reader*, eds. Alan Hayes & Diane Urquhart, (London: Routledge Press, 2001), 22.

⁶ Barbara Onslow, “The Inside Story: Crime, Convicts and Careers for Women,” in *Victorian Crime, Madness and Sensation* eds. Andrew Maunder & Grace Moore (Surrey, UK: Ashgate Pub Ltd, 2004), 108.

further explored in the context of gender norms and class distinctions. Lucia Zedner argues that criminality was perceived to be a deliberate act to disrupt social order, and women in England were perceived to be increasingly violent.⁷ These differing perceptions of criminality shaped the response of respective judicial systems. This is significant due to the ways moral reformists responded based upon these perceptions, which did not necessarily reflect the circumstances in Ireland. In England, women were believed to be capable of committing crime, and therefore must be held accountable for their actions. In Ireland, however, Irish women were viewed as a source of pity and victims of their circumstances – worthy of being educated on the correct behaviour expected of them, or otherwise sheltered. As a result, the ways in which female criminality has been written focuses on the expansion of the penal system to include more female prisoners, rather than exclude female prisoners which is the case in Ireland. It is essential then to explore the alternate modes of control marginalised Irish women were subjected to in the latter half the eighteenth century.

When women in Ireland did commit crimes, their actions were frequently explained not as a deliberate choice but a failing of their gender. This perception shaped policies surrounding the ways in which court cases were conducted, sentencing lengths, and penal reform. By the end of the nineteenth century, Ireland saw a reduction in the number of prisons that would hold female prisoners, and an increase in institutions that focused on education and guidance rather than correction or punishment for behaviour.⁸ As a result of this, it becomes necessary to establish the impact and influences of these differences on the agency of ordinary women in the second half of the nineteenth century. The outcomes for marginalised Irish women who came into contact with police, whether incidental or routine cases, requires further examination to understand the ways in which broader conceptions of ‘deviant’ shaped everyday behaviour and the reactions to those who stepped outside the confines of tolerated social activities. The degree of contact women could expect from various institutions intent on correcting perceived deviant behaviour has yet to be sufficiently addressed, and must be done so in order to deepen

⁷ Lucia Zedner, *Women, Crime and Custody in Victorian England* (Oxford, UK: Oxford University Press, 1991), 70.

⁸ Barbara Onslow, “The Inside Story: Crimes, Convicts, and Careers for Women,” 110.

understanding of the ways in which marginalised women faced a limitation to the choices available to them in times of crisis.

Where possible, a comparative analysis between Irish and English court cases during the same period has been utilised. This inclusion of English court cases in a study of Irish history is deliberate for a number of reasons. Not only does it serve as a basis of comparison in terms of magistrate decisions, and sentencing lengths but the court cases highlight the degree of surveillance that occurred as a result of poverty. Those who were brought to court were more likely to be reported for violations considered ‘deviant’ by their employers or charged for existing where they were not welcome, such as walking the roads.⁹ Furthermore, it can be argued that the severity of English punishments for the same crime had less to do with Ireland’s colonial status but rather the moral regulation of women’s behaviour. Charges in Ireland were likely to be less severe and more likely to be dropped upon public appeal. In at least one case, a petition to the Lord Lieutenant was sufficient to commute a death sentence.¹⁰ Additionally, utilising a comparative analysis demonstrates the transmission of ideals of moral regulation of women’s movement vis-à-vis the Anglo-Irish Ascendancy. As such the movement and the transmissions of ideals within the reform movement in particular, as well as changes to the penal system as a result of the lack of effectiveness of the reform movements. This has been further supplemented by newspaper accounts throughout Ireland in the second half of the nineteenth century. These newspaper accounts serve a counterpoint of contemporary belief, most notably in the brevity and infrequency of attention devoted to the subject matters at hand.

INFANTICIDE

Women who committed infanticide – the murder of a child under the age of two years – in nineteenth-century Ireland were not considered a violent danger to society, but rather a moral censure failure. In England, however, there was a great deal more widespread social panic regarding the perception of women’s increasingly violent nature. Anxiety surrounding working-class parents deliberately doing away with children only

⁹ Elaine Farrell, *‘A Most Diabolical Deed’: Infanticide and Irish Society, 1860-1900* (Manchester, UK: Manchester University Press, 2013), 250.

¹⁰ National Archives of Ireland. Petition to His Excellency the Lord Lieutenant in favour of Hannah Kavanaugh. 22 October 1900.

heightened by claims made in the press. Parents of missing children were accused by the media of inventing stories of child luring to explain the death of their young children. Alternately, parents were accused in the newspaper of deliberately neglecting their child in order to use remaining burial insurance to cover living expenses.¹¹ Conversely, in Ireland the impetus was on Irish women to regulate their behaviour and the behaviour of their peers in such a way that necessitated surveillance of poor women who were perceived as being at the same time vulnerable and deviant, and thus was not necessary brought to public attention through the press or the court system. As a result of this difference of perception in the blame of the crime, along with the belief that women could be violent in the same ways that men could, England meted out harsher sentences than in Ireland. As a consequence of this perception, sentences in Ireland tended to be lighter and more lenient than in England. Between the years 1850 and 1900, 2,726 infanticide cases were heard in Ireland, with twenty-nine guilty verdicts resulting in death sentences being passed.¹² Comparably in England and Wales – as statistics are recorded together – there were 1,758 infanticide cases in the same period.¹³ It can be argued that due to differing perceptions of culpability, women in Ireland held more agency in controlling family sizes than their English counterparts, as infanticide was a relative consequence-free choice. However, there was an increased likeliness that she would come into contact with some form of institutionalism as a result of her actions. Women in England were believed to be equally as capable of violent, dangerous crimes, whereas in Ireland women who committed infanticide were pitied by the courts for the necessity of their actions. Even when Irish women were known to be guilty, community members might petition for mercy if it was believed she did not understand the consequence of her actions, frequently due to a perceived lack of intelligence. Hannah Kavanaugh received a reprieve from her guilty sentence in 1900 after family members petitioned that “Hannah Kavanaugh’s aunt and her sisters were both imbeciles and though living at home were so weak minded that could do nothing for their own support...She quite overburdened with

¹¹ Leslie Ann Minot, “Vamping the Children, the ‘Bloofer Lady’, the ‘London Minotaur’ and Child Victimization in Late Nineteenth-Century England,” in *Victorian Crime, Madness and Sensation*, eds. Andrew Maunder & Grace Moore (Surrey, UK: Ashgate Publishing Ltd, 2004), 208.

¹² Elaine Farrell, ‘*A Most Diabolical Deed*,’ 212.

¹³ R. Sauer. “Infanticide and Abortion in Nineteenth-Century Britain” *Population Studies* 32, no. 1 (1978): 85-86.

all the demands on her very slender purse and maddened with shame and grief at what she had done took the infant from the care of its nurse and threw it in the sea.”¹⁴ As such it can be argued that marginalised Irish women exerted agency in making these decisions based upon the resources and support available to them. Moreover, they could sometimes rely on community members to navigate the systems put in place by various institutions such as the courts and criminal justice system in order to achieve their end goal: independence. Furthermore, Irish women could rely on the contemporary perceptions of gender in terms of fragility and sheltered existence without being viewed as a danger for their actions.

Not only were women who committed infanticide not viewed as a threat to Irish society, but the prevailing views held the life of an illegitimate infant was not worth as much as a mother.¹⁵ In a letter to the Lord Lieutenant in 1881, Justice May expressed sympathy for the situation of a young woman brought before him on charges of infanticide. While she was ultimately found guilty, Justice May stated the woman “appeared poor and miserable” and that “she felt the child to be a burden and encumbrance, to relieve herself of which she deprived it of life.”¹⁶ In another case of infanticide, Justice Fitzgerald spoke before the sentencing of a teenage girl convicted of concealment of birth, stating “...it pained him exceedingly to hear evidence of this kind.”¹⁷ This perception among justices and court officials was a reflection of the values of the community as a whole. In contrast, English women were often sentenced to longer penal sentences if found guilty of a lesser crime, such as concealment of birth or manslaughter. In England, sentences were largely determined by the age of the child when they died. If it was determined that a child died shortly after birth, an English woman might serve a sentence of six to seven years. However, if a child was to have determined to die in the first few years, she may serve a sentence of ten years.¹⁸ Conversely, Irish women may not have to serve any time at all, as the weeks or months they spent in custody awaiting trial at assizes or quarter sessions was often deemed as

¹⁴ National Archives of Ireland. Petition to His Excellency the Lord Lieutenant in favour of Hannah Kavanagh. 22 October 1900.

¹⁵ Elaine Farrell, *'A Most Diabolical Deed,'* 79.

¹⁶ National Archives of Ireland. Letter from George May to Lord Cowper, 11 July 1881.

¹⁷ *Western Star*, 22 July 1865.

¹⁸ Elaine Farrell, *'A Most Diabolical Deed,'* 231.

sufficient, particularly after transportation ended in 1853.¹⁹ In nineteenth-century Ireland, a judge's discretion, the extenuating circumstances of the accused woman or community perception often benefited marginalised women, particularly if it was a woman's first time before the courts. Women could rely on institutions' misguided belief about their limited understanding in order to leverage control over a situation. In the case of infanticide, this meant avoiding a death sentence even when it was evident that a woman was guilty.

One reason for the leniency in sentencing was the view of illegitimacy. While seemingly contradictory, two contemporary views held true of those who were charged with infanticide in Ireland. Imprudent women who kept the company of those with questionable characters were condemned, while women who had fallen victim to seduction were pitied. Judges and juries found the latter group, often younger women, as victims rather than criminals.²⁰ This was largely due to the extent of ostracisation a woman could expect to face as the mother of an illegitimate child. It was thought that had a woman believed they would be abandoned by the father, she would not have engaged in the risky behaviour of pre-marital sex. Justice Fitzgerald, in giving a statement during the sentencing of a middle-aged woman who was accused of killing a child that resulted from an affair with a married man explained, "They [women on trial for infanticide] had, in most instances, been the victims of a seducer who stole their virtue under the pretense of marrying them."²¹ In this particular case, Justice Fitzgerald and the jury found the defendant guilty due to the belief that her age meant that she knew that a married man could not leave his wife to start a family, and she understood the consequence of having an affair may result in a pregnancy that could never be considered legitimate. Many defendants were believed to be innocent based on their age and perceived inexperience and lack of knowledge of the risks of pregnancy.

For many young women accused of infanticide or concealment of birth, a frequently cited motive for the crime was that of employment. If employed as a domestic servant – one of the most common employment opportunities for young women – an

¹⁹ Elaine Farrell, *'A Most Diabolical Deed,'* 88.

²⁰ Lucia Zedner, *Women, Crime and Custody in Victorian England*, 57.

²¹ *Western Star*, 22 July 1865.

unmarried woman could expect to be fired once a pregnancy was discovered. In the deposition of an employer of a domestic servant, John Flynn freely admitted to pregnancy being the reason for one defendant's release from employment.²² With forty-eight percent of women employed as domestic servants in the 1800s, it can be concluded that there is an over-representation of infanticide cases involving domestic servants.²³ However, it can also be argued that this risk of loss of employment was a strong motivation in infanticide, particularly if a romantic partner negated on promises of marriage. Often times a pregnant woman's family would not receive her into their home, even if she had lost her employment (and as a result housing.)²⁴ Eliza Brady denied her daughter shelter as a result of her illegitimate pregnancy in 1896, commenting in court that she "told her in consequence of the rumour that was about her that I did not wish for her to be coming near my place and I refused to admit her."²⁵

For women who struggled to sustain themselves through employment, it was often in their best interest to conceal the pregnancy and quickly dispose of the child. As a result, many judges and jurors viewed the act of infanticide as an atonement for the moral sin of pre-marital sex as opposed to a crime that deserved punishment by the law. Thus, a woman who killed her offspring shortly after birth was viewed as attempting to right a moral wrong and conform to expectations rather than a dangerous criminal.²⁶ This conformity to expected behaviours, however much of an afterthought it might have been, was the desired end result rather than a punitive measure.

Abandonment, which sometimes led to death, was another way women could rid themselves of an infant they were unwilling or unable to care for. In 1861, there were fourteen cases of abandonment within Dublin boundaries, as reported in *The Irish Times*, which frequently reported summaries of the publication of the statistical tables for the Dublin Metropolitan Force's records.²⁷ Alternatives to infanticide were limited for many

²² National Archives of Ireland, Deposition of John Flynn, 25 May 1891.

²³ Mona Hearn, "Life for Domestic Servants in Dublin, 1889-1920" in *The Irish Women's History Reader*, eds. Alan Hayes & Diane Urquhart, (London: Routledge Press, 2001), 215.

²⁴ Dympna McLoughlin, "Women and Sexuality in Nineteenth-Century Ireland," in *The Irish Women's History Reader*, eds. Alan Hayes & Diane Urquhart, (London: Routledge Press, 2001), 85.

²⁵ National Archives of Ireland, Deposition of Eliza Brady, 15 June 1896.

²⁶ Elaine Farrell, 'A Most Diabolical Deed,' 36.

²⁷ *The Irish Times*, 22 May 1862.

women, particularly after the Foundling Hospital closed in 1854; adoption would not be legalised in Ireland until 1953.²⁸ This left very few options for women who were unable to care for a newborn child. This was especially true if a woman was unemployed as a consequence of her pregnancy. Very few employment opportunities were available to women if they had children without the support of a husband. Many women were reduced to sweated work, such as needlepoint, which could be completed within the home but was underpaid, often paid per piece. However, due to the poor rate of pay, many women were unable to adequately support themselves and any children they had. Women could not sue the father or the child for support of a child, and many workhouses did not permit very young children as it limited the type and duration of work a woman was available for.²⁹ Legislative changes in 1863 allowed for the Board of Guardians – the organisation in charge of monitoring and administering relief through the workhouses – to sue for support of a child if they were being provided for through relief but women could not independently do so.³⁰ This narrowing of opportunities for women, particularly women who were single mothers without support from family nor the broader community, can help explain why a woman who was at risk of destitution might view infanticide as a means of survival. In particular, women who sought assistance from institutions such as the workhouses were bound by the conditions imposed in order to meet the criterion of needing assistance, which in turn limited the choices available to marginalised women in the latter half of the nineteenth century.

When women married, many could expect to live at a least for a time with their mothers-in-law, particularly those young women entering into a rural marriage. This meant sharing a household and holding a subservient role to the mother-in-law, whereas an urban marriage was more likely to establish an independent household.³¹ However difficult this relationship may have been for young Irish women, it could be considered an advantage in times of need. Mothers and mothers-in-law could be relied upon to assist with an unwanted pregnancy, particularly if the family was facing financial difficulties,

²⁸ Elaine Farrell, *'A Most Diabolical Deed,'* 92.

²⁹ Elaine Farrell, *'A Most Diabolical Deed,'* 34.

³⁰ Elaine Farrell, *'A Most Diabolical Deed,'* 28.

³¹ Catriona Clear, *Social Changes and Everyday Life,* 76.

or it became clear that there was a disability that would require long-term care that the family may not be able to support.³²

Women who committed infanticide frequently sought assistance from a willing partner or relative. This assistance was key in avoiding detection that a crime had occurred; however, it obscures the reality of the prevalence and opportunities which can help inform how accepted a practice such as infanticide was in a given area. A significant issue emerges in examining the role of infanticide in nineteenth-century Ireland – that of the dark figure. In all crime, statistics only reflect those who were caught, apprehended, and subsequently put on trial. While it is true that guilty verdicts and subsequent convictions do not accurately reflect the number of women who committed infanticide, a true picture is difficult to understand. In order to be brought to court on charges of infanticide, neighbours or relatives needed to witness and report a woman for the crime. If a woman was able to successfully conceal her pregnancy, confinement, and subsequent birth or no witnesses were willing to present evidence, women who committed infanticide were typically able to avoid charges. The true number of women who committed infanticide is difficult to ascertain for a number of reasons including reluctant court officials, geographic mobility, and local community practices.

For married women, not only was the law on their side in terms of presumption of innocence but there was also likely to be an invested partner who could assist with the birth and subsequent disposal of the dead infant's body. Married women were less likely to be suspected on the whole for infanticide, as a child conceived during marriage was believed to be wanted. A married woman could typically rely on her husband, perhaps mother or mother-in-law for assistance. She also benefited from the fact that she could acknowledge the pregnancy, only for the child to die after birth. Child mortality was common, and as such it could be explained away, particularly in instances where a child was born with a visible deformity. In some cases, it was possible that midwives or family members assisting in the delivery to practice selective murder in instances of disability that would cause long-term strain on the family.³³ Outside of a difficult birth, accidents of

³² Elaine Farrell, *'A Most Diabolical Deed,'* 29.

³³ Elaine Farrell, *'A Most Diabolical Deed,'* 29-30.

drowning, injury or illness could be utilised as an explanation of a sudden death of an infant, particularly if a married woman acknowledged the birth.³⁴

Mothers and mothers-in-law could also be routinely counted on for assistance in disposing of the body of an infant who could not be cared for. While married women were significantly less likely to come to court on infanticide charges, mothers (including step-mothers) and mothers-in-law routinely played a role in these cases.³⁵ This suggests that the kin network across gender lines was stronger in the decision-making process of controlling family sizes than exclusively as a household unit.

Evidence from surviving court testimony indicates that the mothers and mothers-in-law were vilified by the courts in infanticide cases and were likely to be charged even if their daughters were found innocent.³⁶ This is substantiated by the writings of Asenath Nicholson, a Traveler who journeyed to Ireland in order to record the conditions of the Irish poor. In particular, Nicholson notes that stepmothers whose step-children died were particularly vilified. “One of their deeply infixed characteristics is, hatred to stepmothers. The poor victim might as well enter her name on the black roll, and make league to become a witch at once, as to undertake this crusade; for indulgent or severe, idle or industrious, amiable or unamiable, she is a stepmother still.”³⁷ In this, it can be understood that while family networks were important, any potential influence to the health and well-being of the family by a woman was not tolerated. This is particularly true in the case of illegitimate births, when unmarried women still ‘belonged’ to their family of origin, as concealment of birth was not considered a crime for married women until 1829.³⁸ However, it is important to note that convicting mothers and mothers-in-law of infanticide was not viewed as an alternative means of punishment for a crime, but rather an interference or influence that was unwelcome. Generally, it was believed that mothers-in-law, or stepmothers, in particular, were women who were a hindrance for a

³⁴ Elaine Farrell, *‘A Most Diabolical Deed,’* 86.

³⁵ Elaine Farrell, *‘A Most Diabolical Deed,’* 187.

³⁶ Elaine Farrell, *‘A Most Diabolical Deed,’* 30.

³⁷ Asenath Nicholson. *Ireland’s Welcome to the Stranger or An Excursion Through Ireland in 1844 & 1845, for the Purpose of Personally Investigating the Conditions of the Poor.* (New York: Barker and Scribner, 1847), 134; n.b. a Traveler in this instance refers to Mincéir peoples who are semi-nomadic people originating in Ireland.

³⁸ Elaine Farrell, *‘A Most Diabolical Deed,’* 187.

couple looking to establish their own household.³⁹ While the new couple had an obligation to provide for their aging relative it was also viewed as a burden that could motivate women to commit the crime of infanticide in the first place. Elderly matriarchs had the final say in all decisions, including the spending of household finances. A newly married couple already having difficulty supporting themselves might be hesitant to expand their family when there was an existing obligation to support their own parents. Young women could be corrupted by elderly and aging women, who did not fully fulfill their duties in guiding women to the appropriate aspirations of their gender: motherhood. Neither the courts nor the broader public viewed such infanticide cases involving elderly matriarchs as a limitation of the agency of women, but rather a danger of external influences. This indicates that while motherhood was the most important role a woman could inhabit, a woman's influence on the affairs of others was viewed as a moral transgression that needed to be punished

As such, it can be argued that the crime of infanticide was not a concern of the broader public. In fact, it was widely reported in Irish newspapers that infanticide was a rare occurrence, certainly in comparison to England. Comparisons between London and Dublin were frequent in the Irish press. Infanticide was reported as "so rife in London, made but a single victim in Dublin."⁴⁰ While this can be understood as an anti-English sentiment, it can also be understood as a pushback against the degree of coverage of Irish infanticide cases were given in English newspapers and magazines. While the Irish press scantily reported infanticide cases at all, English press accounts reported with great detail the accounts of infanticide, emphasizing the horrific nature of the crime in order to employ that while not unique to Ireland, infanticides in England were not occurring at the same level of depravity. One English account, published in 1865 recounted:

Mary Darby left the Dungannon Workhouse with an illegitimate child of a year old, and took service in a farmer's house. The baby was a weariness to her, and she devised a plan of disposing of it, which, in its slow, deliberate atrocity, surpassed anything ever committed by slave-traders. Through a period of three weeks she continued breaking the baby's bones one by one, till when it died the surgeon found eight broken ribs, a broken shoulder, a fracture of each bone of the

³⁹ Elaine Farrell, 'A Most Diabolical Deed,' 29.

⁴⁰ *The Irish Times*, 29 August 1865.

arm, another of the thigh bone, another of one leg below the knee, another of the upper and lower bones of the right arm, and another of the jawbone.⁴¹

This degree of reporting differs significantly from the ways in which Irish newspapers approached the topic of infanticide. In 1868, *The Irish Times* reported. “Infanticide is almost unknown. The Irish mother braves poverty, hunger, even shame to defend her child.”⁴² This is a curious contradiction to the fact that infanticide cases were routinely reported, almost weekly. Statistics recorded in the Judicial Statistics of Ireland, the Dublin Metropolitan Police, and the Return of Outrages placed infanticide occurring approximately once every two weeks.⁴³ It can be presumed that more cases were occurring, and this reflects only the discoveries made and reported within the district. What the official records do not account for is evidence of social policing of women’s bodies. This informal policing did not require formal intervention in most cases. Unmarried women faced a high degree of supervision and suspicion in the community, whether they were employed as domestic servants, worked in factories, or resided in their family homes. Women who met the criterion of gender roles were, on the whole, less likely to be suspected of infanticide. A married woman was less likely to be supervised by her neighbours, for example.⁴⁴ If a woman was able to keep a neat, tidy appearance and fulfill her duties fully without taking a leave of absence or withdrawing from public life (in view of her neighbours and coworkers), she was more likely to avoid being suspected as the mother of a murdered infant.

The ability to conceal infanticide was a key factor in determining whether a woman would be brought to trial in the first place. Not only were middle-class women less likely to be suspected when an infant’s body was found near their own homes, but they were often able to finance travel to neighbouring counties or even go abroad to England to give birth before returning to avoid detection of an illegitimate birth and subsequent infanticide.⁴⁵ These women, although restricted by the same standards of

⁴¹ *The Spectator*, vol 38 no 1939, 26 August 1865, 936.

⁴² *The Irish Times*, 10 April 1868.

⁴³ Elaine Farrell, ‘*A Most Diabolical Deed*,’ 74.

⁴⁴ Elaine Farrell, ‘*A Most Diabolical Deed*,’ 131.

⁴⁵ Elaine Farrell, ‘*A Most Diabolical Deed*,’ 36.

propriety and expectations of their gender had substantially more options than their working-class counterparts, and thus were less likely to be apprehended and subsequently charged with infanticide.

Alternatively, parents of middle-class women could afford to pay for the higher dowry required to marry a pregnant woman, as a man's status in the community was affected by marrying a pregnant woman even if he had fathered the child in question.⁴⁶ Parents would not only pay for travel costs to assist in concealing the pregnancy, but young girls and women could expect to not necessarily be disowned as there was overall less suspicion of middle-class and wealthy young women. It was believed that they were less likely to be the mother of a disowned or murdered infant because not only were middle-class and wealthy girls generally more supervised, but they were also believed to possess more self-control and morals to begin with.⁴⁷ However, while it can be argued that middle-class women had more options than their working-class and impoverished counterparts, they did not necessarily have more agency. Both groups of women could be restricted by the same confines of expectations of gender with regard to regulating sexuality and propriety. However, it can be argued that marginalised women had more agency in controlling their outcome as although resources were limited, they held more power in the decision-making process. This can be seen in the lack of pressures to marry the father of the child, as well as the potential for a new start if a single woman was not burdened by an illegitimate child. Whether a woman chose to confine herself to a workhouse, refuge, or leave the area following the birth of an illegitimate child, marginalised women were not bound by the same restrictions as middle-class women. Resources available to women whether in the form of support from relatives as in the case with middle-class women, or alternate avenues to avoid detection were essential in limiting the chance of interaction with institutionalising bodies such as the courts within Ireland.

⁴⁶ Dympna McLoughlin, "Women and Sexuality in Nineteenth Century Ireland," 85.

⁴⁷ Elaine Farrell, "'A Very Immoral Establishment': The Crime of Infanticide and Class Status in Ireland, 1850-1900" in *She Said She Was in the Family Way: Pregnancy and Infancy in Modern Ireland* (London: University of London Press, 2012), 212.

The high degree of mobility available to those with financial means and sympathetic relatives complicates the understanding of where and how infanticides occurred. As a result of these practices, geographic boundaries can be understood as relatively fluid and complicates the records of where illegitimate births occurred and the subsequent discoveries of abandoned and murdered infants. Furthermore, record keeping – where it does exist – does not reflect distinct geographic boundaries, as a location was dependent upon the record take. For example, the censuses of 1871 and 1881 use different organisations and names for counties than the offices where births and deaths were registered at.⁴⁸ There was little to no oversight to ensure that records were consistent in categorisation and organisation made allowances for personal preferences or understanding. As such, it can be argued that this lack of regulation makes it difficult to discern how and where infanticides were occurring based on geographic patterns.

For those working-class women who were able to travel, it was frequently under a ruse pre-arranged by sympathetic family members. These ruses lessened the chances of detection or suspicion. Visiting a sick relative or the death of a family member was a common request for a woman to be temporarily released from their duties as domestic servant – provided they could pay for and arrange the costs of transportation in advance.⁴⁹ As a result of this highly migratory patterns of behaviour in order to avoid association with illegitimate births or infanticides, it can be difficult to ascertain a regional understanding of how and where illegitimate births or infanticides were occurring. Instead, some allowances must be made for how adopting a broader perspective in looking at Ireland as a whole. When an overall picture is considered, it becomes clear that marginalised women making decisions, particularly when it came to family sizes, were supported only as long as detection was avoidable. Ultimately, while this complicates the understanding of when and where infanticides occurred in nineteenth century, it demonstrates the lengths some Irish women went to avoid suspicion and detection illegitimate births, as well as potential infanticide charges. While not all women had this option, particularly working-class women with small support networks, it

⁴⁸ Timothy W. Guinnane, *The Vanishing Irish: Households, Migrations and the Rural Economy in Ireland, 1850-1914*, (Princeton, NJ: Princeton University Press, 1997), 270.

⁴⁹ Elaine Farrell, 'A Most Diabolical Deed,' 36.

highlights the opportunities that were available in the second half of the nineteenth century should a woman find herself pregnant unexpectedly.

While viewed as a moral failing, particularly for unmarried women, infanticide might still go unreported to the Royal Irish Constabulary. Community members may have known a woman was pregnant and even seen disposing of an infant's body, but to act as a Crown witness and give evidence in favour of the prosecution could invite attacks against themselves for acting in British interests.⁵⁰ Many were not willing to come forward for this very reason, and a small percentage of infanticide cases were never solved as they could not be traced to either a mother or (more rarely) a father.⁵¹ However, this did not mean that there were no other means by which officials could obtain information. Most notable was the role gossip played in court testimony and aided officials in their investigation. In particular, the bodies of unmarried women were surveilled to a greater degree than men, whether a girl who had not yet left home or a young woman employed as a domestic servant.⁵² This surveillance was heightened for those women in the community who were impoverished, and any changes in body sizes perceived were heavily scrutinized by employers, coworkers, and neighbours alike. Testimony often relied on such eye-witness accounts of previous interrogations by those suspicions that a woman might be concealing a birth. In the trial of Margaret Malone, her employer Eleanor Patterson gave the following statement:

I spoke to her mother and remarked that her daughter Margaret Malone was getting very large about the body and her mother said that she thought she was. I asked the defendant if there was anything wrong with her and she said thank God there was not. I said I was glad to hear it.⁵³

Even if a woman was arrested and brought to court, she faced a high degree of probability her case would be dismissed. Unless the infant sustained visible, violent trauma – less than five percent of cases met this criterion – an infant's death was easily explained in a number of ways.⁵⁴ One such defence was that of the physical trauma of birth. Young, unmarried women who were experiencing their first pregnancy were

⁵⁰ Elaine Farrell, *'A Most Diabolical Deed,'* 169.

⁵¹ Elaine Farrell, *'A Most Diabolical Deed,'* 92.

⁵² Elaine Farrell, *'A Most Diabolical Deed,'* 140.

⁵³ National Archives of Ireland, Deposition of Eleanor Patterson, 21 July 1890.

⁵⁴ Elaine Farrell, *'A Most Diabolical Deed,'* 25.

thought to be wholly unprepared and liable to make errors in delivering themselves of a newborn, particularly if unassisted. Coroner's inquests were frequently unable to determine whether an infant had been born alive, particularly if there was no evidence of trauma. The floating lung test, a test that was supposed to determine if an infant had ever breathed, was noted by many coroners as being unreliable. Stomach contents were sometimes deemed to be more reliable, particularly if an infant had been fed items not meant to be eaten. However, outside of such instances where rocks were fed to newborns, it did not exclusively rule out an accidental death, and thus was deemed to be equally as unreliable as the floating lung test.⁵⁵ It is unclear how many infanticide cases were subsequently deemed accidental based on these factors. Furthermore, until 1949 the punishment for infanticide was a capital sentence.⁵⁶ With the high degree of error in judging whether a death was accidental or if an infant had been born alive at all, many juries were reluctant to convict on the basis that it could result in an innocent woman being put to death. After 1861, a lesser charge of concealment of birth was available, without previous charges of infanticide. Prior to this, a woman had to be first found not guilty in order to be found guilty of concealment of birth.⁵⁷ While this potential charge allowed more women to come to trial, it would be inaccurate to state that all women who faced concealment of birth charges were guilty of infanticide.

Puerperal mania was another defence that could be utilised at the trial of a woman charged with infanticide. Puerperal mania was defined as the unusually excited state after birth caused by the physical stress of delivering an infant. Lactational insanity was also a defence that could be used, particularly if a woman killed her infant not in the immediate hours after giving birth, but at some point, in the intervening days or weeks after giving birth.⁵⁸ It was thought that the stress of breastfeeding an infant, particularly if there were issues with milk supply, could drive a mother to a state of madness where she might commit murder whereas she might not have otherwise.⁵⁹ During trials, lactational insanity and puerperal mania were defences utilised by the courts to explain a woman's

⁵⁵ Elaine Farrell, *'A Most Diabolical Deed,'* 60.

⁵⁶ Elaine Farrell, *'A Most Diabolical Deed,'* 2.

⁵⁷ Elaine Farrell, *'A Most Diabolical Deed,'* 2.

⁵⁸ Lucia Zedner, *Women, Crime and Custody in Victorian England*, 89.

⁵⁹ Lucia Zedner, *Women, Crime and Custody in Victorian England*, 11.

actions, particularly if a defendant was previously of good character, or in cases where there was support available for women, whether a supportive family or she had already borne the shame of being a single, unwed mother and was receiving assistance. In such cases, women's voices were not considered, and it was up to an outside panel of experts (judges, jurors, and lawyers) to rationalise a woman's motives for committing infanticide. Although a woman being brought to court for a second or third time for charges of infanticide was likely to result in a guilty verdict, if a woman had a surviving child even if born out of wedlock – it was often thought that there was some greater cause for the death of an infant.⁶⁰ In such cases as these, motherhood was the ultimate proof of innocence, and it was the faults of her gender not deliberate action upon her part that was the cause of death of a newborn.

Another reason for the leniency of the courts was the relative insignificance of the issue of female criminality in the views of both government officials and the general public in Ireland. This view applied not only to infanticide, but crimes committed by women as a whole in nineteenth-century Ireland. Crimes committed by women, particularly impoverished women with limited means to their disposal, were not viewed as a threat to the community. It was believed that immoral women were more of a threat to the family, and sexuality should be regulated but not through the courts.⁶¹ It was believed that while troubled, immoral women were in need of education and guidance on the appropriate courses of behaviour, and that interaction with the criminal population via prison would only increase the danger that a young woman was in, rather than serve as any course-correction of her behaviour. Furthermore, since women did not pose a threat to the security of the country or the British Empire, there was a move in the latter half of the nineteenth century towards releasing women already in custody to refuges. Nationalist causes and those who participated in the disruption of English rule were chiefly the concern of the court system.⁶² A woman who engaged in pre-marital sex or extra-marital sexual relations was disappointing, perhaps disturbing if this relationship ended in infanticide. It was not, however, an indicator that women would be likely to

⁶⁰ Lucia Zedner, *Women, Crime and Custody in Victorian England*, 29.

⁶¹ J.J. Lee, "Women and the Church Since the Famine," in *The Irish Women's History Reader* eds. Alan Hayes & Diane Urquhart, (London: Routledge Press, 2001), 134-135.

⁶² Barbara Onslow, "The Inside Story: Crime, Custody and Careers for Women," 110.

commit any crimes in the future, and thus as a result was not particularly a concern on the whole.

However, how it was determined who was deserving of pity and who should be condemned is somewhat unclear and often depended on individual circumstances and the views of the presiding judge. Infanticide or concealment of birth was almost never the case of a broken betrothment, as men could be found guilty of abandonment if a pregnancy was the result of a pre-emptive ending of a formal courtship. Most often, a larger dowry was required to pressure a man into marrying.⁶³ If a woman was older, or if it was not her first time before the courts (especially for infanticide) then a woman was more likely to be found guilty. Young women who were employed as domestic servants were more likely to be viewed as deserving of pity as a vulnerable victim of seduction by an employer, employer's son, or fellow servant.⁶⁴ In a rare case of assault, a fifteen-year-old boy appeared before the courts with a charge of "felonious assault on a girl who had been a servant for several years in his mother's family"⁶⁵ While generally believed to be a safe employment option for young girls looking to earn their own dowry or contribute to their family's income, the lack of privacy and degree of access was seen by judges and juries – all of whom were men – as opportunities for vulnerable young women to be taken advantage of by men with ill intent.

Often this perception of infanticide cases being the result of exploited and vulnerable young girls influenced the outcomes of the trial, where it was up to the discretion of the judge ultimately. Juries could, and frequently did, plead for mercy after hearing testimony, but the judge determined not only the verdict but the sentencing as well. A judge was not compelled to listen to recommendations from the jury. Many judges, however, were sympathetic, particularly recognising that while a moral failing the one who appeared in court was not the only guilty party. Outside of the court system itself – judge, jury, coroner – men were almost never involved in infanticide cases. Unless a man had direct involvement and had been witnessed either as the person

⁶³ Dymphna McLoughlin, "Women and Sexuality in Nineteenth Century Ireland," 85.

⁶⁴ Joanna Bourke, "Best of All Home Rulers: The Economic Powers of Women in Ireland, 1880-1914" in *The Irish Women's History Reader*, eds. Alan Hayes & Diane Urquhart. (London: Routledge Press, 2001), 217.

⁶⁵ *Freeman's Journal*, 4 February 1875.

responsible for the death or the disposal of the body of the infant, the father was never mentioned.⁶⁶ An example of this can be seen in the case of a father who was charged alongside his daughter for his role in the dismembering of the body of a newborn. Dennis Lyon's daughter, Mary, had recently given birth and the body of her deceased newborn was found inside the home in town, as well as in a nearby country garden. Both father and daughter were found guilty and sentenced to prison with hard labour.⁶⁷ However, this was an exception rather than the rule. As a consequence of this, the uniquely female crime of infanticide was brought out of the public sphere of the home and forced into the public sphere only in terms of righting a moral wrong. Marginalised women then, only came into contact with institutions when the perceived moral wrongdoing had not been sufficiently addressed. If a woman was able to avoid detection of the murder of her infant or newborn, her moral transgression may go unnoticed, even if suspicions arose from her neighbours, employers, or family members.

If an abandoned child were to die, whether from general neglect or exposure to the elements, the general conditions in which an infant were found was thought to be an indicator of a woman's guilt. If a child was placed in a well-trafficked area, suitably dressed (to the best of her means), it was likely it was intended to simply relinquish custody of the child. Placing an infant in the arms of a stranger, at the doorstep of a church, or in a busy area was viewed as an indicator as a desire for the child to live. However, if a child was dressed in the scantest of materials, particularly in poor weather or in a remote area such as the middle of a field, or confined to a hidden spot in a home, it was not only likely that the infant would die of exposure, but it was perceived that this was the intention.⁶⁸ It could be days or weeks until the infant's body was discovered, and these cases were more likely to draw the most media attention. In one case, Margaret Morrison was arrested after the body of her second illegitimate child was found decomposing under her bed after a neighbour, who had observed her as being pregnant, reported a foul smell.⁶⁹ In this case, the death was sensationalised largely due to the woman's frequent employment changes which made her well known in the community,

⁶⁶ Elaine Farrell, '*A Most Diabolical Deed*,' 29.

⁶⁷ *The Irish Times*, 29 August 1865.

⁶⁸ Elaine Farrell, '*A Most Diabolical Deed*,' 94.

⁶⁹ *The Irish Times*, 23 August 1865.

as well as the condition of the body led to further condemnation in the press. However, by and large, infanticide was given little attention in the press. One infanticide case in the fall of 1862 simply stated that the body of a newborn was found in a sewer.⁷⁰ For one infanticide case to be granted an entire column of details was unusual unless there was a broader message of condemnation to be had. This communication of expected gender roles and standards of behaviour was clear: motherhood was the ideal, not to be violated under any circumstances. Women were perceived by jurors and judges as redeemable if they conveyed shame for their social transgressions; it was not uncommon for jurors to recommend mercy with the hopes that women would be given the opportunity to marry and produce legitimate children in the future.⁷¹

Whether a jury found a woman as redeemable, of capable of making appropriate changes in behaviour was largely based upon perception of the woman in question. While positioning women who committed infanticide as victims of seduction may appear as a limitation to agency, it can alternatively be an effective means at highlighting the burden placed on women to be solely responsible for controlling their sexuality. Women could expect to be forced to confront their transgressions from external forces via institutions such as courts as well as the press, which highlights moral regulation was largely dictated by narrowing definitions of acceptable behaviour. Additionally, examination of the role infanticide played in nineteenth-century Ireland highlights the issues women faced in raising children in a society that offered little support to those who did not fall into the prescribed categorisation of gender roles and norms of behaviour. Motherhood was the ideal aspiration in post-Famine Ireland, but without the structure of unwaged domestic labour in the home setting, child rearing practices become strained. There was a sense that women needed to find fulfillment in the role of an unwaged domestic homemaker. Anyone who rejected this role, whether through a lack of desire or through circumstances such as financial instability was regarded by the broader community as suspicious. Women with illegitimate children needed to work to support themselves and their children, but employment options were limited.

⁷⁰ *The Irish Times*, 27 September 1862

⁷¹ *Kilkenny Journal*, 29 July 1865.

As a result of legislative changes, such as the closing of the Foundling Hospital in 1854, denied support through the workhouses and family, many women faced poverty and unemployment as a result of an illegitimate pregnancy. However, this constriction of agency did not completely absolve women of choices that could be made when needed, particularly when survival became threatened. Infanticide was a means of insurance against the loss of status and reputation, housing and employment, and ultimately the role women could play in society. As a result, it can be argued that in the latter half of the nineteenth-century, Irish women increasingly came into contact with restrictive expectations of gender roles. When exacerbated by class conditions, this narrowed the path available for Irish working-class women, increasingly placing them into contact with institutions looking to shape marginalised women's behaviour in order to match an existing standard.

MORAL REFORM, PRISON & PROSTITUTION

For many Irish women, their first contact with the courts occurred as a result of the changing nature of acceptable movement within social spheres. In particular, as employment opportunities changed, and unmarried women could support themselves outside of the family home, the narrative surrounding what activities were appropriate for women shifted. Instead of adopting a perspective of the idea women should be protected while occupying space in the public sphere, the onus was redirected towards women's need to resist the temptation of falling into immorality and vice. This was a significant difference from previous beliefs about how and when women should be present within the public sphere. Associations with immorality emerged with regard to visible women, who contravened the expectations of decorum in ways that came into direct conflict with the norms established by the Anglo-Irish Ascendancy. Perceived transgressions were increasingly viewed as a moral failing on the part of the working class and impoverished women. Furthermore, a heightened degree of social surveillance within the public sphere and instances of interactions with police increased the link between morality and conformity to appropriate gendered behaviour.

Frequently, assumptions were made regarding the moral character of women alcohol abuse issues. This emerged in the 1880s and 1890s as women began to frequent

pubs at night, whether as a social activity or at the end of the day at work.⁷² Further complicating matters for many Irish women, a link was made between prostitution and drunkenness in part due to the Vagrancy Act. The Vagrancy Act of 1824 was utilised to control the spheres women were allowed to occupy. Although the act was chiefly focused on preventing people from sleeping unhoused or from begging in public, it was frequently weaponized against the movement in the public sphere, particularly at night.⁷³ This did not however, decrease the degree of agency of working-class women had, as the choice to inhabit these previous male-dominated public spaces was still made, regardless of pre-existing norms. It did, however, increase the likelihood of coming into contact with the court system. When contact with the criminal justice system or other forms of institutionalism, women were often punished not for violations of law, but transgression of acceptable behaviour. In acting outside of the confines of what was deemed acceptable, marginalised women risked being identified as immoral.

Women who frequented pubs were deemed to be drunkards, and if they had children they were viewed as negligent mothers who wasted what little resources they had, instead of bettering their child's life.⁷⁴ These claims of inebriety were made without regard for the circumstances or the reality of the lived experiences of working-class Irish women. False accusations of prostitution could be made against women for simply existing in the public spaces at night. Whether women were leaving from a social visit, leaving work, or the pub, assumptions were made that could lead to charges of solicitation.⁷⁵ For some women, particularly those already likely to be marginalised by broader society, charges of solicitation were reoccurring. Existing on the edges of society increased their likelihood of coming into frequent and regular contact with the law, courts, and moral reformists. Once involved in the court system, women were frequently referred to organisations devoted to moral reform, particularly in the 1880s and 1890s when smaller prisons began to close.⁷⁶ All of which not only harmed a woman's reputation but the public perception of her innocence or guilt in the potential sinfulness of

⁷² Lucia Zedner, *Women, Crime and Custody in Victorian England*, 5.

⁷³ Lucia Zedner, *Women, Crime and Custody in Victorian England*, 35.

⁷⁴ Lucia Zedner, *Women, Crime and Custody in Victorian England*, 225.

⁷⁵ Paula Bartley, *Prostitution: Prevention and Reform in England, 1860-1914*. (London: Routledge Press, 2000), 104.

⁷⁶ Elaine Farrell, 'A Most Diabolical Deed,' 89.

her behaviour. Solicitation and drunkenness laws were applied so broadly that it can be argued that it was a measure of control against women and their movement in the public sphere. Women who were outspoken, or kept company that was considered ‘suspect’ – namely those who already had a reputation as being ‘fallen’ or immoral – could expect their reputation to be affected after instances of institutionalization. Moral reformists, court officials and the general public did not need confirmation, but rather made judgements based upon a woman’s proximity to vice. Furthermore, attempted limitations of women occupying public spaces was not successful based on the number of charges of solicitation and drunkenness in the nineteenth century and the high frequency of repeat offenders.

Those who did engage in sex work were further marginalised and condemned by the broader public who were largely concerned with their potential of becoming a corrupting influence on young women who worked in urban settings. Prostitutes were deemed to be either worthy of saving or ‘irredeemable,’ and this determination was largely made based upon their age and previous history of involvement with law enforcement.⁷⁷ Young women, particularly those unwed mothers who had perhaps been abandoned or forced out of their family homes were ‘worthy’ of being saved and treated with dignity. They were likely to be taken in by a reform society, formed by middle-class and wealthy women who believed that with proper education in hobbies and good society they could be remade into the ideal woman.⁷⁸ Philanthropists such as Elizabeth Fry felt there was both a sense of duty and purpose in both funding refuge societies and taking in women who had left reformatories in order to further instruct them in keeping good society.⁷⁹ In Ireland, reformers’ influences largely came from religious organisations and the quality of care varied greatly, as did the length of stay.⁸⁰ Some women would remain in refuges in excess of forty years, believing it was necessary for the salvation of their souls, or in order to avoid temptation of vice.⁸¹ In a sense, these reformists were active in

⁷⁷ Catriona Clear, *Social Changes and Everyday Life*, 110.

⁷⁸ Paula Bartley, *Prostitution*, 96.

⁷⁹ Elizabeth Gurney Fry, *Memoir of the Life of Elizabeth Fry, with Extracts from Her Journal and Letters* vol. 2, eds. Katherine Fry, Rachel Fry Creswell (London: Hatchard and Co, 1848.)

⁸⁰ James M. Smith, *Ireland’s Magdalene Laundries and the Nation’s Architecture of Containment* (Notre Dame, Indiana: University of Notre Dame Press, 2007), 26.

⁸¹ Catriona Clear, *Social Changes and Everyday Life*, 120.

establishing acceptable gender norms, defining the parameters of grounds for institutionalisation. They were particularly keen on deterrence, focused on correcting young women's behaviour to bring it more in line with acceptable standards. Those women who were older, and known to be either brothel-keepers or 'hardened prostitutes' were believed not only to be impossible to save but viewed as a danger to other women as a corrupting force.⁸² Reformers often denied shelter or education to those viewed as irredeemable.

This was largely due to the fact that prostitution was believed by many to be caused by poverty and that young under-employed women were considered equally vulnerable if they were allowed to overhear older women using obscene language and discussing the company they kept.⁸³ It was believed by many reformers that older women who spoke to younger women could convince under-paid domestic servants to turn to prostitution as either an alternative or a means of supplementing their meagre wages. For this reason, even younger women who were arrested for solicitation were likely to be kept away from habitual offenders.⁸⁴ At what point did women cross the threshold between being worthy of her character and reputation being incapable of change is unclear. It appears largely to be based on the attitudes of individual reformers, their beliefs about the moral sinfulness of actions of a woman, and how likely they were to be willing to repent or change their mind.

One of the major shifts during the late nineteenth century was the perception of blame and guilt; women went from vulnerable to responsible. It was acknowledged that with women's broadening sphere of social influence away from strictly the home and church women were more likely to encounter deviant and immoral behaviour.⁸⁵ However, rather than accepting the idea of women in public in a way that conformed with expectations of gender relations, the focus shifted toward ensuring women understood that it was their responsibility that their reputation and character remained intact until and following marriage. While neighbours and relatives attempted to exert their influence

⁸² Paula Bartley, *Prostitution*, 36.

⁸³ Paula Bartley, *Prostitution*, 96.

⁸⁴ Paula Bartley, *Prostitution*, 36.

⁸⁵ Lucia Zedner, *Women, Crime and Custody in Victorian England*, 6.

through supervision and policing of women's daily activities, there emerged an expectation of punishment for transgressions that would reflect on the woman, not the family. However, once a woman became a mother, the Victorian ideal of the 'angel in the house' became paramount. It was now her responsibility to ensure that not only her reputation but that of her children's reputation was not ruined by the corrupting forces of daily life.⁸⁶ A woman's existence upon marriage was in pursuit of securing her family's future, not the economic but moral and social. Her conduct was then a reflection of the possibilities and potential futures available to her children. Any failure to enact a motherly duty was blamed on a woman's moral character, in a way that was not prior to a woman's adoption of the role of mother.⁸⁷ Nowhere did it allow for the understanding that not all women desired the same aspirations for a variety of reasons. Nor did it account for the various pressures a woman could be subjected to from various external institutions which sought to limit the definition of propriety of both womanhood and motherhood.

The expectations of responsibility were difficult for unmarried working mothers who were not always able to arrange adequate care or childminding, particularly those who sought relief through the workhouses where childminding was not available at all.⁸⁸ The employment opportunities available to unmarried mothers were limited to sweated work due to the fact that childcare was an unrealistic option, and the lack of adequate pay was an added strain on women attempting to support themselves and their children. The costs associated with even the barest form of childcare were thought to drive women further into poverty and to turn to vice in order to support a family or cope with the stressors of chronic poverty.⁸⁹ Baby farms, where children were left en masse for up to twelve hours a day was likely the only alternative to paying other children to look after their babies.⁹⁰ Reform movements funded by wealthier women sought to rectify this by creating societies wherein mothers could receive education about 'appropriate' behaviours for parenting practices. Reform societies stressed the importance of adequate

⁸⁶ Lucia Zedner, *Women, Crime and Custody in Victorian England*, 66-68.

⁸⁷ Lucia Zedner, *Women, Crime and Custody in Victorian England*, 225.

⁸⁸ Elaine Farrell, 'A Most Diabolical Deed,' 100.

⁸⁹ Paula Bartley, *Prostitution*, 104.

⁹⁰ Lucia Zedner, *Women, Crime and Custody in Victorian England*, 57.

supervision in the prevention of crime and vice, along with acceptable activities for children to engage in.⁹¹ These societies had the added benefit of occupying the time of women who could then not engage in other behaviours that reformers disapproved of. However, a criticism of these early reform movements is that they were applying temporary measures that may not have been realistic for many women, who did not have access to the materials deemed essential to quality child-rearing practices. They also did not address the fundamental issue of childcare accessibility. Reformers were addressing the outcome of poverty, rather than providing solutions that were lasting. Without fully addressing the root cause of the circumstances marginalised women faced, reformers were not able to create conditions wherein Irish working-class mothers felt capable of choosing to adopt Anglo-Irish Ascendancy values related to motherhood's incapability with proximity to vice and immorality.

Eventually reformers shifted their efforts to prevention of immorality by focusing on young women and girls. It was believed by providing moral education and incentives for women early enough could provide them with the skills necessary to refuse the company of corrupting influences. Young domestic servants were targeted in particular and encouraged to disavow friends and co-workers who engaged in talk or behaviour that could be considered remotely inappropriate of any woman of 'good sense.'⁹² However, what was considered inappropriate varied widely, and young women were worried about being associated with the wrong company, including coworkers. The belief that a woman could be guilty by association with immoral behaviour was not discouraged by employers despite the fact it caused tensions between employees. A refusal to work with those who had been penitent women incentivised women from this type of disclosure through the wholesale adoption of middle-class values by working-class domestic servants.⁹³ This anxiety about guilt by association of immorality only furthered the level of surveillance working-class women were subjected to and subjected each other as they made their way through their daily tasks at home, work, and in life.

⁹¹ Paula Bartley, *Prostitution*, 78-79.

⁹² Paula Bartley, *Prostitution*, 75-76.

⁹³ James M. Smith, *Ireland's Magdalene Laundries*, 24.

One of the potential results of coming into contact with the court system was a sentencing to the workhouses, which had previously existed on as temporarily relief during the Famine. Anna M. Haslam, a prominent activist noted that the improvement of representation in the Poor Houses Board of Guardians could only be a benefit for all, yet few would take interest in the implication of it. She believed that women were capable of understanding the necessary changes that needed to be made in regard to those where were seeking relief, and thus were able to make appropriate changes to the rate system. In particular, she highlighted the work of a Mrs. Lawerson and a Miss Burton, who both had been attributed to easing the suffering of many.⁹⁴ These activists were key in shifting resources away from the penal system and helping shift the support toward the continuation of the Poor Law, however flawed they may have been, into the second half of the nineteenth century. Women could not only seek assistance in the form of turning themselves or the children into the workhouses when relief was necessary but could find employment opportunities within and in support of these organisations. In this, marginalised women were deliberately withdrawing from public life and utilising the belief that they were in danger of being tempted into a life of vice in order to receive the necessary assistance to guarantee their survival. This intentional action leveraged the existing confines of social gender roles and surrounding moral panic around poverty and provided agency for women who were at risk of becoming unhoused as a result of unemployment or underemployment.

Towards the end of the nineteenth century, there were comparatively few solicitation charges recorded in Ireland. However, this was not as many activists claimed the result of better moral education or a reduction of circumstances that motivated women to opt to turn to prostitution, but rather a shift in the focus of policing. As a direct result of the changing interpretations of the police's attempt to control vice, the Vagrancy Act was used less as a means of controlling women's movement as it was increasingly believed to be more difficult as women entered the public sphere of society more often, and more of a focus on immoral behaviours.⁹⁵ On paper, these organisations could claim

⁹⁴ Anna M. Haslam. *The English Woman's Review: A Journal of Women's Work*. 15 October 1891. Issue CCXXXIX, 221-22. National Library of Scotland.

⁹⁵ Lucia Zedner, *Women, Crime and Custody in Victorian England*, 35.

success. However, it can be argued that it was a shift in policy rather than a change of behaviour in working-class Irish women. Drunkenness became the chief concern as well as the principal means of detecting who was engaging in prostitution on a regular basis.⁹⁶ Many judges as well as moral reformers, believed that the shame of deviating from the prescribed ideal of a chaste, asexual woman who did not engage in any form of lewd or suspect behaviour resulted in women choosing to drink to cope with the stress of their deviance.⁹⁷ This drunkenness then encouraged immoral behaviour such as pre-marital or extra-marital sex, becoming a cycle until such a point wherein a woman was no longer able to meet the expectations of her gender in the prescribed social role.

However, a consideration not accounted for by neither reformers nor police was the role agency played in this perceived rise and decline of prostitution and drunkenness. Examples of this can be seen in the cyclical nature of the ways in which women were repeatedly detained for petty offences, resulting in their sentencing to reformatories. In these institutions, women were given structure, labour demands, medical care and education – things that were largely unavailable to them elsewhere. While it can be argued that not all women who would be admitted or sentenced to reformatories and institutions such as laundries would wholly embrace the educational messages, particularly those which were religious in tone, the quality of care was such that critics argued that these institutions encouraged both criminality and abandonment of children.⁹⁸ Once entering into the penal system, marginalised women became familiar with both the types of petty crimes that would result in a sentencing of a committal to a refuge, as well as the expected course of behaviour and outline of services one could expect during a term of committal. In times of a crisis, a woman could then expect that her survival was likely to be guaranteed, as long as she was willing to participate within the confines of a particular reform societies' expectations of behaviour.

However, moral reform efforts were insufficient in prevention efforts. Marginalised women deemed deviant by society were likely to come into regular contact with law enforcement. Recidivism was a common outcome for many Irish women once

⁹⁶ Lucia Zedner, *Women, Crime and Custody in Victorian England*, 35.

⁹⁷ Paula Bartley, *Prostitution*, 6.

⁹⁸ Catriona Clear, *Social Changes and Everyday Life*, 110.

they became involved with the criminal justice system. The concern over recidivism, however, was not reflected outside the beliefs of philanthropists and policy makers. For many women, penal servitude represented an opportunity to step outside the confines of their prescribed social role as caretaker (whether their aging parents, husband, or children) and receive care. Committing minor crimes was frequently viewed by marginalised women as a deliberate action that would result in a desired opportunity. Prisons served a variety of roles that were not available to many working-class and impoverished women in the latter half of the nineteenth century. Maternal care was a popular motivation for entering prison or the workhouse, particularly as women entered into the later stages of pregnancy in preparation for giving birth.⁹⁹ This level of care available to convicts was often out of reach for many women, and a shorter prison sentence was preferable to the workhouses.¹⁰⁰ Single mothers who had not previously received support via the workhouse were known to enter prior to confinement and voluntarily release themselves a few weeks after the birth of their child. While exact figures on this practice do not exist, it was a common enough occurrence to be raised during the Board of Governors meetings.¹⁰¹ It is not unreasonable then, to conclude that many women deliberately committed minor crimes in order to be sentenced prior to giving birth. This exemplifies the ways in which Irish women exerted agency through a deliberate exercise of subverting social expectations based upon gender roles in order to ensure that their needs were met.

Poverty was also a significant motivator for many Irish women in terms of prison as a means of survival. Referred to many habitual re-offenders as a ‘wash up and brush up’ prisons frequently provided opportunities for simple day-to-day care, such as bathing or laundry which was suddenly a possibility if sentenced for a crime that would result in a few days imprisonment. A longer sentence could carry a woman through the colder months of winter, providing three meals a day and a (comparatively) warm space to sleep if a woman faced a lack of housing as a result of poverty.¹⁰² For women existing on the margins of society, this might ensure survival although it meant committing petty crimes,

⁹⁹ James M. Smith, *Ireland's Magdalene Laundries*, 24.

¹⁰⁰ Lucia Zedner, *Women, Crime and Custody in Victorian England*, 171.

¹⁰¹ Paula Bartley, *Prostitution*, 106.

¹⁰² Lucia Zedner, *Women, Crime and Custody in Victorian England*, 171.

such as vagrancy, minor theft (typically of a small personal object), drunkenness or trespassing. While these motivations of many habitual re-offenders seem relatively innocuous enough, particularly given the unstable living arrangements many impoverished women found themselves in, the rate at which women were being convicted and sent to prison compared to men seemed to signal larger social issues. Women were four times more likely than men to be imprisoned for petty crimes in the nineteenth century.¹⁰³ It can then be argued that many women were able to not only challenge indirectly how and where a woman should be but to manipulate these expectations in order to receive a reprieve from the harsh reality of poverty.

A barrier to the issue of recidivism, rarely addressed by philanthropists or the courts themselves, was that of reputation. Women who either chose to work or whose circumstances necessitated that they work in some capacities were limited in employment opportunities based on character and reputation. For married women, it was largely dependent on their husband's status. A woman who had been previously convicted was almost certainly not able to acquire a job in a position of trust, as it required character references.¹⁰⁴ Those without a character reference from a previous employer had no chance of obtaining respectable work and were more likely to turn to crime as an alternate means of survival. As a result, refuges run by charitable organisations such as the Discharged Prisoner's Aid Society were established with the aims of rehabilitating women's image and sense of self. The Discharged Prisoner's Aid society operated in England.¹⁰⁵ Similar organisations such as The Home of Roman Catholic Discharged Prisoner's Aid Society operated during the same period in Ireland.¹⁰⁶ It was believed that once women were provided with good moral character education and instructed on how to have a sense of self, they would then care about their image and be 'redeemed' in the eyes of society, as it meant they would be capable of making sound choices of

¹⁰³ Catriona Clear, *Social Changes and Everyday Life*, 110-111.

¹⁰⁴ Lucia Zedner, *Women, Crime and Custody in Victorian England*, 43-44.

¹⁰⁵ Annual Report of Proceedings at the Seventeenth Conference of Prisoner's Aid society Held at the Offices of the Reformatory and Refuge Union. (London, 1893). Modern Records Centre, University of Warwick.

¹⁰⁶ James Alcorn, "Discharged Prisoners' Aid Societies," *Journal of Statistics and Social Inquiry of Ireland*, 8 vol 58 (1881), 218.

occupation, company, and appearances.¹⁰⁷ For the most part, these programs focused on empowering women to consider alternatives to their current path. There was little consideration for how women viewed themselves or their circumstances.

The vast majority of these programs focused on those who were in the last nine months of custody sentence, although some were designed with recently released convicts in mind. These programs provided opportunities for women to gain employment skills that were likely to be available to them upon release: laundress, needlework, along with domestic skills necessary for keeping an orderly home.¹⁰⁸ This was significant because not only was it believed by philanthropists to be a chance to provide women with necessary skills to survive and support herself, but these skills were viewed as rehabilitation of a woman's image. The broadening of opportunities may not have taken into consideration women's views on employment and incarceration. Incarceration, particularly a long-term committal was a preferable alternative to the workhouse or sweated work. Many women chose to stay in reformatories even when not required to do so, demonstrating a degree of agency that contravened expected desires in order to guarantee some degree of stability in their lives.

Another complication with regard to recidivism for women was a double standard, one that did not apply to men. Simply not having the means to keep living spaces clean and tidy, or having access to the means to wash regularly – keeping a neat physical appearance – was seen not only as a moral failing but a sign of criminal intent.¹⁰⁹ This hindered their ability to obtain employment. Women who were released from convict prisons, in particular, were believed to be vulnerable to falling into past habits if not provided with the means to educate themselves and receive some sort of training.¹¹⁰ The bulk of reform work focused then on this rehabilitation of convict women by instructing women before their release from prison on what it meant to be a respectable woman. This character education that focused on employment skills, domestic labour, and physical labour was viewed as key in the prevention of women

¹⁰⁷ Paula Bartley, *Prostitution*, 77.

¹⁰⁸ Lucia Zedner, *Women, Crime and Custody in Victorian England*, 214.

¹⁰⁹ Lucia Zedner, *Women, Crime and Custody in Victorian England*, 54.

¹¹⁰ Barbara Onslow, "The Inside Story; Crime, Convicts and Careers for Women," 110.

returning to prison with further convictions. Most importantly, reform work in the mid-nineteenth century focused on bringing marginalised women back into line with acceptable standards of propriety, dress, and decorum.

The issue of recidivism was largely unchallenged by governing bodies as well as by reformers who believed that rehabilitation of a woman's moral character was the key to preventing women from entering reforms and prisons. This may be in large part due to the fact that women were not sentenced to terms of imprisonment based on crimes, that is to say, violations of the law. Rather, the actions they took in their public and private lives, were in some way or another, a violation of the expectations of their gender. However, by focusing on the changes to a woman's physical appearance and outward behaviour in ways that were aimed at molding behaviours to an arbitrary standard of agreeableness reformers were not addressing the underlying issue that had placed women in the predicament they found themselves in.

Prisons and reformatories offered Irish women potentially the most agency in the nineteenth century. Perhaps this can explain why 'success rates' (defined as serving a set term without return) were less than half for much of the latter half of the nineteenth century.¹¹¹ Women were able to admit themselves to various forms of institutionalisation either by volunteering to enter a reformatory for immoral behaviour, or deliberately committing petty crimes in order to receive care that met their needs and improved the quality of their lives. In the cases of Magdalene Asylums, prior to 1900 forty percent of women who entered the asylums made the choice voluntarily, with twenty-eight percent of those choosing to re-enter the Magdalen asylums more than once. This release of burden could be a single event, where assistance granted was truly a means of re-orientating a woman's life in the direction middle-class aspirations deemed appropriate or could be a cyclical process to be repeated at times of distress or crisis.¹¹² Women were then able to leave, even when committed to a set term by a judge through violation of the prescribed gender roles in such exaggerated fashions that not only would result in a release from custody but a change in the understanding of the quality of care necessary to

¹¹¹ Paula Bartley, *Prostitution*, 96.

¹¹² James M. Smith, *Ireland's Magdalene Laundries*, 30.

meet the needs of women for whom society had failed to protect. This deliberate manipulation of expectations must fundamentally be viewed as an expression of agency that contravened the expectations of the Anglo-Irish Ascendancy who were largely responsible for the reform movement and later institutionalisation.

INSTITUTIONALISATION

For women who did not conform to expectations of behaviour, decorum, or dress, the post-Famine years brought about a new measure of social control: institutionalisation. Rebellious daughters, sisters, or even wives who were uninterested in fulfilling their prescribed social and gender roles could be certified insane and placed in institutions. Increasingly towards the end of the nineteenth century, the 1836 Dangerous Lunatics Acts was used as a means of social control. Amendments to the law in 1867 made it significantly easier to institutionalise women against their will, based upon the perceived notion that they were in danger of ‘falling’ to vice and immorality. This act was unique in two regards: it was only enacted in Ireland, not in Scotland or England, and it required two Justices of the Peace and a single witness who was willing to testify that a person was a danger to themselves or others in order to be committed. Once committed in an institution, women could remain in custody indefinitely. Often women were required to prove to matrons and directors of asylums not only that they were sane but that they had a willing and accepting home to be released into.¹¹³ This conformity of expectations often hinged on physical appearances as well as docility and agreeableness. Women were required to ascribe to middle-class Victorian ideals of ‘the angel in the home’ who were cheerfully submissive, chaste and above all devoted mothers and caretakers.¹¹⁴ Those who could not or would not conform to gendered behaviour requirements could be expected to remain institutionalised, as they were deemed incapable of caring for themselves based on their reluctance to meet pre-determined sets of expectations. These expectations did not consider a woman’s own desire or evaluations of her actions but relied heavily on outsider perceptions.

¹¹³ Maria K. Bachman, “Furious Passions of the Celtic Race,” in *Victorian Crime, Madness and Sensation*, eds Andrew Maunder & Grace Moore (Surrey, UK: Ashgate Publishing Ltd, 2004), 183-184

¹¹⁴ Dymphna McLoughlin, “Women and Sexuality in Nineteenth Century Ireland,” 81.

Institutionalisation emerged toward the end of the nineteenth century as the emphasis on the role religion played in daily life decreased. Post-Famine Ireland saw an increase in church attendances, and dioceses were better managed, meaning priests could better serve their community. However, religious leaders had less of a direct influence in dealing with conflict in their communities.¹¹⁵ As moral policing came to replace religious judgement, institutionalisation increasingly became the solution for many looking to do away with unruly wives, sisters, and daughters. In the nineteenth century these institutions were funded and ran by the churches and other religious organisations. The medicalization of sin resulted in reformatories, laundries and asylums being established to rehabilitate not only the image but the character of women as well.

However, agency of marginalised women becomes clear when the lack of willingness of committed women to comply is considered. Reformers mistakenly assumed all women in reformatories wanted to be there and were grateful for the instruction. This benevolent compliance could only be communicated through one form of behaviour: absolute conformity to the prescribed ideals of womanhood and motherhood. Here, the metropole's imposition of the idealised Victorian 'angel in the home' was held to an extreme. Women who were committed in institutions or reformatories were expected to keep neat, clean appearances and be sober at all times. Women entering a reformatory were expected to disregard their past life, unless they were married with children, and then they were expected to care for their children at a distance, avoid foul language, and engage cheerfully in exploitive labour with virtually no free time. Women were encouraged to write letters or to make arrangements for the care of their children.¹¹⁶ Free time was viewed as an opportunity for corruption. It was believed by many reformers, some of whom had spent decades committed to their cause, that women could only be 'saved' through work, prayer, and interventions from matrons or visits from middle-class and wealthy visitors.¹¹⁷

¹¹⁵ Cara Delay, "Confidantes or Competitors? Women, Priests, and Conflicts in Post-Famine Ireland," *Éire-Ireland* 40, no 1 & 2 (2005), 108.

¹¹⁶ Lucia Zedner, *Women, Crime and Custody in Victorian England*, 253.

¹¹⁷ Paul Bartley, *Prostitution*, 60.

Frequently women residing in reformatories or asylums were confined to a house or a cell in a rural location, as far away from previous acquaintances and friends as possible to break the habits that had resulted in their confinement in the first place. However, this did not stop women from violent fits resulting in the destruction of their clothes, and furniture as well as threatening harm against themselves or others. Frequently women attempted to run away or were able to do so at least for short periods of time.¹¹⁸ These attempts limited the successes of reform programs where the work required centred around tasks that were both unfamiliar and impractical for their lives. Less than half of all women admitted to institutions run by Rescue Societies would eventually be released from custody and successfully placed in employment opportunities, such as domestic servants. Many women faced health problems as a consequence of their work, or were otherwise not adequately trained for the realities of labour outside of the strict structures of reformatories.¹¹⁹ These direct challenges to restrictions can be viewed as an attempt to regain agency in determining the outcome within the confines of institutionalisation. This is largely due to the fact that, by design, institutions such as laundries and refuges placed matrons in a position of power and control over institutionalised women. Middle-class women employed as matrons were expected to hold a mother-like attitude toward the residents, while also instructing them on appropriate behaviours according to gender and class roles.¹²⁰ While some women submitted to institutions with similar reasoning to prison sentences, many pushed back by controlling the level of hostilities and forcing evictions.

A contributing factor to the disruptions and aggression committed by institutionalised women was the power dynamic that placed vulnerable women in subservient positions to their middle-class and wealthy counterparts. Reformers were expected to adopt a maternalistic attitude, not dissimilar to that between a parent and a child, instructing their charges in hobbies deemed suitable for women, regardless of institutionalised women's competencies.¹²¹ Unlike prisons, which focused on providing women with skills that could provide opportunities for employment after their sentence

¹¹⁸ Paula Bartley, *Prostitution*, 60.

¹¹⁹ Catriona Clear, *Social Changes and Everyday Life*, 109-110.

¹²⁰ Paul Bartley, *Prostitution*, 75-76.

¹²¹ Paula Bartley, *Prostitution*, 75-76.

was over, reformatories and asylums placed the emphasis on motherhood and marriage first, and leisure and religion second. This left almost no room to build skills for employment and was deliberately done so. Institutions were praised for their peaceful conditions, with ample opportunities for rest, relaxation in fresh-air, and gentle hobbies such as needlework.¹²² It was believed by instructing these ‘fallen’ women into appropriate activities for their gender (as deemed suitable by middle-class reformers and their wealthy founders) there could be no room in a woman’s life for vice.¹²³ Furthermore, it was believed that a woman, once exposed to such an environment for a period of time was more reluctant to return to her previous environment. A woman’s past transgressions proved she was too fragile and morally susceptible to corruption to be able to cope with work, particularly in an urban setting. Reformers held the view that once a woman was instructed like a child, she would understand the errors she made that resulted in her committal to an institution. Much to the dismay of many reformers, this was frequently not the case as women chose the degree to which they participated in moral education programs. The fact that many women violated the strict rules of reformatories and institutions can be seen as evidence of understanding of and rejection of the confines of gender norms.

CONCLUSION

Ultimately, women in post-Famine Ireland utilised the conventions and expectations of their gender identity in ways that leveraged opportunities of care and resources that would not have been available to many working-class women otherwise. Power dynamics between wealthy and upper-class women and ordinary women helped shaped the expectations and placed limitations on the parameters of acceptable dress language, occupation, and company. However, this did not prevent Irish women from moving through the world and making choices that prioritised survival over the comfort of Victorian moralists. The agency that Irish women in the latter half of the nineteenth century exhibited was done so in such a way as to prioritise survival, and ultimately the betterment of their lives over the expectations and beliefs of moralising forces such as reform societies. While it is true that impoverished women were more likely to encounter

¹²² Catriona Clear, *Social Changes and Everyday Life*, 109-110.

¹²³ Paul Bartley, *Prostitution*, 96.

externalising forces that held a vested interest in shaping the course of their lives, there was also a great deal of flexibility in the ways and degrees in which women participated in these schemes.

Nineteenth-century contemporaries may have made assumptions about the naiveté of young women, and the lack of remorse of aging women who violated social norms. However, there is no evidence to suggest that adhering to prescriptivist behaviour imposed by the metropole was in any way realistic or desirable for the vast majority of the Irish women. The desired goals that Irish women equated to equality, status, and contentment were a mismatch to British Victorian ideals promoted by moral education reformists. Rather than moving into the workforce and independent living as was quickly becoming popular in Britain, rural marriage and motherhood were the ideals for many Irish women. Although employment opportunities shifted toward urban settings, leading to expanded movement within the public sphere, it did not always afford women the social capital and leverage needed to exert changes to participate in the decision-making process.

Women who rejected the idealization of gender roles eagerly sought opportunities to leave the private sphere for the public sphere. However, it would be inaccurate to associate the confines of gender norms with a limitation of agency. Many impoverished women were further marginalised by confinement of what was acceptable in terms of dress, decorum, association, or employment. This led to a narrowing of opportunities but did not deter women from making choices that were principally motivated to ensure survival. At times, these choices resulted in community and familial ostracization and isolation, particularly when opposing established gender norms. However, these same women were able to manipulate these expectations in ways that middle-class and wealthy women did not, in order to ensure survival or receive care that was otherwise unavailable.

Lenient sentencing for otherwise non-violent acts such as drunkenness and vagrancy, as well as violent crimes such as infanticide, demonstrates increases in the intersection between female criminality and moral regulation of behaviour. The confines of acceptable gender roles within both the public and private sphere resulted in the increased institutionalisation of women. While some marginalised women demonstrated

agency in the decision-making process through the choices they made, the paths available were broadly co-opted by wealthy reformers who sought to educate marginalised women in the latter half of the nineteenth century.

Once branded as ‘fallen’ a woman had little chance of redemption in the views of society, as her reputation and character had been tarnished, often irreparably. Character and reputation dictated the opportunities available to a woman, the degree of freedom of movement, and available recourses if harmed. This was particularly true of women who rejected marriage and motherhood. Marriage was viewed as an insurance policy against violations, violence, and economic stress. For women who were unable to marry due to class status and dowry or opted not to marry, the connections she made were paramount to the quality of life available. A woman was nothing without her reputation.

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