(Form K.)

PARTICULARS relative to ~~Convict~~ *Thomas Barry 25 & 335*

Where Convicted, _____ County _____

At what Assizes or Sessions, _____

Date of Conviction, _____

Crime _____

Sentence, _____

Age on Conviction, *20* years, _____

Read and Write, *Read*

Religion, *R C*

Married or Single, *Single*   Number of Children, _____

Trade or Calling, *Cotton Spinner*

Prison Trade, _____

Where Born, *Liverpool*

Where Resident before ~~Conviction~~ *about 5 weeks from England at Thomas St Dublin*

Where his friends reside, *Bolton England*

DESCRIPTION.

Hair, *Brown*

Eyes, *Brown*

Eyebrows, *Brown*

Nose, *Large*

Mouth, *Regular*

Complexion, *Sallow*

Fenians in the Frame

Photographing Irish Political Prisoners, 1865–68

Breandán Mac Suibhne and Amy Martin

The Dublin Metropolitan Police arrested Thomas Berry, a twenty-year-old cotton-spinner living on Thomas Street in the city's Liberties, on 17 February 1866.

1 On Berry, see National Archives of Ireland, Chief Secretary's Office Registered Papers 1866/16991; Fenian Photographs 16; Irish Crime Records 13. Although his surname appears as 'Barry' on the form opposite, most records give it as 'Berry'.

The arresting officers did not charge him with any offence; at most, they may have told him that they believed him to be a member of the Irish Republican Brotherhood or Fenians and that, under the terms of the *Habeas Corpus* Suspension (Ireland) Act (29 & 30 Vict., c. 119), he could be detained at the Lord Lieutenant's pleasure. Berry had probably never heard of the legislation; the bill that allowed his detention without charge had only been brought before parliament the previous evening, and it is possible that at the time of his arrest it had not yet received the royal assent, formally making it law. Initially confined in Mountjoy Jail in north inner-city Dublin, Berry was transferred four weeks later to Antrim County Jail on Belfast's Crumlin Road. Before his transfer, warders in Mountjoy recorded his basic biographical and descriptive information (Fig. 1). They asked him his age, occupation, residence, place of birth, religion and whether he could read and write; noted his facial features; measured his height and told him to strip for a physical examination. They also asked him to sit for a photograph. Berry answered the questions, allowed the examination and sat for his 'likeness.'

Berry's photograph is important. It may not have been the young cotton-spinner's first encounter with a camera; working-class men and women had increasing access to photography due to the proliferation of cheap portrait studios in the late 1850s. But Berry's experience of being photographed as a *prisoner* was unusual. Prison authorities had been routinely photographing men and women entering convict prisons in Ireland since 1860, but photography would not become a routine part of the processing of convicts elsewhere in the United Kingdom until the 1870s. Moreover, Berry, unlike the prisoners photographed in Dublin over the previous six years, had not been convicted of any offence; he was an internee, a person arrested without charge and lodged in jail without the prospect of a trial on the basis of the authorities' suspicion about his political beliefs and activities. Berry was ultimately discharged from Crumlin Road after two hundred and six days in custody on condition that he leave for England and, it was understood, not return to Ireland. His photograph and descriptive details were retained, not only by the prison authorities but also by the Irish Constabulary, facilitating his identification and surveillance in the future.[1]

A few months before the Mountjoy authorities started to photograph internees (Fig. 2) like Berry, they had begun to photograph men on remand awaiting trial for Fenian-related activity; men sentenced to penal servitude for Fenian-related offences were already being photographed as convicted felons. Together, these 'Fenian Photographs' (internees, remand prisoners and convicts) form a remarkable archive of

Fig. 1: Detail of Form K and prison photograph filed for Thomas Berry, interned from February to September 1866. NAI, FP 16

images of mostly working-class men.[2] Critically, they were not taken to satisfy a physiognomist's gaze, and hence they cannot be easily assimilated into histories of crime or photography in which criminal or racial anthropology provides the impetus for the photographing of prisoners. Rather, this systematic photographing of political prisoners was primarily for the purpose of intelligence, surveillance and the documentation of potential insurgents and, as such, it constituted a significant encroachment by the state on its subjects' rights and a radical shift in the use of photographic technology. Previously, photography had been associated with the staging of identity through portraiture and with the 'private' transactions of desire and affection that were signified by the exchange of such images. It now became another mode by which the state laid claim to the self and to the representation and disciplining of potentially unruly or 'terrorist' bodies.[3] These photographs of Fenians, therefore, represent a critical moment in the history of photography and its deployment by the state. They also exist as an important genealogical fragment that illuminates the foundational connections between modern state-formation, anti-terrorism, the problem of rights, and the state's use of visual technology.

I

Photography was an invention of the late 1830s and early 1840s. By the mid-1840s, portrait studios were in operation in major cities across Europe and North America, and the exchange of 'photographic likenesses' was fast becoming a fashionable display of affection (Fig. 3).[4] At the same time, practitioners of several branches of 'science' sought to codify various forms of deviance as they were written on the body, and photography became central to their efforts. Physiognomists, phrenologists, and racial anthropologists used the camera to document, classify and interpret the bodies,

particularly the faces, of subjects such as mental patients and indigents and to compare them to the bourgeois ideal of the 'average' or the 'normal'.[5] In this context, police and prison officials were soon experimenting with the new technology and photographing people in their custody. The Brussels police took photographs of criminals in 1843–44; Mathew Brady photographed inmates of two New York prisons in 1846; and by the mid-1850s Louis Mathurin Moreau-Christophe, the inspector of prisons in Alsace, had proposed a *biométrophotographique* system for the documentation of convicts.

Such early efforts, however, were scattered and short-lived. Furthermore, they shared a physiognomic imperative, being largely concerned with the representation of a particular criminal *type* and with documenting the signs of criminality on the bodies of convicts. It was not until the 1870s that police and prison authorities began to institutionalize the use of photography for the purposes of identification, notably in France, England and New York City. The photographing of radical prisoners in France was a key event in this process. Communards in the prisons of Versailles were asked to sit for photographs after the suppression of the Paris Commune in 1871. These photographs generally showed the sitter from the waist up, as in a standard portrait, but they were intended for police files; portrait photography was being pressed into the service of intelligence. Although the Communards were initially allowed to buy their likenesses, the French Ministry of the Interior soon imposed restrictions on their sale; for photographs of prisoners to serve their new functions, their circulation as political portraits and as expressions of an insurgent ideology had to be controlled.[6] Over the next decade, repressive agencies in several locations set increasingly rigid rules and guidelines for the photographing of prisoners. By the 1880s, the frontal-profile

2 There are photographs of republican prisoners in the 'Irish Crime Records' and 'Fenian Photographs' collections in the National Archives of Ireland. The latter collection contains 509 files but not all of them contain photographs and not all of the photographs are of Fenians; documents (many of them with photographs) concerning Fenians interned in 1866–68 account for 249 of the files; the remainder are mainly photographs of other Fenian prisoners (remands and convicts) in 1866–68; descriptions, rarely with photographs, of Fenians active in Britain in the late 1860s and early 1870s, and portraits of political figures in the 1880s. On the conservation of the collection, see Niamh McGuinne, 'The Fenian Photographs in the National Archives', *IPCRA Journal* (Spring 2004), 23–25. There are also photographs of republican suspects and prisoners among the papers of Dublin Castle officials and senior policemen: see National Library of Ireland, MS 5957 [Samuel Lee Anderson Album, 1865–71]; Larcom Papers MS 7698; Album no. 37.

3 John Tagg, *The Burden of Representation: Essays on Photography and History* (Amherst, 1988) documents this transition.

4 Jennifer Green-Lewis, *Framing the Victorians: Photography and the Culture of Realism* (Ithaca, 1996), 52–53; Audrey Linkman, *The Victorians: Photographic Portraits* (London, 1993), 30–31
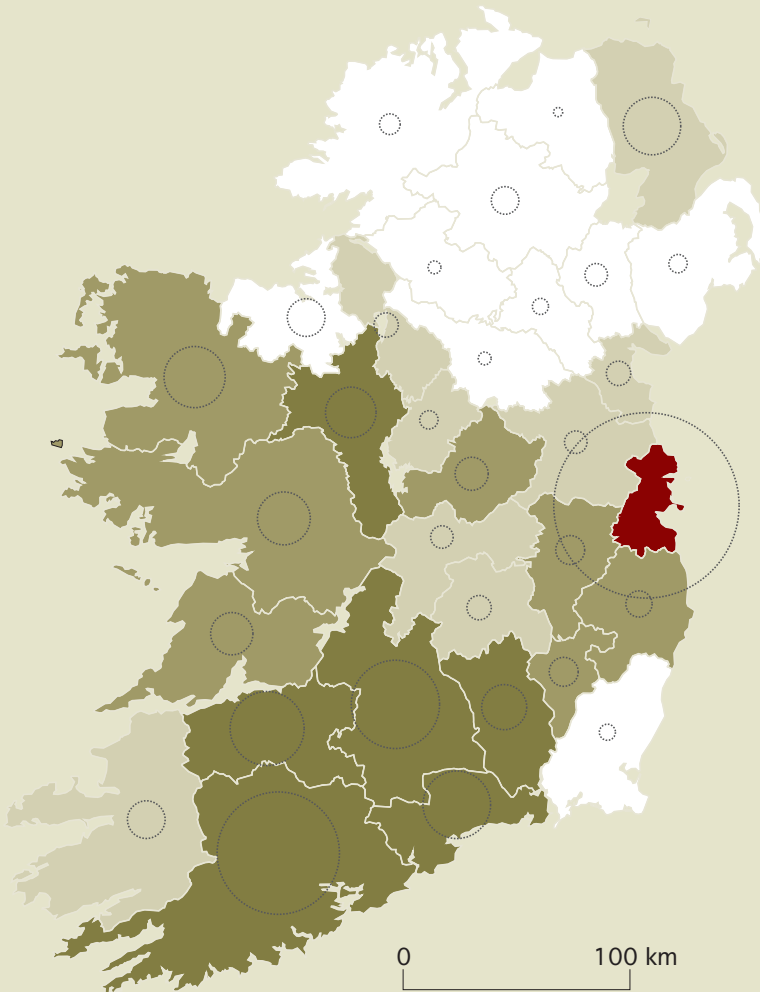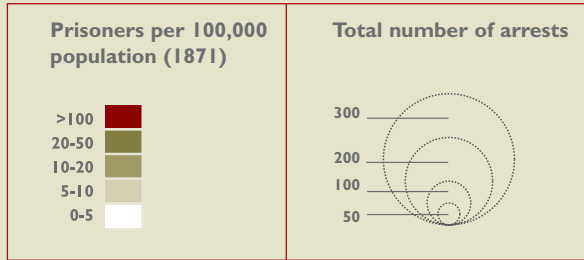
Prisoners per 100,000 population (1871)

>100
20-50
10-20
5-10
0-5

Total number of arrests

300
200
100
50

Fig. 2: HCSA Prisoners, 1866–68
Source: NAI, CSO ICR 13

The police made 1,153 arrests under the HCSA from February 1866 to mid-summer 1868; there were few internment orders from then until the restoration of *habeas corpus* in spring 1869. Over half of all arrests were made within a month of the enactment of the legislation; there were also large numbers of arrests in December 1866 (when the authorities believed a rising as imminent), in March 1867 (the aftermath of the Fenian Rising), and June 1867 (the aftermath of the *Erin's Hope* gun-running expedition). Men in their teens and twenties predominated among those interned but a surprising number of older men saw the inside of jails; the average age of internees was twenty-seven and 28 per cent of internees were over thirty. The youngest were two fifteen-year-olds and the eldest two seventy-year-olds. Periods of internment ranged from a few days to several months, the average internment lasting 157 days. Over half of the internees (607) were released on giving bail; 14 on condition that they 'leave Ireland' and a further 390 on agreeing to go to a named country, generally America (258), England (124), and Scotland (4). The most unusual destinations stipulated for released internees were Italy (Nicholas Walsh, a Dublin-based artist); Australia (Richard Rogers, a young Tipperary farmer); New Zealand (Darragh Daniel, a schoolmaster in Ballycastle, county Antrim); and Archangel, Russia (Thomas Whittle, a Waterford sailor). Four internees died in custody, three turned informer and one escaped. Revisionist historians have argued that internment 'wreaked havoc' on the IRB: see R. V. Comerford, *The Fenians in Context: Irish Politics and Society 1848–82* (Dublin, rev. edn. 1998), 133. Nevertheless, the detention of men without trial (and the death of men in custody) generated considerable public sympathy — 40,000 people attended the funeral of Belfast internee William Harbinson — and prison conditions became the subject of a public debate that energized the amnesty campaign of the late 1860s. Certainly, some Fenians saw advantages in the suspension of *habeas corpus*. Writing in summer 1867, 'A Looker-On' argued that it exposed the folly of constitutional activity: 'The suspension of *habeas corpus* act I regard with complaisance. It is an advantage to have unmasked a battery. The *habeas corpus* act can no longer be a trap; men know the worst, and stand prepared for it at all times. They know that personal freedom is not worth an hour's purchase in Ireland. In a word, they stand face to face with absolutism worse than Russian in Poland. Open and avowed speaking and agitation and so forth, thank heaven, is dead now; there is no real Irishman ignorant of what he owes to himself and to his country, or of the virtue of perseverance.' See *Irishman*, 10 Aug. 1867.

0   100 km

photograph of an individual against a blank background had been standardized, and all signs of any conflation of portraiture and prison photography had been purged. The state had developed the mugshot.[7]

The Irish experience is different, however. Britain's colonies often served as laboratories for new technologies of power before their deployment in the home-country and, much as colonial administrators in India pioneered finger-printing, those in Dublin Castle were precocious proponents of prison photography. With the Castle's support, the directors of the Irish convict prisons were experimenting with photography as early as 1857; from the end of 1860, all men and, apparently, all women condemned to penal servitude and processed through Mountjoy, the central convict depot, were required to sit for a photograph. Prison officials conceived these photographs as an 'appliance for the obstruction of crime'. By circulating prisoners' likenesses to the governors of county and borough jails, the Mountjoy authorities hoped to establish if they had any prior convictions; earlier misdemeanours would be added to their records, affecting both the conditions in which they were held and their hopes of early release. If a person were convicted a second time, the Mountjoy governor sent his photograph to the inspector general of the Irish Constabulary. By the mid-1860s, photographing was also part of the routine processing of convicts in many local prisons which held less serious offenders.[8]

Besides becoming part of the processing of *convicts* at a comparatively early date in Ireland, photography took a crucial turn when *untried prisoners* began to be photographed in Dublin jails in 1865–66. The photographing of Fenian remand prisoners from late 1865, and internees from the following spring, was part of a general tightening of prison security after the escape of James Stephens, head centre of

the IRB, from Dublin's Richmond Jail in November 1865. But, more particularly, it was a product of the administration's need for enhanced surveillance to combat the unprecedented threat posed by the Fenians. The United Kingdom was now confronting an insurgent network that was organized internationally and intent on striking against the state's interests both within and beyond its borders. Moreover, the insurgents included citizens of a friendly state (mainly returned emigrants from the United States) whose lengthy detention without trial or severe punishment, including exile — particularly if not convicted of any offence — would be highly controversial (Fig. 4). Hence, the Castle approved new measures of intelligence and surveillance. Mountjoy warders received instructions to complete Form K — a form previously used to record biographical and descriptive details *after* a prisoner had been convicted — for 'untried prisoners' or more correctly for those untried prisoners suspected of involvement in the IRB;

5   For a discussion of early 'scientific' uses of photography, see Allen Sekula, 'The Body and the Archive', in Richard Bolton, ed., *The Contest of Meaning* (Cambridge, Mass., 1996), 342–89.

6   Donald E. English, *Political Uses of Photography in the Third French Republic, 1871–1914* (Ann Arbor, 1984), 65.

7   Here we draw on the discussion of the mugshot in Robert A. Sobieszek, *Ghost in the Shell: Photography and the Human Soul, 1850–2000: Essays on Camera Portraiture* (Cambridge, Mass., 1999), 113–19, and Michel Frizot, 'Body of Evidence: The Ethnography of Difference', in Frizot, ed., *The New History of Photography* (Köln, 1998), 259–71.

8   Our discussion here draws on Peadar Slattery, 'Uses of Photography in Ireland, 1839–1900', 3 vols. (unpublished PhD dissertation, Trinity College, Dublin, 1992).

9   For an overview, see Slattery, 'Uses of Photography in Ireland', vol. 1, 233–38. Slattery dates the photographing of internees to June 1866. However, prison photographs of internees released before that date survive; also Form Ks completed for some internees released before June note that they had refused to sit for a photograph. See for example, NAI, FP 347 (Michael McDooley, 15 Apr.); 122 (John O'Donoghue, 16 Apr.); 478 (John Sullivan, 16 Apr.); 257 (James Kinsella, 20 Apr.) and 322 (John Murtagh, 15 May); only Murtagh sat for a photograph. For the release dates, see NAI, ICR 13.

10 Anon., *Things Not Generally Known Concerning England's Treatment of Political Prisoners* (Dublin, 2nd edn. 1869), 24; Seán McConville, *Irish Political Prisoners, 1848–1922* (London, 2002), 151n.46

11 NAI, FP 47 (Byrne)

the prison governor was to return a copy of the form to the inspector general of the Irish Constabulary with a photograph. For reasons that remain unclear, however, the administration initially balked at compelling the untried prisoners to sit for photographs like convicted men; warders could request but not require them to have their pictures taken.[9]

Completion of Form K — the written record of identity that accompanied most photographs — demanded the co-operation of the prisoner, who had to respond to a series of questions and then strip for an examination in which his physical features would be noted. There was occasional resistance to the questioning but nothing very serious. A number of prisoners, mainly Americans, persisted in the use of aliases even when the police and prison authorities were aware of their real names, while others refused to answer certain questions or gave false answers when asked for their address or the addresses of their friends. The question about religion — the only question about belief — caused particular friction. Remand prisoner John Murphy (an alias of the prominent Fenian John O'Leary), although not an atheist, refused to choose one of the designated religions (Church of Ireland, Presbyterian, or Roman Catholic) when being processed in Mountjoy; he was placed in a punishment cell on a bread and water diet.[10] Less defiantly, if more humorously, Joseph Byrne, a Dublin gas-worker and father of three children, interned in December 1867, responded 'Roman Catholic while in this place' when asked his religion in the same jail (Fig. 5).[11] Certainly, the issue animated discussion in the prisons. In autumn 1867, *The Irishman*,

a republican weekly, carried an account of life in Kilmainham by an internee who signed himself 'Mickey Halpin'; the author was most probably General William G. Halpin, an officer in the US army and one of the few internees convicted of any offence. Halpin singled out the question about religion as particularly vexatious:

Strange enough, every newcomer has to register himself as professing some religion, and he is left the choice of embracing the established faith of England or Rome. Outside of these there seems to be no redemption; so we have to swallow either the Thirty-nine Articles and a she-Pope, or acknowledge the Babylonian lady as our guide.

Noting that many Fenian prisoners had little regard for chaplains, having encountered them in 'other branches of public service' (meaning the Union army), he gave the prison clergymen a back-handed compliment by saying that they were less than zealous in their efforts to flog their commodity (religion):

One thing can be said in favour of the chaplains, that they do not persecute the prisoners with their orthodox teaching, seeming not to care too much whether the sheep of this fold stray to heaven by themselves, or take the broad road that is said to lead to the other place. With this tacit understanding, the prisoners are well-content, most of them having had ample experience of chaplains in other branches of public service, and believing that religion, like other marketable commodities, can be had at any time for its fair equivalent in hard cash.[12]

Among the most obstructive prisoners were John Flood and John McCafferty, two American veterans centrally placed in the Fenian leadership, who were arrested under the HCSA in Dublin in February 1867. Flood, claiming his name was John Phillips, gave false answers to some of the questions on Form K. He said that he was a sailor, gave Dublin as his place of birth (but could not say what part of the city) and insisted that he was a resident of the Isle of Man and that his 'friends' all lived in Australia. McCafferty, processed after him, was even more uncooperative: he gave his name as William Jackson, answered the biographical questions — also claiming to be a seaman, 'lately travelling' — but refused to submit to the physical examination. After recording his hair colour and facial features (eyes, eyebrows, nose, mouth, complexion, visage) on a Form K, the turnkey noted that 'he now protests against his descriptions being taken' and left blank the spaces for his 'make' and height.[13]

Flood and McCafferty were exceptions; extant Form Ks indicate that most prisoners stripped for the physical examination. Concerned to identify individuals as unique, the turnkeys paid considerable attention to 'marks on the person', a category that included everything from pimples and dimples to blotches, scalds and scrofula marks, missing teeth, pierced ears, varicose veins and cupped breasts. For instance, the Form K completed for Patrick Andrews, an iron-founder's apprentice from Thomas Street, Dublin, records 'a small mole under left-ear on neck; teeth decayed in upper jaw in front of mouth; a small blue mark on left-hand; and small finger a little crooked'.

Likewise, the form filed on Thomas Barr of Killygordon, county Donegal, arrested in Dublin shortly after returning from America, notes a 'small mole over his right eyebrow' and a 'brown mole on the inside of right thigh'. Warders took great interest in wounds, common on the bodies of American veterans (Fig. 6). The warder who examined Michael McDooley, the son of a Waterford city shopkeeper and 'late of the American army', noticed a bayonet wound on his right jaw, a gunshot wound on his left shoulder and a fracture on the left side of his head; McDooley refused to sit for a photograph. Similarly, the warder who examined Anthony J. Gill, a native of Westport, county Mayo who had served in the American navy, observed a 'large hole' in his right jaw (Fig. 7). The turnkeys could be quite meticulous. It was a very alert warder, for instance, who noted a bullet wound on the left instep of John Dunne of Fethard, county Tipperary; Dunne had been a 1st Lieutenant in the 23rd Regiment, US Volunteers.[14]

Tattoos, considered by police and prison authorities to be among the most reliable distinguishing marks, also attracted the warders' attention (Fig. 8). The most common forms of bodily decoration were simple crosses, circles, stars and dots on the hands or arms and rings on the third or fourth finger of the left hand, a mark of attachment much like a wedding ring. A few men also had their initials tattooed on their arms. Gill, the man with the hole in his jaw, had the letters A. J. G. as well as a heart and a cross on his left arm. Seamen and men with associated occupations were the most heavily tattooed, anchors and ships

12 'A Voice from the Prison', a letter dated 1 Oct. 1867 in *Irishman*, 19 Oct. 1867. For another account of conditions in Kilmainham, see *Irishman*, 20 Jul. 1867. For an extended account of conditions in Mountjoy, see 'Mountjoy Prison Life', in *Irishman*, 11 Jan.; 18 Jan.; 25 Jan.; 1 Feb.; 8 Feb.; 15 Feb. 1868; the author had been arrested under the HCSA in Roscommon. Conditions were worse in prisons outside Dublin; on Ennis and Galway jails, see a letter from Corrofin in *Irishman*, 15 Feb. 1868.

13 NAI, FP 230 (McCafferty), 427 (Flood)

14 NAI, FP 7 (Andrews), 11 (Barr), 141 (Dunne), 185 (Gill), 347 (McDooley)

Fig. 8: Patrick Fitzsimons, 22, single, national schoolteacher, Dollymount, county Dublin; arrested under the HCSA on 22 December 1866, he was released on bail on 23 November 1867; he had a cross tattooed on the back of his left hand and a ring on the third finger of his left hand. NAI, FP 163

Fig. 9: William Grace, 25, single, labourer, remand prisoner in 1866. A native of Carlow, Grace was resident at 9 Upper Kevin Street, Dublin; he had an anchor tattooed on his left arm and a ring on his middle finger. NAI, FP 193

being common (Fig. 9); for example, Francis McClelland, a Belfast shipwright, had anchors on both hands, a ring on one of the fingers of his left hand and tattoos all over his arms. There were some quite elaborate designs, again mainly on seamen. James Lawless, a Dublin-born cooper, arrested near Dungarvan, county Waterford, had a woman, a bird and a ship on his right-arm while the tattoos on Edward Toomey, a native of Callan, county Kilkenny who had served as a storekeeper in the US Navy, hinted at political commitment: he had a woman, a harp and shamrock on his right arm (Fig. 10).[15]

Although the physical examination of prisoners was largely incident-free — perhaps as it had connotations of a medical examination — photographing proved controversial. From the outset, prisoners occasionally 'refused to sit' for their photograph when they were being processed in Mountjoy or Kilmainham. However, the authorities made it compulsory in summer 1867 when, in the aftermath of the Fenian Rising, numbers of untried prisoners objected to having their picture taken. The exact number who refused to sit is unknown: some men refused and then relented prior to their release; the files on many men do not survive. However, 13 of some 249 internees whose Form Ks are in the 'Fenian Photographs' collection in the National Archives of Ireland — just over 5 per cent of all such forms in the collection — are known to have refused to be photographed. Significantly, almost half of these men had served in either the Union or Confederate armies in the Civil War and, as such, may have had a more developed sense

than civilian prisoners of the rights of individuals in relation to the state-apparatus.[16] Moreover, several of them (like McCafferty and Flood) were processed through Mountjoy together, as indicated by their prison numbers, thus revealing their refusal to have been an organized action. In general, however, prisoners complied with the request (later the requirement) to sit for a photograph. Although some suspects glare at the camera, others seem to have enjoyed the experience. Morgan Burke, a butcher arrested under the HCSA in January 1867, laughed at the camera (Fig. 11); a native of Dunmanway, county Cork, Burke had recently returned from America. Patrick Waters, a poulterer from Great Britain Street, Dublin, also laughed (Fig. 12), while Patrick J. Haybyrne, a hairdresser on Dublin's Thomas Street, and Thomas Gallagher, a Roscommon student, struck fetching poses (Fig. 13).[17]

Notwithstanding their early adoption of the new technology, prison authorities (and the police authorities with whom they shared the images) were conscious that the camera did not always produce a perfect likeness. In other words, they understood that photographs, which seemed to have a strong claim to realism and empirical documentation, were just another, sometimes unreliable, form of representation. In March 1867, Patrick J. Murray, one of the directors of the Irish convict prisons, asked the Mountjoy authorities to supply him with a photograph of a prisoner who had been discharged the previous spring on condition that he return to America. The prison official who dealt with the request observed, 'the photograph

15 NAI, FP 185 (Gill), 264 (Lawless), 337 (McClelland), 487 (Toomey)
16 Here we are referring to Forms K in the 'Fenian Photographs' collection in the National Archives of Ireland.
17 NAI, FP 41 (Burke), 179 (Gallagher), 206 (Haybyrne), 504 (Waters)

is not a striking one; it is rather full in the face'. Similarly, an official noted on the file of William Hogan, an agent for St. Patrick's Sick Burial and Assurance Society, arrested in the late 1860s, that his voice was 'strong and coarse' and that he was 'not so gentlemanly looking as in photo'.[18] In the short term, however, the photographs improved prison authorities' capacity to do background checks on men in their custody. Photographs of sentenced Fenians, like those of other convicted men, were routinely circulated to jails near their former residences to establish whether they had any previous convictions. Likewise, photographs enhanced the surveillance of discharged internees, making it easier for the authorities to confirm that they were complying with the terms of their release. James Redmond, a ship's porter resident at 9 Bride Street, Dublin, was arrested on 20 February 1866 and photographed in Mountjoy before being transferred to Antrim County Jail. When he was released on 5 July 1866 on condition that he went to England, the governor forwarded his photograph and description to the Liverpool Constabulary which had been asked by the Home Office to visit 12 Dickinson Street, the address at which Redmond had claimed he would be living. Divisional Superintendent Benjamin Ride reported back that constables had visited that address and that Redmond was not known by the occupants, a family named McManus, who had been there for the past eighteen years.[19]

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At the same time as warders in Mountjoy started to photograph internees in spring 1866, their Kilmainham counterparts began photographing Fenians in their custody. As well as requiring convicted men to sit for photographs on arrival in the jail — it remained optional for remands and internees — the Kilmainham warders appear to have initiated the practice of photographing prisoners immediately prior

Fig. 10: Edward Toomey, 26, single, storekeeper on a man-of-war in the US navy. Born in Callan, county Kilkenny, he had a woman, harp and shamrock tattooed on his right arm, two small marks on his right cheek and one under his right jaw. He had recently arrived from Liverpool when arrested in Dublin on 12 December 1866. Discharged on 3 September 1867 on condition that he would return to America, he was allowed to return to Liverpool to work his passage to New York. NAI, FP 487

Fig. 11: Morgan Burke, 29, single, butcher. A native of Dunmanway, county Cork, Burke had arrived from the US about six months prior to his arrest under HCSA on 12 March 1867; he was released on 15 April 1868 on condition that he return to America. NAI, FP 41

Fig. 12: Patrick Waters, 20, single, poulterer, remand prisoner, 1866. Resident at Great Britain Street, he had a cut mark on his left eyebrow and left temple, pierced ears, and a burn mark on the back of his hand. NAI, FP 504

18 NAI, FP 141 (Dunne), 219 (Hogan)
19 NAI, CSORP 1866/14026
20 For an example, see the case of Henry Trodden, released from internment in Kilmainham in July 1866 on condition that he return to England: NAI, CSORP 1866/13990.
21 *Irishman*, 19 Oct. 1867. Price was an early proponent of prison photography. In 1864 he used photographs to identify nineteen prisoners in Kilmainham as recidivists; two of these men had thirteen previous convictions each. See Slattery, 'Uses of Photography in Ireland', vol. 1, 240. Smollen was a detective who had tailed James Stephens in 1865; acting detective Dawson participated in Stephens's arrest.
22 Breandán Mac Giolla Choille, 'Fenian Documents in the State Paper Office', *Irish Historical Studies*, 16, 63 (1969), 258–84, remains an important guide to official papers on the IRB. Also see Tom Quinlan, 'The Registered Papers of the Chief Secretary's Office', *Irish Archives*, (Autumn 1994), 5–21.

to their release. That 'likeness', attached to a new 'Photograph and Description' form, was, like the Mountjoy Form K, sent to Dublin Castle.[20] Initially at least, the Kilmainham prisoners saw nothing untoward in having their picture taken. In his smuggled letter, Halpin suggested that for some time they looked upon it as an eccentricity of Henry Price, the governor, a notoriously ugly man whom he sarcastically described as having 'cultivated a taste for the beautiful in early youth'. In time, however, the prisoners came to see photography as part of the 'happy system adopted by our keepers to keep us properly in the strings'. Halpin gave a sharp account of the change in attitude among the prisoners, arguing that the photographs were intended not for the present amusement of the governor but for future police purposes:

Until lately we were given to understand that his efforts in that line were merely for amusement, and under this plea many of the prisoners were seduced to sit for their likeness. Lately, however, some obstreperous fellows refused to be caught by chaff, whereupon the amiable Mr. Price, who is not supposed to be in the affair at all, waxed exceedingly wrath and flatly told the delinquents that they should never leave the prison until they submitted, thereby plainly intimating that the deputy's position was but a sham, and that the pictures are really to adorn the 'Rogues' Gallery' in the Lower Castle-yard. Threats have not yet been used towards the untried prisoners; but the tried fellows are claimed body and soul by our beneficent rulers. So those that have submitted to

the soft saulder of the deputy, have now the satisfaction to learn that Professors Smollen and Dawson are attentively studying their physiognomies with a view to future operations. This is a charming method for marking for future purposes all who come within the charmed influence of Kilmainham, and must be highly creditable to the government that adopts it.[21]

The prisoner had identified the value of his photograph to the state. The Form Ks and photographs from Mountjoy and 'Photograph and Description' forms from Kilmainham, archived in Constabulary headquarters, constituted the basis of the most extensive series of alphabetical files ever before compiled on Irish political activists. The Constabulary's system for accessing these files is somewhat unclear, due in part to the removal of 'Irish Crime Records' and 'Fenian Papers' from Dublin to London on the eve of partition, not all of which appear to have been returned. Still, surviving materials indicate that files on many men jailed in 1866–68 were copied into alphabetical ledgers in the late 1860s while others remained loosely bound.[22] Certainly, however, both the ledgers and loose files were updated during the next few years with information sent to Dublin by both Irish and British police forces. Arthur Forrester, an eighteen-year-old Lancashire-born printer, was arrested in Dublin under the HCSA in March 1867. The police found a revolver in his possession; Forrester was charged and convicted with having arms in a proclaimed district and served six months in Kilmainham. The Constabulary updated his file in Dublin in 1869, noting that he had assumed women's clothes as a disguise

in Manchester (Fig. 14).[23] Similarly, they updated their description of medical student Edmund O'Donovan in January 1870, three years after his release from jail, when they received information from England that he had since grown light whiskers (Fig. 15). O'Donovan, son of the celebrated scholar John O'Donovan, had been interned twice under the HCSA, first from March to September 1866 and again from November 1867 to May 1868; on both occasions, he had been discharged on condition that he go to America.[24] The police had good reason to check up on these two men, both of whom remained active revolutionaries. Forrester, a quondam ballad-writer ('The Felons of Our Land' was his best-known production; see page 54), and O'Donovan both fought in the French Foreign Legion during the Franco-Prussian War before returning to Britain as the IRB organizers for, respectively, northern and southern England.[25]

Files on men no longer active in Fenian circles in Ireland or Britain were also reviewed in the early 1870s. The authorities reviewed the file on former internee John H. Gleeson of Borrisoleigh, county Tipperary, five years after his release from jail on condition that he return to the United States. The review of Gleeson's file in May 1871 may have been related to the recent publication of a book on the 1870 Fenian incursion into Canada; Gleeson, now styling himself 'general', had been one of the leaders of the 'invasion'.[26] In addition to updating existing records, the Constabulary continued to create new files on Fenian suspects, including men based overseas. There was a file in Dublin on Lancashire-based Michael Davitt, including his description and known haunts, as early as 1869; the Constabulary updated it several times prior to his arrest in 1870 with information received from their English counterparts via the Home Office in London. Davitt's file contained no photograph, but both captured photographs

Fig. 13: Thomas Gallagher, 19, single. A farmer's son from Aughrim, county Roscommon, Gallagher was a student of engineering when arrested under the HCSA on 27 February 1866; he was released on bail the following September. His Form K notes that he was a cousin of the Fenian organizer Edward Duffy. NAI, FP 179

23 NAI, FP 173; ICR 13; within a few days of his release, Forrester published a letter detailing the threats and blandishments used by the authorities in unsuccessful attempts to get him to turn informer, see *Irishman*, 12 Oct. 1867.

24 O'Donovan's brother, John, was also interned; he was a student in Trinity College. See NAI, FP 398 (Edmund); 400 (John).

25 On both Forrester and O'Donovan, see T. M. Healy, *Letters and Leaders of My Day*, vol. 1 (London, 1929), 116–18; O'Donovan is also mentioned in Katherine Tynan, *Twenty-Five Years* (London, 1913).

26 NAI, FP 189; Anon., *A Brief Account of the Fenian Raids on the Missisquoi Frontier in 1866 and 1870* (Montreal, 1871). On Gleeson's arrest, see *Irishman*, 24 Feb. 1866. For correspondence from the prisoner, his wife, doctor and the US consul in Dublin, see NAI, CSORP 1866/13784.

27 NAI, FP 63 (Carroll), 119 (Devitt [*sic*]). For a studio portrait of Davitt circulated in the 1880s, see NAI, FP 111.

28 For an excellent discussion, see Stephen A. Ball, 'Policing the Land War: Official Responses to Political Protest and Agrarian Crime in Ireland, 1879–91' (unpublished PhD dissertation, Goldsmith's College, University of London, 2000), 286–311.

(studio portraits provided by informers or acquired in some other way by the police) and photographs taken when the person was in custody were also archived. For instance, the Irish Constabulary added a photograph and descriptive details of William Carroll of Birkenhead to its Fenian files in 1870; local police had taken his photograph after his arrest in Liverpool for pawning a revolver.[27]

As the Irish republican threat to the British state receded in the mid-1870s, the Constabulary had fewer occasions to consult 'the "rogues' gallery" in the Lower Castle-yard,' as Halpin had dubbed the authorities' photographs and descriptions of political activists. In the early 1880s, however, mass-agitation on the land issue and, in particular, the Invincibles' assassination of the Chief Secretary and Under Secretary in May 1882 caused government to radically overhaul counter-insurgency activity in Ireland. The most far-reaching development was the creation of two distinct sections within the RIC's detective system, the Ordinary Branch and the Special Branch; the latter branch, initially conceived as an intelligence section concerned with the collection of information on secret societies and combinations that might countenance illegal activity, rapidly transformed itself into a semi-secret force-within-a-force that aggregated information on a much broader range of political activists. New faces appeared in the 'rogues' gallery' for the first time in several years.[28] The Special Branch acquired portrait photographs of prominent political figures, including MPs, who travelled the country on organizing or speech-making tours; these photographs were generally purchased from portrait studios where they were sold as political memorabilia.[29] These photographs were then circulated from Dublin to divisional headquarters to facilitate the identification, surveillance and arrest of these men if the need arose. Hence, portraits of Charles Stewart Parnell, Michael Davitt,

John Redmond, William Redmond and Fr. Eugene Sheehy ended up in the same files as the photographs and descriptions of the internees, remand prisoners and convicts photographed in the late 1860s and early 1870s; although very few of these new additions had any involvement in Fenianism, the extended collection would still be known as 'Fenian Photographs'. The Special Branch also sought out group-photographs of suspects, often taken at meetings of clubs believed to be republican fronts. There were some surprising sources for images. In 1882 a group of land activists had their photographs taken upon their release from internment in Dundalk Jail under the Protection of Person and Property (Ireland) Act; the photographer then mounted the portraits on a postcard adorned with shamrocks and the legend 'Dundalk Gaol, Christmas 1881'. Intended by the sitters as a memento of their time in jail or a propaganda piece, the image lingered in the mind of senior police officers. In November 1886 when the Constabulary was seeking one of the men in the photograph, the Special Branch obtained a copy of the card from Galbraith's photographic studio on Clanbrassil Street, Dundalk. An official in the Special Branch office noted that it included 'several important men, amongst others J. Butterfield, a Northern Fenian organizer'. 'I think it would be well to keep this with our photographs of suspects,' he wrote to one of his superiors, 'and to note on each file in which the suspect is referred to that such has been done.'[30]

Over the next few years, cheap portable cameras became part of regular police work, and photographs of crime scenes and covertly snapped images of suspects began to appear with increasing frequency in police files.[31] From 1890, the Special Branch had its own photographic department in the Constabulary Depot in the Phoenix Park, where a sergeant was employed full-time developing and copying

photographs. The Dublin Metropolitan Police established a similar department in the same year. In late 1892, David Harrell, the commissioner of the latter force, reported to Dublin Castle that group photographs of suspects were hard to obtain; 'Dublin men have avoided being photographed for many years past,' he wrote of republican activists, 'and it is impossible to obtain copies from groups or otherwise.'[32] Twenty-six years after the state first systematically photographed suspects in Dublin jails, Fenians were again 'refusing to sit'.

II

The experience of being photographed in jail features in several Fenians' prison recollections, some of which were serialized in newspapers shortly after their release, while others appeared in book-form years later.[33] Republican icon Jeremiah O'Donovan Rossa provided two highly charged accounts of being asked to sit for photographs, first in Mountjoy Jail following his conviction for treason felony in December 1865 and then in Millbank Prison in England in 1867, while serving his sentence. In *My Years in English Jails*, Rossa describes how, upon conviction, he was returned to Mountjoy and photographed:

> After being shaven I was led to have my picture taken. The photographer had a large black-painted pasteboard prepared, with my name printed across it in white, and, pinning it across my breast, he sat me in position. I remained sitting and looking according to instructions till he had done, and he never had the manners to tell — what artists never failed to

tell me — that I made an exceedingly good picture.[34]

Rossa's humour here throws the transition to which he found himself subject into sharp relief. Specifically, photographing prisoners marked a key point in the transformation of photography from its early association with portraiture, 'a sign whose purpose is both the description of an individual and the inscription of social identity' and which is also 'a commodity, a luxury, an adornment, ownership of which itself confers status'.[35] Rossa's ironic comment about the photographer's refusal to acknowledge a 'good picture' points to the absence of aesthetic valuation and to the photographic subject's abstraction of self from the photographic transaction. In other words, it calls attention to the seizure of photography by the state, a harnessing of technology which was previously understood as a mode of representing one's own identity. Indeed, Rossa highlights how prison photographs — pictures which the subject does not ask to be taken and which he will likely never see — allow the state to assert power over the body through its documentation. Allen Sekula's depiction of photography as a 'double system' — 'a system of representation capable of functioning both *honorifically* and *repressively*' — is useful here. By insisting on an understanding of sitting for a picture as an 'honorific', aesthetic act, Rossa expresses his own recognition that, in the context of the prison, photography had become a disciplinary and repressive exercise of power.[36]

29 Dublin portrait studios had produced daguerreotypes and lithographs of Young Ireland leaders in the late 1840s but the sale of photographs of Irish political figures first became common in the 1860s; for a brief discussion, see Fintan Cullen, *The Irish Face: Redefining the Irish Portrait* (London, 2004), 203–04. Shortly after the release of the Fenian celebrity Stephen J. Meany, *The Irishman* advertised two large-sized portraits of Meany with a 'lithographed facsimile of his signature'; the advertisement noted approvingly that the signature, 'Yours most feloniously, Stephen J. Meany', was 'characteristic of the man'. Ironically, a photograph of James Stephens found in Meany's possession had been presented as evidence against him at his trial. See *Irishman*, 1 May; 8 May; 15 May 1869.

30 For the Dundalk photograph and associated correspondence, see NAI, FP 3.

31 The scene of the killing of District Inspector William Martin in February 1889 was one of the first crime scenes extensively documented by the RIC; photographers working for defence solicitors also photographed it. On the incident, see Breandán Mac Suibhne, 'Soggarth

Aroon and Gombeen Priest: Canon James MacFadden (1842–1917)', in Gerard Moran, ed., *Radical Irish Priests, 1660–1970* (Dublin, 1998), 167–69; for samples of the photographs, see Ulster Museum, James Glass Collection (1889). Slattery, 'Uses of Photography in Ireland', vol. 2, 15, relates the photographing of the scene to the establishment of the Constabulary's photographic department. For the contemporaneous and more ambitious uses of photography by the French police under Alphonse Bertillon, see Frizot, 'Body of Evidence', 264.

32 Quoted in Slattery, 'Uses of Photography in Ireland', vol. 2, 22. C. P. Crane, a key figure in the establishment of the department, had been involved in the Martin investigation.

33 For example, *The Irishman* serialized a biography of Stephen J. Meany (by John Augustus O'Shea) after his release in summer 1869; for Meany's recollection of being photographed, see *Irishman*, 15 May 1869.

34 Jeremiah O'Donovan Rossa, *Irish Rebels in English Prisons: A Record of Prison Life* (New York, 1882), 73

Rossa's recollection of his encounter with a prison photographer in Millbank documents this historical transition in greater detail. More particularly, it emphasizes that surveying, possessing and representing the potential insurgent's body had not yet been fully naturalized as the self-evident rights of the state over its subjects. The state's claim to these rights was sufficiently unstable that Rossa could use the photographic moment to reveal its contradictions and to interrogate its legitimacy; resistance was not only possible, but it had the potential for success. Significantly, Rossa connects being asked to sit for a photograph in Millbank with heightened surveillance in the aftermath of the Clerkenwell explosions of 1867. After the explosions, he writes, 'our rescue was apprehended, and our photographs were wanted for the detectives in case we were taken away'. Rossa 'refused to sit'; he recalls the resulting exchange with the photographer in the following passage:

'Come on, come on,' said Warder Power to me one day as he opened my door. On I went, and I was brought through the square to where the warders were on parade. I was soon landed in the room which turned out to be the photographic department of the establishment. The artist had his glasses ready, and sat me down on a chair opposite the picturing instrument. As soon as he had me fixed in position, and taken his hands off, he

Fig. 15: John O'Donovan, 23, single, student, Trinity College Dublin, and his brother Edmund O'Donovan (alias Edward Hunt), 21, single, medical student. John had been in custody since November 1865 when arrested under the HCSA in April 1866; he was released in August on condition that he go to America. Edmund was resident at Nelson Street, Dublin, when interned in March 1866; he was released in late September of that year on condition that he go to America but re-arrested under the HCSA in county Clare in November 1867; he was released in May 1868, again on condition that he go to America. O'Donovan was taken prisoner when fighting with the French Foreign Legion in the Franco-Prussian War (his third time in custody) and, after his release, fought in the Carlist War in Spain. He subsequently became IRB organizer for southern England and worked as a war correspondent. He travelled to Central Asia in 1879 where he was imprisoned by the Turks for several months and, on his release, he wrote a famous book, *The Merv Oasis* (London, 1882). He was killed in 1883 covering Hicks Pasha's expedition to the Sudan. NAI, FP 398, 400

made for the machine and I stood up.
'What do you stand up for?' he said.
'What would I sit down for?' said I.
'To take your picture.'
'My picture?'
'Yes, sit down there again,' and he made toward me to place me in my position.
'Now wait awhile. Who wants my picture?'
'We want it; sit down.'
'You want it? Do you know I have a wife?'
'What do you mean?'
'I mean I have a wife, and you have made her awfully jealous by circulating a report that I was holding an intrigue with another man's wife. I don't want to make matters worse than they are by sending my picture into the world; if my wife saw it with any other woman, it might cause a separation for life.'
'Why, what a foolish man you are! Don't you know that these photographs are for the prison authorities, and that they do not leave the prison?'
'Oh, I couldn't rely upon that, and my mind would be uneasy. The prison authorities have the original, and I will give them permission to come and look at me whenever they please.'
'Come now, come now, don't be so foolish; you will only bring additional trouble on yourself.' And he gently laid hands on me to coax me into the chair.
'Oh no, governor, no; there's no trouble to me as trouble of mind, and if I allowed you to take my picture I could not help thinking that it would get into the hands of other women, and that my wife would hear it.'
'Then you absolutely refuse to allow your picture to be taken?'
'Unless I see that it is absolutely wanted, and that I have a guarantee that it will not be improperly used.'
Here three or four of them pressed me to sit down. I sat down, and as soon as they had their hands off me, I stood up and replied to their persuasion thus:— 'See now, governors, there is no use pressing me further. There is only one condition on which I will allow my picture to be taken, and that is this — that the Queen write to me for it, and promise she will not let it out of her own possession.'
I was taken out of my cell, and the next day I was again taken to the photographer, with the same result as before … I would not give them the satisfaction of letting them make a picture of me.[37]

Here, Rossa again plays on the association of portrait photography with intimacy, romantic attachment, and the domestic sphere in order to signal the state's intrusion into these domains. He insists, much more explicitly than in his account of being photographed in Mountjoy, upon a prior understanding of photography in which women were the primary consumers of images of men and in which the exchange of photographs served as a romantic and sexual transaction. This feigned misunderstanding thus represents prison photography as an intrusion on the body and its intimacies and a materialization of the imperial state's claim to possess the body of the unruly or potentially unruly colonial subject. Moreover, with his introduction of Queen Victoria to the exchange, Rossa indicates that a formerly 'private' exchange has become an exercise of public power and exposes the flawed logic (from a Fenian perspective) inherent in his conviction for treason felony, namely, the assumption that an Irish republican owed allegiance to the British crown. By insisting on photography as private and personal rather than public, Rossa successfully resists both the authority of the British state which renders his politics illegal and treasonous and, more particularly, the further encroachment of state power.

35 Tagg, *Burden of Representation*, 37. Also see the account of the aesthetic and political effects of the replacement of portraiture by photography in Walter Benjamin's essay 'The Work of Art in the Age of Its Technological Reproducibility' [1939], in *Selected Writings*, vol. 4, 1938–40, ed. Michael W. Jennings (Cambridge, Mass., 2003), 251–83.

36 Sekula, 'The Body and the Archive', 345

37 Rossa, *Irish Rebels in English Prisons*, 262–63. The allegation that Rossa (while a prisoner) endeavoured to 'carry on an intrigue with the wife of another prisoner' had been circulated by the governor of Portland Prison; a letter he had addressed to 'Mrs. Mary Moore, Denzille Street, Dublin, For Mrs. O'Donovan' was the basis of the accusation. See *Irishman*, 16 Mar. 1867.

38 Tagg, *Burden of Representation*, 61

39 Tagg, *Burden of Representation*, ch. 2–3

40 For an extended version of this argument, see Amy E. Martin, 'Acts of Union: Representing Nation-States and National Identities in Victorian British and Irish Writing' (unpublished PhD dissertation, Columbia University, 2002).

41 The Oxford English Dictionary documents the emergence of these terms in histories of the French Revolution written as early as 1791.

42 See the Oxford English Dictionary entries for 'terrorism' and 'terrorist'.

Both of Rossa's accounts are a reminder that, if the photographing of Fenians marked a major transformation in the uses of photographic technology, it also constituted a key moment in British state-formation. Art historian John Tagg has produced a compelling history of photography's 'mobilization within the emerging apparatuses of a new and more penetrating form of the state' in nineteenth-century Britain.[38] Tagg argues that new uses of photography reveal much about the radical restructuring of the capitalist state in this period, in particular its use of surveillance and disciplinary technologies as new forms of power and knowledge over its subjects.[39] Tagg's history of these developments focuses on clinical photography of the criminally insane in asylums beginning in 1856, and then the production of mugshots and photos of criminal children in the 1870s. However, the photographing of Fenian prisoners suggests a missing link in this account of state photography. For notably, the deployment of this new technology against republican prisoners in Dublin prisons in 1865–66 occurred contemporaneously with the first appearance of the modern discourse of 'terrorism' to describe Fenianism and the earliest articulation of the British state's vision of itself as not just a counter-insurgent but as an anti-terrorist apparatus. Thus, before photography became a pervasive method of documenting and managing criminality in Britain in the 1870s, it was used systematically to collect evidence concerning those described as 'terrorists' in the modern sense of the word.

From 1865, newspaper articles, editorials and political cartoons, particularly in Britain but also in Ireland, began to represent Fenians using a new language of 'terror' which made claims about the causes and aims of insurgency.[40] The word 'terrorism' had first appeared in reactionary accounts and histories of the French Revolution of 1789-94: Jacobin power was 'the Reign of Terror', the Jacobins 'terrorists', and their system of government 'terrorism'.[41] Now, the historically specific word 'terrorism' was abstracted, becoming a comparative term to indicate an insurgency which had as its primary method the intimidation, terrorization and destruction of those against whom it was directed. In this shift of usage and definition, 'terrorism' shifts from a descriptive of an institutionalized mode of governance to a method of terrorization which is not necessarily centralized or institutionalized.[42] The logic of counter-revolutionary historiography, which argued that the Jacobin government degenerated into a reign of terror for terror's sake, reached a culmination. 'Terrorism' was characterized as having no political goal, as being dedicated to the sole object of creating 'terror'. Hence, the modern, less historically specific idea of 'terrorism' associated political violence with atavism and barbarism. The 'terrorist' became a figure of irrationality, alien to modern 'rational' forms of power rather than produced by them.

This new discourse of 'terrorism' crystallized immediately after the Clerkenwell explosion, the event that occasioned Rossa's second encounter with a prison photographer. For example, the London *Times* and many other mainstream newspapers repeatedly described the bombing as 'terror', 'terrorism', and 'terrorist'. They also represented it as something novel: it was 'a crime of unexampled atrocity' and 'the worst crime in English history'.[43] Although it was clear that the Fenians had planted the explosives to blow a hole in the prison wall, not to kill people, *The Times* wrote: 'Their object is now apparently to create a terror throughout the United Kingdom … such is their unscrupulous ferocity'.[44] Even the liberal *Newcastle Daily Chronicle* declared, 'English liberalism cannot grasp a hand which smells rank with the blood of her

children, slaughtered in mere wantonness of fanaticism'.[45] Such descriptions are consistent with the use of the term 'terrorism' in its modern sense — as an irrational, savage, racially and culturally atavistic programme of violence designed to kill innocent civilians, in particular women and children. As is apparent, this ideology quickly converged with the figure of the violent colonial 'fanatic' that had been elaborated and disseminated in imperial gothic fiction since the early nineteenth century.

In newspaper prose and visual images, Fenian 'terrorism' was most often represented as a masculine invisible threat, a monstrous presence lurking within the United Kingdom, an ever-present menace that warranted continual panic on the part of potential victims. In political cartoons, the inextricable relation between this new notion of terrorism and the transforming British state was most apparent. In *Punch* cartoons such as the exemplary 'Fenian Pest', which appeared in 1866, state violence and the suspension of rights and liberties in Ireland is rationalized in the interest of protecting subjects of the crown (Fig. 16).[46] Here, then, is an allegorical staging of one of the founding mythologies and paradoxes of the modern state. The condemnation of violence legitimates state violence and new modes of power, but presents this institutionalized violence as reactive and as designed to ensure the protection of citizens. The caricatured Fenian comes to legitimize and to naturalize the violence of the imperial state; such a gesture erases the historical context of anti-colonial violence, relocating its origins in the *ontos* of the Irish insurgent body and suggesting essential (racial and cultural) rather than contingent origins for Fenian politics.[47]

The racialism of newspaper narratives and cartoon art can also be read as a part of a drive to establish the *visibility* of the

Fenian, integral to any successful strategy of counter-insurgency. Without skin colour as the basis of racial identification, the possibility that Fenians could blend into an English crowd pointed up the failure of both racial classification and of policing structures. This failure was more profound because the IRB was a highly organized secret society with a cell structure that had penetrated even the ranks of the British Army. British authorities found it difficult to identify Fenians in any definitive way; those who were identified were often difficult to convict due to lack of admissible evidence, hence the 'necessity' of suspending *habeas corpus* in Ireland and interning suspects indefinitely. Texts which saturated the public sphere in the United Kingdom disseminated a racialized construction of Irish 'terrorism' which might work against such failures and against Fenian strategies of insurgency. In cartoons such as 'The Fenian Pest', the simianized and racialized body of the Fenian is reassuring to the extent that it makes him hyper-visible to British citizens and the state.

The tension in this developing modern discourse of 'terrorism' — its representation as a threat that is simultaneously frighteningly invisible and yet visible to the point of caricature — finds its counterpart in the material history of the photographing of

Fig. 16: 'The Fenian Pest', from *Punch*, London, 3 March 1866. Hibernia: 'O my dear Sister, what ARE we to do with these troublesome people?'; Britannia: 'Try isolation first, my dear, and then —'

43 *Times*, 14 Dec.; 16 Dec. 1867. Similar descriptives can be found in contemporaneous issues of other British newspapers, such as *The Spectator*.

44 *Times*, 14 Dec. 1867

45 Cited in Charles Townshend, *Political Violence in Ireland: Government and Resistance since 1848* (Oxford, 1983), 65

46 For a study of the representation of the simianized Irishman in cartoon art, see L. P. Curtis, *Apes and Angels: The Irishman in Victorian Caricature* (Washington DC, rev. edn. 1997). A more recent reading of British cartoons of the Fenian can be found in Michael Willem De Nie, *The Eternal Paddy: Irish Identity and the British Press, 1798–1882* (Madison, 2004).

47 For a later period, see Joseph Conrad's *The Secret Agent* (1907), which presents the Russian/Irish basis for a 'terrorism' that aims to destroy Greenwich Mean Time itself; it also intimates the strange accord between policeman and terrorist. Michaelis, one of the figures in the novel, is based on the experiences of several Fenians, including Michael Davitt.

48 David Lloyd, 'Regarding Ireland', in *Ireland after History* (Cork, 1999), 45–46

49 *Times*, 11 Dec. 1867, carried an article by 'Historicus', calling for an international code of citizenship in order to remedy the particular problems raised by Fenianism and more specifically to allow the British state jurisdiction over Irish-American Fenians. For a brief discussion of this article, see Catherine Hall, Keith McClelland, and Jane Rendall, 'Introduction', in *Defining the Victorian Nation*, 57.

50 David Lloyd and Paul Thomas, *Culture and the State* (New York, 1998), 136

51 Keith McClelland, 'England's Greatness, the Working Man', in Hall et al., *Defining the Victorian Nation*, 76–77

52 McClelland, 'England's Greatness', 98–99

Fenians. British popular culture disseminated an ideology of the menacing yet grotesque and easily-captured Fenian, enacting a paradoxical gesture of inciting viewers' fear yet reassuring the public of the state's efficacy in 'stamping out' the threat. In material practice, the British state transformed its modes of power in response to the Fenian movement. David Lloyd argues that 'what appears in statist narrative as pre-modern, atavistic and generally violent elements of colonial society are in fact reciprocally engaged in the emergence of the modern apparatus of the colonial state'.[48] Fenianism participated in such a transformation through its critical position in the development of the tactics, apparatuses and ideology of counter-insurgency that became defining features of the modern British state. The innovative use of photography to establish the visibility of both interned and released Fenians is a primary and telling example of this transformation. Such prison photography exemplifies the state's claims to assert power over bodies and the way that it extended such claims even beyond the nation-state's formal boundaries. For example, the exchange of photographs between Britain and Ireland, technically different police jurisdictions although both parts of the 'United Kingdom', suggests as much, as does the problems posed for authorities by Irish-American internees.[49] Thus, photographing Fenians was part of a mid-nineteenth-century consolidation and expansion of state power through the suspension of the rights of citizens, residents and foreign travellers at will as well as the use of new forms of surveillance as deemed necessary in the interest of 'public safety'. These images are products of a state that had begun to define itself in relation to politics and practices that it called 'terrorism' and, specifically, to a population of detainees suspected of producing or even simply supporting 'terror'.

Significantly, these developments coincided with the extension of the franchise to more

working-class males in the Reform Acts of 1867 and 1868. That extension was itself associated with a change in the language and meaning of citizenship as 'docility or respectability' replaced ownership as the condition for voting; thus, assent to the state's authority and obedience before the law became the condition for full citizenship.[50] The enfranchised subject had to disavow all forms of anarchy, including the Reform agitation that produced this extension of suffrage, or his rights of citizenship would be revoked. Keith McClelland has argued that 'the axial figure within the controversies of 1866–67 about who was to be enfranchised was the "respectable working man"'.[51] This ideal of 'manhood' emphasized the moral role of the respectable working-class male subject as a law-abiding citizen who performed his 'proper' social function as father, economic head of the household, and protector of women and children.[52] The new ideology of citizenship reproduced the logic of the state — the duty to protect weaker subjects from threat — through a particular ideal of masculinity.

Located in this context, the representation of Fenians in cartoons stands as the antithesis of 'the respectable working-class man', the figure at the centre of debates about the extension of suffrage. In caricature, the Fenian is the inversion and negation of British national identity and its newest articulation, obedient male citizenship. This juxtaposition is expressed most often through gendered narratives in which the Fenian is a man who destroys women and children rather than protecting them. In other words, the Irish Fenian is the racial and cultural converse of the ethical citizen subject. He exists as a terrifying phantasmatic counterpoint to the newly defined ethically masculine working-class citizen.[53] Thus, at the very moment when the state seems to extend rights to more subjects, it consolidates and expands its power by justifying the suspension of those

rights in the case of anyone who does not recognize the legitimacy of its authority. The caricatured Fenian serves as the limit of the state's frontier of citizenship and as the rationalization of its monopoly on violence. However, the photographed Fenians are a critical visual supplement to this discourse, that demonstrate exactly what was at stake in such rationalization — the expansion and retrenchment of the state's capacity to produce obedient subjects.[54]

III

I can discover no evidences of 'villainy' in the panorama of faces now before me. It appears that the originals are all conspirators — Fenians, or something of that kind. I look at portrait after portrait, and I say — '*There* is a man to whom I would trust myself, were I travelling on a dark night through an uninhabited country, with ten thousand pounds in gold under my charge.' Yet these men are inmates of English prisons, 'felons', 'criminals', 'traitors' and at home there are gentlewomen who have lain in their bosoms, and who (like me) refuse to believe this. But then the explanation lies behind: these men, kindly, amiable, good, who in good order of things, would make a high and honourable reputation, find themselves branded as traitors, and are herded with England's most foul and brutal scoundrels because they believed their country was cruelly wronged, and they thought to remove that wrong by physical force.

D[enis] H[olland], 'A Gallery of Irish Faces. A Study of the Portraits in *The Irishman*', in *The Irishman*, 7 April 1866

In spring 1866, journalist Denis Holland wrote a series of articles on engraved portraits of well-known Fenians, which had appeared in the republican press. The series challenged the discourse of 'terrorism' that rationalized both the physiognomical

caricatures of Irish 'terrorists' then common in British newspapers and the photographing of Fenian suspects, which was, at that moment, being institutionalized in Dublin prisons. By emphasizing both the ordinariness and respectability of the men and women depicted in the engravings, Holland contested the idea that 'terrorists' are the antithesis of average citizens and, by including women, that they are all deviant males. The most remarkable feature of the 'panorama of faces' in the paper was that they *could not* be easily differentiated from the faces of other 'good' men, even from the writer himself; their humanity was proof of the rationality of their actions. In the passage quoted above, he invites his reader's identification with the men depicted in the portraits, inserting them into a recognizable narrative of masculinity, desire and family, while at the same time elevating them as national heroes; the noble-minded, politically motivated Fenians stand in contrast to 'England's most foul and brutal scoundrels'.[55]

A recognition that the state misrepresents average, respectable individuals as deviant in order to justify extraordinary repressive measures — internment and lengthy sentences for men convicted of treason — underpins Holland's series; likewise, there is an implicit warning that the state legitimates the expansion of its coercive capacity — including intrusions on the body — as an exception but that it rarely relinquishes powers claimed in exceptional circumstances. Certainly, the British state deployed visual technology against an ever-widening range of Irish people in the latter half of the nineteenth century. First, convicts, then men on remand for Fenian-related charges (Fig. 17), and then suspects (internees) were photographed in Dublin jails.[56] By the mid-1880s the state was archiving photographs not only of prisoners (convicts, remands, and internees) but also portraits and surreptitiously snapped photographs of political activists (often with

53 John Newsinger, *Fenianism in Mid-Victorian Britain* (London, 1994), 25

54 Sarah Jane Edge, 'Photographic History and the Visual Appearance of an Irish Nationalist Discourse 1840–1870', *Victorian Literature and Culture*, 32, 1 (2004), 35, argues that prison photographs of Fenians 'may have played a role in the formation of a shared identity of Irishness' and that 'they need to be seen as part of a more widespread institutional discourse on criminality, class, and racial/ethnic difference'. However, as Edge acknowledges, the photographs were not circulated to a wide audience, and they were taken because of the authorities' fear that the Irish 'difference' that produced Fenianism might not be recognizably expressed on the body. Lacking an audience, the photographs, therefore, are less an expression of racializing discourse concerning Irishness and more a counterpart to it.

55 Although Holland's reading of the portraits challenges British discourses concerning Irish masculinity, he relies on traditional gendered narratives that represent the Irish nationalist hero as male and as the protector of women. This problematic of the masculine runs throughout the writings of the Fenians, and points to the difficulties of countering the colonial state's narratives while retaining the visions of gender, race and nation that are central to them.

56 At the same time, the Irish experience became a model for the institutionalization of the mandatory mugshot in the British penal system in the 1870s, see Slattery, 'Uses of Photography in Ireland', vol. 2, 228–32, 242–43.

57 These issues are now modified by the conversion of Kilmainham into a museum in which the technology of surveillance is itself subjected to a later analysis in which the technology is further historicized. See Áine O'Brien, 'Marketing and Managing Colonial Spectacle: In the Belly of the Archive', in John Paul Waters, ed., *South Atlantic Quarterly*, 95, 1 (Winter 1996), 103–44.

58 Susan Sontag, 'The Photographs Are Us: Regarding the Torture of Others', in *The New York Times Magazine*, 23 May 2004, 27

friends with no political involvement) and even members of parliament. The suspension of rights and harnessing of technology in unusual circumstances had served as the foundation for the normalization of new apparatuses of power and knowledge to which all, rather than a few, were now potentially subject.[57]

The contemporary relevance of such an analysis is clear. The attacks of 9/11 and the wars and occupations that have followed in Afghanistan and in Iraq have brought seemingly disparate elements to the centre of a debate about the modern state's confrontation with insurgency and, more particularly, with 'terrorism'. This controversy raises questions about the suspension of civil liberties (particularly *habeas corpus*); the deployment of new technologies in the intensified documentation and surveillance of citizens and foreigners; the status and treatment of political prisoners and prisoners of war; and the physical limits of a state's power — specifically, whether its power ends at its border or may extend beyond it. One of the primary ways that these problems have literally and theoretically been brought into view is through the medium of photography, in large part due to the widespread dissemination of photographs of Iraqi detainees being tortured in Abu Ghraib. The late Susan Sontag, for example, argued that the central place of photography within the current crisis is a peculiarly contemporary phenomenon, one that is linked to the transformation of experience by the proliferation of visual culture in the late capitalist global economy of the twentieth and early twenty-first centuries.[58] But what seems to be peculiarly contemporary is not new. The 'rogues' gallery' compiled in Ireland in the mid-1860s is a reminder that photography was a foundational element in the 'war on terror' at its inception over a century ago. ■

Fig. 17: Joseph Fortune, 18, single, labourer, Bride's Alley, Dublin, remand prisoner in 1866. NAI, FP 174