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THE HISTORICAL BACKGROUND OF THE RELATIONSHIP BETWEEN FOREIGN NATIONALS AND CRIME: A CASE STUDY OF IRISH CRIMINALITY IN THE UK

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(with supervisors Adrian Barton, and Chris Pac Soo)

Abstract

Historically, immigrants from different parts of the world were welcomed to Britain and at times even seduced into coming to live and work here. However, when their population increased, or other issues of the time were connected to their presence in the country, political and public concerns began to emerge in relation to demographics, health, the economy and crime.² This paper will explore the temporal aspects of connecting foreign nationals to different non-immigration criminal offences by tracking the historical role of immigration policy and political debates in immigrant criminality in order to understand the background to this issue, which has predominated on the political discourses and immigration policy changes. The historical journey this article takes will shed some light on the economic and social restrictions placed on foreign nationals' activities, and the role of public sentiment and media coverage in connecting foreign nationals to non-immigration criminal offences with a special focus on the criminality of the Irish in the UK.

Keywords: immigration policy, history, foreign national prisoners, non-immigration criminal offences, Irish, politics

Introduction

Humans have always been nomadic creatures, but boundaries and borders have not always been a part of human life. However, the progress of civilisation and the eventual establishment of nation states gradually brought with it, restrictions on free movement, and the arrival of newcomers.³ Historically, foreign nationals have been represented as external pressures on demographics, health, the economy, and

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² Reid, L., Weiss, H., Adelman, R., and Jaret, C., 2005. 'The immigration-crime relationship: Evidence across US metropolitan areas' (2005) 34, 4 *Social Science Research* pp. 757-780 at p 758. Hagan, J. and Palloni, A., 'Sociological Criminology and the Mythology of Hispanic Immigration and Crime' (1999) 46, 4 *Social Problems*, pp.617-632 at p.617.

³ Anderson, B., Gibney, M.J. & Paoletti, E., 'Citizenship, deportation and the boundaries of belonging' (2011) 15, 5 *Citizenship Studies*, pp.547-563 at pp.556-558.

crime.⁴ The increase in numbers of foreign nationals within a country, and the economic success they achieve, can be seen as some of the early motivations for complaints against them and moves to link their presence to various kinds of illegal activities.⁵ Consequently, foreign nationals from different ethnicities and religions (with different levels) have been stereotyped as criminals⁶ and overrepresented in Criminal Justice System (CJS) statistics, which has exacerbated negative public sentiments that connects the rise in Foreign National Prisoners (FNPs) with the increasing population of newcomers.⁷

In the UK, the political, public and media representation of the relationship between foreign nationals and non-immigration criminal offences has been of recent concern to academics.⁸ However, these studies are limited in scope, either by their data or by their review of the literature. The British literature reviewed three themes: the role of the immigration policy on increasing immigration crimes,⁹ the relation between immigration and criminal offences from an economic aspect,¹⁰ and the overrepresentation of FNPs in British Prisons.¹¹ No evidence supported the relationship between foreign nationals and crime in the UK, at the same time

⁴ Warner, J., 'The Social Construction of the Criminal Alien in Immigration Law, Enforcement Practice and Statistical Enumeration: Consequences for Immigrant Stereotyping' (2005) 1, 2 *Journal of Social and Ecological Boundaries*, pp.56-80 at p.56. Swift, R., (ed.), *Irish Migrants in Britain, 1815-1914: A Documentary History* (2002, Ireland Cork University Press).

⁵ Panayi, P., *An Immigration History of Britain: Multicultural Racism Since 1800* (2010, Pearson Longman) at p.16. Layton-Henry, Z., *The politics of immigration: Immigration, 'race' and 'race' relations in post-war* (1992, Britain Oxford, UK and Cambridge, USA, Blackwell Publishers)

⁶ Swift, R., 'Heroes or Villains? The Irish, Crime, and Disorder in Victorian England' (1997) 29, 3, *Albion: A Quarterly Journal Concerned with British Studies*, pp.399-421 at p.403.

Smith, D., 'Criminology, contemporary society and race issues' in Bhui, H., (ed.), *Race and criminal justice* (2009, London SAGE) at pp.30-32.

⁷ Banks, J., 'Foreign National Prisoners in the UK: Explanations and Implications' (2011) 50, 2 *The Howard Journal of Criminal Justice*, pp.184-198 at p.1.

⁸ Al-Faris, K., 'The political, economic, and social context of British immigration policy' (2010), *Plymouth Business School Postgraduate Symposium*. Robbins Conference Centre, Plymouth University, at p.6.

⁹ See for example, Aliverti, A., *Crimes of Mobility: Criminal Law and the Regulation of Immigration* (2013, Routledge).

¹⁰ See Bell, B., Machin, S. & Fasani, F., 'Crime and Immigration: Evidence from Large Immigrant Waves' (2010) first tempo conference on international migration Dublin 28-29 October 2010. Bell, B. and Machin, S., Bell, B. & Machin, S., 'The impact of migration on crime and victimisation: A report for the Migration Advisory Committee' (2011) *Migration Advisory Committee* pp.1-65. Papadopoulos, G., 'Property Crime and Immigration in England and Wales: Evidence from the Offending, Crime and Justice Survey' (2010) *Economics Of Culture, Institutions, and Crime/ Milan* 20-22 January 2010, 1-100.

¹¹ See Bhui, H., 'Alien experience: Foreign national prisoners after the deportation crisis' (2007) 54, 4, *Probation Journal*, pp 368-382. Bhui, H., 'Foreign National Prisoners: Issues and Debates' In: Bhui, H., (ed.) *Race and Criminal Justice* (2009, London, SAGE). Banks, *Foreign National Prisoners*, pp.184-198.

criminality of foreign nationals is one of the leading issues in politics and the media. Due to the limitation of studies that looked at the criminality of foreign nationals in the UK, this paper will examine the historical root of the relationship between foreign nationals and non-immigration crime, to understand the role of the immigration policy and the political debates on increasing the perception of foreign nationals' criminality in the UK.

Finally, those engaged in research on immigration policy and the historical background of immigration issues have the difficult task of knowing precisely where to start. Therefore, this paper does not attempt to provide a comprehensive historical account; rather, it takes specific events and periods to illustrate the abiding relationship made between foreign nationals and alleged criminality.

1 The Beginnings of the Criminalisation of Foreign Nationals

Foreign nationals have been encouraged for centuries to come and settle in England in order to meet demographic and economic demands. For example, during the twelfth century Jews were encouraged by the Crown to enter the country and to assist in running the fiscal matters of the Kingdom.¹² Other foreign nationals were formally encouraged to revolutionize the English economy by importing and teaching technical skills to the indigenous population. Edward III opened the door for skilled workers to enhance the cloth industry in the fourteenth century.¹³ Although foreign workers made a positive contribution to English industries and general economic wellbeing, an unrestricted open door immigration policy led to a negative public attitude regarding foreign nationals' overrepresentation in the economic sector. It was during this period that the first records are made of the concern over foreign nationals taking British Jobs. The negative sentiment against foreign nationals and especially against Jews increased during the twelfth century. There were violent attacks on Jewish communities, which resulted in butcheries. Consequently, in

¹² Harper, M. and Constantine, S., *Migration and Empire* (2014, New York/ USA Oxford University Press). Wilson, C., *The immigrant in English history Economic Issues in Immigration: An exploration of the liberal approach to public policy on immigration* (1970, Surry, The Institute of Economic Affairs). Bevan, V., *The Development of British Immigration Law* (1986, Beckenham, Kent Croom Helm). Skinner, P., 'Introduction: Jews in Medieval Britain and Europe' In: Skinner, P., (ed.), *Jews in Medieval Britain: Historical, Literary, and Archaeological Perspectives* (2003, Suffolk, Boydell & Brewer).

¹³ Bevan, *The Development of British Immigration Law*.

1290, Pope Edward I dislodged all Jews from England, although they were later readmitted from the 1650s.¹⁴

Wilson argues that fear of the other and religious factors were the real motivations behind anti-Semitism, rather than economic competition, particularly in relation to employment.¹⁵ However, religious differences between foreign nationals and the indigenous population may not have been the reason for hatred and fear; Bevan shows that the economic success of foreign nationals was the most important factor in fuelling negative sentiments towards them.¹⁶ For example, the fear of foreign nationals continued in subsequent centuries with a different race and motivation. During the thirteenth and fourteenth centuries, Italians had achieved far broader business success in England than the Jews had. In 1463, the Importation Act prohibited the import of a 'long list of manufactured articles' mostly manufactured by Italian industries. This competed with the Papal economic oppression, which came alongside negative racial stereotypes of the Latin character: futility, lying and wiliness.¹⁷ The Importation Act passed during the reign of Edward IV,¹⁸ stands as the first official policy to use the perception of foreign nationals' criminality to control the economic activities of foreigners.

Negative sentiments against foreign nationals continued to be motivated by economic factors in the fifteenth century, rather than being founded in race or religion. This was due to the success of foreigners at the expense of native workers, who mostly did not have the same skills or had not learnt from foreign national tradesmen and merchants.¹⁹ As the preamble to a statute of Richard III in 1483 it was noted, that strangers would:

not take upon them any laborious Occupation, as going to Plough and Cart, and other like business...and will in no wise suffer nor take any of the king's subjects to work with them' with the result that subjects 'for lack of Occupation, fall into idleness, and be Thieves, Beggars, Vagabonds, and people of vicious living....²⁰

¹⁴ Harper, M. and Constantine, S., *Migration and Empire* (2014). Wilson, *The immigrant in English history* (1970). Bevan, *The Development of British Immigration Law* (1986).

¹⁵ Wilson, *The immigrant in English history*.

¹⁶ Bevan, *The Development of British Immigration Law*.

¹⁷ Wyatt, M. *The Italian Encounter with Tudor England: A Cultural Politics of Translation* (No.51) (December 2005, New York/ USA, Cambridge University Press). Wilson, *The immigrant in English history*.

¹⁸ Cunningham, W., *The Growth of English Industry and Commerce during the Early and Middle Ages* (1890, Cambridge University Press).

¹⁹ Bevan, *The Development of British Immigration Law*.

²⁰ Ibid, p.52. Cunningham, *The Growth of English Industry*. p.430.

Richard III's immigration control statute referred to the negative role 'strangers' took in society; foreign nationals were taking scarce jobs and did not employ locals, but were clannish. In consequence, natives were 'forced' to engage in violence and criminal activities because of unemployment and their poor economic situation. Richard III's statute made it clear that there was an indirect relationship between foreign nationals and crime; foreign nationals monopolising non-dirty jobs and their economic success elevated the negative public and royal [political] sentiments, and for the first time the relationship between foreign nationals and crime was used to inform Law.

The relationship between foreign nationals and crime thus helped to create a restrictive immigration policy; Richard III reacted to the negative public attitude and restricted the economic activities of foreign workers. For example, foreign nationals were obliged to live with native merchants, administrate their commerce under native management and could only work as servants for citizens.²¹ Moreover, the hate filled sentiments, which were accompanied by physical attacks and riots against foreign nationals in London in 1456, 1457 and 1517, saw the eviction of some foreigners from certain cities.²² These were followed by a band of Navigation Laws, starting in 1651, which restricted the use of foreign shipping to trade only between England and its colonies, and restricted foreign business to British merchants.²³

2 Welcoming Refugees and Connecting them to Crime

Following the reformation in England and other parts of Europe, England was forced to adopt a more 'open door' immigration policy. This was to allow other followers of the Protestant doctrine to escape from the persecution being exercised by the Catholic Church.²⁴ This section will show how the change in religious primacy has

²¹ Bevan, *The Development of British Immigration Law*; Anderson, B., *Us and Them?: The Dangerous Politics of Immigration Control* (2013, OUP Oxford).

²² Bevan, *The Development of British Immigration Law*. Ross, C., *Richard III* (1983, University of California Press). Fryde, E., *Studies in Medieval Trade and Finance* (1983, Continuum International Publishing Group, Limited).

²³ Reeves, J., *A History of the Law of Shipping and Navigation* (1792, E. and R. Brooke). Ransom, R., 'British Policy and Colonial Growth: Some Implications of the Burden from the Navigation Acts' (1986) 28 *The Journal of Economic History* pp.427-435.

²⁴ Weir, A., *Henry VIII: King and Court* (2011, Random House). Bevan, *The Development of British Immigration Law*.

affected immigration policy, and how the new foreign nationals (refugees) have been criminalised and linked to different illegal activities.

From Catholic to Protestant doctrine: England has changed

The sixteenth century saw big changes in religious trends and consequently a new element – the plight of religious refugees – in the admission of foreign nationals into the country. The holder of the Crown now had the power to admit foreigners more than any time before. The religious leaning of King Henry VIII attracted Catholics in his earlier reign, but he later offered protection to European Protestants.²⁵ The big religious shift in the Henry VIII era contributed to accepting Protestant asylum later. Henry VIII is known for his role in the separation of the Church of England from the Roman Catholic Church after his decision to divorce Catherine of Aragon. Thus, Henry's struggles with Rome led to the separation of the Church of England from papal authority, the Dissolution of the Monasteries, and his own establishment as the Supreme Head of the Church of England. Yet he remained a believer in core Catholic theological teachings, even after his excommunication from the Roman Catholic Church.²⁶ However, during the rule of Mary Stuart (who took the country back to the Catholic religion), Protestant 'aliens' were unwelcomed people, and French non-residents were removed (although they were later allowed to return under the sovereignty of Elizabeth I, who followed the Anglican Church). Her reign had seen a continued arrival of different refugees from Holland, France and Huguenots (French Protestant). Thus began the receiving of refugees into the UK from other states.²⁷

Criminalising the newcomers (refugees)

The majority of refugees who came to the UK during the sixteenth century were poor, unemployed, had language barriers, and lived in their own separate religious communities. This created problems, especially as these foreign nationals competed with locals for the available jobs. Subsequently, negative attitudes developed with foreigners being seen as untruthful and unprincipled people. Again, it was claimed

²⁵ Bevan, *The Development of British Immigration Law*.

²⁶ Weir, *Henry VIII*.

²⁷ Frow, M. *Roots of the Future: Ethnic Diversity in the Making of Britain* (1997, London, Central Books). Kreis, S., 'Lectures on Early Modern European History the History Guide' [Online]. Available: <http://www.historyguide.org/earlymod/earlymod.html#table> [Accessed 20/09/2011]. Anderson, *Us and Them*.

that indigenous people were being forced to commit crimes because of the lack of economic opportunities.²⁸

The open door policies of Henry VIII and his daughter Elizabeth I to religious refugees, along with the provision of a place of safety and protection, gave foreign nationals the ability to work. This situation did not please British merchants who sent many petitions to the Crown Lessor explaining the negative economic impact of foreign nationals on their income. These petitions included accusations against foreign workers of committing property and violent crimes, and resorting to idleness.

In consequence, the open door immigration policy and the right to work freely in England by foreign nationals were changed to be more restrictive. Foreign nationals who were openly hostile to the English local population because of religious or public order implications, were entitled to be deported whatever their economic impact in their area.²⁹ Moreover, foreign workers were banned from working in certain industries and suffered a withdrawal of the full rights of denization.³⁰ This policy might be the basis of abolishing the right to work for asylum seekers in 2002 suspected to be motivated by economic factors.

The Immigration Act by Richard III in 1483 was revitalized and adjusted by Henry VIII whereby foreign nationals were forbidden to take non-British trainees, or keep approximately two foreign servants. The local wardens and bailiffs were given the power to monitor and supervise foreign nationals' activities.³¹ This policy has been repeated, in the Immigration Act 2014. This recruited the service institutions and local people to monitor and check for legal status to determine if foreign nationals are committing any sort of immigration crime.

Historically, foreign nationals were accused of committing criminal offences and blamed for causing different economic and social issues at the time when those foreigners were using their own skills and working to create wealth and promote the English economy. Plant quotes Professor Sir W. Arthur who has explained why

²⁸ Bevan, *The Development of British Immigration Law*.

²⁹ Reeves, *A History of the Law*; Bevan, *The Development of British Immigration Law*.

³⁰ Denization is an old process in English Common Law, starting from the 13th century, by which a foreigner became a denizen, gaining some privileges of a British subject, including the right to hold English land, through letters patent.

³¹ Roche, T., *The key in the lock: a history of immigration control in England from 1066 to the present day* (1969, The University of Michigan, J. Murray).

immigrants were successful and how this has elevated the negative sentiments and the violence against them sometimes.³² Professor Arthur argued that the culture of immigrants is different, in the time when immigrants are able to work for most of the day for six days a week they knew their efforts and hardworking was the only way to succeed. It follows also that such groups are clannish. They preferred to hire their own people for the job because they knew from bitter experience that the local populace did not have what their successful business required. Competing with aliens was too hard as natives were not able to understand what business takes. In addition, aliens' methods of learning that would be training their youngsters in other people's business raised the negative attitudes towards them until they erupted in violent outbursts in the second half of the nineteenth century. Thus, it would appear that jealousy regarding economic success is an important factor in explaining the historical root of criminalising foreign nationals.

3 The National Security Threat and the Right of Seeking Asylum

By the end of the eighteenth century, manufacturing development and the high demand on labour capital contributed to modify the public and political attitude to foreign nationals, largely due to the positive impact foreigners were seen to be having on world trade. During the conflict between Britain and France, the fear of political and military subversion directed the sights again towards foreign nationals, especially those asylum seekers from France, who were suspected to be a threat on British national security.³³

After the French Revolution and during the Napoleonic wars, the introduction of the Aliens Act 1793 was arguably the birth of current immigration law. The 1793 Act aimed to protect the public from those who were seen as a dangerous threat to the British public, especially radical troublemakers and refugees or foreign nationals who came from France. The Act gave the authorisation to remove such suspected persons.³⁴ At the same time, the 1793 Act and the parliamentary debates in 1798 restricted entry and did not provide protection for refugees and asylum seekers; exactly those groups who suffered from persecution and harassment in France.³⁵

³² Plant, A., 'Introduction' in Wilson, *The immigrant in English history* (1970) p.xiii.

³³ Alivertl, *Crimes of Mobility* (2013).

³⁴ Ibid. Ferch, D., *The English Alien Acts, 1793-1826* (1978, UK, College of William and Mary).

³⁵ Ferch Ibid.

The large population of foreign nationals consisting of refugees led to a wide range of debates in 1848. In response to fears of internal rebellion, particularly from undesirable foreign nationals, a new Bill was introduced. Essentially, the Bill was based on the fear of abuse of British hospitality by some foreign nationals, and therefore new legislation was needed to deport undesirable newcomers. The Bill was passed comfortably. It gave the power of removal of foreign nationals to the Secretary of State in such instances where he believed it would benefit the peace of society.³⁶

However, the mid-nineteenth century period marks the beginning of the modern state, and certainly as a period when the labour market finally changed from a relatively fixed, local agrarian-based one to a flexible industrial urban-based market. At the time, the general parliamentary and public attitude was against the open door policy due to conflicts in Eastern and Central Europe, and the high number of incoming refugees³⁷

The industrial revolution and criminalising foreigners

The industrial revolution, which started in the second half of the eighteenth century, influenced immigration policy (which has been shown to be affected by economic policy in terms of how immigration might contribute to the national economy) and the reception of refugees for humanitarian motives. British immigration policy at that time showed an appreciation for foreigners who have an economic and technological value and it encouraged them to enter Britain.³⁸

The first half of the nineteenth century saw significant changes to British society mainly because of the industrial revolution and its impact on British life. The need for labour capital affected immigration policy and the open door was opened more widely (except in the times of war) especially for British subjects or those who had been born in British territories. Hence, the Aliens Act 1793 requested only registration from non-enemy aliens upon arrival, although the failure to do so might lead to deportation.³⁹ However, later in the nineteenth century there were large

³⁶ Bevan, *The Development of British Immigration Law*.

³⁷ Ibid.

³⁸ Plant, 'Introduction' in Wilson, *The immigrant in English history*.

³⁹ Halliday, P., *Habeas Corpus: From England to Empire* (2010, Belknap Press of Harvard University).

appeals to restrict the immigration movement especially those from Eastern Europe.⁴⁰

The open door policy placed restrictions on citizens from enemy countries or countries in conflict with England like France; foreign nationals from these countries were stereotyped as being 'dangerous' and the wide-ranging power of the Secretary of State meant many refusals of entry. In addition, suspected foreign nationals were detained and examined by magistrates who were able to influence the Secretary of State, who in turn had the final say on deporting or releasing them.⁴¹ By the end of the nineteenth century, the population of foreign nationals further increased due to large numbers of newcomers, mostly persecuted Jews from Eastern Europe. The bad economic situation of the newcomers, coupled with failing wages caused by the Great Depression in 1889, raised the negative public sentiments and political concern to the point where the tightening of immigration policy became an urgent necessity.⁴²

During this period, the fear of foreign nationals and their intention to commit crimes in the UK fed into public and political concern, especially after bomb explosions in Paris linked to refugees in Britain. As a result, the Palmerston Government of 1858 introduced the Conspiracy to Murder Bill to criminalise those involved in conspiracies.⁴³ The Bill tried for the first time to enforce criminal law as part of immigration law; the existing British law on conspiracy made it a misdemeanour, and there was no extradition.⁴⁴ The implications of the new Bill, which increased penalties and the conviction of conspiracies in England, had been criticised in the UK Parliament by Members who saw the new restrictions on receiving refugees and suspecting them to be fleeing to the UK of their crimes, or perceiving a tendency to commit crimes in the UK.⁴⁵ Milner Gibson in the House of Commons, had argued the Bill by showing the concern of the British reputation in the world if they closed

⁴⁰ Bevan, *The Development of British Immigration Law*; Harper & Constantine, *Migration and Empire* (2014). The National Archives 'Jews and Jewish communities in Britain 18th-20th centuries' *Foreign Office series* [Online]. Available: <http://www.nationalarchives.gov.uk/documents/research-guides/anglo-jewish-history-18th-20th.pdf> [Accessed 13 December 2013].

⁴¹ Dinwiddy, J., *Radicalism & reform in Britain 1780-1850* (1992, Bloomsbury Academic).

⁴² Wilson, *The immigrant in English history*.

⁴³ Porter, B., *The Refugee Question in Mid-Victorian Politics* (2008, Cambridge University Press).

⁴⁴ Ibid.

⁴⁵ Hansard, 'Conspiracy to Murder Bill: Second reading' (1858) Hansard 1803–2005 House of Commons/ UK Parliament

the door on vulnerable refugees, especially when the investigations and the court proceedings had not proved the involvement of those foreign nationals who were living in the UK in the assassination attempt in Paris.⁴⁶ Ultimately, the Palmerston government fell within a month; and some related trials of radicals ended without convictions, in the middle of British public discontent towards French pressure.⁴⁷

4 The Irish Experience: A Case Study

The industrial revolution that commenced in the UK, attracted many foreign nationals to come for better economic opportunities, at this time, the Irish were the largest foreign group coming to the UK and they continued to arrive into Britain from the Irish Sea. By the beginning of the nineteenth century, Irish foreign nationals were already a familiar sight in Britain, and they were to become the largest, most dispersed and most controversial foreign group.⁴⁸ While this section argues the importance of the economic impact in criminalising foreign nationals, special attention will be directed to Irish migrants as a case study of this era; it will consider how debates around criminalising foreign nationals (the Irish) emerged due to the political and public concerns of their economic and social impact on British society.

4.1 The characteristics of Irish foreign nationals

Before the 1841 census, the official statistics of the ethnic minority population and foreign nationals in particular were very poor, if valid at all.⁴⁹ There was no precise number of Irish foreign nationals, and even the estimation of those entering the ports did not distinguish between permanent and temporary arrivals, or between those destined to stay in Britain and those intending to move elsewhere via British ports. It is difficult to use the town-based statistics, as these did not separate 'Irish' individuals from the wider 'Catholic' population, not altogether the same thing.⁵⁰

Up to one million Irish settled in Britain during the nineteenth century, with approximately 300,000 arriving during in the 'famine decade' of 1845-55. The Irish-born population numbered 601,634 in England and Wales in 1861, three percent of the population, and made up as much as seven percent of Scotland's population in 1851. Between 1876 and 1921, twelve percent of Irish emigrants settled in Britain, so that even as late as 1931 the Irish-born population in England and Wales totalled

⁴⁶ Ibid.

⁴⁷ Porter, *The Refugee Question in Mid-Victorian Politics*.

⁴⁸ Harper & Constantine, *Migration and Empire*.

⁴⁹ Jones, C., *Immigration and Social Policy in Britain* (2013, London, Tavistock Publications Limited).

⁵⁰ Ibid. Harper & Constantine, *Migration and Empire*.

381,089. Although their absolute and relative significance declined in twentieth century, the Irish-born remained the largest minority foreign group in Great Britain until 1971. Eighty percent of post-war Irish emigrants went to Britain, mainly to England, with a significant surge in the 1950s.⁵¹

Easy access, ready employment, and higher wages in the world's first industrial economy were the incentives that encouraged many Irish, particularly unskilled labourers, to make the short journey to Britain. The Irish immigrants in the first half of the nineteenth century briefly were mostly poor, unskilled, insular by choice or necessity, and predominately inhabited the industrial and manufacturing cities.⁵²

4.2 Irish population pressure and public negative sentiments

Having provided a summary of the nature of Irish immigration during this period, this part will explore some of the issues and pressures (such as overcrowding, health, drunkenness and economic impact) that were associated with foreign nationals from Ireland, which helped establish a stereotyped image of Irish immigrants as criminals.

Overcrowding

Britain's economic and demographic changes during the industrial revolution were extraordinary. The population of the UK increased from ten million in 1750 to 42 million in 1900. The need for labour and the growing industries, all of which were located in the cities, led to large migration from rural areas to the big industrialised cities. By 1900, most British people were living in urban rather than rural areas.⁵³ The growth of the Irish population in the UK raised many debates and in some cases hatred. For example, many British people thought that the Irish should never have entered a country of Britain's stature because they were 'less civilised' strangers.⁵⁴

Public health pressures

Irish people were accused of bringing disease and causing health problems among the British population due to their lifestyle and living conditions. Subsequently, public and political concerns regarding general health were raised and led to legislation such as the Poor Law Amendment Act 1834 and the 1848 Public Health Act. In

⁵¹ Layton-Henry, Z., *The politics of immigration: Immigration, 'race' and 'race' relations in post-war Britain* (1992, Blackwell Publishers). Harper and Constantine, *Migration and Empire*.

⁵² Jones, *Immigration and Social Policy*.

⁵³ Swift, *Heroes or Villains*.

⁵⁴ Jones, *Immigration and Social Policy*.

addition, many investigations took place in order to evaluate the Irish lifestyle and their overall behaviour in the UK.⁵⁵ Irish health problems also brought a lot of attention from academic studies that examined the lifestyle and housing conditions of the Irish. The low wages that Irish foreign nationals were earning played a significant role in determining housing conditions at time when many of them were fleeing hunger and death in Ireland.⁵⁶

Labour market pressures

The low wages that Irish workers achieved contributed to a decline in the wages of English workers', who were seeking better pay than the Irish. As a result, English workers' wages decreased in different cities according to some reports and statements by politicians.⁵⁷ The public blamed the 'gentlemen of Ireland' who were transporting Irish employees, and the 'English capitalists' who were taking advantages of these workers and employing them at lower wages. Moreover, the lifestyle of the Irish, who were living in very low standard houses and suffering from different diseases due to their low income, increased negative public sentiments.⁵⁸ The begging phenomenon, which was seemingly created by the influx of Irish foreign nationals, built the impression that the Irish were a burden on the British economy. In addition, the large volume of Irish applications for financial support (welfare benefit) from different charities and the government only added to this perception.⁵⁹

The Poor Law Amendment Act (similar in nature to the current welfare system) offered workhouses as a way to limit the application for financial support by unemployed people especially the Irish.⁶⁰ In England and Wales, a workhouse was a place where those unable to support themselves were offered accommodation and employment. Conditions of poverty, for both foreign nationals and the indigenous population were bad, which led to the attributing of blame towards the arriving Irish. For example, a common feeling during the mid-Victorian era was that

⁵⁵ Ibid. Lynch, A., *Drunken, Dissipated and Immoral: Perceptions of Irish Immigrants to New Zealand, 1868-1918, History* (1997, University of Auckland).

⁵⁶ Ibid Lynch.

⁵⁷ Jones, *Immigration and Social Policy*.

⁵⁸ Macralied, D., *Irish Migrants in modern Britain, 1750-1922* (1999, London, Macmillan Press LTD).

⁵⁹ Jones, *Immigration and Social Policy*.

⁶⁰ The National Archives, '1834 Poor Law: What did people think of the New Poor Law?' (2008) Online Available: <http://www.nationalarchives.gov.uk/education/lesson08.htm> [Accessed 22 August 2013].

the Irish were committing more crimes than the indigenous population. The substantial growth in Irish foreign nationals, especially those who were poor, facilitated the stereotyping of the Irish and their connection with crime, mainly due to their levels of hygiene and drinking issues.⁶¹

Drunkenness concern

As above noted, there was visible concern about the Irish in terms of both recklessness and fecklessness (although the same concerns were being levelled at the indigenous 'undeserving poor'). Measures to curb these alleged characteristics were an integral part of the 1834 Poor Law Amendment Act.⁶² Although commanding low wages, Irish immigrants had a reputation for drinking on Saturdays, and the image of them spending their weekly earnings in pubs on Saturdays persisted.⁶³ However, Lynch (1997) has showed that Irish drunkenness was not different from that of other ethnicities or nationalities, and in addition the Irish tended not to drink on work days. In relation to their perceived public health issues, because Irish people tended to inhabit industrial cities it could be argued that the inherent conditions of these cities made low levels of hygiene and general health inevitable.⁶⁴ Even so, the Irish lifestyle and their drinking habits mean they were associated with other issues such as crime.

4.3 Crime pressures

In addressing the perception of Irish migrants as criminals, this section will consider the Irish relationship with the police, their representation in prison statistics and the reasons that led them to engage in illegal activities.

The Irish migrants and the police

Generally, the Irish showed less respect for the police, and much was made of how their violence was fuelled by alcohol consumption. It could be argued that the image of the Irish as out of control criminals was in part due to the more passive nature of policing in England, especially in Manchester and Lancashire; in Scotland where the police administration was firmer, the Irish did not have the same reputation.⁶⁵

⁶¹ Swift, *Heroes or Villains?*

⁶² Macrae, *Irish Migrants*; Jones, *Immigration and Social Policy*.

⁶³ Jones *Ibid.*

⁶⁴ *Ibid.*

⁶⁵ Swift, *Irish Migrants in Britain*.

In addition, the relationship between Irish immigrants and the police (represented by one street brawl that occurred in Wolverhampton) meant their behaviour was categorised as anti-police, which increased cultural conflict and violence between the Irish and local English, particularly between the 1870s and 1880s. This might also explain why the Irish were targeted by the CJS more than the British were.⁶⁶

The representation of Irish migrants in prison statistics

Equally, evidence shows that during this period, the Irish were overrepresented in prison statistics; the Irish were five times more likely to be imprisoned than their English counterparts. In Carlisle gaol in 1861, 23.4 percent of male prisoners were Irish and 12.6 percent of female prisoners were Irish. Ten years later, the figure went down for male prisoners to 18.9 percent, but increased for Irish female prisoners to 16.6 percent. The Irish born male prisoner population was 23.1 percent, with 20.1 percent for Irish women in Lancaster gaol late in 1891. In Preston gaol, the Irish-born male prison population fell into single figures at 9.2 percent in 1870, while in Durham gaol Irish-born prisoners fluctuated between a high of 21.4 percent and a low of 12.4 in the second half of the nineteenth century.

The figures show that the Irish were five times more likely to be imprisoned than the English, making up 15 percent of all prisoners in 1861 (an index of overrepresentation of 4.9), 14 percent in 1871 (5.7), twelve percent in 1881 (5.7), eight percent in 1891 (5.3), and seven percent in 1901 (5.6). Although the general Irish population in the UK declined in the second half of the nineteenth century, judicial statistics showed that the Irish were more likely to be convicted and imprisoned for breaking the law and committing crimes than British citizens.⁶⁷ The over representation of Irish born individuals in the criminal statistics fuelled negative sentiments and was used to evidence the relationship between foreign nationals and crime.⁶⁸

In summary, the presence of the Irish in crime statistics is hard to interpret fully due to the fact that the statistics referred only to the Irish-born and did not include the second generation born in Britain. This means that the contribution of all Irish

⁶⁶ Mcmanus, M., 'Folk Devils and Moral Panics? Irish Stereotyping in Mid-Victorian Durham' (1994) 53, *Durham County Local History Society Bulletin*.

⁶⁷ Swift, Heroes or Villains?

⁶⁸ Swift, Heroes or Villains?; Swift, Irish Migrants in Britain.

immigrants to local criminality was probably higher than these figures suggest. Moreover, many second and third-generation Irish were designated as Roman Catholic, hence the proportions of Catholics in crime statistics were higher.⁶⁹

4.4 Irish criminality by crime type

A large proportion of the British public blamed the Irish for the spread of prostitution in the UK, and this created a stereotype of the Irish criminal, despite several local studies showing that Irish criminals engaged in less serious crimes and violent crimes.⁷⁰ The types of crimes that the Irish committed were not serious, and most assaults were committed while Irish offenders were drunk. Serious crimes that the Irish used to commit in Ireland, which required premeditation or were committed by gangs like murder, night attacks on houses and rapes, barely ever saw Irish conviction in Britain.⁷¹

Therefore, despite their reputation and stereotyping, the sort of crimes that the Irish commonly committed in Great Britain were alcohol-related violence, and this was mostly among the Irish themselves rather than against the indigenous population. There was a tendency for the Irish to use any available weapon they found rather than using their fists in their fighting. This can explain the high representation of the Irish in criminal statistics relating to the consequences of using such weapons in fighting.⁷²

4.5 The reasons for Irish criminality

In addition to the negative economic situation and the bad relationship with the police, there are other explanations for the Irish engaging in crime in the UK. These can be found by examining their overrepresentation in prison statistics, social and familial relationships, and the racism that the Irish were subject to.

Explaining the overrepresentation of Irish in prison statistics

The over-representation of Irish offenders in magistrate courts (proportionally twice as much as English offenders) and prison statistics enhanced the perception of the relationship between Irish foreign nationals and crime. However, looking in depth at

⁶⁹ Swift, *Irish Migrants in Britain* (2002).

⁷⁰ Swift, *Heroes or Villains?*

⁷¹ Ibid. Bowman, T., *Irish Regiments in the Great War: Discipline and Morale* (2006, Manchester University Press)

⁷² Swift, *Heroes or Villains?* Ibid Bowman. Lynch, *Drunken, Dissipated and Immoral* (1997).

these statistics reveals another side to the story. McManus (1994), found that the majority of Irish offenders in 1861 were charged for drunkenness and being drunk and disorderly, the rest were charged for minor crimes with very few charged for theft.

Evidence thus indicates that the representation of the Irish in the criminal statistics was high due to drunkenness, disorderly behaviour, assault (including assaults on the police), and to a lesser extent petty theft and vagrancy. Generally, at least one-third of all prosecutions in these categories in Leeds, York, Manchester, Liverpool and Wolverhampton during the 1850s involved Irish people.⁷³ Swift analysed the overrepresentation of Irish immigrants in the CJS, and found it disproportionate to their numbers in the community at large. He showed that Irish-born individuals were almost three times as likely to face prosecution as their English counterparts. Swift thought that the overrepresentation in the crime statistics built a stereotype of Irish criminality even before the new waves of poor Irish came to the UK during the 1840s and 50s.⁷⁴

Moreover, Swift (2002) has assessed *The Report on the State of the Irish Poor in Great Britain*, parliamentary Papers, XXXIV (1836), xx-xxiii. He used quotes from different police and prison officers, and their statements have reached a similar conclusion to the above studies: drunkenness, cultural background and bad parenting were the main three factors that made Irish-born individuals more prone to criminal activities than English. Although this may be true, the interviewees stated again that the Irish engage mostly in minor crimes and offences against public peace rather than crimes of felony like murder.

Irish parenting and the relationship to crime

Many young Irish boys and girls were forced by their parents to beg in the street and their parents would punish them if they came back home without any money. Therefore, many of these children were seen on the streets at night, afraid to go back home because they had not gained any money that day.⁷⁵ Hence, parental pressure could be regarded as having forced children to engage in stealing and other criminal activities to gain money. Additionally, the houses many Irish foreign nationals lived in were extremely overcrowded and unhealthy, and this contributed

⁷³ Lynch, *Drunken, Dissipated and Immoral*.

⁷⁴ Swift, *Heroes or Villains?*

⁷⁵ Swift, *Irish Migrants in Britain*.

to compel Irish children to beg and steal, as well as some engaging in more serious criminal activities with older people.⁷⁶

4.6 The impact of racism on perceived Irish criminality

Notably, many historians have referred to the racism that Irish foreign nationals faced in the UK and noted the exaggeration of the negative impact of Irish on the UK. For example, MacRallied (1999), thought that Irish foreign nationals were 'a ready-made scapegoat' for the disease, overcrowding, immorality, drunkenness and crimes of the urban world; even without Irish foreign nationals, the industrial environment would still have been a miserable and unhealthy place to live and work.

In return, Irish scholars consider the relationship between Irish and crime in the UK to be as a result of these negative sentiments, and the English bias in Victorian England. The overrepresentation of Irish in crime statistics, public disorders, small disturbances, violence in the work place, and individual attacks on Irish people have been used as evidence to show the prejudice against the Irish and the spread of anti-Irish sentiment.⁷⁷

The media role

There is a historical role played by parts of the media in the stereotyping of the Irish, especially those workers who were pictured as lazy and too unreliable for any sort of work in the UK.⁷⁸ The media played also an essential role in highlighting, exaggerating, and presenting different foreign nationals from different ethnicities as criminals which can be argued to have increased negative public attitudes.⁷⁹ For example, the media has contributed to the Irish being seen by the British locals as part of a social residuum whose alien character and unruly disposition habitually exercised police officers and magistrates alike, but that does not mean that the majority of Irish foreign nationals were unruly drunks, engaging in many different types of crime.⁸⁰

⁷⁶ Swift, *Heroes or Villains?* Swift, *Irish Migrants in Britain*; Jones, *Immigration and Social Policy*.

⁷⁷ Swift, *Heroes or Villains?*

⁷⁸ Jones, *Immigration and Social Policy*.

⁷⁹ Calavita, K., 2005. 'Immigrants at the margins: law, race, and exclusion in Southern Europe' (2005) [online] *Cambridge University Press* date accessed 17 June 2011.

⁸⁰ Macralied, *Irish Migrant*.

The harshest anti-Irish titles often sounded in local and provincial newspapers rather than illustrated national journals, and few historians have undertaken detailed study into the role of provincial journalism in moulding the Irish stereotype.⁸¹ The reportage has elevated fear and worry regarding Irish immigrants, and the media has perpetuated the perception of the Irish as quick to violence. In consequence, Irish society has been perceived as being much more violent in the nineteenth century than the rest of the UK. This despite the fact that Irish criminals in the UK tended to be petty larcenists and small-scale brawlers, though sometimes repeat offenders. However, they did not often commit murder, or the more serious types of physical assault.⁸²

Conclusion

The paper has explained the historical context relating to foreign nationals and the consequent political and public blame placed on them of increasing crime either directly or indirectly with a special attention to Irish criminality in the UK as a case study. This paper argues that the criminalisation of immigrants and the exaggeration of their dangerous impact is not a new phenomenon and is influenced by the vulnerable position of these foreigners in Western countries; foreign nationals can be considered as an easy target during economic crises and can be blamed for creating problems.

Historically foreign nationals have been cast as the enemy. Foreign nationals represent demographical, health, economic, and political threats to the UK as the host society. Their association with crime links these concerns together in the public consciousness, and this results from the influence of political and media discourse.

There are a number of inter-related reasons why there was a perception that Irish foreign nationals were more criminal than the British. Firstly, cultural differences especially around the use of alcohol: contemporary evidence found that when the Irish were drunk, their level of assaults was higher than those committed by Britons. Secondly, religious differences between the Protestant and the Catholic communities. Thirdly, low wages, large families and poor housing conditions leading in some cases to begging and other low-level crimes; the Irish were more likely to be

⁸¹ Ibid. Potter, S., 'review of *The Eternal Paddy: Irish Identity and the British Press, 1798–1882*: review no. 501' (2004) *[online] Review in History*, Available: <http://www.history.ac.uk/reviews/review/501> [Accessed July 2/ 2013].

⁸² Potter *ibid.*

involved in other crimes like stealing and the unlawful distillation of spirits. Fourthly, stereotyping and the targeting of Irish communities by the police and the courts, especially when the police forces were seen as not able to confront the criminality of Irish foreign nationals.⁸³

⁸³ Swift, *Irish Migrants in Britain*; Jones, *Immigration and Social Policy*; Mcmanus, 'Folk Devils and Moral Panics?'