Murphy's Law or Luck of the Irish?
Disparate Treatment of the Irish in 19th Century Courts*

Anna Bindler
University of Cologne and CEPR

Randi Hjalmarsson
University of Gothenburg
and CEPR

Stephen Machin
London School of Economics
and CEP

Melissa Rubio-Ramos
University of Cologne

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Abstract: Using data on 100 years of 19th century criminal trials at London's Old Bailey, this paper tests for disparate treatment of Irish-named defendants and victims by English juries. Surname Irishness and Englishness are measured using place of birth in the 1881 census. Juries are 3% more likely to convict Irish-named defendants and 16% less likely to recommend mercy in sentencing; even larger gaps are seen for violent crimes and defendants with more distinctive Irish surnames. The paper provides four core pieces of evidence that these outcome gaps are likely driven by disparate treatment. First, results are not driven by other traits associated with Irish names (proxies for social class, religion, and criminality). Second, taking advantage of exogenous variation in expected punishment driven by the abolition of capital punishment, we show that juries react differentially to shifts in extraneous factors when the defendant is Irish versus English. Third, gaps are particularly visible for Irish defendants in cases with English victims, and spill-over onto English-named defendants with Irish co-defendants. Fourth, the Irish-English gap in jury conviction rates became larger during the twenty years after the big Irish Potato Famine-induced migration to London, working through a negative shock to English perceptions of the Irish.

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1. Introduction

Racial and ethnic minorities around the world today face discrimination in many aspects of life, ranging from the labor market and criminal justice system (Lang and Kahn-Lang Spitzer, 2020) to housing and consumer markets (Yinger, 1998). The Irish in Britain are no exception. A recent UK national survey in fact finds that 42% of individuals classified as White Irish report having experienced a racist attack (including insult, property damage, and/or physical attack): this compares to the lowest statistic of 16% for 'other white' backgrounds and the highest statistic of 62% for the Gypsy/Traveller group, where Traveller is an Irish ethnic minority (Ellingworth et al., 2023). Anecdotes of explicit prejudice towards the Irish are surprisingly present in society today: just one recent example is a list of Irish surnames used by a British holiday firm to screen guests.[1] But, such anecdotes are not a modern-day phenomenon. There is a clear historical narrative dating back hundreds of years – largely based on anecdotal evidence – of discrimination directed towards the Irish. The perhaps most salient example is the 19th century English employment advertisements "No Irish Need Apply," which were apparently so common that protest songs were written in the early 1860s with the title.

Yet, despite the prevalence of this historical narrative and its potential persistent effects on attitudes towards the Irish today, there is little to no large-scale empirical evidence of: (i) *the extent* to which the Irish in England were discriminated against, (ii) *how* such discrimination occurred (e.g., in what aspects of life), and (iii) *when* such discrimination originated. In the history literature, smaller-scale, mostly qualitative local studies feature discussions of poverty, crime and anti-Irish sentiment, and the economic position of the Irish in London and other British towns and cities in Victorian times (see, *inter alia*, Swift, 2006). But, empirically answering these questions is not trivial. First, ethnic heritage is oftentimes not reported in historical data sources; thus, even identifying the Irish (especially second generation) in England is a challenge. Second, there are few data sources and contexts in which decisions potentially impacted by prejudice can be systematically studied over a long period of time.

This paper overcomes both of these challenges to provide the first large-scale empirical evidence of this historical narrative. Specifically, we test for disparate outcomes for defendants and victims with distinct Irish versus English names in more than 150,000 decisions made throughout the 19th century by juries (comprised of England-born males of sufficient wealth) at the London's Old Bailey Central Criminal Court.[2] In addition to a *dichotomous* classification

[1] See https://www.londonmet.ac.uk/news/expert-commentary/2021/march/pontins-and-no-irish-need-apply-the-prejudice-that-refuses-to-die/ (last accessed: June 12, 2024).

[2] English here refers to English and Welsh names, and Welsh names feature prominently in the names we study

of whether a name is Irish or not, we also study whether the *degree of Irishness* of the names is associated with even more disparate outcomes. The analysis not only documents these gaps in court outcomes, but also speaks to whether they can be interpreted as evidence of disparate treatment or discrimination. In particular, we assess whether they are driven by case and defendant characteristics (e.g., socioeconomic status) that are correlated with ethnic background. We also take advantage of exogenous variation in expected punishment (driven by the offense-by-offense abolition of the death penalty) to help rule out that the Irish-English disparities are driven by differences in the quality of evidence.

The 19th century was a period of dynamic history and rapid change for the Irish in London. Population numbers sharply increased due to a flow of poor rural migrants from Ireland during the Potato Famine (1846-1852). The Irish became a poor underclass, with wealth and social class gaps between the Irish in England and the English persisting until today (Cummins and Ó Gráda, 2022). The latter half of the century is characterized by increased political unrest, as desires grew for an independent Ireland. This included the inauguration of the Home Rule movement in 1870, which campaigned for self-government for Ireland within the British empire, but also involved violence as the Irish Republican Brotherhood resorted to a series of bomb attacks. We thus also consider whether the disparities change throughout the century, as jurors' perceptions of Irish-named defendants may have altered due to famine-driven migration and events such as the bombing campaign – two *types* of shocks that are still salient in contemporary society.

Answering these questions makes important contributions to both contemporary and historical debates. First, there is growing evidence of the disparate treatment of racial and ethnic minorities by judges and juries around the world today.[3] We provide one of the first pieces of evidence that these biases are not merely a construct of contemporary institutions, but rather date back historically. In our case, going back to the treatment of minority groups nearly 200 years ago. Second, as noted above, despite the qualitative evidence of animus towards the historical Irish in London, there is little empirical evidence concerning this question during the 19th century. The detailed courtroom data provide a unique context in which we can convincingly test for such disparities and in which we can attempt to learn whether such

below. This is in part because there are potentially many second-generation Welsh in London (our name measures are based on country of birth in the 1881 Census) and because there are so few Welsh surnames owing to the use of patronymic surnames, derived from the father's name, in Wales.

[3] Disparities in judge decisions for instance have been documented by Alesina and La Ferrara (2014), Bushway and Piehl (2001), Mustard (2001), Sørensen et al., (2014), Abrams et al. (2012), Rehavi and Starr (2014), Shayo and Zussman (2010), and Gazal-Ayal and Sulitzeanu-Kenan (2010). Racial and ethnic biases in jury decisions have been found, e.g., by Anwar et al. (2012), Anwar et al. (2019b), Anwar et al. (2022), and Flanagan (2018).

disparities are plausibly driven by discrimination or not.[4] We also contribute to the literature on the economic history of crime and the judicial system more widely.[5] Most recently, this includes a handful of papers testing other historical narratives in quantitative analyses; for instance, Abramitzky, et al. (forthcoming) show that, over the past 150 years, immigrants in the U.S. have consistently exhibited lower incarceration rates compared to native-born individuals. When examining the origins of mass incarceration in the U.S., historians argue that post-emancipation criminal laws were strategically designed to target African Americans (Blackmon, 2009). Oshinsky (1997), in offering a comprehensive history of Mississippi's penal system, contends that White Southern elites were able to re-create antebellum labor structures by exploiting the 13th Amendment, which abolished slavery except as punishment for crime. This loophole facilitated the disproportionate conviction of Black men for minor infractions, subsequently subjecting them to labor on prison farms and chain gangs. Rubio (2022), using newly digitized archival data, corroborates the hypothesis that the prison system functioned as a mechanism to coerce labor, leading to the disproportionate incarceration of African Americans. Finally, the paper's findings are of relevance to the discrimination literature on what content names associated with distinct racial and ethnic groups may signal.[6]

The analysis is based on a data set of about 160,000 trials at the Old Bailey Central Criminal Court in London from 1800 to 1899. Information on each trial is extracted from *The Old Bailey Proceedings Online*, a digitized version of a quasi-official publication (*The Proceedings*) after each court session of the Old Bailey.[7] This historical source includes much of the same information available when studying contemporary jury verdicts: date, defendant and co-defendant names and gender, detailed offense, criminal history, verdict, and sentencing categories. As the Proceedings do not report place of birth or ethnicity, we measure how Irish or English defendant surnames are according to their presence in the 1881 Census. Specifically,

[4] A handful of studies consider study the Irish in the historical courtroom, but they do not encompass most of the 19th century. King (2013) looks at 129 Irish victims at the Old Bailey from 1750 to 1825, and 1188 Irish defendants from 1791 to 1805, and concludes that Irish defendants were not treated more harshly. Vickers (2016) studies whether socioeconomic status is associated with disparate court outcomes in snapshots of English and Welsch trials in 1870, 1883 and 1910. Not the focus of the study, he finds that Irish surnames (in 1883) have insignificantly longer sentences. Bodenhorn studies extralegal factors affecting sentences in Pennsylvania from 1829 to 1876; those born in Ireland (10% of the sample) received shorter sentences than native whites.

[5] Moehling and Piehl (2009) study immigration and crime, Melander and Miotto (2023) study welfare and crime, Bindler and Hjalmarsson (2021) study police and crime, Chambru (2020) and Bignon et.al (2017) study poverty and crime, Eriksson (2020) studies education and incarceration, Fiegenbaum and Muller (2016) lead exposure and crime, and Stuart and Taylor (2021) study migration, social connectedness and crime.

[6] See for instance Fryer and Levitt (2004), Bertrand and Mullainathan (2004), Güell et al. (2015), Abramitzky et al. (2020) and Kreisman and Smith (2023).

[7] The data from the Old Bailey Proceedings have been used by economic historians also in contexts beyond criminal justice. Voth (1998), Horrell, Humphries, and Sneath (2015) and Kelly and Ó Gráda (2016), for instance, use the Proceedings to construct time-use budgets and to measure the value of property in the historical context.

we create an Irish surname ratio that measures the share of Irish born individuals in the census with that name relative to the share of non-Irish born individuals; the higher this odds ratio, the more distinctively Irish a surname is. We create a similar measure for surnames from England and Wales, which we call the English surname ratio. We classify defendants with Irish and English surname ratios larger than three as Irish and English-named, respectively. The remaining names are classified as non-distinct.

Others, notably in the context of our study Cummins and Ó'Gráda (2022), have used name-based approaches to identify Irish in the data. One of the key differences between our classification approach and theirs, which is based on data and surnames from the 1911 Census, is that we provide a simple metric to measure both whether a name is Irish as well as *how* Irish it is. We use these classifications in regressions that compare Irish-named and non-distinct defendants to English-named defendants, as well as in specifications that ask whether the *more or less* distinct Irish names matter. 12% and 41% of defendants have Irish- and English-classified names, respectively. Irish names are more prominent in violent cases, comprising 18% of defendants at the beginning of the century and almost 25% in the third quarter.

A number of validation checks using external data sources show that the measures of Irish and English surnames do indeed predict country of origin. These analyses also inform our classification threshold choice, but we note that the results are very robust to shifting these threshold decisions. Finally, though a measure of how Irish a defendant's name is may mis-classify the ethnic origins of some individuals, the name is a potentially important signal to juries (given the relatively short nature of trials during this period). Even if we do not fully capture country of origin, we may correctly capture the jury's perception. Moreover, we would correctly classify the ethnic background of many second-generation Irish in London.

The empirical analysis proceeds in three steps. First, we document the raw and adjusted gaps in jury decisions for Irish versus English-named defendants in the Old Bailey. The baseline specification, which controls for a large set of observable case and defendant characteristics as well as month and year fixed effects, finds significant evidence of disparate treatment towards Irish-named defendants. Applying Oster's (2019) test that assesses the importance of unobservables, we find that they are unlikely to play an important role. On average over the whole 19th century, Irish named defendants are 3% more likely to be convicted by the jury and 16% less likely to receive a jury recommendation that the judge exercise mercy in sentencing. These disparities: (i) originate in the 1825-1850 period, (ii) persist and/or grow over the rest of the century, and (iii) exist for both property and violent offenses, with overall larger effects for violent crimes. These gaps are also not limited to the dichotomous Irish name

classification, but also seen for continuous measures: Defendants with more distinct Irish names are treated, on average, more harshly.

Do these disparate courtroom outcomes represent discrimination? And if so, is it because the defendants are Irish or is it attributable to characteristics associated with being Irish, like religion, socioeconomic status, or criminality more generally? We demonstrate that the gaps are robust to controlling for proxies for each of these potential characteristics, suggesting that animus towards the Irish is indeed a likely underlying channel. Another potential confounder would arise if the cases against Irish defendants were (on average) built on a higher quality of evidence, thereby leading to higher conviction rates. We argue that this is unlikely for two reasons. First, one would actually expect Irish defendants at the Old Bailey to have *weaker* cases against them if the Grand Jury (responsible for sending cases to the Old Bailey), similar as the seated jury, treats Irish defendants harsher by using a lower threshold of evidence. Second, we find that juries react more strongly to exogenous changes in expected punishment severity depending on whether the defendants have Irish or English names. If the gaps in trial outcomes were driven by differences in the quality of evidence, one would not expect such differential impact of extraneous factors for Irish versus English defendants.

The second part of the analysis studies whether Irish surnames of other agents in the court – co-defendants, victims, and jurors – play a role. Defendants with Irish co-defendants are significantly more likely to be convicted themselves. There is an up to 25% increase in the chance of conviction for English defendants with any Irish co-defendants compared to having only English co-defendants, i.e., the animosity towards the Irish appears to spill-over to non-Irish associates.[8] Moreover, it is not just all Irish defendants who are more likely to be convicted, but especially Irish defendants in cases with English victims. Though not significant, English defendants in cases with Irish victims are on the contrary less likely to be convicted compared to cases with English victims. Finally, though we cannot match individual jurors to trials, we show that just 3% of jurors have Irish surnames: this implies that the vast majority of 12-person juries would not have had any Irish-named juror. Moreover, these numbers do not grow over time, despite the growing Irish population and ability to relax jury eligibility (e.g., wealth) requirements (for foreign defendants). The lack of Irish in the jury pool in itself suggests disparate treatment of Irish defendants.

The final part of the paper zeros in on timing, beginning by dating the first signs of

[8] This is similar in spirit to the contagious animosity documented by McConnell and Rasul (2021): animosity towards Muslims post- 9/11 spilled over onto Black Hispanic Defendants in the U.S. federal justice system.

disparate jury verdicts to the 1830s, and then showing continued growth in the 1840s and 1850s, which is consistent with the 1846-1852 Famine induced migration. More formally, we find that though conviction rates were significantly lower in the famine and post-famine periods, these downward trends were smaller for Irish-named defendants. This finding is especially significant for violent offenses, where Irish-named defendants were almost 10% more likely to be convicted after the potato famine than English-named defendants. In contrast, we do not find evidence that the Irish Republican Brotherhood bombings exacerbated the treatment of the Irish in the courtroom. We argue, following Swift (2006), that this may have arisen because the period from about 1870 on features two factors that pull in opposite directions and therefore acted to offset one another. The first is the continued anti-Irish sentiment and antagonism because of events like the bombings, while the second reflects less public concern about the Irish due to slower rates of migration, cultural and economic assimilation of famine migrants and the set-up of the Home Rule movement, which empowered the Irish in England to some degree.[9]

The remainder of the paper proceeds as follows. Section 2 provides historical background about the 19th century courts and the Irish in London. Section 3 describes the data, how we measure name Irishness and Englishness, and provides summary statistics. Section 4 presents regression adjusted estimates of the Irish-English name gap in court outcomes overall and by quarter. This section further offers a discussion of underlying mechanisms by studying other signals of a name as well as quasi-experimental evidence from a large punishment reform. Section 5 studies the role of Irish-named co-defendants, victims and, to the limited extent possible, jurors, while Section 6 considers the impact of two potential negative shocks to the perceptions of the London Irish – the Potato Famine and the Irish Republican Brotherhood – on court outcomes. Section 7 discusses and concludes.

2. Institutional Background

2.1. The Judicial System in 19th Century London

This paper studies jury verdicts at the Old Bailey – the Central Criminal Court of London and the surrounding counties of Middlesex and (parts of) Essex, Kent, and Surrey – for defendants charged with the most serious offenses, including all felonies. The class of felony offenses was quite broad, however, at the beginning of the 19th century; more than 200 felony offenses were

[9] Indeed, Swift (2006) states that "…from the 1870s onwards, public concern with Irish criminality in British cities was less transparent than it had been during the 1840s and 1850s, and in a sense this reflects the changing social, economic, political and cultural contexts of the late Victorian period…" (Swift, 2006, page 25).

eligible for the death penalty, including offenses that are minor today, like pickpocketing. The number of trials at the Old Bailey throughout the 19th century reflects more than just underlying crime levels. The catchment area of the Old Bailey was expanding, especially with the addition of Essex in the 1830s. In contrast, in subsequent years, cases were shifted out of this jurisdiction as more power was given to magistrates to summarily decide cases of minor property crimes.

Defendants faced an Old Bailey trial after a Grand Jury decision that there was sufficient evidence to proceed. Anecdotally, for at least the first part of the 19th century, the Grand Jury had a reputation for not sending cases on to the Old Bailey and was nicknamed the "hope of London thieves."[10] Charges of murder and manslaughter were the only cases that automatically went to an Old Bailey trial, without a Grand Jury decision. We observe the Proceedings of the Old Bailey trials, but not those of the Grand Jury. To the extent that the Grand Jury treats Irish defendants harsher, by using a lower threshold of evidence, one would expect a greater representation of Irish defendants – with weaker cases against them – in the Old Bailey sample. This would lead us to underestimate the extent of disparate treatment against the Irish by the Old Bailey juries. If this was indeed the case, the weaker cases may also lead to Irish defendants – who would be more likely to be innocent –being less likely to plead guilty (once pleading guilty became a part of the judicial system, primarily for property offenses, after the shift from a presumption guilt to the presumption of innocence in 1827). We find evidence consistent with this – namely that Irish-named defendants are less likely to plead guilty in the Old Bailey data than English-named defendants (see Appendix Table B4).

Trials at the Old Bailey occurred during regularly scheduled sessions, which lasted for at least a few days and occurred on an almost monthly basis by the end of the century. A master list of eligible jurors was maintained in each jurisdiction (i.e., London versus Middlesex) and a pool of jurors were summoned from each master list to the courtroom before each session. From these pools, 12 names were randomly drawn to sit on each jury (with separate juries for London and Middlesex).[11] Each jury decided many consecutive cases.[12] The jury was expected to return a unanimous verdict after listening to the testimony. They could convict the defendant on the original charge or a lesser offense (more common for property offenses with easily defined theft value thresholds) and could recommend mercy to the judge in sentencing.

Sentences were decided by the judges. At the beginning of the 19th century, many offenses were capital eligible. Capital punishment was abolished offense by offense, in favor

[10] https://www.digitalpanopticon.org/The_Old_Bailey_Criminal_Trial
[11] See Beattie (1986) for details on the jury selection process at the beginning of the 19th century.
[12] See Bindler and Hjalmarsson (2019) for an analysis of path-dependency in these jury decisions.

of transportation "beyond the seas" to Australia or prison, during the first half of the century. Increasingly viewed as harsh and inhumane, transportation was abolished in 1853 and 1857. Prison became the by far predominant sentence. Though our data include the judge's sentence, we cannot observe either prison sentence length or whether pardons were given.

Who were the jurors and judges? Judges were of generally high socioeconomic status and university educated (at least during the 19th century).[13] This can be corroborated in statistics based on social class classifications in the Old Bailey Corpus, which contains speech related texts from the Old Bailey Proceedings (Huber et al., 2016).[14] In the subset of trials coded in these data, 75% of (male) defendants and 51% of victims but 0% of judges are classified as of *lower* social class. Eligibility to be in the juror master list was generally determined by: (i) gender (only males until the Sex Disqualification (Removal) Act of 1919),[15] (ii) age (21-60 for most of this period), (iii) being a natural born citizen and resident of England, and (iv) income and wealth qualifications.[16] Given the wealth qualifications and relatively low socioeconomic status of the Irish in England, combined with the place of birth requirement, it is perhaps not surprising that, as seen in Section 3, the share of jurors seated at the Old Bailey from 1800 to 1860 with distinctively Irish names is low at only 3%.

Do jurors have the ability to identify the ethnicity of courtroom participants? Trials during this period were much shorter than trials today. In fact, Feeley (1997) states that a chaplain of the Old Bailey in the early 19th century clocked the average trial to be around eight minutes long. The trial began with the clerk reading the charge and defendant's name, and then proceeded with the 'prosecutor' presenting their case, the witnesses giving testimony, and finally, the defendant stating his or her case. Thus, jurors have a first opportunity to infer Irishness (as we do) from the defendant's name when read aloud by the court clerk. But, given the distinctiveness of Irish accents, Irishness could potentially be observed when the defendants speak in the courtroom, to the extent they speak at all. Data from the Old Bailey Corpus (Huber et al., 2016) suggest that defendants spoke on average not more than 100 words during a trial.

2.2. The Irish in 19th Century London

[13] See https://www.oldbaileyonline.org/static/Judges-and-juries.jsp#whowerethejudges.
[14] We describe the Old Bailey Corpus data in more detail in Appendix B. Social class is measured according to the Historical International Standard Classification of Social Class (HISCLASS).
[15] See Bindler and Hjalmarsson (2020) for more on gender gaps in Old Bailey decisions and Anwar et al. (2019a) for an analysis of the impact adding females to the jury pool.
[16] The 1825 Juries Act details the jury selection process. With respect to the wealth qualification, eligibility was based on the value of the freehold land or property owned (£10) or leased (£20 per year) or the size of your house (at least 15 windows). See https://www.legislation.gov.uk/ukpga/Geo4/6/50/contents/enacted.

This section describes the 19th century Irish migration to England and the Irish Republican Bombing campaign – two events that may have shocked the perceptions of the Irish in London.

Williamson (1989) estimates the number of Irish-born in Britain over the course of the 19th century. In 1787, there were just 20,000 Irish-born living in Britain; this increased to 182,000 in 1821, to 290,000 in 1831, to 415,700 in 1841, to 727,300 in 1851, and to 805,700 in 1861. Numbers stabilized after this point, and even began to fall. These statistics illustrate that migration from Ireland to England began in the early 19th century, but sharply increased in the 1840s, rising by 75% in that decade. Even though the English population was also growing quickly during this time, the Irish population increased its share from 2.2% of the total in 1841 to 3.5% in 1851. Moreover, Williamson (1989) highlights the over-representation of the Irish in urban areas like London. Statistics from the 1881 Census indicate that there were about 3.8 million inhabitants of London, of which about 2% (or 85,000) were born in Ireland; many more may have been descendants of Irish-born parents. The share of Irish-born inhabitants in London was larger than the share born in Scotland and foreign countries (about 1.5% each). Foreign born inhabitants disproportionately were born in the German Empire, France, and Poland.[17]

The sharp increase in Irish migration between 1841 and 1851 has been attributed to Ireland's Great Famine, also called the Irish Potato Famine. In the early 1840s, the majority of Irish families were employed in agriculture and especially reliant on the potato crop. An 1845 infestation of *Phytophthora infestans* destroyed a significant portion of potato crops; repeat crop failures of varying degree occurred until the end of the decade. Famine took hold in 1846, resulting in an estimated one million deaths and another million migrating (especially to the US and UK) by the early 1850s (Ó Gráda, 1999).[18] Crops recovered by 1852.[19]

Given the dire circumstances under which many left Ireland during the famine, it is not surprising that researchers find post-famine migrants to differ "relative to earlier, more prosperous Irish Immigrants" (Collins and Zimran, 2019). Collins and Zimran (2019) find that post-famine migrant household heads (in the US) have lower human capital (literacy) compared to pre-famine migrant household heads. Historians, however, highlight that even pre-famine, Irish migrants to Britain were of lower classes than those to North America (O

[17] See Tables 11 and 13 of the Census of England and Wales 1881 (last accessed: January 31, 2024): http://www.histpop.org/ohpr/servlet/TOC?path=Browse/Census%20(by%20date)/1881/England&active=yes&mno=57&tocstate=expandnew&display=sections&display=tables&display=pagetitles.
[18] See Mokyr (1983) and Ó Gráda (1999) for more details on the timeline of the famine.
[19] For instance, Anbinder and McCaffrey (2015) study the Great Famine migration of "1846-1854", choosing 1854 as the endpoint since after that year immigration to the United States decreased to pre-famine numbers.

Tuathaigh, 1981). Migrants to London were disproportionately employed in semi-skilled and unskilled casual labor and lived in the poorest of communities or slums (O Tuathaigh, 1981).

Henry Mayhew, journalist and co-founder of the satirical magazine Punch, published a series of articles in the Morning Chronicle, which were compiled in 1851 into a book titled the "London Labour and the London Poor". These writings, as summarized by Scholl (2020), highlight the perceptions of London towards the Irish and how these changed with the famine migration. Scholl notes that Mayhew positioned the Irish as the poorest of the poor and stated that their presence in London in the 1840s was not new, though the prejudice against them was. Mayhew dates it to the influx of Irishmen during the famine:

> "I found among the English costermongers a general dislike of the Irish. In fact, next to a policeman, a genuine London costermonger hates an Irishman, considering him an intruder. Whether there be any traditional or hereditary ill-feeling between them, originating from a clannish feeling, I cannot ascertain. The costermongers whom I questioned had no knowledge of the feelings or prejudices of their predecessors, but I am inclined to believe that the prejudice is modern, and had originated in the great influx of Irishmen and women, intermixing, more especially during the last five years, with the costermonger's business. An Irish costermonger, however, is no novelty in the streets of London." (104)

O Tuathaigh (1981) describes the British stereotype of the famine-migrant Irishman as follows: "intemperate, improvident, violent, totally innocent of any notions of hygiene, mendacious and undependable." There are many anecdotal examples of an anti-Irish sentiment in Victorian England, ranging from employment advertisements explicitly stating "No Irish Need Apply" to political cartoons depicting Irishmen as drunken and ape looking. See Appendix C for examples. Besides these anecdotes, however, there is little empirical evidence on (i) the extent of such anti-Irish bias, (ii) whether it truly was affected by this negative wave of poor famine migrants, and (iii) whether it spilled over to the courtroom.

A final piece of context relates to the Irish Republican Brotherhood, which resorted to violence to establish an independent Irish republic. Among the first violent actions was the 1867 'Clerkenwell Outrage' in London. The attack occurred on December 13, 1867, and was a failed attempt to ensure the escape of two Fenian operatives – Ricard O'Sullivan Burke and Joseph Casey – from their incarceration in the Clerkenwell House of Detention. The explosion was much larger than intended and resulted in a massive breach in the prison wall, 12 deaths, and 120 injured. Six individuals were put on trial in the Old Bailey session starting on April 6, 1868 for murders associated with the Clerkenwell explosion. Just one – Michael Barrett – was found guilty and sentenced to death.[20] He was publicly executed on May 26, 1868; this was the

[20] See https://www.oldbaileyonline.org/browse.jsp?id=def5-412-18680406&div=t18680406-412#highlight and https://historyhouse.co.uk/articles/clerkenwell_prison_escape.html.

last public execution in the UK. The bombing was covered extensively in newspapers of the time – see Appendix C for two depictions of the bombing that are even used regularly today. This and subsequent failures led to a quieting down of the movement. This changed with a series of bomb attacks throughout London and other English cities between 1881 and 1885 - the 'Fenian Dynamite Campaign'. These attacks, described in more detail in Section 6.2, culminated in the formation of the Metropolitan Police's Special Irish Branch in 1883.

3. Data

3.1. Data Description

The core data are from *The Proceedings of the Old Bailey*, which were published after each Old Bailey session from 1674 to 1913 and are considered reliable after 1715. Hitchcock et al. (2013) digitized these records in *The Old Bailey Proceedings Online* and made them available to the public via their search engine and as tagged xml files. We have also used these data to study various aspects of historical jury decision making, and refer the reader to Bindler and Hjalmarsson (2018, 2019, 2020) for more detailed descriptions.

We extract the following tagged information for all trials: case identifier, session date, defendant name, defendant gender, offense category, verdict (plea, guilty of original or lesser charge, acquit), sentence (death, transportation, prison, corporal, miscellaneous or none), and codefendant identifier and name. The Proceedings only tag the main offense, even if the defendant is charged with multiple offenses. Age is also tagged, but only systematically reported in the Proceedings for *convicted* defendants after 1800. For previous projects, we manually coded the following untagged information: judge, jury, and juror names from 1750 to 1822 and the defendant's custodial history (once, more than once, known associate of bad character), which is available from the 1830s onward. The data include the names of all seated jurors until 1860, but after 1822, we cannot match them to the specific trial, just to the session.

Our analysis sample consists of all Old Bailey trials from 1800 to 1899, with separate observations for each defendant in multi-defendant cases (N=162,482). This includes both jury trials and cases in which defendants plead guilty. Our core analyses focus on the sample of 134,204 jury trials. We categorize the offenses into 34 categories, and code whether each offense was capital eligible in the year of the trial (based on Bindler and Hjalmarsson, 2018).

3.2. Measurement: Identifying Irish and Non-Irish Courtroom Participants

Given that the Proceedings do not systematically record defendant ethnicity or place of birth, a fundamental analysis step is to identify Irish and non-Irish courtroom participants. We do this

by measuring surname ethnicity using country of birth in the 1881 Census. In other words, we use names of first-generation immigrants from Ireland to England, regardless of year of birth, to identify names that are distinctively Irish. This section describes the key steps; Appendix A provides additional details on data sources, data cleaning, name classification and validation.

Irish and English Surname Ratios

For each surname *s* in the 1881 Census, we calculate the share of individuals in the Census who are born in Ireland and have that surname. This is not enough to identify distinctively Irish names, however, since some names could be common in both Ireland and England. Thus, we scale this share (the numerator below) by the share not born in Ireland who have surname *s* (the denominator below).

$$Irish\ Surname\ Ratio^{s} = \frac{(\#\ born\ in\ Ireland\ with\ surname\ s/\#\ born\ in\ Ireland)}{(\#\ born\ outside\ of\ Ireland\ with\ surname\ s/\#\ born\ outside\ of\ Ireland)}$$

A distinctive Irish surname is thus one that is relatively common for those born in Ireland but not for those born elsewhere. The larger the Irish surname ratio, the more distinctly Irish the surname.[21] As the group of individuals not born in Ireland may be diverse in terms of origins, we create an analog measure of how 'English' a name is, i.e., the ratio of the share of persons in the Census with surname *s* who are born in England or Wales to the share of those not born in England or Wales. For simplicity, we refer to this as the *English Surname Ratio*.[22]

$$English\ Surname\ Ratio^{s} = \frac{(\#\ born\ in\ England\ with\ surname\ s/\#\ born\ in\ England)}{(\#\ born\ outside\ of\ England\ with\ surname\ s/\#\ born\ outside\ of\ England\ )}$$

These two ratios tell us how distinctly Irish and English each surname in the Census is. Moreover, one can show that the surname ratio is convenient as a measure not only in statistical terms (as it takes into account very common names by rescaling) but that it can also be

[21] This has some similarities to Bertrand and Mullainathan's (2004) classification of distinctive white and black names. In the historical context, it is based on a similar idea as the approach in Cummins and Ó'Gráda (2022) who use 1911 Census surnames to identify Irish. Cummins and Ó'Gráda (2022) use Census data to classify names by ethnic origin based on the most frequent country of birth per surname, with adjustments when at least five percent per surname are born in a country which is not England or Wales.

[22] To the extent our English names also includes Welsh names, not least because of the smaller number of Welsh names already noted above, this could bias down any comparisons we make of the Irish to English – if those of Welsh origin are also treated non-favorably. Given the ease of migration between Wales and England at this time, we decided to combine those born in England and Wales.

transformed into and interpreted as an odds-ratio.[23]

$$Irish\ Surname\ Ratio^{s} = \frac{\Pr\left(born\ in\ Ireland|surname\ s\right)/(1-\Pr\left(born\ in\ Ireland|surname\ s\right))}{\Pr\left(born\ in\ Ireland\right)/(1-\Pr(born\ in\ Ireland))}$$

The numerator of this expression denotes the odds that a person is Irish-born conditional on the observed surname *s*, while the denominator denotes the odds of being Irish-born in the population. That is, our surname ratio (for Irish surnames and equivalently for English surnames) can be interpreted as the odds ratio of a name being Irish. While we will use this ratio as our main measure of Irishness, one may worry that jurors form their perceptions not based on odds ratios but rather associate simple probabilities with a given surname. We will show descriptives as well as robustness tests using the probability of a surname being Irish, $\Pr(born\ in\ Ireland \mid surname\ s) = \frac{\#\ born\ in\ Ireland\ with\ surname\ s}{\#\ born\ total}$, to illustrate that this is unlikely to affect our results.

Matching Surnames in the Old Bailey Proceedings and the 1881 Census

The next (crucial) step is to match each surname in the Old Bailey Proceedings (for all defendants, and where available, jurors, judges and victims) to the Census-based surname ratios. We start by matching on the surnames reported in the Old Bailey Proceedings (more detail is given in Appendix A). To increase match rates and consider name variants, we also use Adam Crymble's *Historically Irish Surnames Dataset* (Crymble, 2015) to identify the root names and up to eight name variants. This is potentially important to capture Irish migrants, or their children, who may have changed the spelling of their surnames to assimilate better into England. Overall, matching rates are high: we match the surname (or a surname variant) of 96.9% of Old Bailey defendants in our sample to an 1881 Census surname and ratio.

Classification and Validation: Distinctly Irish, Distinctly English, and Non-Distinct Surnames

For all defendants from 1800 to 1899, Panels A and B of Figure 1 plot histograms of the Irish and English surname ratios respectively. The median Irish surname ratio is 0.38, while the mean is 673. The median English surname ratio is 2.34, with a mean of 2311. These statistics highlight that some surnames have extremely large ratios – i.e., they are very distinct. The figures top code all ratios at 25.

To create dichotomous measures, we use the surname ratios and classify three groups of

[23] This transformation is done by multiplying the numerator and denominator by $1 = \frac{\#\ born\ total/\#\ born\ total}{\#\ born\ total/\#\ born\ total}$.

defendants: Irish surnames, English surnames, and non-distinct surnames. Broadly speaking, two types of names will be classified as non-distinct – those that are common amongst (i) both Irish and English born individuals and (ii) other immigrant groups. While we do not look at the other immigrant groups in this paper, we highlight that, given the London population statistics cited in Section 2.2, immigrant names likely comprise a small share of the non-distinct group.

We define the three groups using a threshold value, such that all names with an Irish (English) surname ratio over that threshold are distinctly Irish (English). We use a threshold of three at the baseline, such that a defendant with surname *s* is classified as:

$$\begin{aligned} Irish: &\quad Irish\ Surname\ Ratio^s > 3 \\ English: &\quad English\ Surname\ Ratio^s > 3 \\ Non-Distinct: &\quad Irish\ Surname\ Ratio^s \leq 3\ \ and\ English\ Surname\ Ratio^s \leq 3 \end{aligned}$$

We inform this threshold decision by a data-driven approach which recognizes the trade-off between sample size and classification error. On the one hand, the higher the threshold, the more distinct the ethnic background and the less likely we incorrectly identify, for instance, non-Irish defendants as Irish. On the other hand, a higher threshold implies a smaller sample of Irish and potentially classifying defendants as not Irish who in fact are. Panels C-F of Figure 1 illustrate this trade-off. Panel C shows the share of defendants that are Irish, English, and non-distinct using surname thresholds from 1 to 15. About 20% and 70% of defendants are classified as Irish and English, respectively, with a threshold of one. As the threshold increases, individuals are shifted from the Irish and English groups to the non-distinct group. However, once a ratio of three is reached, there is little movement in the classification of Irish defendants – which forms the basis of choosing this as the baseline threshold.

The choice of threshold is, of course, to some extent arbitrary. We thus assess the sensitivity of our results to this choice. First, in this section, we cross-validate our classifications using external data sources that include alternative ways to identify whether a name is associated with Ireland or someone born in Ireland. Second, we later demonstrate that our baseline results are not dependent on the specific threshold chosen (see Figure 4).

Panels D-F of Figure 1 use external sources of data to cross-validate our classifications. First, we use the *Grenham Irish Surnames* data, which we refer to as the Grenham data and describe further in Appendix A, to measure the number of households with each surname in Ireland (overall and by administrative unit). For each potential surname ratio threshold from 1 to 15, Panel D plots the coefficients that result from regressing the share of households in

Ireland with surname *s* on our classification of whether that name is Irish, English or non-distinct. Surnames classified as Irish are more common amongst households in Ireland, while those classified as English are less common. Moreover, the strength of the Irish relationship increases as the threshold increases: the more Irish a name is in the 1881 English Census, the more common it is in Irish households. Panels E and F present similar validation checks using records from the *Digital Panopticon* to identify place of birth – Ireland, London, and Scotland – for a subset of individuals who also have records in the Old Bailey Proceedings Online.[24] Panel E regresses the Digital Panopticon birthplace on whether the surname is classified as Irish, while Panel F does the same for English surnames. The figures demonstrate that our name classifications perform well in identifying Irish and English individuals: defendants with Irish (English) names are more likely to be born in Ireland (England) and less likely to be born in England (Ireland). Moreover, once a threshold of three is reached, the relationship between surname classification and place of birth stabilizes, supporting our threshold choice.[25]

Appendix A presents a number of additional analyses that validate our classification of defendant surnames and first names as Irish, English and non-distinct. First, Appendix Table A1 provides a 'common sense' test, by listing the 30 most common surnames in each group. The most common Irish surname is Sullivan (with an Irish ratio of 22 and English ratio of 0.06), while the most common English Surname is Jones with an Irish ratio of 0.20 and an English ratio of 5.10.[26,27] Smith is the most common non-distinct surname, with Irish and English ratios of 0.56 and 1.43 respectively. Aligned with the observations above, the non-distinct surnames in general appear not to be (non-Irish) immigrant names but rather names that are common amongst both, Irish and English.

Second, Appendix Table A2 demonstrates that our surname classifications correctly

[24] The Digital Panopticon is a website built by digital historians, and is focused on digitizing and making searchable records from many historical sources about the lives of convicts from the 18th and 19th centuries. The search can be conducted here: https://www.digitalpanopticon.org/search. Using this search engine, we extracted those Old Bailey records that were in the Digital Panopticon that listed place of birth as Ireland, Scotland or London. Records can be extracted from one location of birth at a time.

[25] We also used the same approach to create corresponding ratios for first names. Appendix Figure A1 plots the distribution of first name ratios and baseline validation checks. Notably, Panel C highlights that distinctly Irish or English names are rare: At the threshold of three, about 85% of first names are classified as non-distinct. A plausible reason for this is the anglicized spelling of first names in the Proceedings. Our analyses will thus focus on surnames, but results (not shown, but available on request) are qualitatively comparable when using first names.

[26] To be precise, Jones is actually of Welsh origin and included in the English classification given, as described earlier we include individuals born in England and Wales.

[27] Both Mc Carthy and M Carthy are amongst the most common Irish surnames in the Old Bailey data. This reflects the minimalist approach we took to editing the raw names (just removing characters, like '). While cases like this could induce some measurement error, i.e., multiple spellings of same/similar names, our matching using root names and name variants (when possible) helps alleviate this concern. Moreover, since there are multiple spellings of the same name in the Census, our conservative approach to data cleaning allows for the possibility that different spellings of names have significance (e.g., in terms of origin).

predict: (i) place of birth in the *Digital Panopticon*, (ii) the share of households in Ireland (from 1847 to 1864) with that name (in the *Grenham data)*, (iii) whether a name is of Irish, English or non-distinct origin in manual searches of genealogy websites for a sub-sample of defendant names, and (iv) whether the first name is classified as Irish, English, or non-distinct.[28] Over and above cross-validating our measures, an important take-away of these results is that even though our classification of names is based on the 1881 Census, our measure is validated in multiple sources – spanning the 19th century.[29]

Advantages and Limitations of Surname Measures

We conclude this section by discussing the potential advantages and limitations of using surname ethnicity to measure defendant ethnicity: what does a surname capture? Defendants with Irish surnames are indeed more likely to be Irish themselves. However, we do know that there will be some classification error: some defendants who are of Irish (English) heritage will not be identified as having Irish (English) surnames. This measurement error, however, will likely work against us: if there are Irish defendants with English surnames and vice versa, any gaps in outcomes between these groups would be biased down.[30] In addition, the defendant's name was read aloud by the clerk: the name is a signal of ethnic background to the jury, much as it is to us as researchers. Thus, even if defendants are incorrectly classified, juries may have had the same incorrect perception of ethnicity. In other words, given the short nature of trials and limited evidence presented, we may be correctly measuring the jury's perception of ethnicity. Finally, a name may signal more than ethnicity: individuals with (more) Irish names may also be poorer or more religious for instance. Our analyses will return to this notion.

3.3. Descriptive Statistics

Panel A of Figure 2 depicts the share of defendants (1800-1899) and jurors (1800-1860) who are classified as Irish, English, and non-distinct. 12% and 41% of defendants have Irish and English names, respectively, while just 3% of jurors have Irish names. Relative to their presence in London's population, the Irish are over-represented (four times) in the courts. Panel B of Figure 2 looks at how the ethnic composition of defendants changed in the 19th century.

[28] A research assistant began this manual name classification for defendants in the 1880-1886 Proceedings. They manually classified all surnames beginning with A-G, and a subset of H and M.

[29] Given the possibility that surnames carry less precise information for females (who might have changed their name with marriage), we also conducted the tests shown in Appendix Table A2 separately for males and females. We find very similar results: Our measures perform well for males and females. Results are available upon request.

[30] This includes cases in which the Irish may have changed to more English sounding name upon migrating.

The left figure shows that the number of cases with Irish, English or non-distinct defendants increases through the first half of the century due to the expanding catchment area while numbers (for *all* ethnic groups) drop sharply in the 1850s due to the shift of minor cases out of the Old Bailey.[31] Despite these trends, the right figure shows that the prevalence of Irish named defendants is relatively stable, with (if anything) a small increase after 1840.

Table 1 presents summary statistics for Irish, English and non-distinct defendants by quarter of the century. The average Irish surname ratio for Irish named defendants is around 15, while the same statistic for English and non-distinct defendants is around 0.18 and 0.75, respectively. Surname ratios for non-distinct defendants are more similar to English than Irish defendants. Females comprise a larger share of Irish than English defendants in the first quarter (28.9% versus 21.3%). This gap almost disappears as the share of females decrease at the Old Bailey; by the fourth quarter, 11% to 12% of Irish and English defendants are female. Irish defendants are also more likely than English defendants to have Irish-named co-defendants. Property offenses comprised more than 80% of trials for each ethnic group in the first half of the century. As noted above, the composition of crimes at the Old Bailey shifts mid-century, with violent crime and fraud increasingly represented. See Appendix Table B1 for the 34 offense categories and number of observations by offense and defendant name ethnicity.

The third panel of Table 1 presents average case outcomes. There are no visible disparities in the first quarter: juries find 68.6% of Irish and English defendants guilty and recommend mercy in about 5% of guilty cases. A gap emerges from 1825-1849; 74.8% versus 72.5% of Irish and English defendants receive a guilty verdict. This gap grows in the next period (70.4% versus 65%). Similar disparities are seen for mercy. The final panel shows that by the second half of the century, about 90% of guilty defendants were sentenced to prison and average sentencing outcomes are similar for Irish, English, and non-distinct named defendants in each period, including a measure of whether the defendant received the harshest available punishment available at the time and for the offense.

Is there any raw relationship between *how* Irish or English a name is and court outcomes? The left side of Figure 3 plots the average outcome (Panel A: guilty jury verdict and Panel B: mercy) for each Irish surname ratio (in bins of .5) and calculates the correlation coefficient. This is done separately for males and females. Consistent with Bindler and Hjalmarsson (2020), females are treated more leniently overall. There is a positive correlation between name Irishness and guilty verdicts for both genders. Defendants with more Irish names are also less

[31] Specifically, the 1855 Criminal Justice Act give judges the ability to summarily deal with larceny cases.

likely to receive a recommendation for mercy. In other words, we see the same pattern for the continuous measure of name Irishness as for the discrete measure. Given similar findings for males and females, we use the pooled sample for all remaining analyses.

The right panel of Figure 3 plots the correlation coefficient for each outcome and 25-year period. The negative correlations for recommendations of mercy emerge in the second quarter and get larger in magnitude or remain constant over time. The positive correlation between name Irishness and a guilty jury verdict is small in the first quarter and grows from 1825 to 1849 and 1850 to 1874; it appears to get weaker in the last quarter. Appendix Figure B1 shows a consistent story when looking at name Englishness.[32]

4. 19th Century Evolution of Court Outcomes for Irish versus English Defendants

The raw scatter plots and summary statistics by defendant name ethnicity are highly suggestive of differences in court outcomes of Irish and English-named defendants at the Old Bailey. Irishness (for both the discrete and continuous measures) is positively associated with a guilty jury verdict and negatively associated with a recommendation for mercy. The opposite patterns are seen for Englishness. In a first step, this section assesses whether these raw differences are statistically significant and robust to adjusting for case and defendant characteristics. In a second step, we discuss the role of other 'surname' characteristics as well as major punishment reforms – the offense specific abolition of capital punishment – to infer whether these disparities are plausibly driven by differential treatment.

4.1. Raw and Regression Adjusted Gaps in Outcomes

For defendant *i* with surname *s* charged with offense *o* trialed in an Old Bailey session starting on date *t*, we estimate the following regression:

$$(1) \quad Outcome_{isot} = \alpha + \beta_1 Irish_s + \beta_2 NonDistinct_s + X_{io}\delta + Z_s\rho + \gamma_t + \varepsilon_{isot}$$

There are two main outcomes – *guilty jury verdict* and *jury recommendation for mercy*. Accordingly, we condition the analysis sample on cases that were put to the jury when studying

[32] As raised earlier, one may worry that jurors do not form perceptions based on odds ratios but rather on simple probabilities of a surname being Irish or English, respectively. Appendix Figure B2 shows that the pattern in the raw data is very similar when we use the probability instead of the ratio. Yet, the figure also highlights that the distribution of the simple probability of a name being Irish/English is more concentrated in the tails (below 10% for Irish names and above 90% for English names). Compared to the odds ratios, this measure lacks support in the middle of the distribution. For that reason, we prefer the odds ratio as our baseline measure, but later show in robustness tests that our conclusions do not depend on this choice.

jury verdicts, and on guilty jury verdicts when studying recommendations for mercy. While our main analysis focuses on jury decisions, we provide auxiliary results on pleas by defendants as well as sentencing decisions (conditional on guilty jury verdicts) by judges.

We consider whether Irish-named defendants face disparate outcomes at different margins, where we explore both our discrete measure of having any Irish name as well as the continuous measure of *how* Irish the name is. The baseline discrete measure specification includes dummy variables for whether the defendant's surname is *Irish* or *NonDistinct*. The omitted name classification therefore is an English name, allowing us to compare the treatment of Irish and distinctly English defendants. Our continuous measure specifications assess whether defendants with more Irish surnames are treated worse by the courts by decomposing the subsample of Irish defendants (*Irish* = Irish surname ratio greater than 3) into four groups: Irish surname ratio of 3-5, 5-15, 15-25, and more than 25. The omitted category remains defendants with English names. In robustness tests, we further use the surname ratio and the simple surname probabilities to be Irish as continuous measures.

We control for a vector of defendant and case characteristics, X, to account for observable differences between Irish and English-named defendants. Such controls are important given the possibility that conviction rates vary across offenses, due to, for instance, differences in expected punishment or the quality of evidence, or across defendant characteristics. X includes the number of defendants, defendant gender, more than 30 detailed offense type dummies, and whether the offense is capital in year t. Expected punishment is changing throughout the 19th century, and, as we have shown in Bindler and Hjalmarsson (2018), can impact jury decisions; this was especially the case with the time-varying offense by offense abolition of capital punishment. Finally, γ_t includes both year and month fixed effects. The former capture unobservable characteristics of, for instance, the justice system (e.g., the creation of the London Metropolitan police in 1829) or society common to all defendants. Month fixed effects capture seasonality, which is relevant given the possibility that weather impacts the mood of jurors and given variation across the year in the availability of seasonal work. The latter may be particularly relevant for the Irish population. Alternatively, we estimate specifications allowing for month by year fixed effects by including session fixed effects that capture characteristics of the jury pool or courthouse conditions at the time.

Finally, if Irish defendants are treated differently than the English, one needs to ask why: is there animus directed towards them simply because they are Irish? Or is it because Irish defendants are different than English defendants in some yet to be measured dimension, which either leads to similar animus or affects the nature of their defense? We begin to address this

question in Section 4.3, where we create and control for proxies Z_s of whether a surname s signals anything more than the defendant's likely ethnic background, including their socioeconomic status, religion, or propensity for crime. We further explore quasi-experimental variation induced by the offense-specific abolition of capital punishment (see Bindler and Hjalmarsson, 2018) to learn about whether extraneous factors influence jury decisions differentially for Irish compared to English defendants. This helps alleviate concerns that our results are, e.g., driven by a higher quality of evidence against Irish defendants, leading to higher conviction rates (though, of course, a higher quality of evidence against Irish than against English defendants could in fact reflect disparate treatment at earlier stages of the judicial process).

4.2. Regression Adjusted Estimates of Disparities in Court Outcomes

Baseline Gaps in Jury Decisions

Table 2 presents the results of regressing whether the defendant was found guilty (Panel A) or recommended mercy by the jury (Panel B) on whether the defendant's surname is classified as Irish or non-distinct based on the discrete measures. Columns (1)-(5) build the specification using the whole sample period (1800-1899). In the raw data, Irish named defendants are 2.7 percentage points more likely to be convicted by the jury and 2.4 percentage points less likely to be recommended mercy. When adding offense fixed effects in column (2) and controlling for observable case and defendant characteristics in column (3), the gaps decrease somewhat in size. The coefficients get larger, if anything, when adding year and month fixed effects in column (4) or session fixed effects in column (5). We take column (4) as the regression adjusted baseline: On average, throughout the 19th century, Irish named defendants are 2.3 percentage points (3% relative to the mean) significantly more likely to be convicted and 1.7 percentage points (16% relative to the mean) less likely to be recommended mercy.[33] All specifications also compare non-distinct defendants to those with English names. P-values shown in the table refer to tests comparing the Irish and non-distinct coefficients. Though the non-distinct group is significantly more likely than the English to be convicted by the jury and less likely to receive a mercy recommendation, these gaps are significantly smaller for the non-distinct than for the

[33] To gauge the potential importance of unobservables, we implement the Oster (2019) test for selection on unobservables and follow Bazzi et al. (2020) to allow for fixed effects. We calculate the Oster δ for $\beta = 0$, assessing how important unobservables would need to be to render a zero treatment effect. Oster (2019) suggests that any $|\delta| > 1$ leaves limited scope for unobservables to explain the results. Reassuringly, we find $\delta = 17.9$ for jury verdicts and $\delta = 8.4$ for mercy recommendations. When including additional variables Z_s (see Section 4.3 for results), δ ranges between 5.4 and 6.1 for jury verdicts and between 6.3 and 6.9 for mercy recommendations.

distinctly Irish (at least with respect to conviction).

The differences in jury-based court outcomes for Irish versus English defendants are statistically significant, but are they economically meaningful? To put these gaps into perspective, it is important to remind oneself of the context: Convictions and recommendations for mercy are high-stakes decisions with severe consequences. Even if a 3% higher chance of conviction may sound small at first, the impact on the defendants (and their families) would be large – especially in a context in which the death penalty or penal transportation to Australia play a very meaningful role. From that perspective, a 16% lower chance of receiving a recommendation for mercy also appears large and meaningful. Another way to benchmark these estimates is to compare them to other factors that affect jury verdicts during this period. For instance, Bindler and Hjalmarsson (2020) show that females are treated more leniently than males at the Old Bailey: they are seven percentage points less likely to be found guilty by the jury and three percentage points more likely to be recommended for mercy. Benchmarked against these sizeable gender gaps, the disparities between Irish and English defendants are around one-third to almost two-thirds as large (depending on the outcome). This, of course, refers to averages throughout the 19th century; we will return to heterogeneities across sub-periods below. Finally, a more difficult question is how the Irish-English gap in historical court outcomes compares to race/ethnicity gaps today. To the best of our knowledge, such a gap has not been measured for the Irish, but disparate treatment in judicial decisions has been studied with respect to US race gaps, Arab-Israeli gaps, and religion in India. The results are mixed, ranging from a null effect for judge decisions in India to significant (and large) estimates of in-group bias in US jury decisions (Anwar et al, 2012) and judge decisions in Israeli small claims courts (Shayo and Zussman, 2011).

Robustness of Gaps in Jury Decisions

We provide a number of robustness tests demonstrating that the above results are not sensitive to our specification choices. First, we address the choice of threshold (baseline: three) in the surname ratio when classifying surnames as distinctly Irish or English: Figure 4 presents the estimated coefficients for both the Irish and non-distinctly classified defendants iterating through each potential threshold from one to fifteen. Qualitatively, the patterns persist. Quantitatively, the size of the point estimates is informative, as disparities are larger when our classification is based on more distinctly Irish names (i.e., with higher thresholds). Second, we test whether our results are driven by specific offense categories. Appendix Figure B3 shows that our baseline estimates (both for verdicts and mercy recommendations) are very stable to

excluding each of the more than 30 offense categories one by one. This does not rule out that the size of the Irish-English gap varies across offense categories, of course. While this is harder to test given sample sizes, Appendix Figure B4 demonstrates a generally consistent pattern when allowing the coefficient of interest to vary by offense category. In particular, there is an (at least weakly) positive gap for guilty jury verdicts and (at least weakly) negative gap for mercy recommendations across offense categories.

Heterogeneities in Gaps in Jury Decisions

Columns (6)–(9) of Table 2 re-estimate the baseline specifications for 25-year intervals, denoted Q1 through Q4 for each quarter of the century. There are no significant disparities in Q1 and point estimates are close to zero. Starting in Q2, Irish defendants show a significantly higher likelihood of conviction and lower chance of a mercy recommendation. The difference in conviction probabilities grows over time, both in absolute and relative terms (though changes from one quarter to the next may not be statistically significant): Relative to the Q1 to Q4 means, Irish named defendants are 1%, 2.7%, 4.4%, and 5.3%, respectively, more likely to be convicted. Once the mercy gap emerges, it also persists: Irish named defendants are 3.8%, 17%, 14%, and 18%, respectively, less likely to receive a recommendation for mercy in Q1 to Q4.

Given the over-representation of the Irish in violent offenses and the anecdotal perception and stereotyping of the Irish as violent, Table 3 estimates the baseline specification overall and by quarter separately for property offenses (columns (1)-(5)) and violent offenses (columns (6) – (10)). Though some precision is lost due to the focus on smaller samples, we find the same general pattern: Point estimates suggest that Irish-named defendants face harsher decisions by juries starting in Q2 for both property and violent crimes. The estimated effects, however, are larger – both in absolute levels and relative to the mean – for violent offenses. For the entire period, Irish-named defendants are 2.6% and 8.0% more likely, respectively, to be convicted of property and violent crimes than English-named defendants. Similar (but smaller) estimates are seen for non-distinct defendants. As in the pooled sample, gaps within crime type are generally largest in the second half of the century: Irish-named defendants are 11% more likely to be convicted for property offenses in Q4 and 12% for violent offenses in Q3.

While disparities by crime type in convictions are significant from Q2 through to Q4 (Panel A), those in mercy recommendations (Panel B of Table 3) are only significant in Q2 – the period with the largest number of observations. Proceeding through the century, punishments are becoming less harsh, making mercy recommendations less relevant. This is evidenced by the decreasing dependent variable mean. But, in Q2, during which capital

punishment still exists and transportation to Australia peaks, juries are 15% less likely to recommend mercy for Irish-named defendants charged with property crimes and 41% less likely for violent crimes.[34]

Continuous and Alternative Measures of Irish Names

Finally, as discussed earlier, the context and data at hand allow us to go beyond binary classifications of defendants as Irish, English or non-distinct. Table 4 presents the results using continuous information for the classification: Do the disparate outcomes for Irish-named defendants depend on *how* Irish the name is? Columns (1) to (3) look at the raw and adjusted gaps for the entire period, while columns (4) to (7) estimate the effects by quarter and columns (8) and (9) present the property and violent crime results. Breaking up the Irish surname ratio into four sub-categories (3-5, 5-15, 15-25, and more than 25), we find that defendants with more distinctive Irish names (i.e., names with higher ratios) generally face harsher court outcomes. This is seen for both jury decisions (verdicts in Panel A and mercy recommendations in Panel B), with and without controls, in each quarter from 1825 to 1899, and for both property and violent crimes. The gaps associated with the two highest Irish surname ratios bins are almost always significant. These patterns are consistent with multiple channels. One is that juries treat all defendants who they perceive as Irish the same, but that a more distinct Irish name (i.e., with a higher ratio) is easier to identify as Irish. An alternative is that the extent of disparate treatment varies with how Irish a name is, and that a name captures something more than an indicator of being Irish. We explore this possibility in the next section.[35]

Other outcomes: Pleas and Sentences

While our focus lies on jury decisions as discussed above, Appendix Tables B4 and B5 provide auxiliary results with respect to pleas (defendant decisions) and sentences (judge decisions). While in the raw data Irish-named defendants are 3.8 percentage points less likely to plead guilty, this gap halves when adding offense category fixed effects (absorbing differences in the prevalence of pleas across offenses); the estimate remains at about 9% relative to the mean. As

[34] To address concerns that clustering by offense results in a (too) small number of clusters (especially in the crime type sub-samples), Appendix Table B2 shows that the conclusions from Tables 2 and 3 are robust to alternative standard errors. Specifically, instead of clustering at the offense level, we estimate: (i) heteroskedasticity-robust standard errors (without clustering); (ii) standard errors clustered and two-way clustered by offense and year; (iii) standard errors bootstrap-clustered by offense; (iv) p-values using wild-t cluster bootstrap.

[35] Acknowledging that there exist alternative ways of identifying Irish names, Appendix Table B3 demonstrates that the results do not qualitatively hinge on our choices. Panel A uses the surname ratio as a continuous measure and Panel B the surname probability (see Appendix Figure B2). Again, we find that defendants with more distinct Irish names face harsher court outcomes when it comes to jury decisions.

seen for jury decisions, the plea gap emerges only in the second quarter of the 19th century. Though the lower propensity of the Irish to plead guilty would be consistent with cases against Irish defendants being weaker (if passed through by Grand Juries), we cannot rule out alternative explanations.

As illustrated in the summary statistics (Table 1), punishments changed throughout the 19th century with a series of reforms, first with the abolition of capital punishment offense by offense and in the 1850s with the abolition of penal transportation to Australia. To account for these sentencing regime shifts, we create a summary measure that indicates whether a convicted defendant was sentenced to the harshest punishment available for a given offense in a given year. Using this measure, the regression results in Appendix Table B5 confirm the patterns from the raw data: For the most part, there is no statistically significant difference in the chance of receiving the harshest available punishment for Irish versus English defendants. There are several possible explanations. On the one hand, disparities in jury verdicts may (on average) result in weaker cases for Irish versus English convicts, and one could have thus expected milder punishments for Irish convicts. In this case, the lack of any difference would signify disparities in judge decisions. On the other hand, lack of a gap could also be consistent with either judges not exhibiting differential treatment of Irish versus English defendants or our sentencing measures not capturing the margin at which disparities occur (e.g., pardons or prison sentence length, which are both not observed).

4.3. Interpretation: Why do Irish-named defendants face harsher outcomes?

Our above analyses provide evidence that Irish-named defendants face harsher trial outcomes when it comes to jury decisions – a higher chance of conviction and a lower chance of a mercy recommendation. Why is this the case? One explanation that is plausible in the context is discrimination or animus directed towards the Irish. An alternative explanation, however, is that observable and unobservable differences between Irish- and English-named defendants account for the disparities in court outcomes. The following analyses study more closely whether the results are likely attributable to such (un)observable differences or can be interpreted as pointing towards differential treatment based on ethnicity.

What's in a Name?

To the extent that Irish-named defendants are different in observable dimensions, such as socioeconomic status or religion, disparate treatment could result from them being poor or Catholic, rather than Irish. Alternatively, Irish-named defendants may have worse trial

outcomes because these systematic differences actually impact their defense (e.g., whether they have a defense attorney, which however was not common at the time).

Table 5 takes the first steps to learn about why Irish-named defendants have worse judicial outcomes. As described in Section 4.1, we estimate the baseline specification when including other characteristics associated with the defendant's surname. Column (1) of Table 5 repeats the baseline for ease of comparison. Column (2) adds a control variable capturing information on "criminal history" of the defendant (defined as previously been in custody or known to be the associates of bad characters), which is available starting in 1832. Though criminal history is itself positively associated with more severe jury decisions, its inclusion leaves the Irish-English gaps almost unaffected.

To address differences in socio-economic status, a first-best solution would be to control directly for defendants' occupation. Unfortunately, we do not observe occupation for the vast majority of individuals in the Old Bailey Corpus online data. Occupation is only tagged for a small subset of individuals (N = 190 Irish defendants, N = 852 English defendants, and N = 884 non-distinct defendants), which we can only use for descriptive purposes. Appendix Table B6 lists the twenty most common occupations for this (small) sub-sample and demonstrates (i) substantial occupational overlap across defendants of each group (especially in the top three categories) and (ii) that the occupations are typically associated with lower socioeconomic status (e.g., servant, shopman, post office worker, shoemaker, etc.)[36].

Moreover, while we cannot observe each defendant's own occupation, we can observe the types of occupations associated with that defendant's surname in the 1881 Census. Such a measure could capture relevant occupational and class information since some surnames historically originated from occupations (e.g., Baker, Shoemaker) while other surnames may be associated with the aristocracy (e.g., Windsor, Cromwell, Tudor).[37] Using this information, we are able to show that the baseline results are robust to controlling for whether a name provides a signal about an individual's occupation. Specifically, we create a measure by looking at the number of individuals (in London and the surrounding counties) per occupation in the 1881 Census. We focus on those occupations/occupation groups (e.g., tailor and tailor's assistant) with more than 5000 observations and classify all other occupations in the 'other' category. For each surname, we identify the share of individuals in each of the resulting 52

[36] For the occupational classifications, we have aggregated occupations encompassing semantic similarities. For instance, the category post-office worker includes letter carrier and letter man. Likewise, we have aggregated domestic jobs such as "housekeeper", "maid", "washer" under the "cleaner" category.
[37] See Güell et al. (2015) for a detailed study of the socio-economic and occupation information contained in surnames, especially less common ones.

occupational categories. For the 20 most common Irish and English names, Appendix Figure B5 displays the share of each surname employed in each occupation as a heat map, with darker shading indicating higher employment rates. This figure demonstrates that amongst the most common names seen amongst Old Bailey defendants, certain manual labor jobs (e.g., laundress, laborer, and servant) are more prevalent for *both* Irish and English names. In other words, English-named defendants are of a similar class as Irish-named defendants. But there is also variation across surnames in occupational categories. Yet, as seen in column (3) of Table 5, controlling for the occupation by surname employment shares attenuates the baseline results (at least for convictions), but leaves the overall pattern intact.

Of course, the credibility of the above exercise hinges on the implicit assumption that the Census occupation shares do have predictive power of actual occupations. We provide empirical evidence that this is indeed the case. Randomly splitting the London and surrounding counties sample from the Census into two subsamples, we use the first to create the shares in the most common occupations by surname (as above), and merge these by surname to the second (individual-level) subsample. With the resulting data, we regress for each occupation category a dummy variable indicating whether an individual has this occupation on the shares in the different occupation categories for individuals with the same surname. Appendix Figure B6 plots the resulting estimates, where point estimates are sorted by magnitude in each sub-figure and coefficients on the share corresponding to the individual's own occupation are depicted with a blue square (all others: black circles). The figures demonstrate that the share of same-surname individuals in the same occupation is the strongest predictor in almost all cases (compared to other occupations). We thus conclude that the Census variables are informative proxies for occupation and that the robustness of our results to their inclusion is meaningful.

In a next step to capture different signals of a surname, we include a variable for each of the 36 Irish administrative units (32 counties plus cities of Dublin, Belfast, Cork, and Limerick) that lists the share of households with the defendant's surname in that Irish area (obtained from the Grenham data).[38] The aim is to proxy for migrants with certain surnames coming from different regions of Ireland, which may be more or less religious, impoverished, or impacted by the famine. Controlling for this measure asks a lot of the data, as name prevalence in Ireland is another potential measure of Irish versus English names. Yet, the same pattern and significance of results remains; there is little impact on coefficients for mercy recommendations, while those for convictions are somewhat attenuated.

[38] As not all surnames are present in Ireland, we also include a dummy to control for this.

We again cross-validate these measures to assess their credibility in picking up differences in backgrounds by name. Appendix Figure B7 uses the auxiliary data from the *Digital Panopticon* (see above and Appendix A) which contains information on religion for a subset of convicted individuals. Panel A plots the share in each religion by country of birth; as expected, the share of Catholics is highest amongst those born in Ireland (but not zero for those born in England). Panel B replicates the figure but instead uses our discrete measure classification of surnames and finds a comparable picture. Panels C and D plot the share of households across the Irish units with the same surname, both for Catholic and Protestant individuals in this sample. It illustrates that there is meaningful variation, and again supports the idea that our control variables pick up on (at least some of) the intended variation.

Third, we try to proxy for whether surnames signal anything about criminality more generally. Are certain Irish names perceived to be associated with crime? Are certain surnames more likely to be criminals in Ireland? We take two approaches. First, we code the share of individuals in a publicly available data set of transportees from Ireland to Australia from 1791 to 1868 - a data source completely external to the Old Bailey - with each defendant's surname.[39] Second, we identify a set of surnames associated with famous Irish gangsters in the 19th century in New York, US, Australia and Ireland and create a variable indicating if you have the same surname as the gangster after the gangster becomes active.[40] Inclusion of these additional variables does not impact the Irish name coefficients.

Extraneous Factors to Decision-Making

The above results support the notion that the courtroom disparities for Irish versus English defendants are ethnicity-based. But can they be interpreted as differential treatment (or discrimination) by the juries? To assess this question, we explore exogenous variation in punishment severity induced by the offense-by-offense abolition of capital punishment. Specifically, a series of staggered reforms abolished the death penalty for most (but not all) offenses during the first forty years of the 19th century.[41] Bindler and Hjalmarsson (2018) first evaluated these reforms and demonstrated that jury verdicts are sensitive to expected

[39] The Irish-Australia Transportation Database 1791-1868 is searchable on the Irish National Archives website: https://www.nationalarchives.ie/article/penal-transportation-records-ireland-australia-1788-1868-2/

[40] The specific names are: Coleman (Forty Thieves Gang, NY from 1825), Roach (Roast Guards gang, NY from 1820), Morrissey (Dead Rabbits gang, NY from 1830), Chicester (Chicester Gang, NY from 1820), Lyons (Whyos gang, NY from 1870), Driscoll (Whyos gang, NY from 1870), McCarty (alias Billy the Kid, US, from 1875), Dalton (Dalton gang, US from 1892), Kelly (Australian legend from 1875), and Freney (Highway Man in Ireland, 18th century). This information is based on internet searches.

[41] See Bindler and Hjalmarsson (2018) for details on the year of abolition of each offense category, and Bindler and Hjalmarsson (2020) for a discussion of the reforms in the context of gender gaps at court.

punishment: specifically, juries are more lenient as the expected consequences of their decision increases. With the data at hand, we can now test whether these dynamic changes differentially affected jury verdicts for Irish and English defendants, respectively. If they do, this speaks towards preferences of the jury (which decides on verdicts but not on sentences per se) playing a role for the disparate court outcomes documented above. If juries used the same quality of evidence threshold in their decisions to convict for both Irish and English defendants, then a reform that exogenously impacts this threshold (shown by changes in conviction rates) should not have a differential effect across these two groups.

Specifically, we use the same difference-in-difference approach as in Bindler and Hjalmarsson (2018, 2020) for the sample years 1803-1871, capturing the period of reforms. The staggered abolition allows us to identify never, always and once capital eligible offenses where the variation stems from the latter. We augment equation (1) to estimate the following difference-in-difference model where the coefficients β_1, β_2, and β_3 indicate how capital punishment and its abolition affected jury decisions, whether there was an Irish-English gap prior to the abolition, and how the gap changed with the reforms:[42]

$$(2) \quad Outcome_{isot} = \alpha + \beta_1 Noncapital_{ot} + \beta_2 Irish_s + \beta_3 Irish_s \times Noncapital_{ot} + \beta_4 NonDistinct_s + X_{io}\delta + \gamma_t + \varepsilon_{isot}$$

The results are shown in Table 6. When pooling all types of guilty verdicts (Panel A), the chance of conviction increases with the abolition of capital punishment, especially for violent crime, but the interaction terms are not statistically significant. This, however, hides some important differences across property and violent offenses. For property offenses, juries could more easily adjust the verdict to a "conviction of a lesser charge" (as a means of leniency) while for violence offenses, convictions would typically be of the original charge (and leniency to avoid the death penalty would work through acquittals or recommendations for mercy). Indeed, the results in Panel B show that the decrease in punishment severity increased the chance of a violent crime conviction of the original charge for non-Irish defendants by 15 percentage points but an additional six percentage points for Irish defendants. Similarly, the chance of being convicted of a lesser offense for property offenses decreased more for Irish compared to non-Irish defendants (Panel C). These differential reactions by juries (which are also reflected in mercy recommendations in Panel D) suggest that preferences may feature into

[42] We refer the reader to Bindler and Hjalmarsson (2018, 2020) for a detailed discussion of identification and the plausibility of the parallel trends assumption.

their decisions, giving room for differential treatment based on ethnicity.[43]

4.4. Recap: The Extent of Disparate Treatment of the Irish in the 19th Century

We document a number of significant and robust patterns regarding the disparate treatment of Irish-named defendants at the Old Bailey. (i) Irish-named defendants face harsher judicial outcomes with respect to both jury convictions and recommendations for mercy. (ii) These disparities originate in the second quarter and persist and/or grow through the rest of the century. (iii) Such disparities are not seen to the same extent for the non-distinct group. (iv) The gaps are robust to controlling for observable case and defendant characteristics. (v) The Irish-English gap is seen for both property and violent offenses, with larger effects for violent crimes. (vi) Defendants with more distinct Irish names have, on average, even worse outcomes. (vii) The disparities are not driven by other traits associated with Irish names, including proxies for occupation and socioeconomic status, religion, and criminality. (viii) Jury decisions react differentially to shifts in extraneous factors for cases with Irish versus English defendants, suggesting that the disparities are not driven by a differential quality of evidence.

5. The Role and Treatment of Other Irish Parties in the Courtroom

The previous section studied the role of Irish names for defendants. This section takes the analysis one step further by looking at: (i) how a defendant's verdict is influenced by the name ethnicity of his or her *co-defendants*, (ii) the role played by Irish-named *jurors*, and (iii) how the ethnicity of *victim* names affects case outcomes. The aim of these analyses is to further probe and shed light on whether the gaps in court outcomes seen for defendants can be attributed to differential treatment by the juries on the basis of ethnicity.

5.1. Irish Co-Defendants: 1800–1899

We begin with Irish co-defendants in Table 7. We restrict the analysis to all cases with English defendants who have at least one co-defendant. Panel A includes cases with any co-defendant, Panel B zooms in into cases with Irish and English co-defendants only. We are interested in the effect of having *any* Irish co-defendant, and add controls for the number of co-defendants and the number of female co-defendants per case.

Including cases with any co-defendants in Panel A, we find that English defendants who

[43] To address potential concerns arising from the staggered treatment in the two-way fixed effects design, Appendix Table B7 provides robustness tests using the imputation-based estimation approach by Borusyak et al. (forthcoming). Conclusions remain the same.

have at least one Irish co-defendant (relative to all other combinations of co-defendants) have a significantly higher chance of conviction: 6.7%, 5.4% and 14.2% relative to the mean for all, property and violent offenses, respectively. The impact of having an Irish co-defendant is larger when we focus on cases with Irish and English co-defendants only (Panel B). Compared to cases with only English co-defendants, having any Irish co-defendant increases the probability of conviction by 9.9%, 7.8% and 25% relative to the mean for all, property and violent offenses. These findings are mirrored by those for mercy recommendations in columns (4) to (6). We find particularly strong impacts for violent crime, where having at least one Irish co-defendant decreases the chance for English defendants to receive a mercy recommendation by 1.9 percentage points (23%) compared to any other co-defendant constellation, and by 4.9 percentage points (51%) compared to cases with only English co-defendants.

One possible and plausible explanation for the documented patterns is that animosity of the jury towards the Irish defendant spills over onto the English defendant. Another possibility that we cannot rule out, however, is mis-classification – namely that English defendants with Irish co-defendants are Irish themselves.[44]

5.2. Irish Jurors: 1800–1860

The results presented thus far are consistent with in-group bias of English named jurors favoring English-named defendants. A more explicit test of such a channel would be to look at whether the Irish-English gap is reduced when there are more Irish-named jurors. Unfortunately, we only observe juror names per session but not which jurors are assigned to each case. Thus, our data do not allow for such a test.[45] Instead, Panel A of Figure 5 highlights the rarity of Irish-named jurors: a little over 20% of the sessions have no Irish jurors, and about 70% have two or less. This is consistent with the existence of place of birth and wealth eligibility requirements making Irish individuals less likely to be represented in the jury pool. Moreover, Panel B of Figure 5 shows that there are not even more Irish-named jurors when there are more Irish named defendants while Panel C shows that the presence of Irish named jurors also does not increase over time. This is not what would one expect given: (i) the increasing number of first and second generation Irish in London and (ii) the Juries Act of 1825

[44] Using the sample of multiple defendant cases, we also considered robustness checks including trial fixed effects. Though we lose precision in these demanding specifications and have to interpret the results keeping in mind that co-defendants are themselves affected (see above), the results are suggestive that the patterns documented in this paper hold within groups of co-defendants. Results are available upon request.

[45] Moreover, there are so few Irish jurors in the data, that we do not believe such a test would be feasible (even if the assignment of jurors was observed).

(Section 47, Chapter 50), which says that non-England born defendants have the right to a jury comprised half of 'aliens', and that the wealth restrictions included in this Act should not be binding for these aliens.[46] The apparent lack of Irish in the jury pool is thus itself suggestive of disparate treatment towards Irish defendants (even if this time not by the juries themselves).[47]

5.3. Irish Victims: 1880-1886 and 1800-1899

To study victims, we supplement our Old Bailey data set with victim information from two sources. First, we manually coded victim names for all trials from 1880 to 1886 (i.e., during the Irish Republican Brotherhood bombing campaign), which we classify as Irish, English, and non-distinct according to the same definitions used for defendants. Second, we retrieved victim names from a random subset of trials coded in the Old Bailey Corpus, which spans the entire sample, and matched these to the main Old Bailey dataset.[48] We restrict the analysis in each sub-sample to single victim. To assess how this sample compares, Panel A of Table 8 estimates the disparate treatment towards Irish-named defendants. As in the full sample, and in the 4th quarter, Irish-named defendants are again more likely to be convicted by the jury. Despite the smaller samples, the results are large and significant overall and by offense type.

Panel B turns to the victims by including three dummy variables describing the ethnic combination of defendants and victims: Irish defendant and English victim, English defendant and Irish victim, and Irish defendant and Irish victim. Compared to the omitted category of English defendants with English victims, the overall conviction gap is largely driven by cases with Irish defendants and English victims. The fact that the chance of conviction differs with the ethnicity of the victim is in itself telling of disparate treatment by the juries. Moreover, the finding that the overall conviction gap appears to be driven by cases of Irish defendants with English victims pointing towards in-group versus outgroup bias of the predominantly English jurors. Though not significant, we further see that English defendants with Irish victims are less likely to be convicted – again consistent with in-group versus out-group bias. Panel C demonstrates the robustness of these results to alternatively classifying victims according to whether they are non-Irish (as opposed to just English).

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[46] XLVII Juries de medietate. (See 27 Ed. 3. st. 2. c. 8. 28 Ed. 3. c. 13. 8 H. 6. c. 29.) See: https://www.legislation.gov.uk/ukpga/Geo4/6/50/section/XLVII/enacted .

[47] We also considered whether the Irish were under-represented amongst witnesses. We use the Old Bailey Corpus data to extract witness names for a subset of trials and classify witnesses as Irish, English, and non-distinct following our main classifications. While we are limited in this exercise to the extent that we cannot differentiate between defense and prosecution witnesses, we note that the share of Irish witnesses is generally low – around seven percent in the cross-section with little to no movement over time.

[48] See Appendix B for further details about these data.

6. Potential External Shocks to the Perceptions of the Irish

One of the main take-aways of Section 4 is that evidence of disparate treatment against the Irish emerged in the second quarter and subsequently got larger in magnitude. Moreover, these results appear to be driven by the Irishness of the name, as opposed to some other signal. We also provided evidence of disparate treatment that is consistent with in-group and out-group bias; such patterns are typically interpreted in the literature as evidence of discrimination. This section aims to further speak to this possibility by assessing whether the patterns are related to events – the Irish Potato Famine and Irish Republican Brotherhood bombings – that potentially introduced negative shocks to how the Irish in London were perceived.

Appendix Figure B8 starts by looking more closely at how the gaps in jury verdicts developed over each decade. We can date the first signs of the disparate jury verdicts to the 1830s, and continued growth in the 1840s and 1850s. This is consistent with the timing (1846-1852) of the Irish Potato famine. We also see that these gaps persist through the end of the century, with some increase for property crimes in the 1870s-1890s – i.e., the bombing period. Sections 6.1 and 6.2 zoom into each of these shocks, respectively.

6.1. Potato Famine

The Irish Potato Famine (1846 to 1852) led to a large number of poor Irish migrants in London, which could have impacted the perception of all Irish-named defendants, regardless of whether they were first or second-generation migrants themselves. We study how the famine impacted the courtroom treatment of the Irish by focusing on trials from 1838 to 1858 and defining 1838-1845, 1846-1852, and 1853-1859 as pre-famine, famine, and post-famine years respectively.

Panels A and B of Figure 6 plot the raw annual averages for the guilty verdict and mercy recommendation outcomes, respectively, for Irish-named (triangle), English-named (dots), and non-distinct (squares) defendants. Three patterns stand out: First, both outcomes move in a parallel fashion for each group in the pre-famine years. Second, there is a small pre-famine gap between the Irish and English-named defendant outcomes. Third, the conviction gap appears to get larger during the famine and persists post famine. These figures, however, do not control for differing case characteristics nor indicate significance in the change in the conviction gap.

Table 9 presents difference-in-difference style estimates of the effect of the famine on guilty jury verdicts for Irish-named defendants: the baseline specification is expanded to control for the famine period and an interaction between defendant Irishness and the famine period. Panel A combines the famine and post famine periods (1846-1859), while Panel B

breaks up these years into during and post famine. These results show that though conviction rates were significantly lower in the famine and post-famine periods, these downward trends were smaller for Irish-named defendants. Though the interaction coefficients are not quite significant for all or for property offenses, they are large and significant for violent offenses. Irish-named defendants are 6.6 percentage points (or almost 10%) more likely to be convicted of a violent offense after the potato famine than English-named defendants. Moreover, though precision sometimes decreases with controls for socioeconomic status and from where in Ireland a name comes, the effects remain large.[49]

Given the possibility that the Potato Famine led to the migration of a more negatively selected group of Irish individuals, controlling for the social class of a name may not be enough. To get a sense of whether the social class of Irish defendants changed with the Potato Famine, we use the Old Bailey Corpus, in which the creators have tagged each speaker at the Proceedings with their socioeconomic class – as suggested by their spoken language. We extract these classifications and, as classifications are missing and/or defendants cannot be *uniquely* matched from the Old Bailey Corpus to the Old Bailey trial data in many cases, use them for descriptive purposes. Appendix Figure B9 plots the share of defendants classified as of lower and higher social class, over the entire time period and split up into before and after the outbreak of the potato famine, respectively. The social class composition of Irish defendants does not appear to have changed with the Potato Famine in absolute terms. Moreover, these statistics highlight that defendants come disproportionately from the lower classes of society, even among the English; 78% of English-named defendants are classified as lower class.

When looking at the famine and post famine periods separately, we see larger (though insignificant) coefficients post-famine. Appendix Table B8 presents the same specifications for mercy. Consistent with the figures, the interaction coefficients are not significant.

6.2. Bombing Attacks: Clerkenwell and 1880s bombings

Panels C and D of Figure 6 zoom in on the years during which the Irish Republican Brotherhood bombings occurred and plots the average annual outcomes (guilty jury verdict, mercy recommendation) for each ethnic group. Vertical bars demarcate the years of the bombings. Clerkenwell occurred on December 13, 1867 (there is one session in 1867 after the

[49] Notably, the most common names of Irish-classified defendants do not change much over the course of the century. The five most common Irish defendant names are Sullivan, Kelly, Murphy, Conner and Welch in quarter 1; Sullivan, Murphy, Kelly, Murray and Donovan in quarter 2; Sullivan Murphy, Kelly, Donovan and Ryan in quarter 3; and Sullivan, Murphy, Donovan, Kelly and Mccarthy in quarter 4.

bombing); the trial and execution of the guilty defendant were in April and May of 1868. The next explosions or discovery of explosives did not occur until 1881. We demarcate the bombings with vertical lines at 1881 and 1885, though we note that the bombings were over early in 1885 and the by far largest attack occurred in 1883.[50] Though similar gaps in Irish and English outcomes are observed (albeit noisy given the higher data frequency), these descriptive figures do not clearly display any sharp increases in gaps around the times of the bombings. Formal tests for whether these events affect the Irish-English gap in Appendix Table B9 also do not find strong support of an effect.

Why does only the potato famine immigration shock – and not the bombing campaign shock – appear to increase the disparate treatment of the Irish in the courtroom? One possibility is that there were different baseline perceptions of the Irish. Irish named defendants were not treated differently in the courtroom in the first quarter, suggesting that there were no large biases directed towards them. Thus, the famine shock provided some form of 'new' information, which led the London juries to significantly update their perceptions of the Irish. But, by the time of the bombings, disparate treatment was already quite large. Thus, this (additional) shock may have been too small (or too temporary) compared to the baseline level to affect court outcomes. Alternatively, jurors may have found the famine shock much easier to generalize to all Irish than the politically motivated bombings. Finally, there were countervailing factors pushing against each other from around 1870 onwards. The bombings may have contributed to further anti-Irish sentiment and antagonism. But at the same time, the Irish in London were becoming both more economically and culturally assimilated as the migration flows slowed down, and more politically engaged by the set-up of the Home Rule movement with more Irish activism and liberation having an impact on the perceived links between the Irish and criminality.

7. Discussion and Conclusions

This paper presents evidence on disparate treatment by the legal system of a very sizable migrant group, the Irish, in 19th century England. Specifically, it looks at whether defendants

[50] The 1881 attempts were concentrated in Liverpool, while there was one failed bombing at London Mansion House (March 16, 1881) and an explosion (with no injuries) at the Chelsea Barracks on May 5, 1881. A bomb was discovered at Mansion House on May 12, 1882. The first 'successful' London bombing (though with no injuries) occurred on March 15, 1883 at *The Times* office, Play House Yard, and the Local Government Board at Whitehall. On October 30, 1883, there was an explosion on the London Underground at Charing Cross, which led to 70 injuries. In 1884, attacks occurred on February 26 (Victoria train station; 0 injured), May 30 (Saint James Square and Scotland Yard; 10 injured) and December 13 (London Bridge; 3 killed). In 1885, there were explosions on January 1 (Gower Street station; 3 injuries) and January 24 (Tower of London; 6 injuries).

with Irish names faced harsher judicial outcomes than those with English names in a large sample of trials that took place in the Old Bailey in London throughout the whole of the century. The analysis uncovers evidence of disparate treatment as Irish-named defendants are more likely to be convicted by the jury and less likely to receive a jury recommendation for mercy.

There are interesting temporal patterns within the century, most notably with an upsurge in disparate treatment in the wake of the potato famine that both caused a huge increase in Irish migration to England (and elsewhere) and strongly impacted criminality patterns and economic disadvantage, especially in urban areas. When this occurred, there is evidence of an increased prevalence of discrimination surrounding criminality and justice.

The subsequent economic, social and political integration of the Irish in London, coupled with the persistence of their working class status and lack of social mobility across generations as recently documented by Cummins and Ó Gráda (2022), offer key questions for future research. Assessing whether the unequal treatment suffered by the Irish in the legal system documented here had longer run adverse effects on families and communities of Irish heritage forms an important research agenda that can inform and better understand sources of the documented persistent inequalities.

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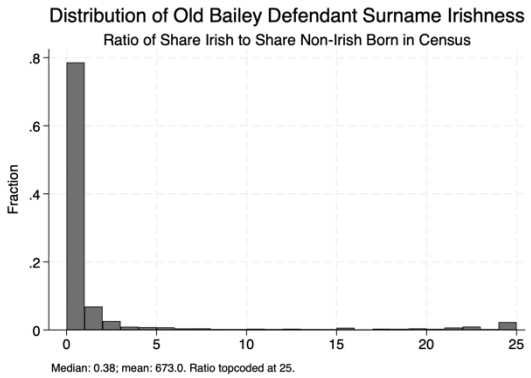
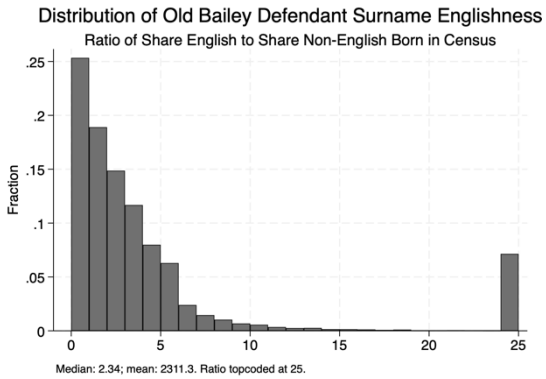
Figure 1. Surname Classification

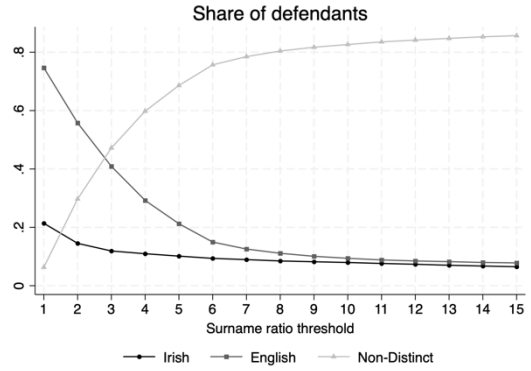
Panel A. Histogram Irish Surname Ratios



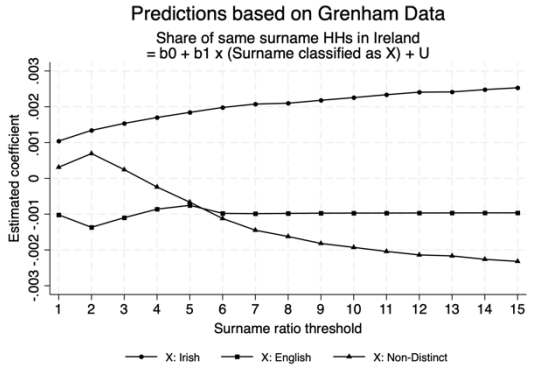
Panel B. Histogram English Surname Ratios



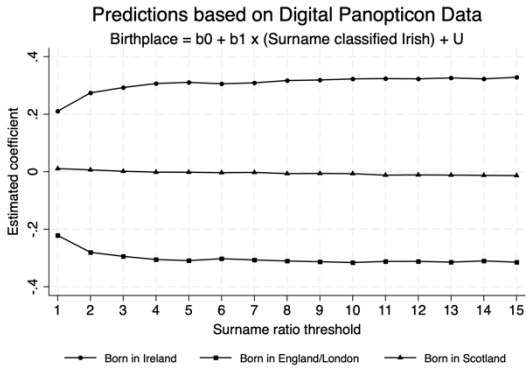
Panel C. Share of Defendants by Classification



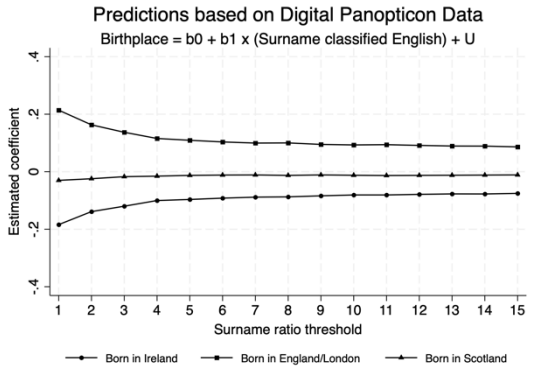
Panel D. Validation w/ Grenham Data



Panel E. Validation w/ Digital Panopticon – Irish



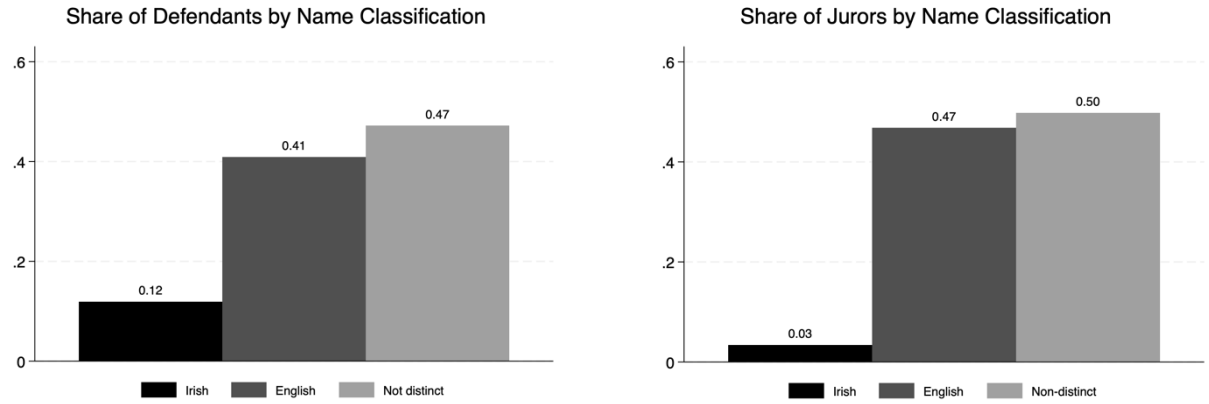
Panel F. Validation w/ Digital Panopticon – English



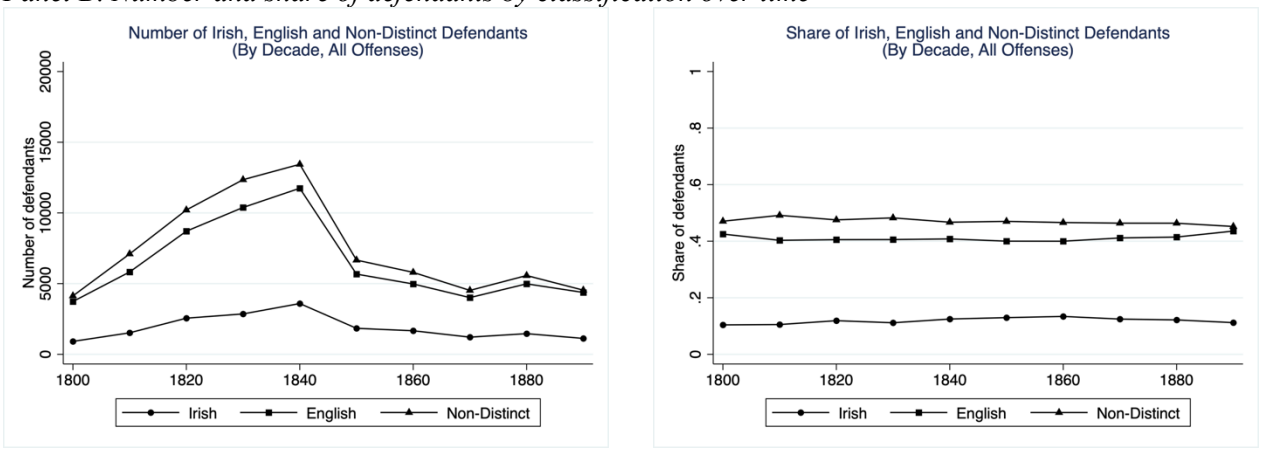
NOTE – Panels A and B plot histograms of the Irish and English surname ratios for defendants in the Old Bailey data, respectively. Ratios larger than 25 are top-coded at 25 for ease of presentation. Panel C depicts the share of defendants that we classify as Irish, English or non-distinct varying the threshold for the surname ratio from 1 to 15. Panel D to F plot coefficients from regressions of external measures for the defendant's ethnicity on the classification based on the surname ratio, iterating through thresholds as shown on the x-axis. In Panel D, dots represent regressions with Irish classified defendants as right-hand side variable, squares with English classified defendants and triangles with non-distinct defendants. In Panels E and F, dots represent regressions when the outcome is "born in Ireland", squares when the outcome is "born in England/London" and triangles when the outcome is "born in Scotland". In Panel E, the right-hand side variable is a dummy for the defendant being classified Irish and in Panel F being classified English. For all panels, see Section 3.2 for details.

Figure 2. Sample Composition

Panel A. Discrete Measure: Dichotomous classification by surname ratio



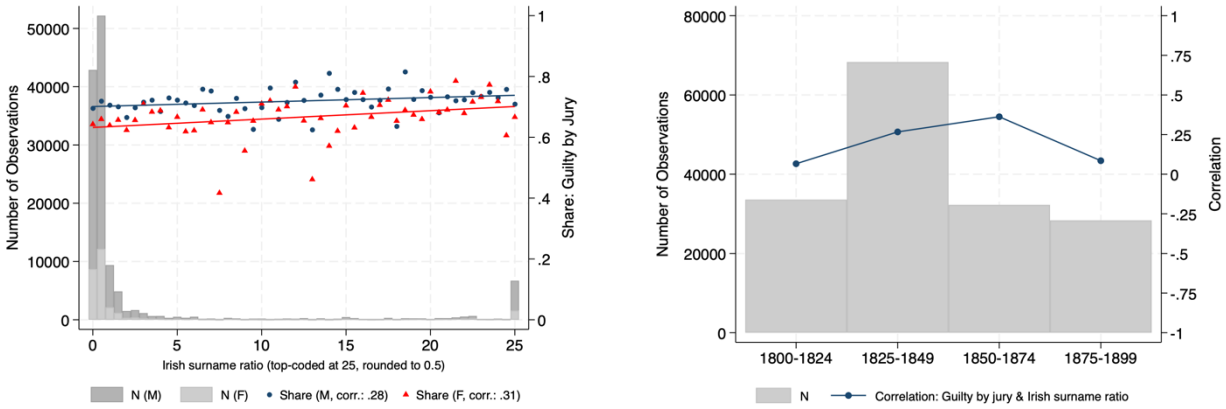
Panel B. Number and share of defendants by classification over time



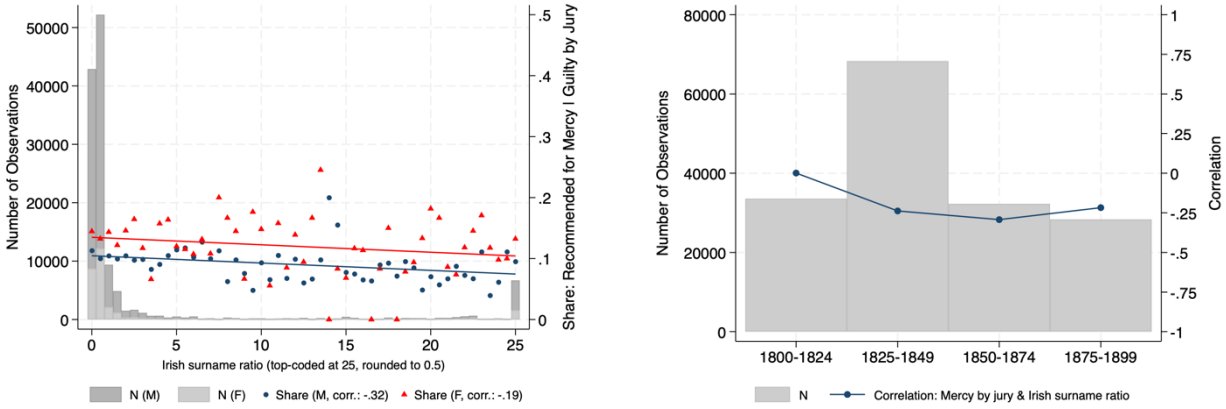
NOTE – Panel A shows the share of defendants (left) classified as Irish, English and non-distinct for the entire sample period (1800-1899) and for jurors (right) for the available sample period (1800-1860), respectively. Panel B shows the number (left) and share (right) of Irish, English and non-distinct classified defendants by decade and for all offenses. See Section 3.3 for details.

Figure 3. Correlation between Court Outcomes and Surname Irishness

Panel A. Guilty by jury verdict, by gender and over time



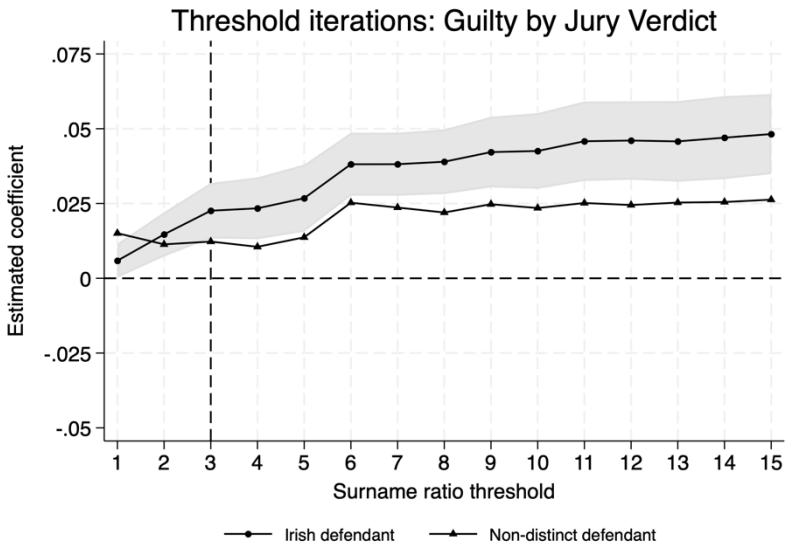
Panel B. Recommended for mercy (conditional on jury verdict), by gender and over time



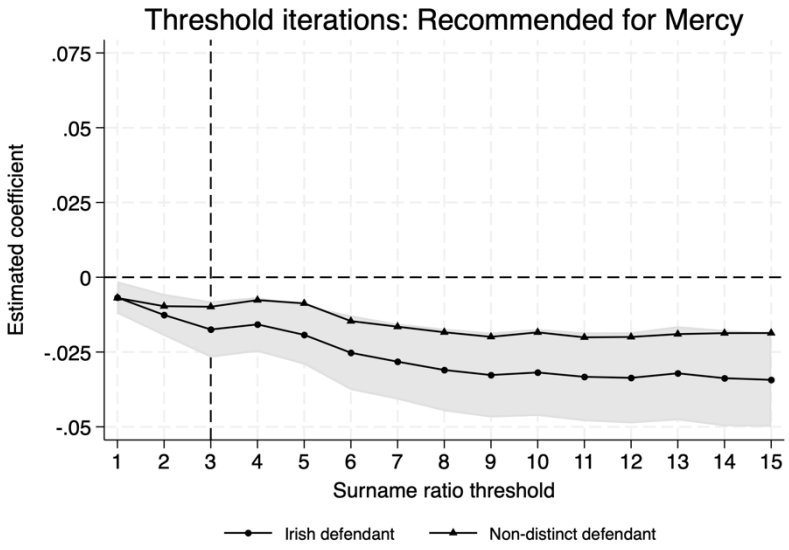
NOTE – The left figure in each panel shows the average outcome Panel A: guilty jury verdict, Panel B: recommendation for mercy) for each Irish surname ratio (in bins of .5) and calculates the correlation coefficient, for males (circles) and females (triangles) separately. The grey bars indicate the number of observations in each of the bins. The right figure in each panel plots the correlation coefficient for each outcome (Panel A: guilty jury verdict, Panel B: recommendation for mercy) by quarter of the century. The grey bars indicate the number of observations underlying these correlations. See Section 3.3 for details.

Figure 4. Robustness Tests – Threshold Iterations

Panel A. Guilty by Jury Verdict, All Offenses



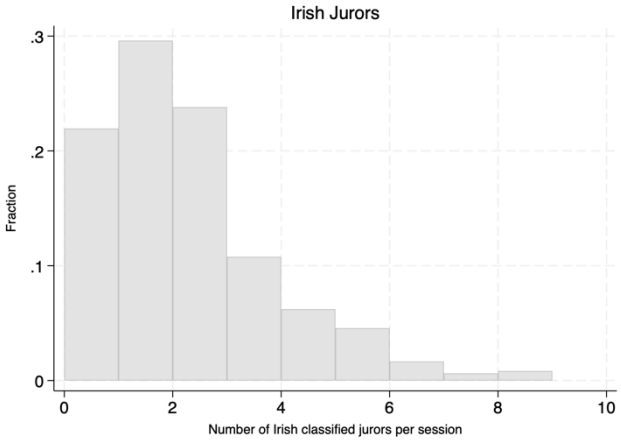
Panel B. Recommendation for Mercy, All Offenses



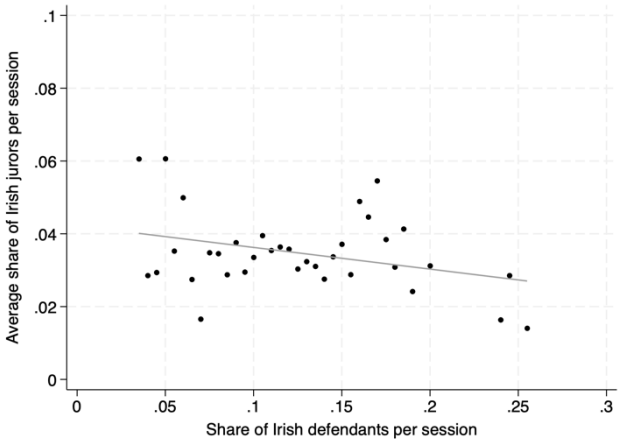
NOTE – The figure shows the estimated coefficients when iterating the threshold for the name classification (see Section 3.2) for each outcome (Panel A: guilty jury verdict, Panel B: recommended for mercy). The markers depict the estimated coefficients using our baseline specification as in column (4) of Table 2. The dots refer to the coefficient for Irish defendants, the triangles to those for non-distinct defendants. The grey shaded area shows the 95% confidence interval for the Irish defendant coefficient. We estimate a separate regression for each threshold indicated on the x-axis, our baseline with a threshold of 3 is marked by the vertical line.

Figure 5. Irish Jury Representation (1800–1860)

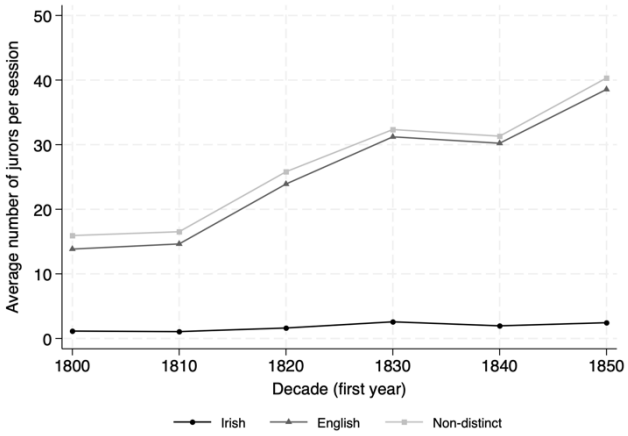
Panel A. Jury Pool Composition



Panel B. Share of Irish jurors per session



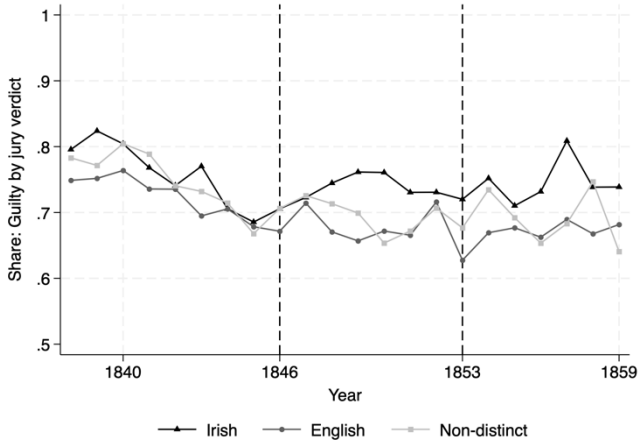
Panel C. Number of Irish, English and non-distinct jurors over time



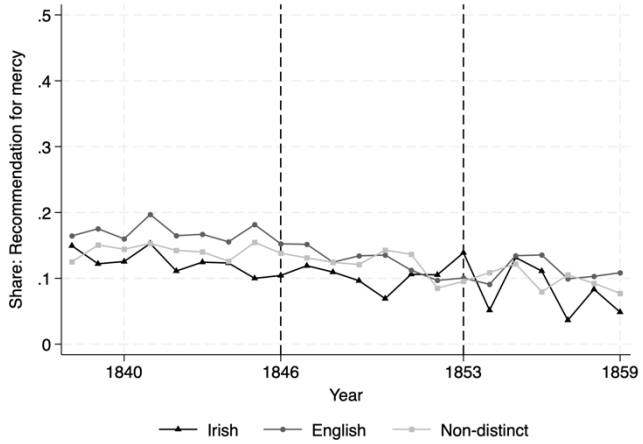
NOTE – Panel A shows the fraction of sessions with a given number of Irish classified jurors (maximum in our sample is 9). Panel B plots average share of Irish classified jurors per session against the (rounded) share of Irish defendants per session. Panel A and Panel B pool data over the period 1800-1860. Panel C shows the average number of Irish (black circles), English (dark grey triangles) and non-distinct (light grey squares) classified jurors by decade.

Figure 6. Potential Origins of the Gaps

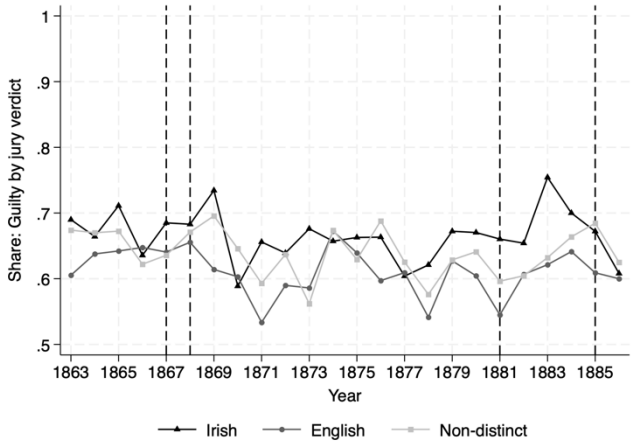
Panel A. Potato Famine – Guilty by Jury Verdict



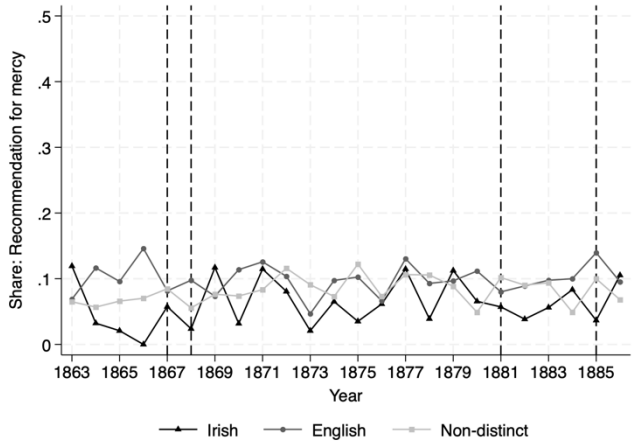
Panel B. Potato Famine – Mercy Recommendations



Panel C. Bombing Campaign – Guilty by Jury Verdict



Panel D. Bombing Campaign – Mercy Recommendations



NOTE – Panel A shows the annual share of guilty jury verdicts and Panel B the annual share of recommendations for mercy, each from 1838 to 1859 respectively, corresponding to the time period of the Irish Potato Famine. Annual shares for Irish defendants are marked by black triangles, for English defendants by dark gray circles, and for non-distinct defendants by light-gray squares. The two vertical lines mark the beginning and end of the Irish Potato Famine. Panel C shows the annual share of guilty jury verdicts and Panel D the annual share of recommendations for mercy, each from 1863 to 1886, respectively, corresponding to the time of the Bombing Campaign. Annual shares for Irish defendants are marked by black triangles, for English defendants by dark gray circles, and for non-distinct defendants by light-gray squares. The two vertical lines mark the respective periods of the bombing campaign. For these figures, we exclude the trials related to the Clerkenwell Outage and the Fenian bombing campaigns.

Table 1. Summary Statistics – Old Bailey Data (Jury Trials)

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
		Q1: 1800-1824			Q2: 1825-1849			Q3: 1850-1874			Q4: 1875-1899	
Defendant classified as:	Irish	English	Non-distinct	Irish	English	Non-distinct	Irish	English	Non-distinct	Irish	English	Non-distinct
Observations	3,355	12,992	15,283	7,119	23,224	27,213	3,096	8,758	10,175	2,482	7,672	8,354
Defendant and case characteristics												
Irish surname ratio (truncated at 25)	14.183	0.179	0.751	15.309	0.178	0.747	15.602	0.175	0.765	16.114	0.167	0.778
English surname ratio (truncated at 25)	0.137	8.674	1.561	0.125	8.706	1.563	0.121	8.883	1.546	0.114	9.486	1.521
Female	0.289	0.213	0.238	0.317	0.193	0.224	0.217	0.169	0.184	0.110	0.120	0.116
Capital eligible off.	0.389	0.391	0.388	0.104	0.118	0.118	0.020	0.018	0.018	0.026	0.034	0.028
No. Of defendants	1.564	1.490	1.506	1.362	1.374	1.372	1.633	1.583	1.580	1.737	1.722	1.758
No. of Irish codef. (if any)	0.140	0.044	0.052	0.122	0.030	0.036	0.220	0.060	0.069	0.232	0.067	0.086
No. of English codef. (if any)	0.171	0.218	0.185	0.097	0.177	0.135	0.165	0.259	0.209	0.200	0.317	0.276
No. of non-distinct codef. (if any)	0.238	0.218	0.256	0.135	0.158	0.194	0.222	0.239	0.282	0.287	0.304	0.362
Offenses												
Property off.	0.843	0.863	0.869	0.829	0.831	0.838	0.378	0.447	0.448	0.287	0.306	0.325
Violent off.	0.075	0.050	0.053	0.077	0.050	0.050	0.337	0.186	0.178	0.403	0.241	0.246
Sex off.	0.002	0.004	0.003	0.008	0.011	0.010	0.022	0.033	0.030	0.060	0.085	0.076
Fraud off.	0.060	0.060	0.055	0.064	0.082	0.079	0.225	0.281	0.293	0.203	0.290	0.286
Special off.	0.002	0.003	0.002	0.001	0.001	0.001	0.002	0.001	0.002	0.004	0.002	0.002
Other off.	0.018	0.022	0.018	0.021	0.025	0.022	0.035	0.052	0.049	0.042	0.076	0.065
Verdicts												
Guilty by jury	0.686	0.686	0.695	0.748	0.725	0.743	0.704	0.650	0.671	0.664	0.614	0.637
Guilty by jury – original charge	0.600	0.608	0.616	0.710	0.696	0.712	0.638	0.598	0.618	0.587	0.549	0.574
Guilty by jury – lesser off.	0.092	0.084	0.084	0.040	0.030	0.032	0.066	0.052	0.053	0.077	0.064	0.063
Recommended for mercy | guilty	0.051	0.054	0.050	0.131	0.164	0.146	0.079	0.107	0.094	0.056	0.091	0.076
Acquittal	0.314	0.313	0.304	0.252	0.275	0.256	0.295	0.348	0.327	0.333	0.381	0.357
Sentences												
Harshest available punishment	0.378	0.386	0.387	0.373	0.369	0.374	0.757	0.757	0.763	0.898	0.859	0.881
Death penalty	0.142	0.136	0.135	0.035	0.036	0.039	0.008	0.007	0.005	0.009	0.011	0.009
Transportation	0.349	0.371	0.369	0.369	0.377	0.378	0.052	0.052	0.054	0.000	0.000	0.000
Prison	0.272	0.265	0.267	0.534	0.522	0.526	0.898	0.894	0.896	0.915	0.889	0.906

NOTE – The table shows summary statistics for our analysis sample of jury trials from the Old Bailey in the sub-periods as indicated at the top of each column: 1800-1824 in (1) to (3), 1825-1849 in (4) to (6), 1850-1874 in (7) to (9), 1875-1899 in (10) to (12). When not otherwise indicated, each cell shows the mean for the respective variable.

Table 2. Disparities in Jury Decisions for Irish Defendants – Discrete Measure

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Sample:			**1800-1899**			**Q1**	**Q2**	**Q3**	**Q4**
Panel A. Guilty by jury verdict									
Defendant classified Irish	0.027***	0.019***	0.023***	0.023***	0.023***	0.007	0.020***	0.030**	0.034***
	(0.008)	(0.005)	(0.004)	(0.005)	(0.004)	(0.009)	(0.007)	(0.012)	(0.012)
Defendant classified non-distinct	0.018***	0.012***	0.013***	0.012***	0.012***	0.008*	0.014***	0.008	0.022***
	(0.003)	(0.003)	(0.003)	(0.003)	(0.003)	(0.004)	(0.004)	(0.008)	(0.008)
Observations	129,930	129,930	125,598	125,598	125,598	30,933	55,442	21,275	17,948
Mean of Y	0.699	0.699	0.704	0.704	0.704	0.695	0.742	0.675	0.638
Adj R2	0.000	0.048	0.058	0.064	0.069	0.080	0.069	0.066	0.051
pvalue Irish=Nondistinct	0.228	0.133	0.020	0.025	0.024	0.948	0.251	0.065	0.182
Panel B. Recommended for mercy (conditional on guilty verdict by jury)									
Defendant classified Irish	-0.024***	-0.014***	-0.015***	-0.017***	-0.017***	-0.002	-0.025***	-0.013	-0.014*
	(0.008)	(0.004)	(0.004)	(0.005)	(0.005)	(0.003)	(0.009)	(0.008)	(0.008)
Defendant classified non-distinct	-0.013***	-0.009***	-0.010***	-0.010***	-0.010***	-0.002	-0.014***	-0.006	-0.010
	(0.004)	(0.002)	(0.002)	(0.002)	(0.002)	(0.005)	(0.003)	(0.005)	(0.006)
Observations	90,767	90,767	88,449	88,449	88,449	21,493	41,155	14,354	11,447
Mean of Y	0.109	0.109	0.106	0.106	0.106	0.052	0.147	0.091	0.078
Adj R2	0.001	0.0489	0.049	0.067	0.069	0.061	0.048	0.093	0.063
pvalue Irish=Nondistinct	0.049	0.199	0.241	0.145	0.137	0.967	0.146	0.367	0.559
Offense FE		x	x	x	x	x	x	x	x
Controls (female, num.def., capital)			x	x	x	x	x	x	x
Year and month FE				x		x	x	x	x
Session FE					x				

NOTE – The table shows regression results corresponding to equation (1) for all offenses. Columns (1) to (4) use the entire sample period, columns (5) to (8) the 25-year sub-periods. Q1: 1800-1824, Q2: 1825-1849, Q3: 1850-1874, Q4: 1875-1899. Specifications are indicated at the bottom of the table. The dependent variable is a dummy variable indicating whether the defendant was found guilty in a jury trial (Panel A) and whether the defendant was recommended for mercy after a guilty verdict (Panel B). The p-value refers to a test of equality of coefficients for Irish and non-distinct defendants. Robust standard errors clustered by offense are shown in parentheses. *** p<0.01, ** p<0.05, * p<0.1.

Table 3. Disparities in Jury Decisions for Irish Defendants – Discrete Measure and by Offense Category

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Offense Category:			**Property**					**Violent**		
Sample:	**1800-1899**	**Q1**	**Q2**	**Q3**	**Q4**	**1800-1899**	**Q1**	**Q2**	**Q3**	**Q4**
Panel A. Guilty by jury verdict										
Defendant classified Irish	0.019***	0.002	0.019*	0.025*	0.069***	0.049*	-0.017	0.066**	0.080***	0.034**
	(0.005)	(0.008)	(0.008)	(0.012)	(0.016)	(0.020)	(0.035)	(0.026)	(0.018)	(0.013)
Defendant classified non-distinct	0.012***	0.006	0.013***	0.003	0.037**	0.026*	-0.006	0.030*	0.039*	0.025
	(0.004)	(0.004)	(0.004)	(0.010)	(0.015)	(0.011)	(0.024)	(0.013)	(0.019)	(0.016)
Observations	90,705	27,311	47,997	9,629	5,768	14,151	1,708	3,064	4,483	4,896
Mean of Y	0.729	0.720	0.755	0.672	0.643	0.615	0.492	0.599	0.649	0.637
Adj R2	0.049	0.056	0.052	0.037	0.039	0.092	0.072	0.124	0.086	0.084
pvalue Irish=Nondistinct	0.136	0.725	0.371	0.258	0.211	0.179	0.643	0.334	0.150	0.099
Panel B. Recommended for mercy (conditional on guilty verdict by jury)										
Defendant classified Irish	-0.017**	-0.003	-0.023**	-0.019	-0.019	-0.017*	0.030	-0.051**	-0.026	0.003
	(0.007)	(0.002)	(0.010)	(0.012)	(0.015)	(0.008)	(0.018)	(0.018)	(0.017)	(0.012)
Defendant classified non-distinct	-0.009***	-0.003	-0.013***	-0.003	-0.020	-0.009	-0.011	-0.021**	-0.019	0.010
	(0.002)	(0.005)	(0.003)	(0.008)	(0.013)	(0.006)	(0.017)	(0.008)	(0.012)	(0.016)
Observations	66,084	19,651	36,255	6,472	3,706	8,704	840	1,834	2,910	3,120
Mean of Y	0.111	0,048	0.153	0,094	0,063	0,099	0.113	0.124	0,100	0,080
Adj R2	0.068	0.058	0.044	0.087	0.053	0.125	0.092	0.104	0.170	0.120
pvalue Irish=Nondistinct	0.287	0.913	0.278	0.211	0.914	0.543	0.120	0.153	0.695	0.372
Offense FE and controls (female, num.def., capital)	x	x	x	x	x	x	x	x	x	x
Year and month FE	x	x	x	x	x	x	x	x	x	x

NOTE – The table shows regression results corresponding to equation (1) for property offenses in columns (1) to (5) and violent offenses in columns (6) to (10). For both, results are shown for the entire time period and the 25-year sub-periods. Q1: 1800-1824, Q2: 1825-1849, Q3: 1850-1874, Q4: 1875-1899. The specification corresponds to the baseline specification as in column (3) of Table 2. The dependent variable is a dummy variable indicating whether the defendant was found guilty in a jury trial (Panel A) and whether the defendant was recommended for mercy after a guilty verdict (Panel B). The p-value refers to a test of equality of coefficients for Irish and non-distinct defendants. Robust standard errors clustered by offense are shown in parentheses. *** p<0.01, ** p<0.05, * p<0.1.

Table 4. Disparities in Jury Decisions for Irish Defendants – Continuous Measure

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Offense Category:	**All**	**All**	**All**	**All**	**All**	**All**	**All**	**Prop.**	**Viol.**
Sample:		**1800-1899**		**Q1**	**Q2**	**Q3**	**Q4**	**1800-1899**	
Panel A. Guilty by jury verdict									
Irish ratio >3 and ≤5	0.022**	0.014	0.019*	0.013	0.016	0.046	-0.003	0.021	0.034
	(0.010)	(0.010)	(0.010)	(0.018)	(0.010)	(0.030)	(0.023)	(0.012)	(0.024)
Irish ratio >5 and ≤15	0.011	0.004	0.009	-0.011	-0.000	0.016	0.050***	0.001	0.043**
	(0.011)	(0.008)	(0.008)	(0.016)	(0.006)	(0.013)	(0.016)	(0.007)	(0.014)
Irish ratio >15 and ≤25	0.038***	0.029***	0.031***	0.013	0.035***	0.039**	0.025	0.026***	0.059*
	(0.011)	(0.006)	(0.005)	(0.017)	(0.011)	(0.016)	(0.015)	(0.005)	(0.029)
Irish ratio >25	0.033***	0.028***	0.031***	0.023	0.026*	0.024	0.049**	0.036***	0.041*
	(0.010)	(0.009)	(0.009)	(0.016)	(0.014)	(0.018)	(0.022)	(0.011)	(0.021)
Observations	129,930	129,930	125,598	30,933	55,442	21,275	17,948	90,705	14,151
Mean of Y	0.699	0.699	0.704	0.695	0.742	0.675	0.638	0.729	0.615
Adj R2	0.001	0.048	0.064	0.080	0.070	0.066	0.051	0.050	0.092
Panel B. Recommended for mercy (conditional on guilty verdict by jury)									
Irish ratio >3 and ≤5	-0.022**	-0.013	-0.014*	-0.004	-0.030*	0.018	-0.009	-0.015	0.004
	(0.009)	(0.008)	(0.008)	(0.009)	(0.015)	(0.017)	(0.024)	(0.009)	(0.017)
Irish ratio >5 and ≤15	-0.015**	-0.005	-0.009**	-0.006	-0.013	-0.010	0.001	-0.015**	-0.003
	(0.007)	(0.004)	(0.004)	(0.005)	(0.009)	(0.012)	(0.010)	(0.005)	(0.007)
Irish ratio >15 and ≤25	-0.033***	-0.020***	-0.025***	0.003	-0.032***	-0.030***	-0.024**	-0.021**	-0.025*
	(0.012)	(0.007)	(0.006)	(0.007)	(0.010)	(0.010)	(0.009)	(0.009)	(0.011)
Irish ratio >25	-0.022**	-0.013**	-0.019***	-0.001	-0.029***	-0.002	-0.022*	-0.015	-0.029
	(0.009)	(0.006)	(0.007)	(0.010)	(0.010)	(0.018)	(0.012)	(0.010)	(0.018)
Observations	90,767	90,767	88,449	21,493	41,155	14,354	11,447	66,084	8,704
Mean of Y	0.109	0.109	0.106	0.052	0.147	0.091	0.078	0.111	0.099
Adj R2	0.001	0.049	0.067	0.060	0.048	0.093	0.063	0.068	0.125
Defendant non-distinct	x	x	x	x	x	x	x	x	x
Offense FE		x	x	x	x	x	x	x	x
Controls			x	x	x	x	x	x	x
Year, month FE			x	x	x	x	x	x	x

NOTE – The table shows regression results corresponding to equation (1) but using the continuous measure for Irish defendants (see Section 4.1). Columns (1)-(7) show results for all offenses, column (8) for property and column (9) for violent offenses. The sample (entire period or subsample) is indicated at the top of each column. Q1: 1800-1824, Q2: 1825-1849, Q3: 1850-1874, Q4: 1875-1899. Specifications are indicated at the bottom of the table. Each regression includes a control variable for whether the defendant is classified non-distinct; the results are omitted for ease of exposition. The dependent variable is a dummy variable indicating whether the defendant was found guilty in a jury trial (Panel A) and whether the defendant was recommended for mercy after a guilty verdict (Panel CB Controls: female, number of defendants, capital offense. Robust standard errors clustered by offense are shown in parentheses. *** p<0.01, ** p<0.05, * p<0.1.

Table 5. Controls for Socio-Demographic Signals of Irish Names

	(1)	(2)	(3)	(4)	(5)	(6)
Sample:			**All offenses**			
Years:	**1800-99**	**1832-99**	**1800-99**	**1800-99**	**1800-99**	**1800-99**
Specification:	Baseline	Crim. History	Occupation	Name Origin	Transportees	Gangsters
Panel A. Guilty by jury verdict						
Defendant classified Irish	0.023***	0.025***	0.017***	0.017***	0.016***	0.017***
	(0.005)	(0.009)	(0.004)	(0.005)	(0.005)	(0.005)
Any criminal history		0.306***				
		(0.019)				
Transportee share					0.051*	
					(0.026)	
Gangster surname						-0.008
						(0.014)
Observations	125,598	76,281	123,797	125,598	125,598	125,598
Mean of Y	0.704	0.699	0.704	0.704	0.704	0.704
Adj R2	0.064	0.109	0.063	0.065	0.065	0.065
Panel B. Recommended for mercy (conditional on guilty verdict by jury)						
Defendant classified Irish	-0.017***	-0.019***	-0.016***	-0.016***	-0.016***	-0.016***
	(0.005)	(0.006)	(0.004)	(0.005)	(0.005)	(0.005)
Any criminal history		-0.085***				
		(0.015)				
Transportee share					-0.028*	
					(0.015)	
Gangster surname						0.001
						(0.024)
Observations	88,449	53,305	87,189	88,449	88,449	88,449
Mean of Y	0.106	0.118	0.106	0.106	0.106	0.106
Adj R2	0.067	0.082	0.067	0.068	0.068	0.068
Defendant non-distinct	x	x	x	x	x	x
Offense FE and controls	x	x	x	x	x	x
Year and month FE	x	x	x	x	x	x
Criminal history		x				
SES/Occupations shares			x			
Name prevalence Ireland				x	x	x
Share on transportee lists					x	
Famous gang(ster) name						x

NOTE – The table shows regression results corresponding to equation (1) adding control variables for what may be measured by a name using the discrete measure classification as in Table 2. The first column repeats the baseline for ease of comparison; the second column adds a control for whether the defendant has any known criminal history, the third adds controls for the share with the defendant's surname in the most common occupations, the fourth adds the share of households in Irish counties with the defendant's surname, the fifth adds the share of Irish transportees with the defendant's surname and the sixth a dummy variable whether the surname is the same as the surname of infamous gangs(ters). Each regression includes as a control variable for whether the defendant is classified non-distinct; the results are omitted for ease of exposition. The dependent variable is a dummy variable indicating whether the defendant was found guilty in a jury trial (Panel A) and whether the defendant was recommended for mercy after a guilty verdict (Panel B). Controls: female, number of defendants, capital offense. Robust standard errors clustered by offense are shown in parentheses. *** p<0.01, ** p<0.05, * p<0.1.

Table 6. The Abolition of Capital Punishment

	(1)	(2)	(3)	(4)	(5)	(6)
Offense Category:	**All**	**Property**	**Violent**	**All**	**Property**	**Violent**
Sample:		**1803-1871**			**1803-1871**	
	Panel A. Guilty by jury verdict			*Panel B. Guilty: original offense*		
Non-capital	0.079*	0.018	0.181**	0.166***	0.151**	0.152*
	(0.041)	(0.029)	(0.068)	(0.039)	(0.048)	(0.067)
Defendant classified Irish	0.019	0.027	0.024	0.005	-0.001	0.006
	(0.015)	(0.016)	(0.041)	(0.015)	(0.021)	(0.009)
Non-capital x	0.002	-0.014	0.046	0.016	0.017	0.062**
Defendant classified Irish	(0.016)	(0.014)	(0.030)	(0.015)	(0.018)	(0.020)
Observations	102,942	81,704	8,563	102,942	81,704	8,563
Mean of Y	0.719	0.737	0.605	0.670	0.698	0.435
	Panel C. Guilty: lesser offense			*Panel D. Recommended for mercy*		
Non-capital	-0.093**	-0.142***	0.045	-0.059***	-0.040*	-0.249***
	(0.037)	(0.039)	(0.128)	(0.020)	(0.020)	(0.045)
Defendant classified Irish	0.018	0.028***	0.037	-0.004	-0.010	0.019
	(0.013)	(0.007)	(0.054)	(0.009)	(0.010)	(0.011)
Non-capital x	-0.018	-0.030***	-0.035	-0.016	-0.008	-0.059**
Defendant classified Irish	(0.013)	(0.008)	(0.051)	(0.011)	(0.010)	(0.023)
Observations	102,942	81,704	8,563	73,982	60,246	5,183
Mean of Y	0.051	0.041	0.175	0.113	0.117	0.110
Defendant classified non-distinct	x	x	x	x	x	x
Offense FE	x	x	x	x	x	x
Controls	x	x	x	x	x	x
Year and month FE	x	x	x	x	x	x

NOTE – The table shows regression results for the time period around the offense-by-offense abolition of capital punishment as described in Section 4.3 The dependent variable is a dummy variable indicating whether the defendant was found guilty in a jury trial (Panel A), guilty of the original charge (Panel B) or guilty of a lesser offense (Panel C), and whether the defendant was recommended for mercy after a guilty verdict (Panel D). Results are shown for all, property and violent offenses as indicated at the top of each column. Robust standard errors clustered by offense are shown in parentheses. *** p<0.01, ** p<0.05, * p<0.1.

Table 7. Co-Defendants

	(1)	(2)	(3)	(4)	(5)	(6)
Offense category:	**All**	**Property**	**Violent**	**All**	**Property**	**Violent**
Outcome:	**Guilty by jury verdict**			**Recomendation for mercy**		
Panel A. English defendants, all co-defendants						
Any co-defendant	0.042***	0.034***	0.078***	-0.018**	-0.018*	-0.019***
classified Irish	(0.010)	(0.010)	(0.018)	(0.007)	(0.010)	(0.005)
Observations	17,134	12,528	1,858	10,686	7,923	1,024
Mean of Y	0.624	0.632	0.551	0.0836	0.0878	0.0830
Panel B. English defendants, Irish and English co-defendants						
Any co-defendant	0.061***	0.049***	0.141**	-0.021*	-0.019	-0.049**
classified Irish	(0.014)	(0.012)	(0.046)	(0.010)	(0.014)	(0.019)
Observations	8,629	6,356	929	5,319	3,976	525
Mean of Y	0.616	0.626	0.565	0.0889	0.0943	0.0971
Offense FE and controls	x	x	x	x	x	x
Year and month FE	x	x	x	x	x	x

NOTE - The table shows regression results for the sub-sample of cases of English defendants with at least one co-defendant. Panel A includes all cases with at least one co-defendant, Panel B includes only cases with English or Irish co-defendants. The dependent variable in columns (1) to (3) is a dummy variable indicating whether the defendant was found guilty in a jury trial, in columns (4) to (6) whether a defendant was recommended for mercy by the jury conditional on conviction. Columns (1) to (3) and (4) to (6) show the results for all, property and violent offenses, respectively. Controls: female, capital offense, number of co-defendants and number of female codefendants. Robust standard errors clustered by offense are shown in parentheses. *** p<0.01, ** p<0.05, * p<0.1.

Table 8. Irish Victims

	(1)	(2)	(3)	(4)	(5)	(6)
Outcome:	**Guilty by jury verdict**			**Guilty by jury verdict**		
Sample:	**1880-1886**			**1800-1899**		
Offense Category:	**All**	**Property**	**Violent**	**All**	**Property**	**Violent**
Specification:	Baseline	Baseline	Baseline	Baseline	Baseline	Baseline
Panel A. Defendants						
Defendant Irish	0.061***	0.066**	0.069*	0.032***	0.024*	0.060**
	(0.017)	(0.027)	(0.028)	(0.011)	(0.012)	(0.023)
Defendant non-distinct	0.009	0.025	0.026	0.014**	0.012	0.031*
	(0.019)	(0.037)	(0.026)	(0.006)	(0.007)	(0.015)
Observations	3,287	1,345	1,255	18,878	15,354	2,417
Mean of Y	0.613	0.624	0.622	0.701	0.727	0.591
Panel B. Irish and English defendants and victims						
Irish defendant, English victim	0.093**	0.070	0.128**	0.023	0.018	0.077**
	(0.037)	(0.068)	(0.045)	(0.015)	(0.014)	(0.021)
Irish defendant, Irish victim	0.028	-0.098	0.065	-0.026	-0.067***	0.017
	(0.055)	(0.124)	(0.053)	(0.033)	(0.017)	(0.067)
English defendant, Irish victim	-0.044	-0.099	-0.067	-0.014	-0.007	-0.028
	(0.058)	(0.088)	(0.085)	(0.023)	(0.018)	(0.054)
Observations	1,019	369	462	4,542	3,550	743
Mean of Y	0.620	0.615	0.636	0.699	0.731	0.580
Panel C. Irish and English defendants, all victims						
Irish defendant, non-Irish victim	0.070***	0.084***	0.067*	0.029*	0.022	0.058***
	(0.020)	(0.027)	(0.031)	(0.014)	(0.016)	(0.012)
Irish defendant, Irish victim	0.048	-0.055	0.065	-0.013	-0.060**	0.005
	(0.046)	(0.099)	(0.055)	(0.030)	(0.024)	(0.068)
English defendant, Irish victim	-0.034	-0.080	-0.051	-0.012	-0.005	-0.051
	(0.055)	(0.058)	(0.084)	(0.025)	(0.022)	(0.056)
Observations	1,845	723	744	10,038	7,992	1,452
Mean of Y	0.614	0.614	0.626	0.694	0.723	0.588
Offense FE and controls	x	x	x	x	x	x
Year and month FE	x	x	x	x	x	x

NOTE - The table shows regression results for the sub-sample of cases with victim information and exactly one victim (columns (1)-(3): 1880-1886 based on the bombings campaign sample and columns (4)-(6): 1800-1899 based on the Old Bailey Corpus sample). Panel A replicates our baseline from Column (4) in Table 2 for this sample. Panel B restricts the sample to Irish and English defendants and victims and shows results for Irish and English defendants with Irish and English victims, respectively (omitted category: English defendant with English victim). Panel C uses the sample of Irish and English defendants and all victims and shows results for Irish and English defendants with Irish and non-Irish (English or non-distinct) victims, respectively (omitted category: English defendant with non-Irish victim). Columns (1)/(4) show results for all offenses, columns (2)/(5) and (3)/(6) for property and violent offenses, respectively. The dependent variable in all panels/columns is a dummy variable indicating whether the defendant was found guilty in a jury trial. Controls: female, number of defendants, capital offense. Robust standard errors clustered by offense are shown in parentheses. *** p<0.01, ** p<0.05, * p<0.1.

Table 9. Potential Origins of the Gaps – Potato Famine (1838-1859)

	(1)	(2)	(3)	(4)	(5)
Outcome:			**Guilty by jury verdict**		
Offense Category:	**All**	**Property**	**Violent**	**Violent**	**Violent**
Specification:	Baseline	Baseline	Baseline	+ Occupations	+ Name Origin
Panel A. Irish versus English defendants, one post-period					
Defendant classified Irish	0.024	0.023	0.018	0.038	0.008
	(0.017)	(0.022)	(0.030)	(0.027)	(0.024)
Post-famine (1846-59)	-0.084***	-0.099***	-0.120	-0.139	-0.118
	(0.027)	(0.015)	(0.111)	(0.107)	(0.108)
Defendant classified Irish x Post-famine (1846-59)	0.022	0.022	0.066**	0.048	0.070**
	(0.016)	(0.019)	(0.025)	(0.030)	(0.028)
Observations	19,053	13,985	1,878	1,822	1,878
Mean of Y	0.723	0.730	0.690	0.691	0.690
Panel B. Irish versus English defendants, two post-periods					
Defendant classified Irish	0.024	0.023	0.018	0.038	0.008
	(0.017)	(0.022)	(0.030)	(0.027)	(0.024)
Famine (1846-52)	-0.071**	-0.101**	-0.032	-0.016	-0.032
	(0.027)	(0.037)	(0.050)	(0.047)	(0.046)
Post-famine (1853-59)	-0.086***	-0.103***	-0.123	-0.141	-0.119
	(0.026)	(0.016)	(0.102)	(0.102)	(0.103)
Defendant classified Irish x Famine (1846-52)	0.018	0.016	0.061***	0.044*	0.068**
	(0.015)	(0.017)	(0.011)	(0.020)	(0.021)
Defendant classified Irish x Post-famine (1853-59)	0.029	0.039	0.073	0.052	0.074
	(0.023)	(0.035)	(0.053)	(0.059)	(0.054)
Observations	19,053	13,985	1,878	1,822	1,878
Mean of Y	0.723	0.730	0.690	0.691	0.690
Offense FE and controls	x	x	x	x	x
Year and month FE	x	x	x	x	x
SES/Occupations (Census)				x	
Name prevalence Irish administrative units (Grenham)					x

NOTE - The table shows regression results for the time period around the potato famine (1838-1859) as described in Section 6.1. Panel A shows results with 1846-1859 as the post-period, Panel B when splitting the post-period into two (1846-1852 and 1853 to 1859). Column (1) shows results for all offenses, (2) for property offenses, and (3) to (5) for violent offenses. Columns (1), (2) and (3) show the baseline specification; the other columns add controls for (i) the share with the defendant's surname in the most common occupations, and (ii) the share of households in Irish administrative units with the defendant's surname. The dependent variable in all panels/columns is a dummy variable indicating whether the defendant was found guilty in a jury trial. Controls: female, number of defendants, capital offense. Robust standard errors clustered by offense are shown in parentheses. *** p<0.01, ** p<0.05, * p<0.1.

Online Appendix

Appendix A. Further Details on Irish/English Name Classification and Validity Tests

Appendix B. Further Data Descriptions and Other Appendix Tables and Figures

Appendix C. Historical Records

Appendix A. Further Details on Irish/English Name Classification and Validity Checks

As described in Section 3.2 of the main text, since the Old Bailey Proceedings do not systematically record defendant ethnicity or place of birth, a fundamental analysis step is to identify Irish and non-Irish courtroom participants. We do this by measuring surname ethnicity using the 1881 Census, which does include country of birth. In other words, we use the names of first-generation immigrants from Ireland to England to identify names that are distinctly Irish. In the following, we describe the data sources (1881 Census and additional sources) and the steps we undertook in terms of data cleaning and the matching by name to the Old Bailey data.

Data Sources and Data Cleaning

A. 1881 Census

We retrieved the 1881 Census data from the UK Data Service (https://ukdataservice.ac.uk), Study Number 4177: *1881 Census for England and Wales, the Channel Islands and the Isle of Man [Enhanced Version]* (Wollard and Schurer, 2000). These records include the county and parish of the person, their surname and first name, their relationship to the head of household, marital status, gender, age, occupation, place of birth and disabilities. We do not have permission to publicly share these raw data files.

To prepare the data for our analyses, we first undertook some basic data cleaning steps. We use names for residents of all counties in England and Wales, and clean the names by removing special characters, numbers etc. To identify the origin of a name, we use the county of birth and classify persons as born in: Ireland, Scotland, England/Wales, other. From there, we collapse the data by surname and first name, respectively, to compute the number and share of individuals with a given name by birth country. We use this information to compute the surname and first name ratios as described in the text (see Section 3.2).

To construct control variables for occupations/socio-economic status (as used in Section 4.3), we focus on the 1881 Census records for persons in London and the Home Counties (Berkshire, Buckingham, Essex, Hampshire, Hertford, Kent, Middlesex/London, Oxford, Surrey, Sussex). We retrieve a list of occupations with more than 5000 observed individuals overall (across names) and combine very similar occupations into one, e.g., tailor and tailor assistant. We code occupations with less than 5000 observations as "other/not coded/missing". We use this information to collapse the data by surname and occupation, generating variables that measure the share of individuals with a given surname in each of these most common (and not coded) occupations.

B. Historically Irish Surnames Dataset

We retrieved a list of Irish surnames and name variants from Adam Crymble's Historically Irish Surnames Dataset (Crymble, 2015).[51] This dataset is based on a subsample of males in the 1841 Census of England and Wales and includes historically Irish surnames, including their rootnames and (up to eight) name variants for those included in the sample.

[51] See https://sandbox.zenodo.org/record/20985#.YwSBgy0RpQL for more details and the raw data.

C. Griffith's Valuation

Griffith's Valuation was a mid-nineteenth-century property survey in Ireland with the aim of enabling a reform to standardize local taxation.[52] The results of the survey were published between 1847 and 1864 and recorded the name of every occupier of property in Ireland (with the only omission of slums in Dublin, Belfast and Cork). The data contain the count of households of all surnames for Ireland overall and by county. We obtained the data for Ireland from *Grenham's Irish Surnames* (CD-ROM, 2003) and updates plus the data by county directly from John Grenham by email. We are grateful to John Grenham for sharing his data with us so generously. From the raw data, we created variables measuring the number and the share of households with a given surname in Ireland and by county in Ireland. We are again not permitted to share these raw data.

Matching by Name

To match the surname ratios constructed from the 1881 Census data as well as the information from the Griffith's Valuation to our main data (the Old Bailey data), we proceed in two steps.

Step 1. File with names and name ratios

We start by using the names from the main Old Bailey dataset (both surnames and first names, undergoing similar cleaning steps as described for the Census names). We merge these names with the *Historically Irish Surnames* by Crymble (2015), retrieving a list of Old Bailey names with (when available) their rootname and name variants of the same surname. Next, we merge these Old Bailey names (both surnames and first names separately) with the Census names and name information (ratios): We start with matching by the original name, and then increase the matching rate by additionally matching by the respective rootname and name variants of the name in the Old Bailey records. This is only relevant in cases in which we cannot match the original Old Bailey name to a Census name, but the rootname or a name variant (if available).

We follow a similar procedure to merge these records with (i) the names and household information from the Griffith's Valuation (data provided by John Grenham) to add information on the number/share of households with a given name in Ireland and Irish administrative units (32 counties plus the cities of Dublin, Belfast, Cork, and Limerick), and (ii) with information from Irish transportee lists to add a variable measuring the share of transportees with a given surname (see Section 4.3 for further details on this dataset).

Overall, these matching procedures result in the list of Old Bailey names matched to (i) Census names and name information (for both surnames and first names), (ii) the number/share of households with that name in Ireland and Irish counties (for surnames) and (iii) extra information from the transportee lists (for surnames). Matching rates are high: For 96.9% of defendants in our Old Bailey sample (from 1800-1899), we can identify their surname or a surname variant in the Census while the comparable first name statistic is 99.6%.

Step 2. Merging with analysis data

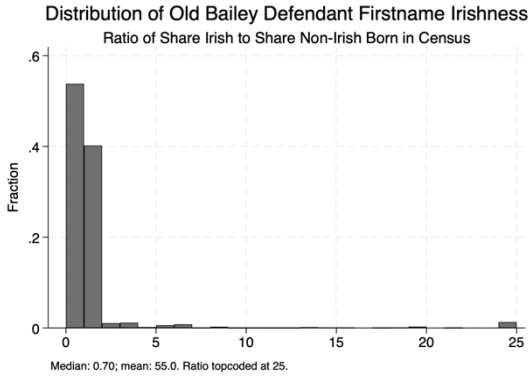
In the second step, we merge this list of names and name information back to the main analysis data from the Old Bailey. To be able to classify names of different agents in the Old Bailey

[52] See John Grenham's website: https://www.johngrenham.com/.

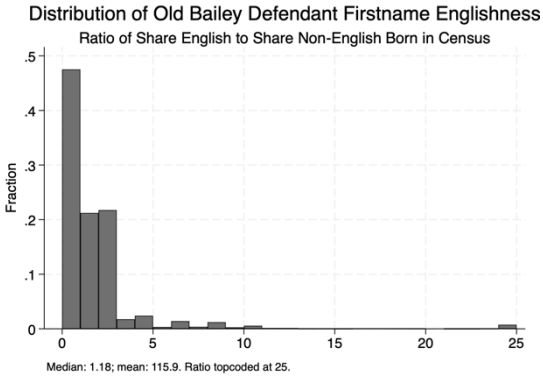
data, we merge the data by (i) defendant name (1800-1899), (ii) victim name (1880-1886) and (iii) juror name (1800-1860). This results in our analysis sample as described in the text in which we can use the name ratios for defendants, victims and jurors to classify them as Irish, English and non-distinct and use the extra information for each name.

Appendix Figure A1. First name classification

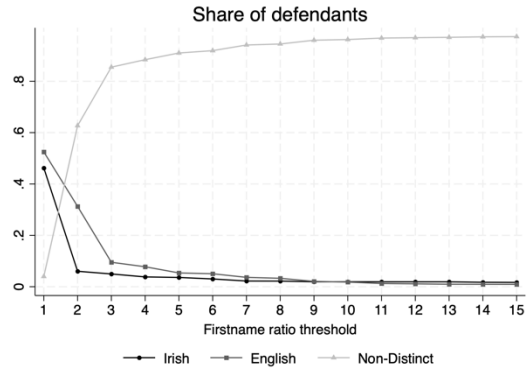
Panel A. Histogram Irish Firstname Ratios



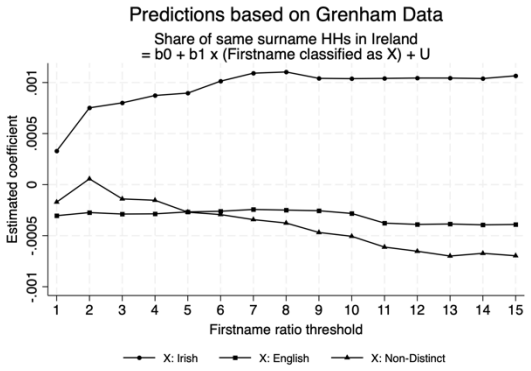
Panel B. Histogram English Firstname Ratios



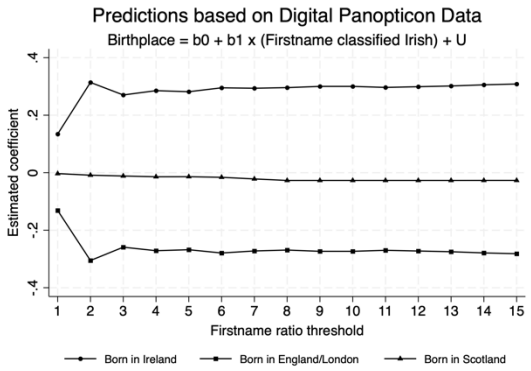
Panel C. Share of Defendants by Classification



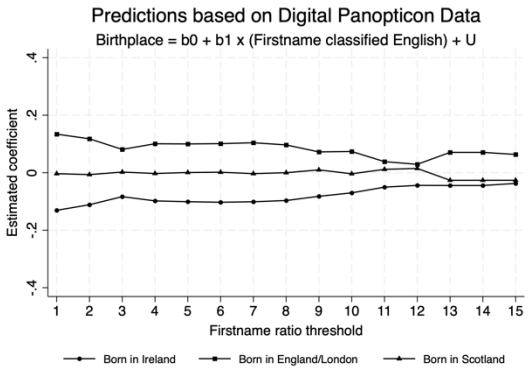
Panel D. Validation w/ Grenham Data



Panel E. Validation w/ Digital Panopticon - Irish



Panel F. Validation w/ Digital Panopticon - English



NOTE - Panels A and B plot histograms of the Irish and English firstname ratios for defendants in the Old Bailey data, respectively. Ratios larger than 25 are top-coded at 25 for ease of presentation. Panel C depicts the share of defendants that we classify as Irish, English or non-distinct varying the threshold for the firstname ratio from 1 to 15. Panel D to F plot coefficients from regressions of external measures for the defendant's ethnicity on the classification based on the firstname ratio, iterating through thresholds as shown on the x-axis. In Panel D, dots represent regressions with Irish classified defendants as right-hand side variable, squares with English classified defendants and triangles with non-distinct defendants. In Panels E and F, dots represent regressions when the outcome is "born in Ireland", squares when the outcome is "born in England/London" and triangles when the outcome is "born in Scotland". In Panel E, the right-hand side variable is a dummy for the defendant being classified Irish and in Panel F being classified English. For all panels, see Section 3.2 for details.

Appendix Table A1. Most common Irish, English and Non-distinct Names

Name	N	Irish ratio	English ratio	Name	N	Irish ratio	English ratio	Name	N	Irish ratio	English ratio
	Irish Surnames				**English Surnames**				**Non-Distinct Surnames**		
Sullivan	734	22.32	0.06	Jones	2893	0.20	5.10	Smith	4680	0.56	1.43
Murphy	474	25.50	0.05	Williams	2312	0.24	4.61	Brown	2169	0.75	0.93
Kelly	414	15.25	0.09	Harris	744	0.29	3.47	Johnson	1385	0.55	1.62
Donovan	290	21.45	0.07	Thomas	654	0.15	6.67	Davis	1331	0.42	2.60
Murray	273	7.77	0.11	Edwards	599	0.22	3.75	Wilson	1057	0.72	0.75
Ryan	265	25.65	0.06	Evans	541	0.19	5.79	Taylor	978	0.31	2.29
Bryan	225	4.03	0.34	Roberts	513	0.21	4.41	Thompson	906	0.74	0.84
Welch	220	3.40	0.39	Baker	469	0.31	3.59	White	849	0.94	1.05
Riley	218	4.11	0.34	Cooper	457	0.23	3.66	Clark	806	0.70	1.06
Fitzgerald	217	19.03	0.07	Lewis	454	0.25	4.34	Green	725	0.61	1.92
Connor	217	20.59	0.07	Price	383	0.37	3.07	King	636	0.90	1.25
Burke	215	22.11	0.07	Webb	368	0.23	4.68	Wood	615	0.30	2.14
M Carthy	198	15.30	0.09	Stevens	354	0.26	3.44	Martin	592	1.25	0.79
Mccarthy	184	22.15	0.07	James	351	0.18	4.78	Wright	580	0.33	2.14
Dunn	174	3.05	0.38	Parker	315	0.29	3.14	Collins	579	2.72	0.49
Crawley	164	5.85	0.25	Knight	277	0.26	3.82	Robinson	572	0.53	1.83
Mahoney	159	26.78	0.05	Bailey	270	0.33	3.19	Jackson	567	0.35	2.32
Driscoll	154	21.23	0.07	Chapman	267	0.22	3.99	Allen	510	0.68	1.43
Hurley	144	9.57	0.15	Powell	260	0.33	3.43	Moore	510	1.27	0.95
Barry	143	13.60	0.10	West	257	0.34	3.10	Turner	503	0.30	2.87
Hamilton	132	4.45	0.15	Watts	239	0.23	4.07	Walker	481	0.38	1.39
Campbell	131	5.06	0.10	Griffiths	239	0.20	5.24	Ward	462	0.98	1.23
Conner	130	15.82	0.09	Richards	239	0.16	5.50	Phillips	437	0.41	2.38
Roach	128	8.50	0.17	Pearce	230	0.21	4.96	Hall	436	0.40	2.18
Daley	128	18.63	0.08	Wells	227	0.17	3.47	Hill	429	0.38	2.26
Higgins	121	5.52	0.25	Hawkins	226	0.35	3.29	Clarke	415	1.03	1.14
Burns	121	12.43	0.10	Cole	221	0.32	3.69	Miller	406	0.70	0.66
Carroll	119	19.57	0.07	Payne	217	0.27	3.48	Adams	388	0.48	1.67
Lynch	116	21.18	0.07	Brooks	216	0.27	4.02	Carter	386	0.36	2.78
Leary	112	13.48	0.11	Lloyd	216	0.27	4.19	Lee	386	0.83	1.48

NOTE - This table shows the most common surnames in our analysis sample that we classify as Irish, English or non-distinct following the classifications described in Section 3.2. For each Irish, English and non-distinct classified name, the table shows the number of defendants in our analysis sample plus their Irish and English ratios (see Section 3.2).

Appendix Table A2. Cross-Validation of Surname Classifications

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Data Source:	**Digital Panopticon**			**Grenham Data**	**Manual Validation**			**Firstname Classification**		
Outcome:	Born in Ireland	Born in London/ England	Born in Scotland	Share of households in Ireland with surname	Irish name origin	English name origin	Non-distinct name origin	Classified Irish	Classified English	Classified non-distinct
Panel A. Irish										
Defendant Classified Irish	0.293***	-0.294***	0.002	0.0015***	0.502***	-0.407***	-0.093***	0.167***	-0.054***	-0.113***
	(0.015)	(0.015)	(0.005)	(0.0000)	(0.023)	(0.014)	(0.024)	(0.003)	(0.002)	(0.003)
Observations	6,394	6,394	6,394	124,843	3,324	3,324	3,324	157,108	157,108	157,108
R-squared	0.113	0.097	0.000	0.088	0.449	0.084	0.004	0.063	0.004	0.011
Panel B. English										
Defendant Classified English	-0.120***	0.137***	-0.017***	-0.0011***	-0.117***	0.343***	-0.241***	-0.044***	0.022***	0.022***
	(0.007)	(0.008)	(0.004)	(0.0000)	(0.007)	(0.017)	(0.017)	(0.001)	(0.002)	(0.002)
Observations	6,394	6,394	6,394	124,843	3,324	3,324	3,324	157,108	157,108	157,108
R-squared	0.030	0.034	0.003	0.084	0.047	0.115	0.056	0.010	0.001	0.001
Panel C. Non-Distinct										
Defendant Classified Non-Distinct	-0.059***	0.044***	0.015***	0.0002***	-0.136***	-0.125***	0.275***	-0.028***	0.001	0.026***
	(0.008)	(0.009)	(0.004)	(0.0000)	(0.008)	(0.017)	(0.017)	(0.001)	(0.001)	(0.002)
Observations	6,394	6,394	6,394	124,843	3,324	3,324	3,324	157,108	157,108	157,108
R-squared	0.008	0.004	0.002	0.005	0.067	0.016	0.076	0.004	0.000	0.001

NOTE - The table shows regression results for cross-validation of our surname classifications. We regress external measures regarding the defendant's ethnicity on dummy variables indicating our classification based on the surname (Irish in Panel A, English in Panel B, non-distinct in Panel C). In columns (1) to (3), the dependent variables are dummy variables for whether the person was born in Ireland, London or Scotland (retrieved from the Digital Panopticon, see Section 3.2 for details). In column (4), the dependent variable is the share of households in Ireland with the same surname (retrieved from Grenham's data based on the Griffith's Valuation, see Appendix A for details). In columns (5) to (7), the dependent variables are dummy variables for whether the name has an Irish, English or non-distinct origin (based on manual coding from genealogy websites, see Section 3.2 for details). In columns (8) to (10), the dependent variables are dummy variables for whether we classify the defendant's first name as Irish, English or non-distinct (see Section 3.2 for details). Robust standard errors are shown in parentheses. *** p<0.01, ** p<0.05, * p<0.1.

Appendix B. Further Data Descriptions and Other Appendix Tables and Figures

Further Data Description: Old Bailey Corpus

To augment the data based on the Old Bailey Proceedings (see Section 3.2 of the main text), we use data from the Old Bailey Corpus, version 2.0 (Huber et al., 2016). The Old Bailey Corpus is a corpus based on a selection of the trials reported in the Old Bailey Proceedings. It consists of 637 selected Proceedings and contains speech-related texts from 1720 to 1913 and contains additional information about each speaker involved in the trials (coded from the speech sequences reported in the proceedings). This includes gender, age, occupation (according to the Historical International Standard Classification of Occupations HISCO), social class (according to HISCLASS), and the role of the speaker in the courtroom: defendant, judge, victim, witness, lawyer, and interpreter.

A. Victim names

We retrieved the files from The Old Bailey Corpus (OBC), which comprehends 24.4 million words in 637 XML files. Using Python, we searched through each trial to find the speaker's ID, name, surname, and role in the courtroom. The python script produced CSV files uniquely identifying trial by defendant observations and including the names and surnames of victims. We subsequently imported these files into Stata. From there, we merged the information to the main analysis sample by trial and defendant ID and recovered for those trials that merged the name(s) of the victims involved in the case.

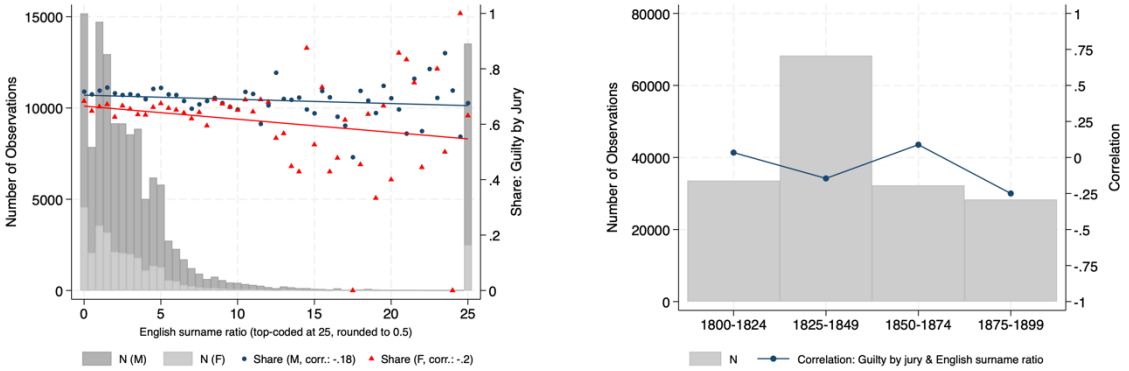
B. Data on Social Class Status

We retrieved the files from The Old Bailey Corpus (OBC), which comprehends 24.4 million words in 637 XML files. Using Python, we searched through each trial to find the relevant information for each speaker (trial ID, gender, age, occupation, social class, and role).

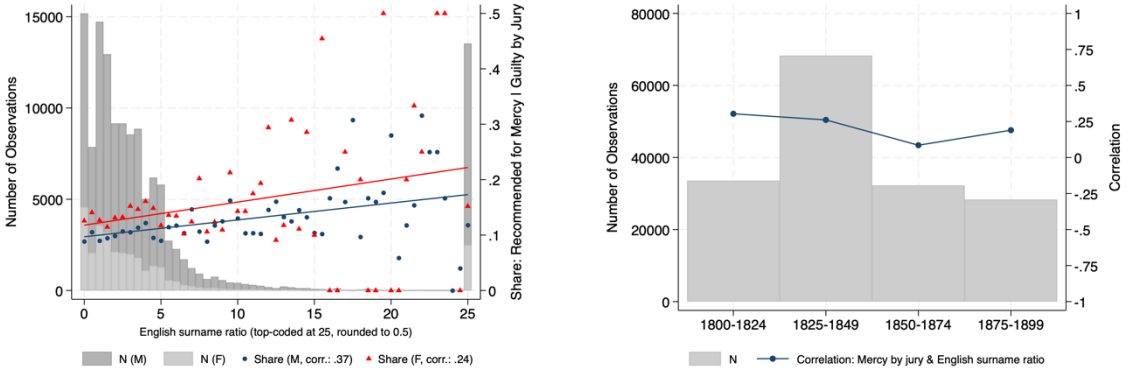
The Python script produced CSV files that were subsequently imported into Stata. As this dataset does not contain the speaker ID, but instead is structured by speech sequence (naming only the speaker role), we restrict the sample to (i) single defendant cases or (ii) multiple defendant cases where all (speaking) defendants have the same gender and social class. From there, we collapse the data to the trial level and merged the information with the main analysis sample by trial ID.

Appendix Figure B1. Correlation Between Court Outcomes and Surname Englishness

Panel A. Guilty by jury verdict, by gender and over time



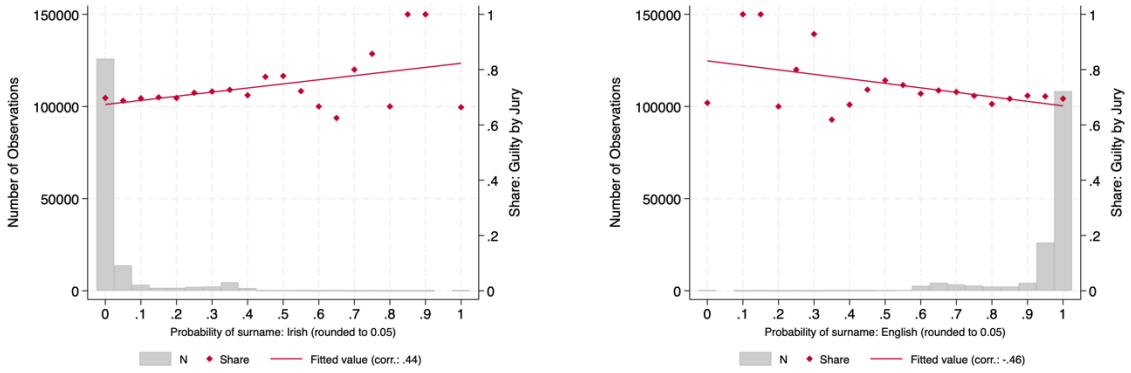
Panel B. Recommended for mercy (conditional on jury verdict), by gender and over time



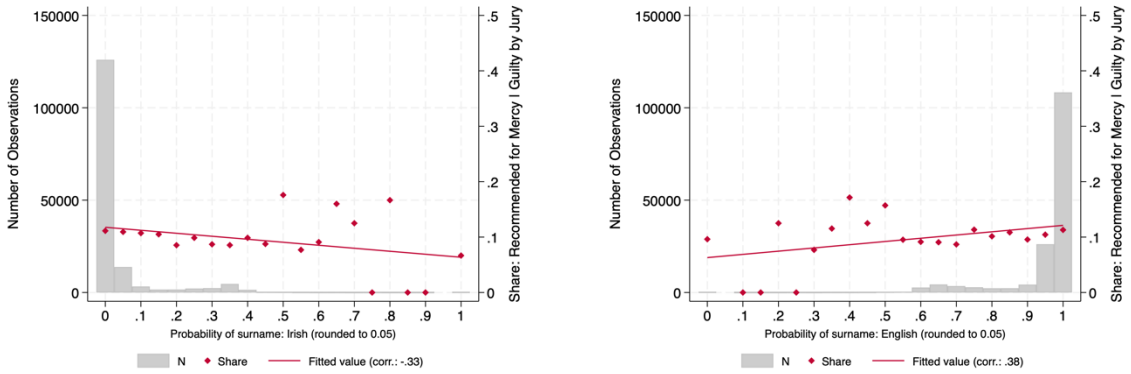
NOTE - The left figure in each panel shows the average outcome (Panel A: guilty jury verdict, Panel B: recommendation for mercy) for each English surname ratio (in bins of .5) and calculates the correlation coefficient, for males (circles) and females (triangles) separately. The gray bars indicate the number of observations in each of the bins. The right figure in each panel plots the correlation coefficient for each outcome (Panel A: guilty jury verdict, Panel B: recommendation for mercy) by quarter of the century. The gray bars indicate the number of observations underlying these correlations. See Section 3.3 for details.

Appendix Figure B2. Correlation Between Court Outcomes and Surname Probabilities

Panel A. Guilty by jury verdict



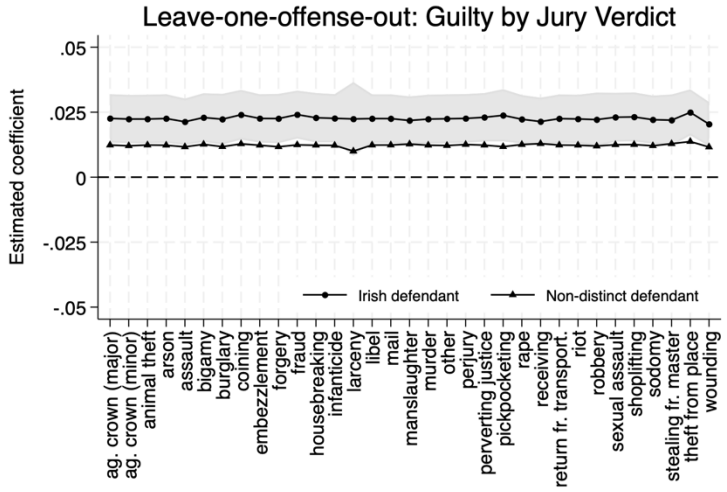
Panel B. Recommended for mercy (conditional on jury verdict)



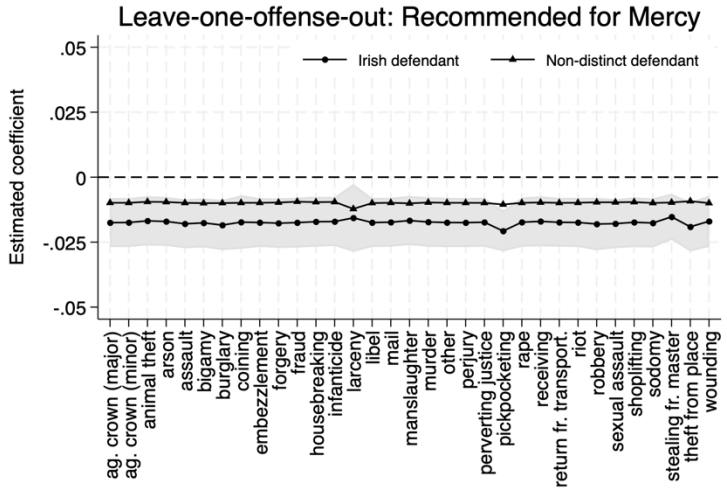
NOTE - The left (right) figure in each panel shows the average outcome (Panel A: guilty jury verdict, Panel B: recommendation for mercy) for each probability of a surname to be Irish (English) (in bins of .05) and calculates the correlation coefficient. The gray bars indicate the number of observations in each of the bins. See Section 3.3 for details.

Appendix Figure B3. Robustness Tests – Leave-One-Offense-Out

Panel A. Guilty by Jury Verdict, All Offenses



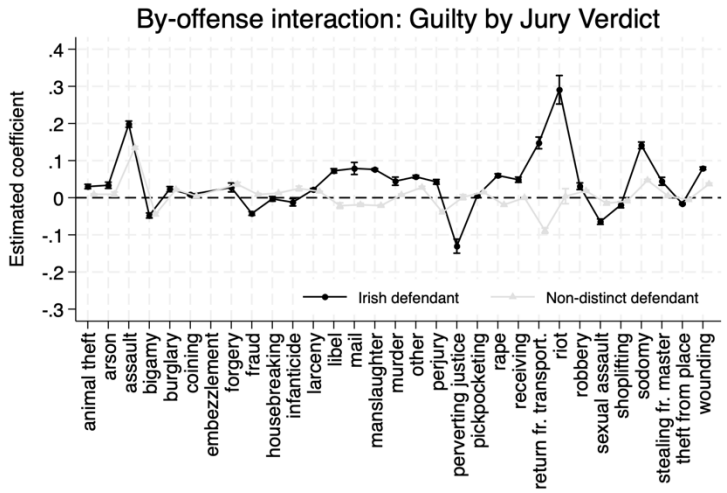
Panel B. Recommendation for Mercy, All Offenses



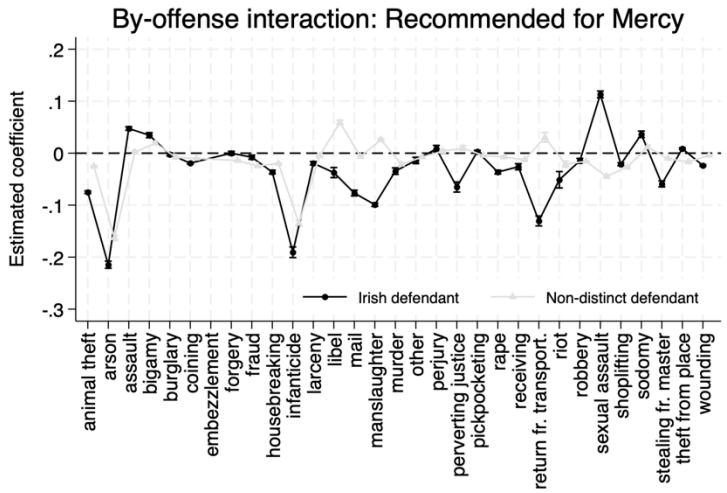
NOTE - The figure shows the estimated coefficients when leaving one offense out at the time for each outcome (Panel A: guilty jury verdict, Panel B: recommended for mercy). The markers depict the estimated coefficients using our baseline specification as in column (4) of Table 2. The dots refer to the coefficient for Irish defendants, the triangles to those for non-distinct defendants. The gray shaded area shows the 95% confidence interval for the Irish defendant coefficient. We estimate a separate regression for each offense left out as indicated on the x-axis.

Appendix Figure B4. Robustness Tests – By-Offense Interactions

Panel A. Guilty by Jury Verdict, All Offenses



Panel B. Recommendation for Mercy, All Offenses



NOTE - The figure shows the estimated coefficients when interacting the measure for Irish/non-distinct with the offence categories for each outcome (Panel A: guilty jury verdict, Panel B: recommended for mercy). The markers depict the estimated coefficients for the interaction term (from one regression) using our baseline specification as in column (4) of Table 2. The dots refer to the coefficient for Irish defendants, the triangles to those for non-distinct defendants. The bars show the 95% confidence intervals.

Appendix Figure B5. Most Common Defendant Surnames and Occupations (Part I)

Panel A. Twenty Most Common Irish Surnames

Occupation\Surname	Sullivan	Murphy	Kelly	Donovan	Murray	Ryan	Bryan	Welch	Riley	Fitzgerald	Connor	Burke	M Carthy	Mccarthy	Dunn	Crawley	Mahoney	Driscoll	Hurley	Barry
Scholar	0.240	0.241	0.259	0.257	0.254	0.262	0.285	0.277	0.262	0.257	0.260	0.281	0.235	0.199	0.276	0.275	0.264	0.259	0.250	0.282
Agricultural Labourer	0.006	0.006	0.003	0.010	0.007	0.006	0.010	0.027	0.015	0.004	0.007	0.007	0.000	0.015	0.005	0.015	0.009	0.015	0.009	0.004
Dressmaker	0.011	0.010	0.014	0.007	0.016	0.015	0.013	0.017	0.016	0.015	0.014	0.011	0.000	0.005	0.013	0.015	0.009	0.011	0.011	0.015
Laundress	0.028	0.030	0.028	0.021	0.016	0.029	0.019	0.023	0.017	0.025	0.018	0.027	0.000	0.027	0.017	0.022	0.023	0.022	0.011	0.019
Labourer	0.100	0.086	0.043	0.100	0.025	0.061	0.049	0.035	0.050	0.060	0.066	0.053	0.118	0.095	0.025	0.055	0.093	0.091	0.096	0.054
Carpenter	0.003	0.004	0.004	0.002	0.010	0.005	0.008	0.006	0.006	0.003	0.005	0.004	0.000	0.004	0.008	0.002	0.004	0.001	0.006	0.008
Annuitant	0.003	0.004	0.006	0.002	0.012	0.003	0.006	0.008	0.004	0.008	0.002	0.003	0.000	0.005	0.004	0.006	0.003	0.001	0.002	0.010
Bricklayer	0.014	0.012	0.009	0.017	0.007	0.014	0.011	0.012	0.009	0.010	0.012	0.014	0.000	0.016	0.006	0.014	0.013	0.015	0.014	0.006
Coach-/carman	0.008	0.007	0.007	0.011	0.007	0.006	0.011	0.008	0.006	0.008	0.003	0.013	0.000	0.004	0.011	0.013	0.007	0.006	0.006	0.009
Charwoman	0.018	0.018	0.014	0.018	0.010	0.013	0.010	0.010	0.011	0.014	0.012	0.015	0.000	0.022	0.007	0.012	0.018	0.018	0.015	0.012
Housemaid	0.002	0.004	0.006	0.002	0.004	0.003	0.004	0.004	0.002	0.005	0.003	0.005	0.000	0.002	0.003	0.004	0.003	0.002	0.008	0.003
Gardener	0.001	0.001	0.001	0.001	0.003	0.001	0.002	0.006	0.001	0.002	0.002	0.002	0.000	0.004	0.003	0.003	0.002	0.000	0.001	0.001
Housekeeper	0.006	0.003	0.008	0.004	0.007	0.007	0.008	0.005	0.008	0.004	0.004	0.004	0.000	0.009	0.006	0.002	0.003	0.004	0.007	0.008
Tailor	0.023	0.026	0.021	0.022	0.016	0.028	0.016	0.005	0.017	0.020	0.018	0.018	0.000	0.022	0.009	0.012	0.034	0.033	0.024	0.021
Cook	0.004	0.006	0.011	0.002	0.004	0.009	0.009	0.005	0.006	0.005	0.009	0.005	0.000	0.011	0.005	0.005	0.002	0.006	0.005	0.002
Servant	0.039	0.040	0.036	0.032	0.033	0.044	0.026	0.029	0.027	0.035	0.041	0.037	0.000	0.026	0.031	0.035	0.044	0.042	0.025	0.037
Clerk	0.002	0.003	0.007	0.000	0.006	0.002	0.006	0.002	0.003	0.002	0.004	0.004	0.000	0.000	0.005	0.004	0.002	0.000	0.004	0.004
Painter	0.003	0.004	0.004	0.004	0.005	0.005	0.004	0.006	0.005	0.002	0.005	0.002	0.000	0.000	0.005	0.006	0.002	0.003	0.003	0.004
Baker	0.001	0.001	0.000	0.000	0.004	0.001	0.001	0.003	0.003	0.002	0.001	0.002	0.000	0.000	0.003	0.001	0.001	0.001	0.002	0.000
Butcher	0.001	0.000	0.000	0.002	0.000	0.001	0.002	0.003	0.001	0.000	0.001	0.000	0.000	0.000	0.002	0.006	0.000	0.001	0.000	0.001
Blacksmith	0.002	0.001	0.001	0.001	0.000	0.002	0.003	0.002	0.002	0.001	0.000	0.002	0.000	0.002	0.000	0.000	0.002	0.001	0.000	0.001
Needlewoman	0.003	0.003	0.001	0.003	0.002	0.006	0.004	0.002	0.002	0.002	0.003	0.007	0.000	0.007	0.002	0.004	0.002	0.001	0.004	0.003
Nurse	0.001	0.001	0.003	0.001	0.004	0.002	0.001	0.001	0.004	0.002	0.002	0.002	0.000	0.000	0.004	0.001	0.003	0.000	0.001	0.001
Porter	0.004	0.004	0.006	0.003	0.005	0.005	0.004	0.002	0.005	0.005	0.006	0.005	0.000	0.009	0.004	0.002	0.006	0.003	0.005	0.006
Milliner	0.000	0.002	0.001	0.001	0.002	0.003	0.006	0.002	0.002	0.002	0.001	0.002	0.000	0.002	0.002	0.001	0.001	0.001	0.005	0.002
Machinist	0.003	0.003	0.002	0.002	0.004	0.009	0.001	0.004	0.009	0.004	0.005	0.005	0.000	0.002	0.006	0.003	0.004	0.006	0.001	0.003
Cabinet maker	0.001	0.003	0.002	0.001	0.002	0.001	0.001	0.001	0.000	0.002	0.003	0.001	0.000	0.002	0.003	0.002	0.000	0.000	0.004	0.001
Draper	0.000	0.002	0.001	0.001	0.002	0.001	0.010	0.002	0.001	0.000	0.001	0.001	0.000	0.000	0.005	0.001	0.000	0.000	0.000	0.004
Shoemaker	0.004	0.005	0.005	0.003	0.002	0.003	0.002	0.003	0.003	0.007	0.005	0.003	0.000	0.005	0.005	0.006	0.005	0.001	0.000	0.006
Grocer	0.003	0.002	0.001	0.004	0.002	0.002	0.003	0.004	0.003	0.003	0.001	0.001	0.059	0.000	0.008	0.001	0.002	0.001	0.003	0.003
Bootmaker	0.004	0.004	0.006	0.003	0.002	0.005	0.001	0.001	0.008	0.008	0.005	0.004	0.000	0.000	0.005	0.006	0.009	0.004	0.001	0.005
Plasterer	0.005	0.005	0.004	0.003	0.004	0.001	0.003	0.001	0.003	0.004	0.005	0.000	0.000	0.000	0.005	0.001	0.003	0.003	0.006	0.001
Police constable	0.001	0.001	0.003	0.001	0.001	0.002	0.003	0.001	0.002	0.002	0.000	0.002	0.000	0.004	0.002	0.002	0.001	0.000	0.002	0.001
Warehouse man	0.001	0.002	0.001	0.002	0.002	0.001	0.000	0.000	0.001	0.001	0.004	0.000	0.059	0.000	0.002	0.001	0.002	0.002	0.002	0.003
Printer	0.004	0.003	0.004	0.002	0.003	0.002	0.003	0.001	0.004	0.004	0.008	0.001	0.000	0.004	0.003	0.002	0.003	0.002	0.002	0.004
Plumber	0.001	0.001	0.000	0.000	0.000	0.002	0.001	0.001	0.000	0.001	0.001	0.001	0.000	0.000	0.002	0.000	0.000	0.001	0.000	0.003
Hawker	0.009	0.007	0.006	0.009	0.005	0.008	0.005	0.005	0.005	0.003	0.011	0.009	0.000	0.013	0.003	0.004	0.008	0.009	0.007	0.004
Soldier	0.005	0.008	0.009	0.001	0.005	0.010	0.006	0.000	0.004	0.004	0.002	0.010	0.000	0.002	0.004	0.002	0.006	0.004	0.002	0.008
Victualler	0.001	0.001	0.000	0.000	0.001	0.000	0.004	0.002	0.001	0.001	0.002	0.001	0.000	0.000	0.001	0.000	0.000	0.001	0.001	0.000
Joiner	0.000	0.000	0.000	0.000	0.002	0.000	0.001	0.001	0.001	0.000	0.000	0.002	0.000	0.002	0.001	0.000	0.000	0.000	0.002	0.001
Mariner	0.001	0.000	0.000	0.000	0.002	0.000	0.002	0.001	0.002	0.000	0.000	0.001	0.000	0.002	0.001	0.001	0.003	0.000	0.001	0.002
Dealer	0.005	0.002	0.002	0.006	0.002	0.004	0.003	0.001	0.005	0.003	0.004	0.008	0.000	0.004	0.002	0.001	0.003	0.003	0.003	0.004
Strawplaiter	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.005	0.001	0.000	0.000	0.000	0.000	0.000	0.000	0.011	0.000	0.000	0.000	0.000
Governess	0.000	0.001	0.001	0.000	0.003	0.000	0.002	0.001	0.001	0.001	0.000	0.002	0.000	0.000	0.001	0.001	0.000	0.000	0.001	0.001
Teacher	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Ironer	0.005	0.003	0.002	0.001	0.002	0.004	0.001	0.002	0.001	0.002	0.004	0.001	0.000	0.004	0.001	0.001	0.000	0.002	0.002	0.001
Wheelwright	0.000	0.001	0.001	0.000	0.000	0.000	0.001	0.001	0.001	0.000	0.000	0.001	0.000	0.000	0.001	0.002	0.000	0.000	0.000	0.000
Barmaid	0.000	0.001	0.001	0.001	0.002	0.001	0.001	0.000	0.004	0.002	0.001	0.003	0.000	0.000	0.002	0.001	0.000	0.003	0.000	0.001
Solicitor	0.000	0.000	0.001	0.000	0.002	0.001	0.001	0.000	0.001	0.000	0.000	0.000	0.000	0.000	0.001	0.000	0.000	0.000	0.000	0.000
Builder	0.000	0.000	0.002	0.000	0.000	0.000	0.001	0.001	0.000	0.000	0.001	0.000	0.000	0.000	0.000	0.000	0.001	0.000	0.001	0.000
None	0.013	0.017	0.019	0.014	0.020	0.021	0.014	0.007	0.008	0.018	0.017	0.019	0.059	0.011	0.009	0.005	0.013	0.012	0.014	0.008
Not coded / other	0.319	0.320	0.333	0.329	0.361	0.328	0.340	0.304	0.318	0.320	0.330	0.325	0.452	0.362	0.323	0.340	0.320	0.317	0.307	0.326

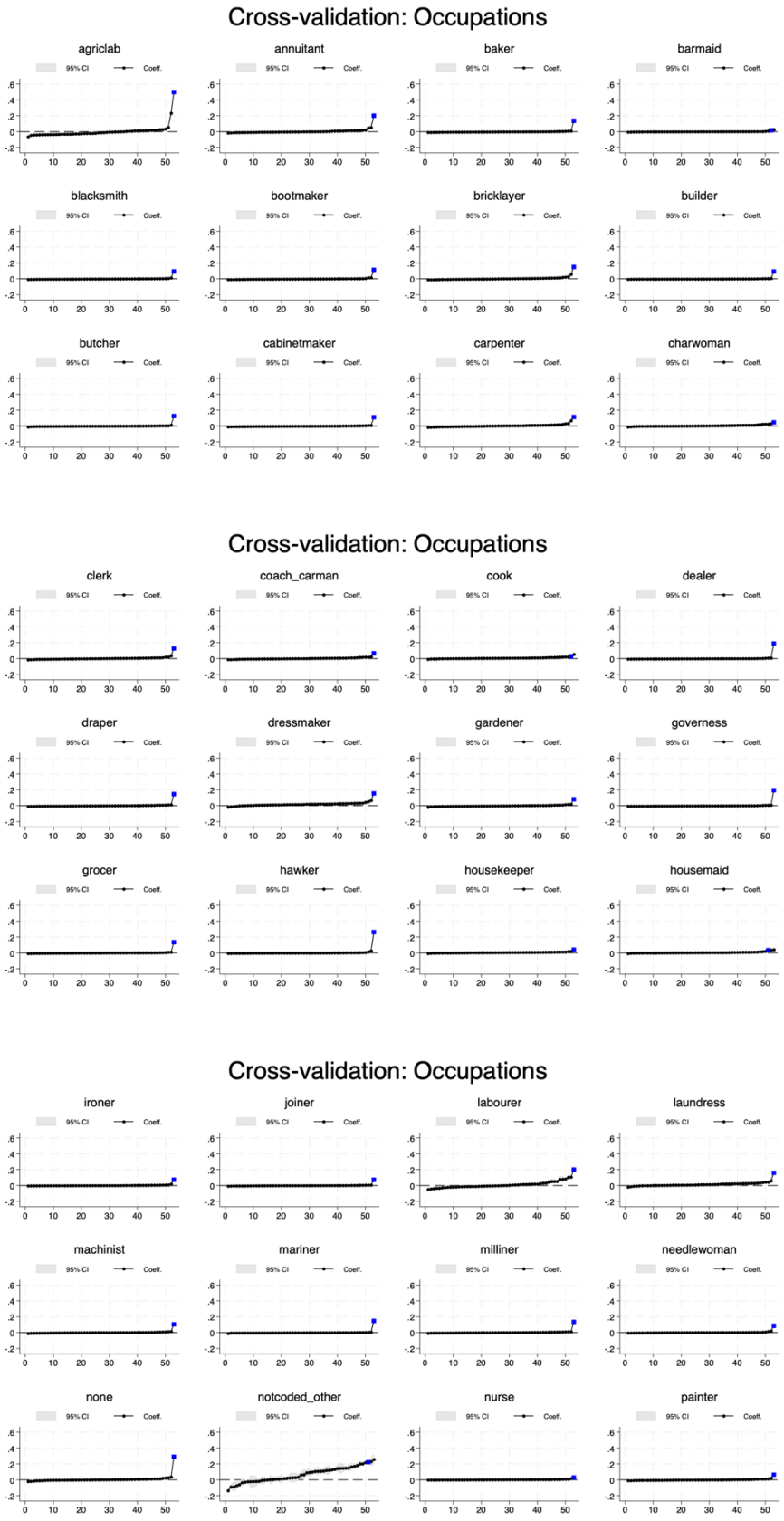
(Part II)

Panel B. Twenty Most Common English Surnames

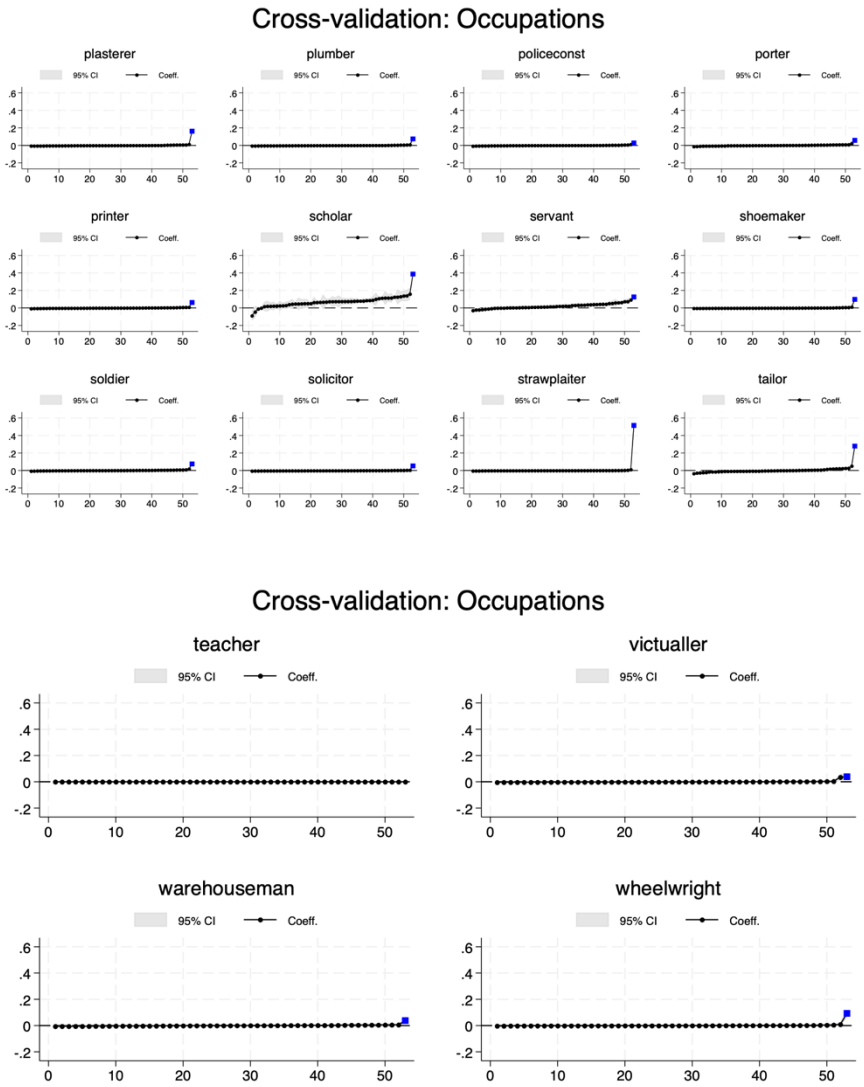
Occupation\Surname	Jones	Williams	Harris	Thomas	Edwards	Evans	Roberts	Baker	Cooper	Lewis	Price	Webb	Stevens	James	Parker	Knight	Bailey	Chapman	Powell	West
Scholar	0.2635	0.2600	0.2702	0.2551	0.2656	0.2628	0.2577	0.2751	0.2701	0.2634	0.2677	0.2726	0.2734	0.2729	0.2618	0.2868	0.2743	0.2691	0.2592	0.27
Agricultural labourer	0.0154	0.0133	0.0289	0.0140	0.0263	0.0164	0.0183	0.0353	0.0311	0.0148	0.0164	0.0358	0.0343	0.0187	0.0269	0.0394	0.0319	0.0413	0.0221	0.02
Dressmaker	0.0168	0.0197	0.0159	0.0173	0.0176	0.0169	0.0198	0.0162	0.0153	0.0154	0.0134	0.0142	0.0162	0.0173	0.0161	0.0163	0.0166	0.0147	0.0166	0.01
Laundress	0.0135	0.0142	0.0147	0.0139	0.0150	0.0125	0.0100	0.0131	0.0110	0.0128	0.0138	0.0148	0.0147	0.0123	0.0145	0.0124	0.0155	0.0110	0.0148	0.01
Labourer	0.0293	0.0271	0.0245	0.0230	0.0235	0.0273	0.0258	0.0281	0.0282	0.0228	0.0296	0.0304	0.0330	0.0295	0.0323	0.0298	0.0296	0.0256	0.0239	0.03
Carpenter	0.0116	0.0117	0.0110	0.0140	0.0117	0.0117	0.0136	0.0109	0.0096	0.0118	0.0080	0.0097	0.0108	0.0146	0.0117	0.0111	0.0137	0.0084	0.0091	0.00
Annuitant	0.0080	0.0089	0.0066	0.0093	0.0072	0.0077	0.0096	0.0055	0.0079	0.0086	0.0110	0.0077	0.0067	0.0088	0.0080	0.0050	0.0077	0.0076	0.0098	0.00
Bricklayer	0.0074	0.0069	0.0080	0.0048	0.0090	0.0065	0.0049	0.0073	0.0076	0.0060	0.0081	0.0091	0.0064	0.0091	0.0075	0.0117	0.0090	0.0070	0.0085	0.00
Coach-/carman	0.0089	0.0079	0.0083	0.0076	0.0111	0.0096	0.0092	0.0100	0.0109	0.0085	0.0068	0.0090	0.0084	0.0085	0.0082	0.0089	0.0098	0.0079	0.0083	0.00
Charwoman	0.0065	0.0062	0.0068	0.0056	0.0075	0.0065	0.0050	0.0061	0.0054	0.0054	0.0064	0.0059	0.0052	0.0044	0.0061	0.0054	0.0057	0.0053	0.0041	0.00
Housemaid	0.0066	0.0059	0.0050	0.0084	0.0050	0.0063	0.0055	0.0053	0.0043	0.0070	0.0045	0.0060	0.0045	0.0065	0.0059	0.0061	0.0053	0.0046	0.0068	0.00
Gardener	0.0037	0.0032	0.0042	0.0033	0.0061	0.0045	0.0041	0.0055	0.0050	0.0030	0.0032	0.0050	0.0056	0.0034	0.0066	0.0066	0.0049	0.0057	0.0055	0.00
Housekeeper	0.0060	0.0065	0.0061	0.0065	0.0063	0.0061	0.0079	0.0070	0.0061	0.0064	0.0092	0.0053	0.0058	0.0074	0.0061	0.0072	0.0060	0.0059	0.0088	0.00
Tailor	0.0084	0.0094	0.0127	0.0129	0.0074	0.0105	0.0066	0.0067	0.0054	0.0126	0.0095	0.0038	0.0072	0.0059	0.0058	0.0043	0.0068	0.0049	0.0061	0.00
Cook	0.0100	0.0087	0.0057	0.0079	0.0058	0.0094	0.0082	0.0062	0.0053	0.0074	0.0083	0.0053	0.0068	0.0065	0.0051	0.0061	0.0044	0.0055	0.0063	0.00
Servant	0.0353	0.0346	0.0302	0.0351	0.0311	0.0315	0.0322	0.0317	0.0331	0.0323	0.0325	0.0302	0.0320	0.0376	0.0328	0.0337	0.0296	0.0325	0.0314	0.03
Clerk	0.0046	0.0043	0.0028	0.0063	0.0056	0.0053	0.0054	0.0028	0.0027	0.0033	0.0048	0.0037	0.0031	0.0040	0.0025	0.0037	0.0037	0.0039	0.0033	0.00
Painter	0.0062	0.0066	0.0047	0.0057	0.0053	0.0056	0.0073	0.0058	0.0051	0.0064	0.0060	0.0043	0.0058	0.0045	0.0065	0.0046	0.0040	0.0046	0.0075	0.00
Baker	0.0022	0.0018	0.0033	0.0026	0.0020	0.0016	0.0019	0.0037	0.0026	0.0026	0.0029	0.0033	0.0023	0.0028	0.0027	0.0025	0.0034	0.0024	0.0020	0.00
Butcher	0.0026	0.0023	0.0037	0.0023	0.0031	0.0020	0.0016	0.0034	0.0035	0.0018	0.0049	0.0039	0.0029	0.0018	0.0025	0.0021	0.0032	0.0023	0.0028	0.00
Blacksmith	0.0024	0.0023	0.0034	0.0029	0.0020	0.0026	0.0016	0.0026	0.0041	0.0026	0.0025	0.0026	0.0025	0.0039	0.0028	0.0020	0.0033	0.0023	0.0027	0.00
Needlewoman	0.0028	0.0035	0.0025	0.0034	0.0034	0.0030	0.0033	0.0027	0.0025	0.0029	0.0027	0.0023	0.0020	0.0036	0.0021	0.0024	0.0015	0.0021	0.0028	0.00
Nurse	0.0024	0.0030	0.0024	0.0029	0.0022	0.0031	0.0033	0.0022	0.0021	0.0027	0.0027	0.0022	0.0019	0.0032	0.0025	0.0024	0.0025	0.0017	0.0018	0.00
Porter	0.0043	0.0048	0.0036	0.0039	0.0045	0.0046	0.0026	0.0043	0.0031	0.0040	0.0040	0.0036	0.0043	0.0041	0.0035	0.0033	0.0032	0.0042	0.0037	0.00
Milliner	0.0024	0.0033	0.0017	0.0028	0.0022	0.0036	0.0025	0.0019	0.0017	0.0032	0.0022	0.0014	0.0023	0.0027	0.0023	0.0015	0.0021	0.0024	0.0027	0.00
Machinist	0.0045	0.0043	0.0032	0.0047	0.0037	0.0037	0.0043	0.0021	0.0034	0.0031	0.0029	0.0026	0.0026	0.0034	0.0034	0.0023	0.0036	0.0029	0.0055	0.00
Cabinet maker	0.0027	0.0019	0.0016	0.0023	0.0030	0.0021	0.0021	0.0017	0.0019	0.0034	0.0029	0.0019	0.0016	0.0026	0.0025	0.0019	0.0025	0.0014	0.0013	0.00
Draper	0.0052	0.0035	0.0022	0.0046	0.0037	0.0052	0.0042	0.0038	0.0025	0.0053	0.0035	0.0024	0.0025	0.0047	0.0031	0.0025	0.0033	0.0026	0.0048	0.00
Shoemaker	0.0021	0.0017	0.0024	0.0027	0.0026	0.0023	0.0025	0.0018	0.0017	0.0017	0.0019	0.0017	0.0019	0.0029	0.0020	0.0022	0.0012	0.0022	0.0018	0.00
Grocer	0.0039	0.0045	0.0040	0.0038	0.0040	0.0040	0.0046	0.0058	0.0043	0.0032	0.0056	0.0049	0.0047	0.0029	0.0043	0.0037	0.0057	0.0040	0.0025	0.00
Bootmaker	0.0035	0.0038	0.0031	0.0041	0.0030	0.0039	0.0035	0.0023	0.0028	0.0037	0.0030	0.0042	0.0026	0.0044	0.0055	0.0026	0.0022	0.0040	0.0033	0.00
Plasterer	0.0019	0.0017	0.0019	0.0023	0.0010	0.0028	0.0024	0.0025	0.0014	0.0032	0.0019	0.0006	0.0018	0.0024	0.0021	0.0018	0.0012	0.0009	0.0028	0.00
Police constable	0.0012	0.0011	0.0010	0.0020	0.0025	0.0014	0.0011	0.0019	0.0015	0.0024	0.0017	0.0018	0.0016	0.0029	0.0016	0.0015	0.0011	0.0012	0.0008	0.00
Warehouse man	0.0025	0.0024	0.0013	0.0018	0.0020	0.0029	0.0017	0.0015	0.0017	0.0014	0.0027	0.0016	0.0012	0.0021	0.0008	0.0011	0.0019	0.0014	0.0020	0.00
Printer	0.0025	0.0018	0.0012	0.0021	0.0020	0.0026	0.0021	0.0013	0.0015	0.0011	0.0024	0.0012	0.0011	0.0018	0.0010	0.0013	0.0012	0.0015	0.0027	0.00
Plumber	0.0017	0.0017	0.0014	0.0017	0.0015	0.0013	0.0020	0.0014	0.0012	0.0011	0.0014	0.0016	0.0019	0.0016	0.0019	0.0020	0.0016	0.0027	0.0007	0.00
Hawker	0.0026	0.0032	0.0019	0.0027	0.0015	0.0017	0.0009	0.0018	0.0020	0.0022	0.0014	0.0016	0.0008	0.0011	0.0011	0.0010	0.0005	0.0018	0.0007	0.00
Soldier	0.0024	0.0026	0.0012	0.0022	0.0017	0.0022	0.0024	0.0007	0.0016	0.0020	0.0024	0.0009	0.0005	0.0013	0.0010	0.0008	0.0020	0.0009	0.0015	0.00
Victualler	0.0013	0.0009	0.0017	0.0011	0.0014	0.0013	0.0015	0.0013	0.0013	0.0014	0.0022	0.0018	0.0012	0.0014	0.0010	0.0011	0.0012	0.0017	0.0008	0.00
Joiner	0.0023	0.0027	0.0011	0.0023	0.0015	0.0024	0.0014	0.0012	0.0013	0.0015	0.0011	0.0007	0.0013	0.0015	0.0016	0.0010	0.0012	0.0020	0.0013	0.00
Mariner	0.0014	0.0018	0.0009	0.0011	0.0007	0.0010	0.0014	0.0016	0.0012	0.0019	0.0002	0.0017	0.0008	0.0009	0.0019	0.0008	0.0011	0.0010	0.0012	0.00
Dealer	0.0019	0.0013	0.0023	0.0020	0.0013	0.0016	0.0013	0.0015	0.0013	0.0007	0.0010	0.0009	0.0012	0.0016	0.0014	0.0005	0.0014	0.0010	0.0017	0.00
Strawplaiter	0.0003	0.0002	0.0010	0.0000	0.0008	0.0010	0.0015	0.0008	0.0007	0.0000	0.0008	0.0019	0.0014	0.0012	0.0005	0.0007	0.0001	0.0026	0.0002	0.00
Governess	0.0010	0.0014	0.0006	0.0012	0.0008	0.0012	0.0013	0.0009	0.0009	0.0023	0.0024	0.0013	0.0009	0.0005	0.0010	0.0011	0.0008	0.0016	0.0005	0.00
Teacher	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.00
Ironer	0.0013	0.0009	0.0011	0.0014	0.0014	0.0007	0.0011	0.0013	0.0007	0.0008	0.0005	0.0015	0.0012	0.0015	0.0013	0.0012	0.0013	0.0009	0.0020	0.00
Wheelwright	0.0006	0.0010	0.0009	0.0010	0.0013	0.0005	0.0008	0.0011	0.0012	0.0003	0.0006	0.0014	0.0006	0.0013	0.0006	0.0011	0.0008	0.0030	0.0010	0.00
Barmaid	0.0012	0.0010	0.0010	0.0012	0.0007	0.0019	0.0009	0.0010	0.0013	0.0010	0.0011	0.0009	0.0008	0.0009	0.0011	0.0011	0.0013	0.0009	0.0012	0.00
Solicitor	0.0009	0.0010	0.0007	0.0009	0.0011	0.0008	0.0014	0.0005	0.0007	0.0023	0.0005	0.0015	0.0008	0.0018	0.0013	0.0007	0.0005	0.0004	0.0017	0.00
Builder	0.0008	0.0011	0.0010	0.0005	0.0015	0.0010	0.0006	0.0007	0.0009	0.0010	0.0010	0.0008	0.0007	0.0009	0.0009	0.0011	0.0011	0.0009	0.0007	0.00
None	0.0092	0.0101	0.0068	0.0110	0.0103	0.0083	0.0090	0.0092	0.0087	0.0089	0.0105	0.0090	0.0095	0.0100	0.0091	0.0058	0.0065	0.0091	0.0111	0.00
Not coded / other	0.3260	0.3361	0.3112	0.3227	0.3064	0.3279	0.3282	0.2960	0.3083	0.3140	0.3220	0.3082	0.3024	0.3195	0.3012	0.2946	0.2986	0.3005	0.3109	0.30

NOTE - The figure shows a heatmap of the twenty most common surnames of Irish (Panel A) and English (Panel B) defendants against the most common occupations from the Census by surname. Each cell depicts the share from the Census of persons with a given surname in this occupation. The shading refers to the deciles of these shares; darker shaded cells reflect higher shares and lighter shaded cells lower shares. See Section 4.3 for details.

Appendix Figure B6. Cross-Validation of Census Occupation Proxies (Part I)



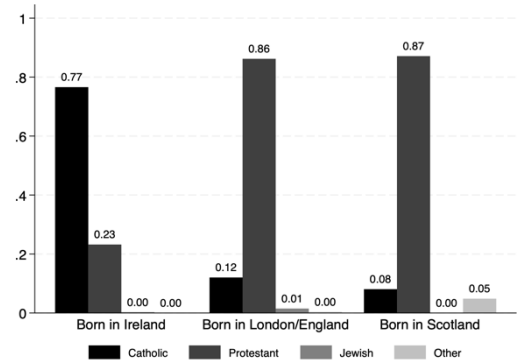
(Part II)



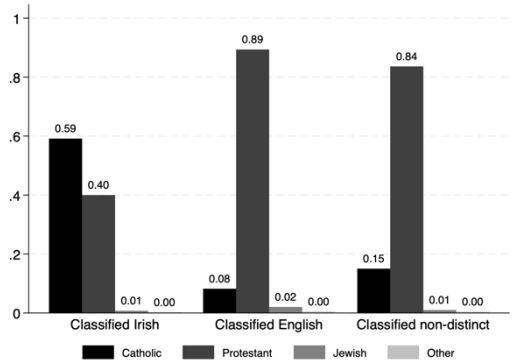
NOTE - The figures plot the estimated coefficients obtained from regressions as explained in Section 4.3. The regressions are based on data from the 1881 Census and include observations from London and the home counties, focusing on the most common occupations as explained in the main text. In each plot, the respective occupation that is coded as a dummy outcome variable is indicated at the top, the coefficients correspond to the included shares per occupation (for the given surname). Blue squares indicate the share in the same occupation as the outcome.

Appendix Figure B7. Names as a Signal of Religion

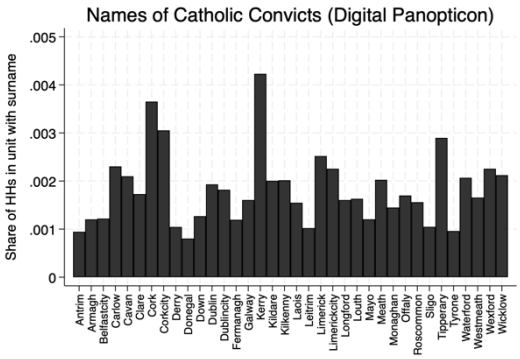
Panel A. Religion by Place of Birth



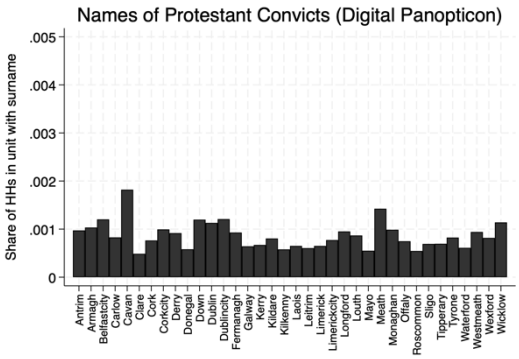
Panel B. Religion by Name Classification



Panel C. Catholic Convicts



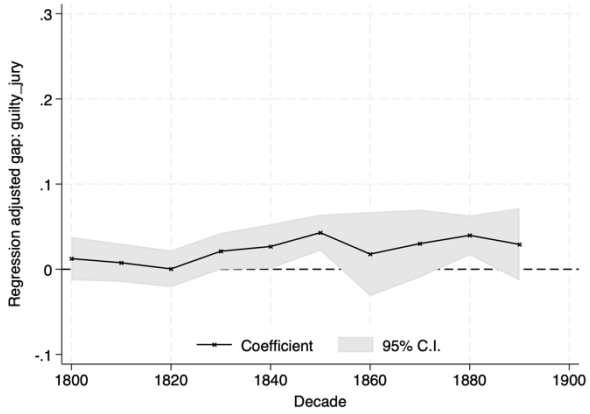
Panel D. Protestant Convicts



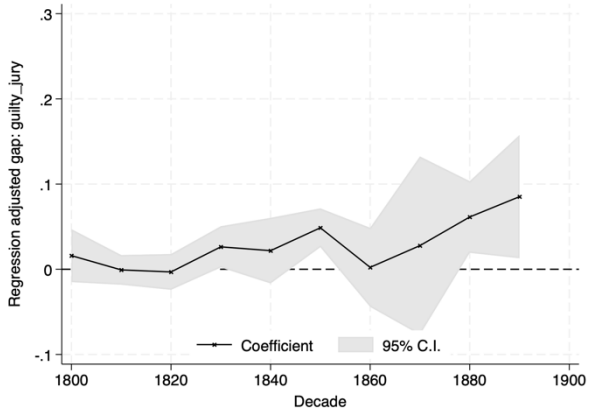
NOTE - The figures are based on data from the *Digital Panopticon* as explained in Section 4.3. Panel A and B plot the share in each religion by group (as identified by country of birth or classified by our surname measures). Panels C and D combine the information with data from the *Grenham data* as explained in Section 4.3 and plot the variation in the prevalence of surnames in Irish administrative units for Catholic and Protestant convicts, respectively.

Appendix Figure B8. Disparate Treatment of Irish Defendants by Decade

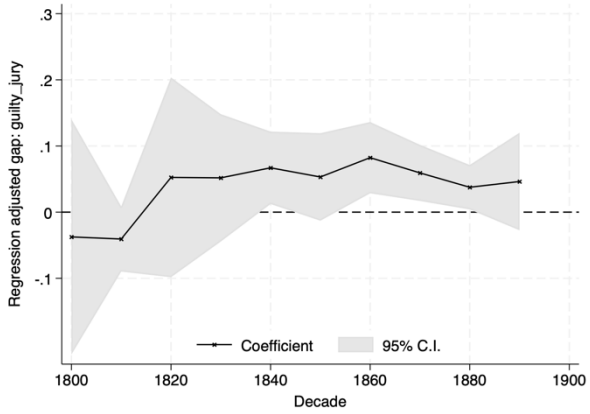
Panel A. Guilty by Jury Verdict, All Offenses



Panel B. Guilty by Jury Verdict, Property Offenses



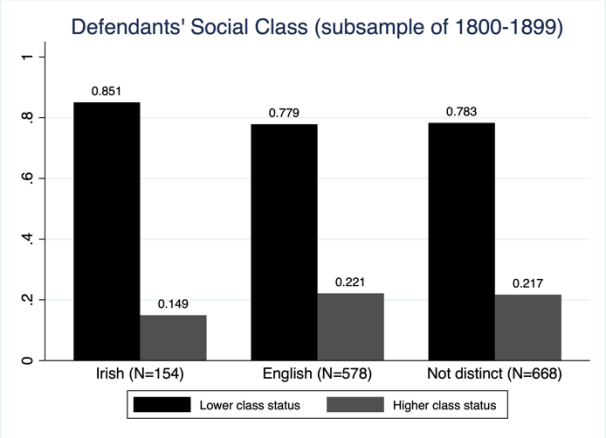
Panel C. Guilty by Jury Verdict, Violent Offenses



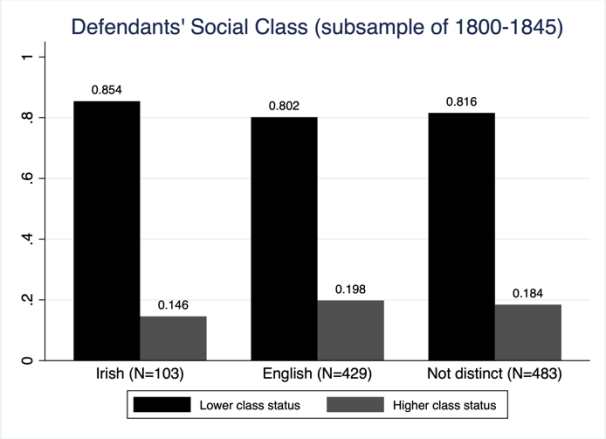
NOTE - Each figure shows the estimated coefficient for Irish defendants (black marker) and 95% confidence interval (gray shaded area) when estimating our baseline specification (see column (4) of Table 2) separately by decade. The x-axis shows the first year of each decade. The outcome is a dummy variable for whether the defendant was found guilty in a jury trial. Panel A includes all offenses, Panel B property and Panel C violent offenses.

Appendix Figure B9. Defendants' Social Class (Old Bailey Corpus)

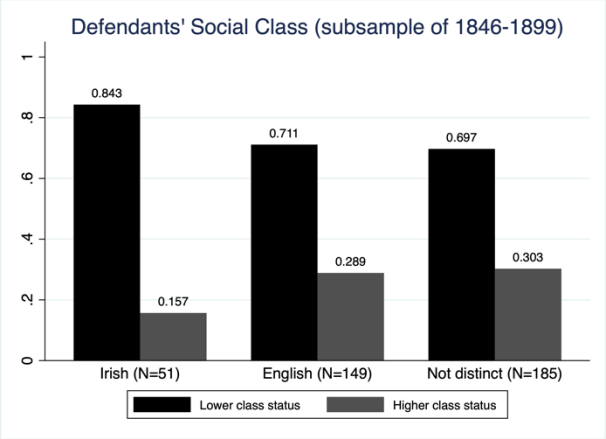
Panel A. 1800-1899



Panel B. Pre-Famine 1800-1845



Panel C. Post-Famine 1846-1899



NOTE - Each figure shows the share of defendants who are classified as of lower social class (black bars) or higher social class (gray bars), based on the subset of the sample with information from the Old Bailey Corpus (see text and the data description in Appendix B for details). Panel A includes observations from the entire sample period (1800-1899), Panel B for the pre-famine period (1800-1845) and Panel C for the famine and post-famine period (1846-1899).

Appendix Table B1. Share of Irish, English, and Non-Distinct Defendants by Offense

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
	All	**Irish**		**English**		**Non-Distinct**	
Detailes offense category (combined)	N	N	Share	N	Share	N	Share
(Missing)	167	15	0.10	54	0.35	86	0.55
Against crown (major)	48	14	0.30	15	0.33	17	0.37
Against corwn (minor)	98	10	0.11	40	0.43	43	0.46
Animal theft	2962	162	0.06	1366	0.47	1364	0.47
Arson	458	47	0.11	213	0.49	176	0.40
Assault	953	193	0.21	334	0.36	389	0.42
Bigamy	1497	105	0.07	718	0.50	627	0.43
Burglary	8857	1047	0.12	3391	0.39	4150	0.48
Coining offenses	10733	1418	0.14	3839	0.37	5245	0.50
Embezzlement	4447	248	0.06	2093	0.48	2014	0.46
Forgery	4975	374	0.08	2175	0.46	2202	0.46
Fraud	5275	394	0.08	2254	0.45	2411	0.48
Housebreaking	3515	385	0.11	1372	0.40	1676	0.49
Infanticide (combined)	758	51	0.07	364	0.50	317	0.43
Larceny (combined)	50407	5694	0.12	19647	0.40	23642	0.48
Libel	504	45	0.10	206	0.44	216	0.46
Mail	1177	76	0.07	574	0.50	499	0.43
Manslaughter	1831	246	0.14	751	0.42	780	0.44
Murder	1153	176	0.16	468	0.43	435	0.40
Other (combined)	3230	308	0.10	1341	0.44	1412	0.46
Perjury	796	59	0.08	361	0.47	342	0.45
Perverting justice	379	53	0.14	156	0.42	159	0.43
Pickpocketing	13647	1948	0.15	4904	0.37	6455	0.49
Rape	1392	158	0.12	608	0.46	563	0.42
Receiving	6813	653	0.10	2894	0.44	3101	0.47
Return from transportation	148	15	0.10	56	0.38	75	0.51
Riot	105	17	0.17	38	0.38	44	0.44
Robbery (combined)	6827	1493	0.22	2277	0.34	2892	0.43
Sexual assault (combined)	976	75	0.08	418	0.45	436	0.47
Shoplifting	1728	238	0.14	627	0.38	796	0.48
Sodomy (combined)	854	62	0.08	364	0.45	388	0.48
Stealing from master	10674	1016	0.10	4741	0.46	4628	0.45
Theft from place	10570	1088	0.11	4144	0.41	4976	0.49
Wounding	4528	864	0.20	1609	0.38	1769	0.42

NOTE - The table lists the offenses included in our analysis sample (in alphabetical order). Column (1) displays the number of observations (i.e., defendant by trial) for each offense for all offenses. Columns (2)-(3), (4)-(5) and (6)-(7) list the number of observations by offense for Irish, English and non-distinct defendants as well as the share of Irish, English and non-distinct defendants of all defendants for each offense.

Appendix Table B2. Disparities in Jury Decisions for Irish Defendants – Discrete Measure, Inference

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
Sample:	**All offenses**					**Property offenses**					**Violent offenses**				
Sample:	**1800-99**	**Q1**	**Q2**	**Q3**	**Q4**	**1800-99**	**Q1**	**Q2**	**Q3**	**Q4**	**1800-99**	**Q1**	**Q2**	**Q3**	**Q4**
Panel A. Guilty by jury verdict															
Defendant classified Irish	0.023	0.007	0.020	0.030	0.034	0.019	0.002	0.019	0.025	0.069	0.049	-0.017	0.066	0.080	0.034
SE clustered by offense (baseline)	(0.005) ***	(0.009)	(0.007) ***	(0.012) **	(0.012) ***	(0.005) ***	(0.008)	(0.008) *	(0.012) *	(0.016) ***	(0.020)*	(0.035)	(0.026) **	(0.018) ***	(0.013) **
Heteroskedasticity robust SE	(0.004) ***	(0.009)	(0.006) ***	(0.010) ***	(0.011) ***	(0.005) ***	(0.009)	(0.006) ***	(0.015)	(0.020) ***	(0.011)***	(0.037)	(0.024) ***	(0.018) ***	(0.018) *
SE clustered by offense and year	(0.005) ***	(0.009)	(0.007) ***	(0.011) ***	(0.011) ***	(0.005) ***	(0.009)	(0.007) **	(0.015)	(0.020) ***	(0.012)***	(0.042)	(0.023) ***	(0.020) ***	(0.018) *
SE two-way clustered by offense and year	(0.007) ***	(0.012)	(0.011) *	(0.017) *	(0.017) **	(0.006) ***	(0.010)	(0.011) *	(0.016)	(0.020) ***	(0.022)**	(0.041)	(0.030) **	(0.027) ***	(0.020) *
SE cluster bootstrapped by offense	(0.005) ***	(0.013)	(0.008) **	(0.012) **	(0.013) ***	(0.006) ***	(0.012)	(0.011) *	(0.013) *	(0.016) ***	(0.022)**	(0.053)	(0.025) ***	(0.023) ***	(0.022)
p-value wild-cluster bootstrap by offense	0.000 ***	0.612	0.022 **	0.044 **	0.016 **	0.000 ***	1.000	0.166	0.072 *	0.014 **	0.210	1.000	0.000 ***	0.106	0.070 *
Panel B. Recommended for mercy (conditional on guilty verdict by jury)															
Defendant classified Irish	-0.017	-0.002	-0.025	-0.013	-0.014	-0.017	-0.003	-0.023	-0.019	-0.019	-0.017	0.030	-0.051	-0.026	0.003
SE clustered by offense (baseline)	(0.005) ***	(0.003)	(0.009) ***	(0.008)	(0.008) *	(0.007) **	(0.002)	(0.010) **	(0.012)	(0.015)	(0.008)*	(0.018)	(0.018) **	(0.017)	(0.012)
Heteroskedasticity robust SE	(0.003) ***	(0.005)	(0.005) ***	(0.007) *	(0.007) **	(0.004) ***	(0.005)	(0.006) ***	(0.010) *	(0.012)	(0.008)**	(0.035)	(0.020) **	(0.014) *	(0.012)
SE clustered by offense and year	(0.003) ***	(0.005)	(0.005) ***	(0.007) *	(0.007) *	(0.004) ***	(0.004)	(0.006) ***	(0.011) *	(0.012)	(0.008)**	(0.027)	(0.020) **	(0.015) *	(0.012)
SE two-way clustered by offense and year	(0.006) ***	(0.006)	(0.010) ***	(0.011)	(0.011)	(0.007) **	(0.007)	(0.010) **	(0.014)	(0.017)	(0.010)*	(0.023)	(0.023) **	(0.021)	(0.017)
SE cluster bootstrapped by offense	(0.005) ***	(0.005)	(0.010) **	(0.009)	(0.008) *	(0.008) **	(0.003)	(0.012) *	(0.012)	(0.015)	(0.009)*	(0.035)	(0.024) **	(0.027)	(0.023)
p-value wild-cluster bootstrap by offense	0.002 ***	0.679	0.002 ***	0.140	0.118	0.002 ***	1.000	0.010 **	0.170	0.384	0.002***	1.000	0.002 ***	0.022 **	0.788
Offense FE and controls	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Year and month FE	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x

NOTE - The table shows regression results corresponding to Tables 2 and 3, using the baseline specification. Each row shows for the main coefficient the standard error or p-value for different approaches to inference. *** p<0.01, ** p<0.05, * p<0.1.

Appendix Table B3. Disparities in Jury Decisions for Irish Defendants – Alternative Measures

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Sample:			**1800-1899**		**Q1**	**Q2**	**Q3**	**Q4**
Panel A. Continuous measure: surname ratio								
	Y: Guilty by jury verdict							
Irish surname ratio	0.0010***	0.0009***	0.0010***	0.0010***	0.0000	0.0010***	0.0010*	0.0010*
	(0.0004)	(0.0002)	(0.0002)	(0.0002)	(0.0010)	(0.0000)	(0.0010)	(0.0010)
Observations	129,776	129,776	125,449	125,449	30,893	55,380	21,244	17,932
Mean of Y	0.699	0.699	0.704	0.704	0.695	0.742	0.674	0.638
Adj R2	0.0002	0.0475	0.0574	0.0634	0.0801	0.0693	0.0656	0.0500
	Y: Recommendation for mercy							
Irish surname ratio	-0.0008**	-0.0004*	-0.0005*	-0.0006**	0.0000	-0.0010**	-0.0010	-0.0010*
	(0.0004)	(0.0002)	(0.0002)	(0.0002)	(0.000)	(0.000)	(0.000)	(0.000)
Observations	90,659	90,659	88,342	88,342	21,466	41,113	14,327	11,436
Mean of Y	0.109	0.109	0.106	0.106	0.0520	0.147	0.0909	0.0776
Adj R2	0.0003	0.0488	0.0489	0.0666	0.0605	0.0475	0.0935	0.0626
Panel B. Continuous measure: surname probability								
	Y: Guilty by jury verdict							
Irish surname probability	0.067**	0.052***	0.065***	0.062***	0.014	0.051**	0.096**	0.083**
	(0.025)	(0.015)	(0.013)	(0.013)	(0.029)	(0.020)	(0.035)	(0.031)
Observations	129,930	129,930	125,598	125,598	30,933	55,442	21,275	17,948
Mean of Y	0.699	0.699	0.704	0.704	0.695	0.742	0.675	0.638
Adj R2	0.000	0.048	0.058	0.063	0.080	0.069	0.066	0.050
	Y: Recommendation for mercy							
Irish surname probability	-0.062**	-0.034**	-0.036**	-0.045**	0.006	-0.064**	-0.036	-0.047*
	(0.025)	(0.015)	(0.016)	(0.016)	(0.016)	(0.025)	(0.034)	(0.023)
Observations	90,767	90,767	88,449	88,449	21,493	41,155	14,354	11,447
Mean of Y	0.109	0.109	0.106	0.106	0.0521	0.147	0.0908	0.0775
Adj R2	0.000	0.049	0.049	0.067	0.061	0.048	0.093	0.063
Offense FE		x	x	x	x	x	x	x
Controls (female, num.def., capital)			x	x	x	x	x	x
Year and month FE				x	x	x	x	x

NOTE - The table shows regression results corresponding to variations of equation (1) for all offenses. Columns (1) to (4) use the entire sample period, columns (5) to (8) the 25-year sub-periods. Q1: 1800-1824, Q2: 1825-1849, Q3: 1850-1874, Q4: 1875-1899. Specifications are indicated at the bottom of the table. The dependent variable is a dummy variable indicating whether the defendant was found guilty in a jury trial (Part I) and whether the defendants was recommended mercy (Part II). Panel A uses the discrete measure to classify names as Irish but based on first names only (about 85% of first names are classified as non-distinct), Panel B the continuous measure of the surname ratio (truncated at 100 to exclude outliers) and Panel C the continuous measure of the surname probability to be Irish. Robust standard errors clustered by offense are shown in parentheses. *** p<0.01, ** p<0.05, * p<0.1.

Appendix Table B4. Disparities in Pleas for Irish Defendants

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Sample:			**1800-1899**			**Q1**	**Q2**	**Q3**	**Q4**
Defendant classified Irish	-0.038**	-0.016**	-0.015**	-0.019***	-0.019***	-0.003	-0.022***	-0.009*	-0.031**
	(0.014)	(0.006)	(0.007)	(0.005)	(0.005)	(0.004)	(0.006)	(0.005)	(0.013)
Defendant classified non-distinct	-0.003	0.002	0.003	0.003	0.002	0.000	-0.002	0.009*	0.008
	(0.005)	(0.003)	(0.003)	(0.002)	(0.002)	(0.002)	(0.003)	(0.005)	(0.007)
Observations	157,329	157,329	150,939	150,939	150,939	31,694	63,560	29,589	26,096
Mean of Y	0.174	0.174	0.168	0.168	0.168	0.024	0.128	0.281	0.312
Adj R2	0.001	0.081	0.097	0.172	0.178	0.361	0.108	0.105	0.173
pvalue Irish=Nondistinct	0.002	0.001	0.001	0.000	0.000	0.344	0.000	0.031	0.000
Offense FE		x	x	x	x	x	x	x	x
Controls (female, num.def., capital)			x	x	x	x	x	x	x
Year and month FE				x		x	x	x	x
Session FE					x				

NOTE - The table shows regression results corresponding to equation (1) for all offenses. Columns (1) to (5) use the entire sample period, columns (6) to (9) the 25-year sub-periods. Q1: 1800-1824, Q2: 1825-1849, Q3: 1850-1874, Q4: 1875-1899. Specifications are indicated at the bottom of the table. The dependent variable is a dummy variable indicating whether the defendant pled guilty. The p-value refers to a test of equality of coefficients for Irish and non-distinct defendants. Robust standard errors clustered by offense are shown in parentheses. *** p<0.01, ** p<0.05, * p<0.1.

Appendix Table B5. Disparities in Sentencing to Harshest Punishment

	(1)	(2)	(3)	(4)
Sample:	**Q1**	**Q2**	**Q3**	**Q4**
Panel A. All offenses				
Defendant classified Irish	-0.006	0.007	-0.003	0.015**
	(0.009)	(0.006)	(0.008)	(0.007)
Defendant classified non-distinct	0.000	0.003	0.002	0.011*
	(0.003)	(0.004)	(0.005)	(0.006)
Observations	21,295	40,181	11,086	10,957
Mean of Y	0.392	0.383	0.785	0.893
Adj R2	0.119	0.130	0.581	0.165
pvalue Irish=Nondistinct	0.514	0.542	0.536	0.567
Panel B. Property offenses				
Defendant classified Irish	-0.008	0.003	0.002	0.008
	(0.010)	(0.005)	(0.011)	(0.011)
Defendant classified non-distinct	0.001	0.006	0.008	0.020**
	(0.002)	(0.005)	(0.010)	(0.007)
Observations	19,478	35,420	4,872	3,495
Mean of Y	0.378	0.396	0.757	0.940
Adj R2	0.108	0.120	0.587	0.0212
pvalue Irish=Nondistinct	0.400	0.505	0.614	0.194
Panel C. Violent offenses				
Defendant classified Irish	0.010	0.046*	-0.011	-0.004
	(0.020)	(0.023)	(0.014)	(0.011)
Defendant classified non-distinct	0.009	-0.007	-0.010	-0.014
	(0.038)	(0.008)	(0.011)	(0.010)
Observations	831	1,795	2,457	3,031
Mean of Y	0.619	0.344	0.813	0.847
Adj R2	0.148	0.308	0.431	0.252
pvalue Irish=Nondistinct	0.983	0.0248	0.931	0.364
Offense FE		x	x	x
Controls			x	x
Year and month FE				x

NOTE - The table shows regression results corresponding to equation (1) but using sentencing outcomes determined by the judge. The sample includes cases with a jury conviction, but excludes guilty pleas. Panel A shows results for all offenses, Panel B for property and Panel C for violent offenses. The sample (subsample) is indicated at the top of each column. Q1: 1800-1824, Q2: 1825-1849, Q3: 1850-1874, Q4: 1875-1899. Specifications are indicated at the bottom of the table. Each regression includes as a control variable for whether the defendant is classified non-distinct. The dependent variable is a dummy variable indicating whether the defendant was sentenced (summarily) the harshest available punishment at a given time. Controls: female, number of defendants, capital offense. Robust standard errors clustered by offense are shown in parentheses. *** p<0.01, ** p<0.05, * p<0.1.

Appendix Table B6. Twenty Most Common Occupations in the Old Bailey

(1)	(2)	(3)	(4)	(5)	(6)
Irish		**English**		**Non-Distinct**	
Occupation	**N**	**Occupation**	**N**	**Occupation**	**N**
Soldier	42	Post office	166	Post office	165
Servant	25	Soldier	89	Soldier	93
Post office	23	Servant	73	Servant	70
Waitor	12	Porter	60	Carman	44
Cleaner	11	Carman	43	Seaman/sailor	42
Labourer	6	Railway worker	28	Shopman	24
Clerk	5	Clerk	28	Clerk	23
Coal worker	5	Shopman	26	Errand-boy	23
Shoemaker	4	Errand-boy	24	Coal worker	22
Porter	4	Cleaner	22	Porter	17
Cook	4	Seaman/sailor	22	Cleaner	17
Police	3	Labourer	14	Railway worker	17
Baker	3	Cook	12	Employed by traveller	13
Shopman	3	Warehouseman	11	Labourer	9
Artillery man	3	Counterman	9	Pot-boy	9
Carman	2	Coachman	9	Apprentice	9
Errand-boy	2	Pot-boy	8	Cook	8
Sawyer	2	Shoemaker	6	Police	7
Militiaman	2	Assistant	6	Assistant	7
Smith	2	Apprentice	6	Watchman	7

NOTE - The table shows the twenty most common occupation categories in a subset of Old Bailey trials between 1800 and 1899 (subset of trials as coded in the Old Bailey Corpus for which occupations are available).

Appendix Table B7. The Abolition of Capital Punishment, TWFE Robustness Tests

	(1)	(2)	(3)	(4)	(5)	(6)
Offense Category:	**All**	**Property**	**Violent**	**All**	**Property**	**Violent**
Sample:		**1803-1871**			**1803-1871**	
	Treatment effect: All			**Treatment effect: Irish - non-Irish**		
Panel A. Guilty by jury verdict						
tau (all)	0.152***	0.054***	0.316***			
	(0.037)	(0.005)	(0.072)			
tau (Irish) - tau (non-Irish)				0.057***	0.002	0.023**
				(0.020)	(0.005)	(0.010)
Observations	94,596	72,474	8,021	93,875	72,145	7,869
Panel B. Guilty of original offense by jury verdict						
tau (all)	0.169***	0.178***	0.158*			
	(0.019)	(0.026)	(0.081)			
tau (Irish) - tau (non-Irish)				0.038***	0.019**	0.044**
				(0.009)	(0.009)	(0.018)
Observations	94,596	72,474	8,021	93,875	72,145	7,869
Panel C. Guilty of lesser offense by jury verdict						
tau (all)	-0.020	-0.134***	0.153			
	(0.043)	(0.023)	(0.144)			
tau (Irish) - tau (non-Irish)				0.019	-0.017*	-0.022
				(0.025)	(0.009)	(0.016)
Observations	94,596	72,474	8,021	93,875	72,145	7,869
Panel D. Recommended for mercy | convicted						
tau (all)	-0.110***	-0.052***	-0.393***			
	(0.026)	(0.014)	(0.073)			
tau (Irish) - tau (non-Irish)				-0.035***	-0.011**	-0.021***
				(0.012)	(0.005)	(0.006)
Observations	67,543	53,173	4,930	67,030	52,939	4,815

NOTE - The table shows the results for robustness tests corresponding to the regressions shown in Table 6. Instead of TWFE as in Table 6, this table is based on the imputation-based estimation approach Borusyak et al. (forthcoming). The dependent variable is a dummy variable indicating whether the defendant was found guilty in a jury trial (Panel A), guilty of the original charge (Panel B) or guilty of a lesser offense (Panel C), and whether the defendant was recommended for mercy after a guilty verdict (Panel D). Results are shown for all, property and violent offenses as indicated at the top of each column. Columns (1) to (3) show the estimated treatment effects of the abolition of capital punishment for all defendants (based on the *did_imputation* command in Stata), columns (4) to (6) the difference between the treatment effects for Irish and non-Irish defendants (based on the *hetby* and *lincom* options). Standard errors clustered by offense are shown in parentheses. *** p<0.01, ** p<0.05, * p<0.1.

Appendix Table B8. Potential Origins of the Gaps – Potato Famine for Mercy

	(1)	(2)	(3)
Outcome:	**Recommended for mercy**		
Offense Category:	**All**	**Property**	**Violent**
Panel A. Irish versus English defendants, one post-period			
Defendant classified Irish	-0.029***	-0.024**	-0.054*
	(0.009)	(0.010)	(0.026)
Post-famine (1846-59)	-0.029	-0.006	-0.075
	(0.021)	(0.032)	(0.111)
Defendant Irish x Post-famine (1846-59)	0.010	-0.001	0.014
	(0.009)	(0.008)	(0.030)
Observations	13,767	10,213	1,295
Mean of Y	0.135	0.150	0.108
Panel B. Irish versus English defendants, two post-periods			
Defendant classified Irish	-0.029***	-0.024**	-0.054*
	(0.009)	(0.010)	(0.026)
Famine (1846-52)	-0.026	-0.026	-0.051
	(0.021)	(0.032)	(0.082)
Post-famine (1853-59)	-0.029	-0.008	-0.073
	(0.021)	(0.032)	(0.128)
Defendant Irish x Famine (1846-52)	0.010	-0.004	0.018
	(0.009)	(0.006)	(0.030)
Defendant Irish x Post-famine (1853-59)	0.012	0.007	0.008
	(0.015)	(0.015)	(0.056)
Observations	13,767	10,213	1,295
Mean of Y	0.135	0.150	0.108
Offense FE and controls (female, num.def.)	x	x	x
Year and month FE	x	x	x

NOTE - The table shows regression results for the time period around the potato famine (1838-1859) as described in Section 6.1 and in Table 9. Panel A shows results with 1846-1859 as the post-period, Panel B when splitting the post-period into two (1846-1852 and 1853 to 1859). The dependent variable in columns (1) to (3) is a dummy variable indicating whether the defendant was recommended for mercy after a guilty jury verdict. Results are shown for all, property and violent offenses as indicated at the top of each column. Robust standard errors clustered by offense are shown in parentheses. *** p<0.01, ** p<0.05, * p<0.1.

Appendix Table B9. Potential Shocks to Perceptions –Bombing Campaign

	(1)	(2)	(3)
Outcome:	**Guilty by jury verdict**		
Offense Category:	**All**	**Property**	**Violent**
Specification:	Baseline	Baseline	Baseline
Panel A. Clerkenwell Outage, one post-period			
Defendant classified Irish	0.034	0.011	0.132***
	(0.032)	(0.025)	(0.023)
Post-Clerkenwell (Dec 1867 - 1872)	0.056	0.112	0.098
	(0.112)	(0.179)	(0.211)
Defendant classified Irish x Post-Clerkenwell	0.009	-0.034	-0.006
	(0.034)	(0.039)	(0.031)
Observations	4,452	1,678	1,341
Mean of Y	0.642	0.647	0.614
Panel B. Clerkenwell Outage, two post-periods			
Defendant classified Irish	0.034	0.011	0.132***
	(0.032)	(0.025)	(0.023)
Post-Clerkenwell attack and trial (Dec 1867 - May 1868)	0.062	0.111	0.092
	(0.116)	(0.182)	(0.221)
Post-Clerkenwell execution (May 1868 - 1872)	0.009	0.085	0.055
	(0.132)	(0.229)	(0.173)
Defendant classified Irish x Post-Clerkenwell attack and trial	-0.041	-0.078	0.015
	(0.062)	(0.087)	(0.121)
Defendant classified Irish x Post-Clerkenwell execution	0.013	-0.030	-0.009
	(0.035)	(0.040)	(0.024)
Observations	4,452	1,678	1,341
Mean of Y	0.642	0.647	0.614
Panel C. Fenian Bombing Campaign, by year post first London attack			
Defendant classified Irish	0.064*	0.058	0.119**
	(0.036)	(0.061)	(0.037)
Defendant classified Irish x Post-1881	0.025	0.024	-0.004
	(0.058)	(0.133)	(0.133)
Defendant classified Irish x Post-1882	-0.018	0.125	-0.177**
	(0.084)	(0.117)	(0.072)
Defendant classified Irish x Post-1883	0.047	0.051	0.054
	(0.056)	(0.103)	(0.112)
Defendant classified Irish x Post-1884	-0.026	0.079	-0.072
	(0.070)	(0.170)	(0.042)
Defendant classified Irish x Post-1885	-0.007	-0.016	0.028
	(0.057)	(0.130)	(0.090)
Observations	2,797	863	786
Mean of Y	0.635	0.620	0.623
Offense FE and controls (female, num.def., capital)	x	x	x
Year and month FE	x	x	x

NOTE - The table shows regression results for the time period around the Clerkenwell Outage (1863-1872) in Panels A and B, and around the Fenian Bombing Campaign (1880-1886) in Panel C (see Section 6.2 for details). Panel A shows results for the Clerkenwell Outage with 1867-1872 as the post-period, Panel B when splitting the post-period into two (between attack and execution of convicted attacker, 1867-1868, and post the execution, 1868 to 1872). Panel C shows results for the Fenian Bombing Campaign, allowing for separate post-coefficients for each year into the campaign. The dependent variable is a dummy variable indicating whether the defendant was found guilty in a jury trial. Results are shown for all, property and violent offenses as indicated at the top of each column. Each panel restricts the sample to Irish and English classified defendants. In Panels A and B, we omit the trial of the Clerkenwell Outage itself; in Panel C we omit the trials related to the bombings. Robust standard errors clustered by offense are shown in parentheses. *** p<0.01, ** p<0.05, * p<0.1.

Appendix C. Historical Records

Appendix Figure C1. Historical English Newspaper Clippings: No Irish Need Apply

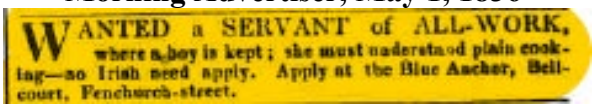
Morning Advertiser, May 27, 1828

WANTED, in a respectable Public-House, a Female SERVANT of ALL-WORK. One of undeniable character may apply at the Rose, Old Bailey. All letters must be post-paid, and no Irish need apply.

WANTED, in a respectable Public-house, a good SERVANT of ALL-WORK, where a Lad is kept—a good character required. Apply at No. 18, New North-street, Red Lion-square. No Irish need apply.

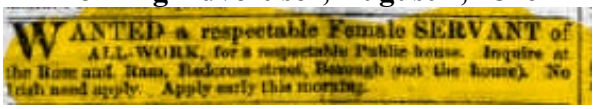
WANTED a SERVANT of ALL-WORK, at a respectable Public-House; one who has been accustomed to wait on a parlor—none need apply whose character will not bear the strictest inquiry; also a LAD, to carry out beer and make himself generally useful. Apply at the Mitre, Upper-street, Islington.—No Irish need apply.

Morning Advertiser, May 1, 1836



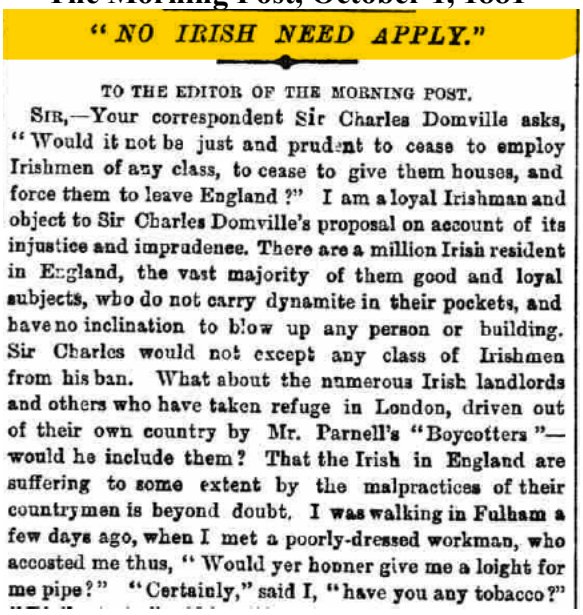
WANTED a SERVANT of ALL-WORK, where a boy is kept; she must understood plain cooking—no Irish need apply. Apply at the Blue Anchor, Bell-court, Fenchurch-street.

Morning Advertiser, August 4, 1846



WANTED a respectable Female SERVANT of ALL-WORK, for a respectable Public house. Inquire at the Rose and Ram, Redcross-street, Borough (not the house). No Irish need apply. Apply early this morning.

The Morning Post, October 1, 1881

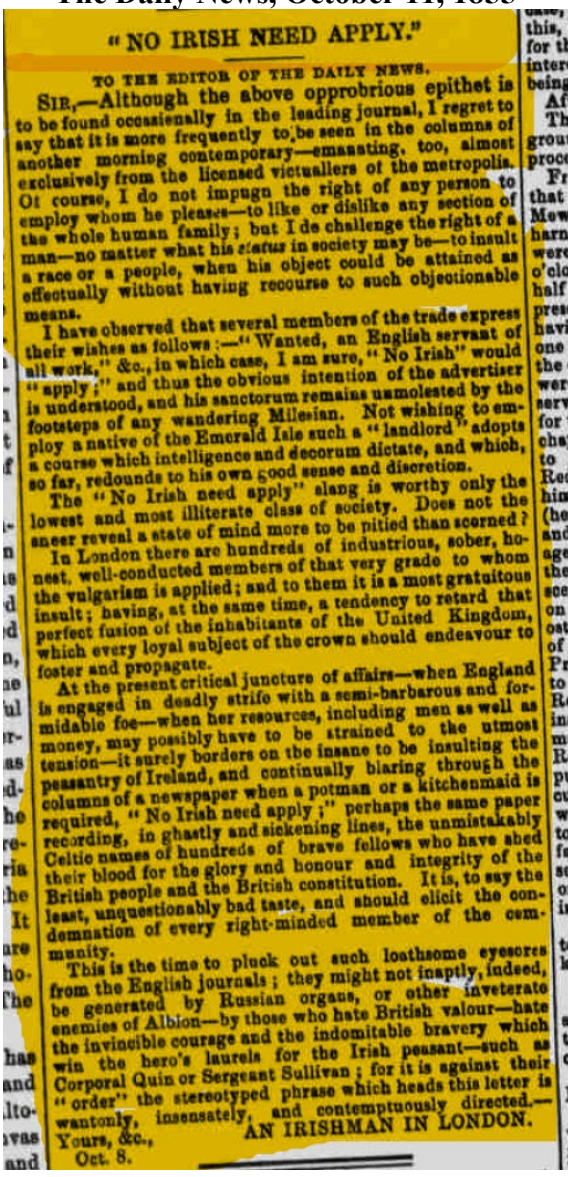


"NO IRISH NEED APPLY."

TO THE EDITOR OF THE MORNING POST.

SIR,—Your correspondent Sir Charles Domville asks, "Would it not be just and prudent to cease to employ Irishmen of any class, to cease to give them houses, and force them to leave England?" I am a loyal Irishman and object to Sir Charles Domville's proposal on account of its injustice and imprudence. There are a million Irish resident in England, the vast majority of them good and loyal subjects, who do not carry dynamite in their pockets, and have no inclination to blow up any person or building. Sir Charles would not except any class of Irishmen from his ban. What about the numerous Irish landlords and others who have taken refuge in London, driven out of their own country by Mr. Parnell's "Boycotters"—would he include them? That the Irish in England are suffering to some extent by the malpractices of their countrymen is beyond doubt. I was walking in Fulham a few days ago, when I met a poorly-dressed workman, who accosted me thus, "Would yer honner give me a loight for me pipe?" "Certainly," said I, "have you any tobacco?"

The Daily News, October 11, 1855



"NO IRISH NEED APPLY."

TO THE EDITOR OF THE DAILY NEWS.

SIR,—Although the above opprobrious epithet is to be found occasionally in the leading journal, I regret to say that it is more frequently to be seen in the columns of another morning contemporary—emanating, too, almost exclusively from the licensed victuallers of the metropolis. Of course, I do not impugn the right of any person to employ whom he pleases—to like or dislike any section of the whole human family; but I do challenge the right of a man—no matter what his *status* in society may be—to insult a race or a people, when his object could be attained as effectually without having recourse to such objectionable means.

I have observed that several members of the trade express their wishes as follows:—"Wanted, an English servant of all work," &c., in which case, I am sure, "No Irish" would "apply;" and thus the obvious intention of the advertiser is understood, and his sanctorum remains unmolested by the footsteps of any wandering Milesian. Not wishing to employ a native of the Emerald Isle such a "landlord" adopts a course which intelligence and decorum dictate, and which, so far, redounds to his own good sense and discretion.

The "No Irish need apply" slang is worthy only the lowest and most illiterate class of society. Does not the sneer reveal a state of mind more to be pitied than scorned?

In London there are hundreds of industrious, sober, honest, well-conducted members of that very grade to whom the vulgarism is applied; and to them it is a most gratuitous insult; having, at the same time, a tendency to retard that perfect fusion of the inhabitants of the United Kingdom, which every loyal subject of the crown should endeavour to foster and propagate.

At the present critical juncture of affairs—when England is engaged in deadly strife with a semi-barbarous and formidable foe—when her resources, including men as well as money, may possibly have to be strained to the utmost tension—it surely borders on the insane to be insulting the peasantry of Ireland, and continually blaring through the columns of a newspaper when a potman or a kitchenmaid is required, "No Irish need apply;" perhaps the same paper recording, in ghastly and sickening lines, the unmistakably Celtic names of hundreds of brave fellows who have shed their blood for the glory and honour and integrity of the British people and the British constitution. It is, to say the least, unquestionably bad taste, and should elicit the condemnation of every right-minded member of the community.

This is the time to pluck out such loathsome eyesores from the English journals; they might not inaptly, indeed, be generated by Russian organs, or other inveterate enemies of Albion—by those who hate British valour—hate the invincible courage and the indomitable bravery which win the hero's laurels for the Irish peasant—such as Corporal Quin or Sergeant Sullivan; for it is against their "order" the stereotyped phrase which heads this letter is wantonly, insensately, and contemptuously directed.—Yours, &c.,

AN IRISHMAN IN LONDON.

Oct. 8.

Appendix Figure C2. Historical Depictions of the Clerkenwell Prison Explosion

House of Detention, Clerkenwell, after the explosion.
Original Publication: *Illustrated London News*, December 13, 1867

Published in *Punch*, December 28, 1867
Artist, Sir John Tenniel, ""**Fenian Guy Fawkes**" Political Cartoon," *James Joyce Digital Interpretations*, accessed August 25, 2022, https://jamesjoyce.omeka.net/items/show/33.