Robert Emmet: The Making of a Legend

Professor Marianne Elliott FBA, Director of the Institute of Irish Studies at the University of Liverpool, discusses the legend that grew from the trial and death of Robert Emmet, and its place in the development of Irish nationalist expression.

In 2003 Ireland commemorated the bicentennial of the most iconic of its national icons: Robert Emmet. To many the status Emmet has achieved is somewhat surprising. He was a young man, University educated, from a professional Protestant family who led a doomed rebellion in 1803 and was subsequently tried and executed. We know very little about Robert Emmet the man, though an awful lot about the legend. He has left no political writings, he was only twenty-five when he died and we are not even sure what he looked like. In fact it is the very absence of cluttering detail which underpins the legend. It is essentially one of heroes (and heroines), villains and false friends and tragic romance. It fits easily into Ireland’s gothic tradition, which, unlike that in England lasted most of the nineteenth century and, most importantly, it was promoted by the Romantic movement, so essential to the rise of modern nationalism.

A large part of the romance of Robert Emmet involves his relationships with two young women who subsequently acquired the status of tragic heroines in popular tradition. The first was Anne Devlin, a sixteen-year-old farmer’s daughter, and housekeeper to Emmet, who was fully apprised of his plans and frequently acted as confidential messenger. She lived long enough to tell her tale to Dr R. R. Madden and Brother Luke Cullen, and in graphic detail described her half-hanging by the yeomanry to extract information and her long imprisonment in Kilmainham gaol in Dublin. Today her cell is the centrepiece of the museum, into which Kilmainham was transformed in the 1960s.

The other young woman was Sarah Curran, with whom Emmet had been conducting a secret romance. She was the daughter of the celebrated patriot advocate, John Philpot Curran, who now refused to defend Emmet and then rejected his daughter. She too died tragically young five years later, but not before marrying an English army officer – an act which came to disbar her from extreme nationalism’s pantheon of tragic Irish heroines.

Emmet’s trial on 19 September 1803 attracted huge interest. It seemed to symbolise a confrontation between establishment corruption and youthful idealism. Presiding was Judge Norbury, the eccentric so-called ‘hanging-judge’, said to have taken almost voyeurish pleasure in the death sentences passed down by him; prosecuting was a former family friend, who chose to deliver a spiteful and totally unnecessary speech; while the defence team included a government spy and informer, Leonard McNally. At the end of a ten-hour trial, Emmet delivered his famous speech, unquestionably the most famous of the many ‘speeches from the dock’ which became the standard repertoire of Irish nationalist rhetoric, republican and constitutional alike. Controversy still rages over the accuracy of the printed versions, for government and ‘patriotic’ ones were rushed into print, and the best-known versions were compilations produced in 1846 and 1867. However, even the sanitised ‘government’ version makes powerful reading and the famous last lines appear in every version:

‘I am going to my cold and silent grave ... I have but one request to make at my departure from the world – It is the charity of its silence – Let no man write my epitaph, for as no man who knows my motives dare now vindicate them, let not prejudice or ignorance asperse them; let them and me repose in obscurity and peace, and my tomb remain uninscribed, until other times and other men can do justice to my character; when my country takes her place among the nations of the earth, then, and then only, may my epitaph be written: – I am done.’
Much of the Emmet legend revolves around the perceived contrast of the noble young man writing such words within hours of execution, and a tyrannical government sending in spies in the guise of friends and legitimate clergyman to extract information which might then be used in the propaganda battle. And a battle it most certainly was, but one that Emmet won decisively. The following day, 20 September, Emmet was hanged and beheaded at a makeshift gallows in front of St Catherine's Church in Thomas Street. But what happened his body and head thereafter is a mystery, the absence of a grave adding an edge to his final request ‘let no man write my epitaph’.

With the decline in militant republicanism after 1803 a new climate emerged in which the legend of Robert Emmet was to flourish. Emmet had been much admired by fellow students at Trinity College and his fate made a particular impression on this generation of young intellectuals. The more unlikely a similar uprising (for this was the era of the ‘moral force’ campaigns of Daniel O’Connell) the more even stories could subscribe to the legend and romantic torv dy was in the ascendant. Apart from Emmet himself, few played a greater part in initiating the legend than Thomas Moore and it was his wistful, romantic songs and the Emmet story as tragic romance which would have the longest shelf life. Moore had been a friend of Emmet and there is more than a hint of guilt in his writings for having survived when so many of his contemporaries had not. It was once fashionable to dismiss Moore as too insipid, too middle class, too admired by the English glitterati. However, Moore’s works on Ireland are much more politically radical than sometimes recognised and, appearing in 1808, his Irish Melodies dedicated to Emmet are the most radical of all.

‘Oh! breathe not his name’, ‘When he who adores thee’ and ‘She is far from the land’ are melancholy laments, in tune with the times, and, given Moore’s own horror of violent means, hardly a call to action. But dying for a cause was something deemed admirable by the romantics (even Moore) and the idea of heroic sacrifice, of dying for one’s country is as much extolled here as it would be in the repertory of ‘rebel songs’ of later republicans. Moore’s Irish Melodies were best sellers in his own lifetime and brought him the kind of public acclaim accorded a modern pop star. More successfully than any written text Moore’s melodies perpetuated the basic elements of the Emmet legend. They were sung at every major gathering during the centenary commemorations of 1898 and 1903 and became such standard fare that they came to be lampooned by James Joyce in reaction against the romantic nationalism of the society in which he had been raised.

Moore’s melodies about Emmet struck a particular chord with fellow Romantics. Byron wrote to his friend that if he died during the struggle in Naples, he hoped that Moore ‘would at least celebrate him by another “Oh breathe not his name”.’ Washington Irving also wrote of the doomed romance and Berlioz was inspired by Moore’s ‘When she who adores thee’ to compose his Neuf Mélodies and rededicate his Elégie to Emmet. Romanticism was the mechanism through which Emmet was idealised and admired, whilst not necessarily idolising the cause. The cult of the hero was not new to the Romantic movement but it was espoused particularly by the nineteenth century and became central to emerging nationalism. Predictably the most important work in the making of the Emmet legend, Madden’s multi-volume Lives and Times of the United Irishmen, published in the 1840s, was a series of individual biographies, rather than a history as we know it. Madden was a passionate admirer of Moore and was inspired to write his multiple biography of the United Irishmen by Moore’s success. His was heroic history par excellence. Even beside such hagiography, Madden’s treatment of Emmet is excessively uncritical, if not unreal. It reads like a work of bad fiction because much of it is just that. It is largely taken up with accounts of the rebellion, trial, speech, imprisonment and execution. It is a life delineated by the few high points of patriotic sacrifice and his entire life up to 1800 has been told by page nine. As for a sense of Emmet’s character, this comes over as strangely plaster-cast and other assessments come largely from recycled, often dubious sources, tending to accommodate Madden’s presentation of Emmet as the romantic hero duped by treachery. Indeed the most notable source used – a series of articles appearing in a new political magazine – were entirely fiction. Madden was an insatiable collector, tracking down witnesses who were still alive thirty, forty years after the event. However, thirty, forty years after the event, and already an Emmet legend captivating even those quite opposed to his rebellious legacy, had Madden tapping into a lot of creative remembering. It was Madden who introduced Anne Devlin’s story to the developing Emmet legend. Such was its power that it has been the subject of a feature film and is central to every Emmet exhibition and commemoration.
There is a deep sentimentality underpinning Irish nationalism and militant republicanism alike. In this the romance of Robert Emmet has been just as influential in predisposing Irishmen and women to take up arms as the idea of the ‘blood sacrifice’. Even so, dark gothic themes of death and sacrifice pervade the Emmet legend. The absence of a grave (which to this day has never been located) added extra meaning to his speech, and, just as the absence of detail about his life and thought permitted all manner of embellishment, so the non-existent grave enhanced the legend. A violent, ignominious death, heroically confronted and a common criminal’s burial, placed Emmet to the fore of developing Irish nationalism which privileged suffering and death above all other attributes for iconic status. If you had simply got rid of Emmet to Australia as you did many others, one critic of the government’s decision to make such an example of him was to argue, he would never have become such a martyr and inspiration to others. It was a criticism which would be made a century later of the execution of the man who, above anyone else modelled himself on Robert Emmet, Patrick Pearse.

Emmet’s ‘uninscribed tomb’ – symbol of the task left unfinished – was a common theme in all the writings about him, and there was little sense of the irony presented by the absence of any tomb on which an epitaph could or could not be written. Although some enquiries were made by Madden in the 1830s and 40s and Emmet’s great nephew Dr Thomas Addis Emmet in 1880, it was not until the lead into the 1903 centenary that the question of the location of the grave became urgent. Madden had pieced together what became the traditional story. In this Emmet’s body is set aside in Newgate or perhaps Kilmainham gaol awaiting claim by a member of his family. In the meantime a Dublin artist, skilled in making death masks, arrives to take one of Emmet and takes away the head. When he returns, the body has disappeared. So he keeps the head and later disposes of it to a Galway doctor.

According to Madden because it was not claimed in time, the body was buried in Bully’s Acre, a plot for paupers and common criminals, but then removed secretly and reburied elsewhere, the family vault at St Peter’s church, Old Glasnevin cemetery, and St Michan’s church being the favoured sites. St Michan’s remained the favoured spot and became a place of pilgrimage. Finally in 1903 it was decided to thoroughly investigate the matter and the Emmet descendants in New York were contacted for permission to open the graves. This was duly done, skeletons taken up and examined by professors from the Royal College of Surgeons, paying particular attention to the condition of the cervical vertebrae. The verdict: none of the skeletons was that of Robert Emmet. Other sites were also investigated, even as late as 1967, 1978 and 1982. In the absence of a grave St Catherine’s Church, before which Emmet had been executed, became a surrogate site for pilgrimage and mock funerals – such a feature of Irish nationalism – and, by the time of the 1903 centenary, a tourist attraction.

The most famous example of this obsession with Emmet’s death is in the writings of Patrick Pearse. The key points of the Emmet legend, and particularly those surrounding the execution, were crucial to Pearse’s (and republicanism’s) mesmerisation with death, violence and the blood sacrifice. Pearse’s admiration for Emmet became an obsession after he moved his private school, St. Enda’s to the former Curran home at Rathfarnham. Here Pearse became haunted by the love story. He imagined the presence of Sarah Curran and Emmet in its grounds and rooms. He ‘communed with the spirit of him who had been there more than a hundred years before and lived every hour of that heroic life over again ... He reverenced Tone and Mitchel, but he loved Emmet as a brother living beneath the same roof as him’.

From such animism the equation of his hero with Christ was not such a leap. ‘No failure, judged as the world judges such things, was ever more complete, more pathetic than Emmet’s’, Pearse told an American audience in 1914. ‘And yet he has left us ... the memory of a sacrifice Christ-like in its perfection.’ But it was the manner of his death which Pearse saw as redeeming his country and Pearse relived the scene, berating the Dublin crowd for having made no attempt at rescue. ‘Dublin must one day wash out in blood the shameful memory of that quiescence.’ The example of Robert Emmet would urge future ‘generations to perilous bloody attempts, nervous men to give up life for the death-in-life of dungeons, teaching little boys to die with laughing lips [as Emmet was said to have done on the gallows], giving courage to young girls [like Anne Devlin] to bare their backs to the lashes of a soldiery, ... the memory of that splendid death of his ... that young figure, serene and smiling,
climbing to the gallows above that sea of
silent men in Thomas Street’ urging
the young men of today towards a similar ‘heroic
purpose’. Emmet’s ghost haunted the Easter
Rising of 1916, an event which Pearse felt had
finally ‘washed out in blood the stain of
shame that had defiled’ Dublin’s reputation
since 1803.

In the century since Irish independence
(1921), although the best Irish writers have
challenged the Emmet legend, the traditional
legend has remained popular and was
reinvigorated by the many commemorative
events during the 2003 centenary. This is
unsurprising as popular legends take on a life
of their own. The Northern Ireland Troubles
caus ed a similar rethink about traditions of
violence as that which had occurred after the
1920s. By now the Irish Republic had joined
the EEC and was rapidly emerging from its
past isolationism, laying the basis for the
‘Celtic Tiger’ of the 1990s. There was an
ongoing debate about the kind of
nationalism which Emmet and his like
represented and considerable unease at
reminders of the ‘unfinished business’ of
partition. In fact the heroic legend of Robert
Emmet has done little justice to the historical
figure. Legends distort and are usually far
removed from the reality. However, as the
Emmet legend exemplifies, traditions of
blood sacrifice can be generated by the
simplest of images, given the right climate.
Irish nationality has consisted disproportionately
of the celebration of heroic sacrifice and
legends like that of Robert Emmet. Re-
imagining that nationality is the challenge of
this century.

On 23 October 2003, Professor Brian Simpson FBA delivered
the Maccabaean Lecture in Jurisprudence, in which he took a
wry look at the influence (if any) of international law on the
conduct of states in relation to the use of force. To give this
topical subject an historical perspective, Professor Simpson
considered the role of international law in two cases of military
action taken by the British in Norwegian territorial waters in
early 1940, in spite of Norway’s neutrality – the first of them
the interception by the Royal Navy of the German ship Altmark.
This edited extract discusses the development of British
thinking prior to the Altmark incident.

The Rule of Law in International Affairs

In February 1940 the relevant Home Fleet
rules of engagement were based on what
was then called the case of the
Deutschland. She was a German battleship,
and was thought to have been the German
vessel which had sunk the British armed
cruiser Rawalpindi off the Faroes in November
1939. In fact the German vessel involved was
the battleship Scharnhorst; the Gneisenau
was also out at the time. The navy was
determined to sink the Deutschland and
avenge the Rawalpindi, and on 24 November
the following Fleet Order was issued:

If enemy ships attempt to escape by
entering Norwegian territorial waters they
are to be followed and stopped.

This order had, for tactical reasons, to be
issued promptly, without Cabinet authority,
but later on the same day Churchill reported
it to the War Cabinet, saying that it had
been issued under the doctrine of ‘hot
pursuit’. The War Cabinet noted this, and
there was no recorded dissent. There is no
evidence one way or the other as to whether
Churchill, or the First Sea Lord, Sir Dudley
Pound, or anyone else in the Admiralty, took
legal advice before this order was issued, nor
was any such advice tendered to the War
Cabinet on 24 November. In all probability
no such advice was taken. Be that as it may,
we cannot tell from the archival evidence
who conjured up the supposed doctrine of
‘hot pursuit’. But at a War Cabinet meeting
on the next day the Foreign Secretary, Lord
Halifax, who by now had the advice of
Malkin (Legal Adviser to the Foreign Office),
expressed doubts both over the order and its
legal basis. After referring to the previous
day's discussion he went on:

The question has arisen whether similar
orders should be given to our Air Force,
and he had asked his legal advisers to
investigate the matter. It was doubtful
whether the doctrine of “hot pursuit”
would be accepted in International Law
although this country has maintained it....

Churchill agreed with this statement of the
legal position. But:

... he thought it would be intolerable if the
British navy had to stand aside while the
DEUTSCHLAND, after having sunk the
RAWALPINDI, crept down the Norwegian
Coast inside territorial waters.

The Cabinet accepted Churchill’s view, but
thought that a different situation would arise
if the Deutschland took refuge in Bergen
harbour, since it was thought that the
Norwegians would then be bound to intern