

## Ascendancy Ireland, 1660-1800

Ultán Gillen

On 1 January 1801 church bells rang out to celebrate the union between the kingdoms of Great Britain and Ireland coming into force that day. A young Catholic barrister, outraged at what he saw as the violation of the rights of the Irish nation, reacted to the sound with a mixture of disgust and fury. Daniel O’Connell would later lead two mass movements that impacted profoundly on Irish and British history, the campaigns for Catholic emancipation and for the repeal of the Act of Union of 1800. As generations of Irish schoolchildren have been told, the bitter memory of those ringing bells inspired him in later years. A perfect anecdote with which to begin an essay on the history of nineteenth-century Ireland, on closer examination it also raises the themes that shaped Irish history in the period 1660-1800.

The accession of Charles Stuart as Charles II in 1660 saw the end of the brief union between Britain and Ireland imposed by the Commonwealth regime. For much of our period, the relationship between the two countries proved contentious, culminating in the 1798 rebellion and subsequent union decried by O’Connell. O’Connell personified several of the forces that shaped Irish history at this time. An Irish-speaker and an English-speaker, he came from a Munster gentry family that had been dispossessed of much of its land. Catholics like O’Connell were barred from practising law for much of the period; the Catholic Relief Act of 1792 that opened the legal profession to them reflected the growth of the Catholic professional classes in the context of a developing economy, changing ideas about toleration in the era of enlightenment and revolution, and the increasing political power of public opinion. Like the Act of Union itself, Catholic relief also reflected the strategic reality of a world in which Britain vied with France for global supremacy.

The connection with England, the ownership of land, religion, economic development, and war: these were the primary forces forging events in Ireland between 1660 and 1800. They were often so intertwined as to be impossible to separate, either for contemporaries or for historians. Each of them represented the legacy of earlier eras, but none of them was a static and unchanging influence; each was a dynamic, fluctuating and contingent force. Like many other societies within the Atlantic world, Ireland found itself wrestling with the consequences of past events while at the same time dealing with the early development of the factors that would make the nineteenth and twentieth centuries so very different from what had gone before. By 1800, the power of monarchy, church and aristocracy had begun to crack under the strain of economic change and the emergence of new forces within society, the realm of ideas, and political life.

The land settlement of the 1660s is the key to much of the subsequent two centuries of Irish history. In a society where ownership brought wealth, prestige and power, the distribution of land was the central fact of political life; or it would have been, were it not for Ireland's connection with England. This relationship was ultimately the key determinant of Irish politics, and dictated who won and who lost in the scramble for Irish land during the early years of Charles II's reign.

As the new regime sought to embed itself in Britain and Ireland, Charles II and his governors were faced with a number of competing claims that complicated the already difficult task of coming to a *modus vivendi* with the formerly Cromwellian elite whose support had made the

Stuarts' return possible.<sup>1</sup> The scale of the land transfer following the Cromwellian conquest is staggering. Land was stripped from those who were loyal to the Stuart monarchy, overwhelmingly Catholics, and transferred to the Protestant supporters of the revolutionary regime. In 1641 Catholics owned around two-thirds of Irish land, with a third in Protestant hands. By the late 1640s, Catholics owned one tenth. Many of the Cromwellian troops granted land simply sold it. Ownership of land was consolidated in fewer hands than before 1641. The Protestant elite that emerged from the Cromwellian conquest was therefore much more dominant than before. Its royalist and Catholic rivals had been militarily defeated and stripped of much of their land, wealth and prestige. Land, overwhelming military force, and the state itself were placed firmly in the hands of Cromwell's Protestant supporters.

The re-establishment of the Stuart monarchy threw all this into doubt. The confessional nature of the state seemed open to question, and it was unclear whether the Stuart ruling elite would be comprised mostly of Protestants or Catholics. Dispossessed royalists hoped to regain what had recently been theirs; the beneficiaries of the Commonwealth wondered how safe their holdings were. The decisions made by Charles II and his administrators about religious policy and land ownership in Ireland during these years shaped its religious, economic, social and political future.

The land settlement occurred in three distinct phases. First was the Gracious Declaration of November 1660, whereby Charles effectively confirmed the Cromwellian redistribution, partly in recognition of the important role played by Ireland's Cromwellian elite in placing him on the throne. The king pledged to be "very careful" of their interests, while also recognising the

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<sup>1</sup> See T.C. Barnard, 'Conclusion. Settling and Unsettling Ireland: The Cromwellian and Williamite Revolutions in Jane Ohlmeyer, *Ireland from Independence to Occupation, 1641-1660* (Cambridge: Cambridge University Press, 1995), pp. 265-291 on the challenges facing, and relations between, the Stuarts and the Irish elites in the decades between the two revolutions.

loyalty of ‘a considerable part of [the Irish] nation’ during his exile. The Declaration noted the ‘great perplexities’ involved in trying to ‘reconcile these jarring interests’, especially when it was impossible to start from scratch.<sup>2</sup> While the current proprietors were largely confirmed in their possessions, land was also promised to those who had fought for Charles I, while 56 prominent royalists, about a third of whom were Catholic, were restored to their estates. ‘Innocent papists’ in general were also to have their lands returned. Protestants who lost out from the restorations were to be compensated with land elsewhere on the island. The Declaration calmed the nerves of anxious Protestant land owners, while disappointing the hopes of many Catholic royalists. The new monarch had placed his need for stability, especially in Britain, above the interest of his Irish Catholic supporters, and everyone knew it.

The Act of Settlement (1662) sought to implement the principles of the Declaration. The restored Irish parliament was overwhelmingly Protestant, making Catholic efforts to influence the bill at Charles II’s court still more important (and sometimes desperate – Richard Talbot, who had served the Stuarts in exile, was imprisoned in the Tower for over-enthusiastic lobbying). The Act confirmed the essentials of the Declaration, and provided for the establishment of a court of claims to judge the innocence of Catholics seeking their lands back. The court began sitting in January 1663, but the government halted its work in August. The reason was simple. Too much was being reallocated – almost 10% of the total. Growing alarm among Protestant landowners forced the government’s hand. The lord lieutenant, the Duke of Ormond, a believer in aristocratic hegemony, was trying to balance his (and to some extent the king’s) desire to see land restored to reliable families, including Catholics, with the need to placate the formerly Cromwellian elite, whom he regarded as ‘mean and low aspirers’.<sup>3</sup>

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<sup>2</sup> *An Act for the Better Settlement of His Majesties Gracious Declaration for the Settlement of his Kingdome of Ireland* (Dublin, 1662), pp.10, 25.

<sup>3</sup> Cited in Raymond Gillespie, *Seventeenth-Century Ireland* (Dublin: Gill and Macmillan, 2006), p.231.

The result was the Act of Explanation (1665). The Crown had made promises it could not keep. In Ormond's words, 'there must be discoveries made of a new Ireland, for the old will not serve to satisfy these engagements'.<sup>4</sup> In an attempt to placate enough of the dispossessed without alienating the current owners, soldiers and adventurers were to be stripped of a third of their land to compensate those whose land had been restored to Catholics. A second court of claims was established, which worked at a slower pace than the first, and did transfer a significant amount of land. New claims were, however, barred. Those with powerful patrons, especially in London, did best reclaiming or keeping land. By the late 1670s, around one third of Irish land was in Catholic hands, down from two thirds in 1641. The Cromwellian and Restoration land settlements, in the view of one historian, constituted a transfer of land 'unprecedented in early modern European history'. Hence, it has been termed a revolution.<sup>5</sup>

The land question was settled first and foremost with a view to stabilising the Stuart monarchy, which unsurprisingly placed its interests in Britain far above those of its Irish supporters. The Catholic and Protestant proportions of land ownership had been reversed. The significance was unmistakable. Social and economic power had decisively transferred to Protestant hands along with the land. There was also an element of change in class power, with the traditional aristocracy now sharing power with men who originated further down the social scale, among the middling orders. However, we should not exaggerate the extent of this. The nobility as a whole gained around a million acres, and now owned 40% of the land. Although Catholic

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<sup>4</sup> Cited in S.J. Connolly, *Religion, Law and Power: The Making of Protestant Ireland 1660-1760* (Oxford: Oxford University Press, 1992), p.14.

<sup>5</sup> M. Perceval-Maxwell, 'The Irish Restoration Land Settlement and its Historians' in C. A. Dennehy (ed.), *Restoration Ireland: Always Settling and Never Settled* (Aldershot: Ashgate, 2008), p.19. K.S. Bottigheimer argued that the Cromwellian and Restoration land settlements were 'two halves of a whole' rather than discrete events, 'The Restoration Land Settlement in Ireland: A Structural View', *Irish Historical Studies*, 18/69 (1972), p.21

ownership had recovered to a level inconceivable in the Cromwellian era, a great deal of Catholic hopes for the new monarchy had been shattered, leaving a legacy of bitterness and disappointment. As the Gaelic poet Dáibhí Ó Bruadair put it, those Catholic nobles who had shared the king's exile were left 'to gaze at their lands like a dog at a lump of beef'.<sup>6</sup> Many Catholics, however, still harboured hopes that in the longer term the land transfer could be reversed, and that the state run by the Stuarts could be made to work more in their favour. Some Protestants feared they might be proved right.

Charles II favoured a policy of religious toleration. Although some legal measures against Catholics remained in force and harassment of Catholic clergy sporadically occurred, the government sought to use Catholics to help stabilise the new regime. Dissenters also benefited from the toleration of the new regime, with the *regium donum* paid to Presbyterian ministers by the Crown from 1672. However, toleration had its limits, and both Catholics and Dissenters were subject to repression on occasion, often amidst fears of plots. The most famous example was that of Oliver Plunkett, Catholic Archbishop of Armagh. During the Popish Plot scare, he was tried for treason but cleared by an all-Protestant jury in Dundalk. Subsequently taken to England, he was convicted and executed despite widespread knowledge of his innocence. Catholic Ireland acquired a new martyr, one who over the centuries often served as shorthand for both religious and national oppression.

In 1673, the English parliament at Westminster introduced a Test Act designed to exclude non-Anglicans from positions of power. James, Duke of York, Lord High Admiral of the Royal Navy and heir to the throne, refused to take the test, thus confirming suspicions he was a Catholic. Somewhat absurdly, while barred from naval command, he remained heir to the

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<sup>6</sup> Perceval-Maxwell, 'The Irish Restoration Land Settlement', p.19.

throne. The panic the prospect of a Catholic monarch introduced among some British Protestants soon manifested itself in events such as the Exclusion Crisis and the Rye House plot. The Stuarts were able to weather the storm, partly by Charles ruling without parliament for the last few years of his reign. When Charles died, James ascended the throne with great support, with parliament voting him a large income, and Monmouth's rebellion easily defeated. Lacking a Catholic heir, James sought to use his time as king to improve the lot of Catholics in the three kingdoms and embed them within the state to such an extent that upon his death their rights and freedoms would be secure. In Ireland, many Catholics hoped that their moment had come. Nevertheless, the succession produced few problems in Ireland. 'Everyone is planting, improving and trading ... which is a disappointment to those who do not expect to see the king proclaimed with such genuine joy and conformity' wrote one contemporary.<sup>7</sup>

How did joy give way to civil war within five years? Ultimately the answer lies in English responses to the birth of a male heir in June 1688, which raised the prospect of a permanently Catholic dynasty. However, events in Ireland were also vital. James's first appointment as viceroy was the Protestant Earl of Clarendon. The king told Clarendon that he expected him to uphold 'the English influence' in Ireland, and that while Catholics must enjoy full religious freedom, they should know 'that he looked upon them as a conquered people', and that the land settlement would be upheld.<sup>8</sup> James hoped that his policy of religious toleration would gain him allies among the Dissenters, enabling him to base his rule on a wider cross-section of Irish society than his brother. His determination to reward loyalty and bring Catholics into the administration was symbolised by his appointment of Talbot, later earl of Tyrconnell, to command the army in Ireland in June 1686.<sup>9</sup> Talbot had already successfully lobbied the king

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<sup>7</sup> Cited in Gillespie, *Seventeenth-Century Ireland*, p.272.

<sup>8</sup> Cited in Gillespie, *Seventeenth-Century Ireland*, p.273.

<sup>9</sup> See J. Miller, 'The Earl of Tyrconnell and James II's Irish Policy, 1685-1688', *Historical Journal*, 20/4 (1977), pp. 803-823 on Tyrconnell's fateful role in Ireland.

to begin appointing Catholics to prominent positions, including the Privy Council. The state was increasingly being opened up to Catholics, as James intended. However, once Tyrconnell was appointed lord deputy (but not lord lieutenant) in January 1687, he began to exceed James's intentions. Perhaps Tyrconnell was preparing for James's eventual death, and for an Ireland separated from England and Scotland under French protection. Whatever his long-term aims, he persuaded the monarch to back him that August. It was Tyrconnell's policies that finally alienated Protestant opinion from the monarch and ensured that the war of the two kings would also be effectively a religious civil war.

Tyrconnell swiftly began filling the army with Catholics. By September, they formed about two-thirds of the ranks and 40% of the officers. The exclusively Protestant militia was disarmed simultaneously. On becoming Lord Deputy, he expanded the number of Catholics within the state bureaucracy, and soon they had the majority in the Privy Council and on the bench. He then set his sights on the major prize, the land settlement. A new land act would be necessary, and a new parliament – a Catholic parliament – to pass it. He set about procuring one. When parliament eventually met, the fact that 224 out of 230 members were Catholics testified to his success. Tyrconnell's preferred option was to split estates equally between the former and current proprietors, and James was persuaded to accept this. However, the Dutch invasion of England under William of Orange in November 1688, James's flight to France and his subsequent arrival in Ireland with a French army had radically altered circumstances by the time parliament met in May 1689.<sup>10</sup>

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<sup>10</sup> On Ireland and 1688-1691, see K.S. Bottigheimer, 'The Glorious Revolution and Ireland', in L.G. Schwoerer (ed.), *The Revolution of 1688-1689* (Cambridge: Cambridge University Press, 1992), pp.234-241; D.W. Hayton, 'The Williamite Revolution in Ireland, in J.I. Israel (ed.), *The Anglo-Dutch Moment: Essays on the Glorious Revolution and its World Impact* (Cambridge: Cambridge University Press, 1991), pp.185-213; P.H. Kelly, 'Ireland and the Glorious Revolution: From Kingdom to Colony' in Robert Beddard (ed.), *The Revolutions of 1688* (Oxford: Clarendon, 1991), pp.163-190.

That parliament – remembered variously as the Jacobite parliament, patriot parliament, pretended parliament, and popish parliament – sought to overturn the land settlement and thus Protestant domination of government and society. Moreover, it asserted Ireland’s independence in terms that threatened England’s supremacy. These demands reflected the interests of the Catholic elite. James II, anxious to prevent Irish developments reducing his chances of being restored to his other kingdoms, clashed with his Irish supporters even as he acknowledged their ‘exemplary loyalty’.<sup>11</sup> Although an act was passed declaring that Westminster had no right to pass laws for Ireland and that English courts had no jurisdiction there, James prevented the repeal of Poyning’s Law. A new law guaranteed religious freedom to all. Tithes were now to go to either the Protestant or Catholic church as the payer preferred. However, not only did the Church of Ireland remain the established church, with its lands intact, the Acts of Supremacy and Uniformity were merely suspended, not repealed.

On the land, however, the members of parliament got their way. The act repealing the Acts of Settlement and Explanation began by enumerating Catholic loyalty against Cromwell, the sacrifices made for that loyalty at home and abroad, and the failure of that loyalty to be adequately repaid. It was ‘high time to put an end to the unspeakable Sufferings’ of the loyal Catholics; the only means of doing so was ‘restoring the former Proprietors to their ancient Right.’<sup>12</sup> James’s consent for the bill had to be extorted by withholding financial legislation. Given the centrality of financial legislation in securing the regular meeting of parliament from 1692 onwards, this perhaps suggests that had James and not William won, the powers of the Irish parliament vis-à-vis the king might have developed along broadly similar lines despite the supposed Stuart tendency towards absolutism. Political assumptions may have been more

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<sup>11</sup> *Speech of James II at the opening of parliament, 7<sup>th</sup> May 1689* reprinted *Hibernian Mirror* (Dublin, 1751), no pagination

<sup>12</sup> *The Acts of that Short Session of Parliament held on May 7<sup>th</sup> 1689*, p.51 in *Hibernian Mirror*.

similar across the confessional divide than is sometimes realised. An Act of Attainder seized the property of 1,340 Protestants, and threatened the same for exiles if they did not return and demonstrate their loyalty. James's response demonstrated the difference between the monarch and his supporters: "What, gentlemen, are you for another 41?"<sup>13</sup> The Irish Protestant memory of 1641 reflected in James's question itself came under legislative attack, with the act commanding official commemorations of 23 October 1641 repealed.

The sense of Catholic *revanche* was unmistakable. Although a small number of Anglicans stayed loyal, Protestants as a whole decided on resistance and to await help from Britain. The siege of Derry was the most important act of defiance, at least in terms of historical memory. Part rebellion against a monarch, part religious civil war, part power-struggle among competing sections of the elite, part local consequence of English events, the military conflict in Ireland was defined by the fact it was also a theatre of a major European war. William invaded England to acquire the kingdom because he feared it becoming a permanent and active ally of his bitter enemy Louis XIV, and because his struggle against Louis would be greatly strengthened by acquiring its resources. In the midst of the war between France and the League of Augsburg, he could not permit an Ireland ruled by James and garrisoned by French troops. For a short period, Ireland became the main focus of his war effort, as multinational armies led by the Dutch and the French battled for control of Europe's western periphery. In one of Irish history's more entertaining ironies, the pope sided with the Protestant William rather than the Catholic James because of his disputes with His Most Christian Majesty, Louis XIV.

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<sup>13</sup> Cited in Connolly, *Religion, Law and Power*, p.35.

William dispatched 20,000 troops to Ireland in 1689, but was forced to lead the campaign himself in 1690.<sup>14</sup> The two kings came into conflict at the Boyne on 12 July. James fled the losing battle early, earning himself the Gaelic moniker *Séamus an chaca* (James the Shit). William's victory was not as decisive as James himself thought. The war continued for another year despite James's precipitate flight to France three days after the battle. William left Ireland in September. The decisive battle took place on 22 July 1691 at Aughrim, when the Dutch Baron Ginkel defeated an army led by the French Marquis de Saint-Ruth. Ultimately, the Williamite army was better trained, armed, led and supplied, partly due to geography making logistics easier for William than Louis, and partly because Ireland mattered much more to William. The question was now how favourable the terms of surrender would be. As early as September 1690, one Williamite commander quoted the Irish Jacobite leaders as saying they were fighting not for king or faith, 'but for our estates'.<sup>15</sup> If a deal could be struck that protected their possessions, then it seemed that a speedy conclusion to the war could be achieved. William, anxious to liberate resources for the continental campaign, supported such a deal, explaining the lenient terms of the articles of surrender usually known as the Treaty of Limerick.

Signed on 3 October 1691, the articles of Limerick guaranteed Catholics the same religious liberties as had existed under Charles II. William and Mary pledged to encourage the next Irish parliament to legislate for this. Jacobites taking an oath of allegiance would retain the lands they had possessed under Charles II, and the right to bear arms was guaranteed to nobles and gentlemen. In other words, although lands acquired since 1685 would be lost, the Catholic elite would be free from persecution, even if they would not be full members of the political nation.

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<sup>14</sup> On the war, see Richard Doherty, *The Williamite War in Ireland, 1688-1691* (Dublin: Four Courts, 1998); John Childs, *The Williamite Wars in Ireland, 1688-1691* (London: Hambledon Continuum, 2007); Pádraig Lenihan, *1690: The Battle of the Boyne* (Stroud: Tempus, 2003)

<sup>15</sup> Cited in Gillespie, *Seventeenth-Century Ireland*, p.294.

The articles also provided for transport for those among the Jacobite army ‘of what quality or condition soever’ who wished to go to France and serve Louis.<sup>16</sup> Around 70%, or 15,000 men, chose exile. With them went any chance of Irish Catholics fielding an effective military force for decades, although that is more obvious today than to contemporaries. As the Williamite army began to withdraw, the English government’s desire to micromanage Irish affairs dwindled. Although government would be overseen by English appointees, the Irish Anglican elite had the chance to reshape politics to their liking due to their undisputed possession of parliament and the weakness of their rivals.

William’s need to finance the war through tax and borrowing allowed the English parliament to develop a greater role than ever before, and become a permanent feature of governance. In short, war had made it impossible to rule without parliament. A similar (though less comprehensive) development in the powers of parliament took place in Ireland. It too became a permanent institution. In part its enhanced status stemmed from fiscal need, in part the English example was influential, but the Protestant elite were also determined to control their own affairs as far as possible. This was a response to the articles of Limerick, which they saw as being too lenient, placing them at risk. ‘The pen’s the symbol of our sword’s defeat/We fight like heroes, but like fools we treat.’<sup>17</sup> The experience of a Catholic-controlled Ireland and then war had been terrifying, even if fears of the attempted extirpation of Protestants had not been realised. The Protestant elite saw their own parliament as a vital bulwark, while realising that ultimately their position depended upon England’s military might.

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<sup>16</sup> Treaty of Limerick, CELT, <http://www.ucc.ie/celt/published/E703001-010/index.html>

<sup>17</sup> Cited in Gillespie, *Seventeenth-Century Ireland*, p.296.

Like their Jacobite predecessors, its members were also determined to assert the rights of the parliament of Ireland. The session of 1692 collapsed when the Commons asserted its sole right to initiate money bills and the lord lieutenant accused parliament of violating the crown's rights. However, the target was not just the Crown, but the claims of Westminster to be able to tax and legislate for Ireland. The subordinate status of the Irish parliament was reflected in the fact that until 1782 it could not draw up bills but only heads of bills for submission successively to the Irish and the English privy councils. Either of these bodies could (and often did) reject or amend legislation, while the bills returned to the Irish parliament could only be accepted or rejected, not amended again. Right from its very first sitting of the new era, the constitutional status of Ireland's parliament, which was to dominate much of political life until 1800, proved controversial.

Parliament quickly turned to the Catholic question, and over the next 35 years it passed a series of measures collectively known as the penal laws (or popery laws to their enactors). It is worth detailing a few of the more important measures before turning to the question of how to interpret the laws as a whole. Many of the parliamentary elite were convinced that violent conflict with Catholics was inevitable unless their capacity to rebel was permanently removed. 'Only the Power of our Enemies is abated, not their Malice or bloody Minds', the bishop of Cork told parliament.<sup>18</sup> This mindset produced the early penal acts. However, parliament's first action on the Catholic question was inaction – it refused to ratify the articles of Limerick, and did not do so until 1697, and even then only without certain key articles, including that guaranteeing Catholics the same position as under Charles II. The Crown, driven by financial motives, accepted this breaking of its word.

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<sup>18</sup> Cited in Ian McBride, *Eighteenth-Century Ireland* (Dublin: Gill & Macmillan, 2009), p.196.

The first session of parliament after 1692 was in 1695; the first penal laws were passed at that session. One was the famous law that banned Catholics from keeping weapons and owning horses worth more than £5, and the other restricted Catholic access to education. Its main purpose was to ban foreign education (and thus reduce Irish Catholic contact with continental Catholic religious and political ideas), but it also banned Catholics from keeping schools within Ireland. Catholic education, it stated, was ‘one great reason of many of the natives of this kingdom continuing ignorant of the principles of true religion ... and of their neglecting to conform themselves to the laws and statutes of this realm, and of their not using the English habit or language, to the great prejudice of the publick weal’.<sup>19</sup> In 1697, the Bishops’ Banishment Act blamed ‘popish arch-bishops, bishops, jesuits, and other ecclesiastical persons of the Romish clergy’ for Catholic rebellions, and ordered all bishops and members of regular orders to leave Ireland.<sup>20</sup> Bishops were leaders of the whole Catholic community, not just the clergy, and their removal would weaken its cohesion. Without bishops, moreover, no new priests could be ordained. Further acts regulating the remaining parish clergy were passed in 1704 and 1709.

Perhaps the most important penal law was the 1704 Act to Prevent the Further Growth of Popery, the aim of which was to substantially weaken if not eradicate the Catholic landed elite. The pretext for the act was the belief that Catholics ‘do daily endeavour to persuade and pervert’ Protestants to convert.<sup>21</sup> It banned inheritance by primogeniture among Catholics, with land having to be divided equally among all sons. On conversion to the established church, the eldest son became the owner, the Catholic parent became a mere tenant for life, and primogeniture was restored. Catholics were banned from inheriting land from Protestants, from

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<sup>19</sup> An Act to Restrain Foreign Education <http://library.law.umn.edu/irishlaw/7WIIIc4p254.htm>

<sup>20</sup> An Act for banishing all Papists exercising any Ecclesiastical Jurisdiction, and all Regulars of the Popish Clergy out of this Kingdom. <http://library.law.umn.edu/irishlaw/9WIIIc1p339.htm>

<sup>21</sup> An Act to Prevent the Further Growth of Popery <http://library.law.umn.edu/irishlaw/2Anne%20Ch6.htm>

buying land, and from holding a lease for longer than 31 years. The act also took aim at popular religion, banning pilgrimages. Because the 1704 legislation had been ‘most notoriously eluded by several papists and others in trust for them’, a further act was passed in 1709 reinforcing it.<sup>22</sup> Under this law a Protestant discoverer could claim Catholic possessions held in violation of the law. English Tory politicians used the 1704 Act to extend the sacramental test to Ireland, thus removing Dissenters from local government. Penal laws barred Catholics from parliament and the legal profession, while marriages carried out by Catholic and Dissenting ministers were not recognised in law. Catholics were finally stripped of the vote, their last political right, in 1728.

The penal laws sought to deprive Catholics of military, economic and political power, and to attack the Catholic Church as an institution; had they been fully enforced, it would have disappeared from Ireland. Yet a summary such as this grants the passing of these laws a coherence and clarity of purpose absent at the time. Sean Connolly has argued that rather than ‘a systematic ‘code’ reflecting a consensus among the Protestant élite as to how its security could be best preserved, penal legislation was in fact ‘a rag-bag of measures, enacted piecemeal over almost half a century’.<sup>23</sup> The motives behind any individual piece of legislation were mixed, inevitably given that Irish laws were created in both Dublin and London, and were influenced by the interests, ideology, lobbyists, and personalities in both places. Fear, revenge, hatred, parliamentary horse-trading, ambition, European war, invasion scares, Scottish Jacobite rebellion, the crown’s desire not to antagonise continental Catholic allies, and differing priorities in Dublin and London all played their part in shaping pieces of penal legislation. So too did hostility towards, and distrust of, the Dissenters.

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<sup>22</sup> An Act for explaining and amending an Act intituled, An Act to Prevent the Further Growth of Popery. <http://library.law.umn.edu/irishlaw/8Ann3s27-37.htm>

<sup>23</sup> Connolly, *Religion, Law and Power*, p.263.

Some penal laws confirmed what had long been the case; some were immediate responses to short-term pressures. Some were defensive measures, others aggressive. Very few, if any, enjoyed unanimous support from the members of the institutions that produced them. Arguments were raised against severe penal laws almost straight away, including from Protestant stalwarts like Archbishop William King. Some proposals failed, most notoriously a bill of 1719 to castrate Catholic clergy. Ireland was far from unique in having penal laws in this period – an established church and political and civil disabilities for religious minorities were the European norm. They were often harsher than in Ireland (and Irish Protestants never tired of pointing to Catholic countries where discrimination was worse). Ireland may have been exceptional because its laws applied to the majority of the population, but there were territories elsewhere in Europe where regional majorities suffered for being minorities in the state as a whole.

The penal laws, then, were not the deliberate and calculated outcome of a plan by Ireland's Protestant elite to grind Catholics underfoot, as popular memory long had it. Instead, they enacted European assumptions about the relationship between the state, religion and citizenship, and did so in an often contingent and short-term manner. It is not surprising that they seemed not just necessary but reasonable to their supporters. That said, it is worth remembering Toby Barnard's thesis that a comprehensive penal code only failed to emerge earlier because parliament did not meet after 1666.<sup>24</sup> Ian McBride's recent argument that sermons and pamphlets reveal a more vehement hostility towards Catholicism and Catholics among propertied Protestants than an examination of the legislative process itself suggests is also worth bearing in mind, especially given the intensity of opposition to repealing penal

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<sup>24</sup> Barnard, 'Settling and Unsettling', p.284

legislation later in the eighteenth century. One thing about the penal laws is indisputable: they aimed to secure the unchallenged political, social and economic supremacy of Irish Anglicans. This explains why the Dissenters were also the targets of penal legislation. In political terms, they worked.

How did the penal laws affect their targets? The popular image of the penal laws is of the mass rock, perhaps with the army's redcoats coming to arrest the priest. In this view, as the Irish historian and Australian Cardinal Patrick Moran put it in 1899, the penal laws were 'in full force throughout the length and breadth of the kingdom' throughout the eighteenth century.<sup>25</sup> Professional historians such as Maureen Wall began questioning these assumptions in the 1950s. Research soon revealed that although attempts were made to enforce the Banishment Act in the early years of the penal laws, to some effect, the Catholic clergy were by the 1720s mostly allowed to operate with impunity, apart from times of crisis or international tension when rebellion or invasion seemed possible. In such circumstances, senior clerics would be arrested, but the repression quickly ended. Aberrations such as the execution of Fr. Nicholas Sheehy in 1766 did, however, occur. Irish priests continued to be trained on the continent, and were successfully integrated into the church on their return, even if rivalries between the different orders persisted. By mid-century, the laws against religious practice were a dead letter. Even before such laws had been repealed, the church had built itself into a formidable institution closely linked to its flock, on which it depended for financial support in the absence of tithes or state support. The penal laws against religious practice were a failure, but nor were they ever rigorously enforced for a sustained period. The psychological effect of precarious toleration nevertheless marked the Catholic population for much of the century. Complaints from bishops about the poor quality and qualifications of priests were frequent, but the penal

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<sup>25</sup> Cited in McBride, *Eighteenth-Century Ireland*, p. 215.

laws meant the situation could not be tackled systematically. The penal laws also ensured that the established church dominated public displays of religion.

Where the penal laws were much more successful – perhaps because there was more chance of them being enforced – was in altering the behaviour of the Catholic elite. Many of the laws targeted them specifically, to deny them political power and to reduce their ownership of land. Such laws simply did not apply to the majority of Catholics, who would never have exercised political power regardless. More than half of the land-owning families affected by the inheritance provisions of the 1704 act experienced a conversion to the established church. The amount of land owned by Catholics fell from 14% in 1704 to 5% by 1776. However, the story is more complicated than these figures suggest. A variety of legal strategies evolved to get around them. One was nominal conversion, which involved only an outward show of conformity sufficient to meet the legal requirements. The heir sometimes converted, but the family as a whole remained Catholic. There were also collusive discoveries, whereby sympathetic Protestants claimed land that actually remained with the Catholics ostensibly dispossessed. When land leased was taken into consideration, there was more land in Catholic hands by 1800 than in 1700. Despite such evasions, the penal laws successfully robbed the old Catholic land-owning elite of any political power. Although some Protestants fretted over the supposed Catholic or convert interest in parliament, they need not have worried. Catholic lobbyists in London sometimes were successful, but Ireland's institutions of power had been successfully closed to Catholics. Nor were all conversions merely matters of convenience, as the example of John Fitzgibbon, earl of Clare vividly demonstrates – the son of a Catholic convert, as Lord Chancellor, he was the Ascendancy's most effective leader in the 1790s.

Many Irish Catholics clung to their politics almost as firmly as they clung to their church. Loyalty to the Stuarts and hopes that another restoration would mean the revival of Catholic power persisted for decades. Recent work has used Irish-language poetry to establish the continued appeal of Jacobitism, even as late as the 1770s, by which time the Stuarts had lost the backing of France, leaving the chances of a restoration extremely remote. Jacobitism also revealed itself in recruitment for the Irish regiments in foreign service, and in challenges to the cult of William, written, oral and sometimes physical, such as clashes between Jacobite and Williamite crowds. Given the evidence for widespread Jacobitism, the absence of any Irish rising in either 1715 or 1745 seems strange. It might simply have reflected the military reality that without foreign help any rising was doomed. However, it also suggests the need for caution about how far rhetorical Jacobitism reflected real commitment to the Stuarts as opposed to discontent with the status quo for religious, national or socio-economic reasons. Jacobite poetry may not have been as representative as sometimes claimed. The Catholic elite abandoned Jacobitism by the 1750s, instead seeking accommodation with the state, as the activities of the Catholic Committee from 1757 until 1791 demonstrate. Gaelic poetry also reveals ideological innovation rather than stasis. In 1779, Barry Yelverton was praised as '*lann óir is luiseag na nGaidheal* / the golden blade and the knife-point of the Gaels' for his assertion of Irish parliamentary rights by the poet Tomás Ó Míocháin, who also lauded the '*saorarm gáirmhianach na Banban* / glory-seeking free army of Ireland', the Volunteers.<sup>26</sup> This was the political language of classical republicanism translated into Irish. In the 1790s, several poets mixed traditional complaints about Protestant domination with United Irish rhetoric. For example, Mícheál Óg Ó Longáin called on his listeners not to hate Protestants, 'but let ye all rise up together'.<sup>27</sup> Other works evinced more traditional hostility. An inchoate political

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<sup>26</sup> Cited in Vincent Morley, *Irish Opinion and the American Revolution* (Cambridge: Cambridge University Press, 2002), pp.229-230.

<sup>27</sup> Cited in Breandán Ó Buachalla, 'From Jacobite to Jacobin', in Thomas Bartlett *et al.*, eds., *1798: A Bicentenary Perspective* (Dublin: Four Courts, 2003), p.93.

message in 1790s Gaelic poetry is no surprise given other evidence about ambiguous popular attitudes. Jacobitism seems for much of the century to have expressed genuine discontent, but also to have somewhat obfuscated its causes given the absence of an alternative language of protest.

Cardinal Moran's view that the penal laws barred Catholics 'from all means of acquiring either knowledge or wealth' reflected popular understanding of their effects.<sup>28</sup> Wall demonstrated conclusively the existence of a thriving Catholic mercantile bourgeoisie in Ireland's urban centres. By 1792, Ireland's richest man, it was alleged, was Edward Byrne, a Catholic sugar merchant. Modern analysis of agriculture has also revealed the extent to which a Catholic strong farming class emerged over the course of the eighteenth century. In other words, the notorious poverty of much of the peasantry cannot be ascribed to the penal laws.

An awareness of the outlines of economic history in this period is essential to understand political developments. Economic development and Westminster's restrictions on Irish trade were central to Irish political thought and culture, especially political and economic patriotism. Moreover, the forces from which sprang the revolutionary challenge of the late eighteenth century were to a large extent created by economic development. Broadly speaking, Ireland's economic fortunes fluctuated between 1660 and 1740, when a period of sustained growth began that lasted until the end of the Napoleonic Wars. Famine can serve as a very crude illustration of the difference between the two periods. Individual bad harvests in themselves were not enough to produce famine; usually, a series of poor harvests produced famine as the gradual depletion of the poor's resources left them unable to buy food. This happened sporadically

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<sup>28</sup> P.F. Moran, *The Catholics of Ireland under the Penal Laws in the Eighteenth Century* (London: Catholic Truth Society, 1899), p.10

before 1740, when the unprecedented freezing winter of 1739-40 resulted in a massive famine in 1740-1 that may have killed as many as one in five of the population. Such a societal disaster might be expected to occupy a larger part of the story of eighteenth-century Ireland, but unlike the Great Famine a century later, it did not fundamentally alter the class structure of Irish society, forge a culture of mass emigration, or leave a bitter political legacy that fuelled subsequent political conflict. The surviving evidence is also much thinner. The fact that no famine occurred between 1741 and 1822 despite many bad harvests and downturns is one indication of economic improvement: after “a decisive improvement in living standards” in the 1750s, the rural poor never lacked money to ensure their survival.<sup>29</sup> For a variety of reasons, including falling mortality, higher living standards, changes in diet, subdivision, and increasing fertility within marriage, Ireland’s population began to grow from the 1750s, and especially from 1780. By 1800, it stood at around 5 million. Such growth was unparalleled in western Europe.

Living standards rose due to the increasing (although uneven) commercialisation and specialisation of the Irish economy. Ireland’s geographical position on Atlantic trade routes and her (limited) access to British imperial markets were vital. The market – domestic and foreign – penetrated more people’s lives than before, via both production and consumption, agriculture, the linen trade and the development of the finance industry. National income increased perhaps fivefold between 1730 and 1815, an increase driven to a large extent by foreign trade. Proto-industrial production centred on spinning and weaving, and was present in many parts of the island. By the end of the century, large-scale industrialisation had developed not only in the linen industry in Ulster, but also in the provisions trade and associated industries

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<sup>29</sup> L. M. Cullen, ‘Economic Development, 1691-1750’ in T.W. Moody and W.E. Vaughan, eds *New History of Ireland*, 4 (Oxford: Oxford University Press, 1986), p.149

in Munster and in sugar-baking and brewing in Leinster. Ports like Dublin, Cork and Belfast dominated the economy, and towns were getting bigger. In 1800 Dublin was at least double the size of any city in Ireland or Britain except London, and the sixth largest city in Europe. Communications greatly improved, with a craze for road building and canals supported by grants from parliament. Print culture expanded drastically during the century, so that in 1792 there were at least 35 newspapers being published across the island. The number of readers increased, though the percentage of the population that was literate may actually have declined.

With economic growth came social change. Commercialization encouraged bilingualism. The middle orders – lawyers, doctors, merchants, printers, manufacturers and the like – grew in numbers, wealth, and influence. The social structure of rural Ireland was also greatly altered, with increasing differentiation among rural dwellers. By 1790, 30% of them were small and medium farmers. At the bottom of the scale, the cottier class was developing rapidly. The increasing mix of commercial agriculture and proto-industrial work gave tenant-weavers greater independence, as well as the means to organise themselves. This was a crucial factor in the breakdown of deference in the late eighteenth century in Ulster. Competition within this class has been seen as key to the outbreak of sectarian violence in Armagh in the 1780s, the county where Protestant, Catholic and Dissenter were most evenly balanced. Perhaps the most significant social change produced by economic growth was the development of public opinion, which, as in other parts of Europe, became an important political force as the century wore on.

Parliament having become an essential institution, government had to learn how to manage it, that is, ensure a majority on important questions, particularly the money bill. For much of the century, this task was devolved to undertakers, powerful figures who delivered large numbers

of votes in the Commons in return for a share of government patronage. The most spectacular case was Speaker William Conolly. Conolly was also chief revenue commissioner and a lord justice, one of those who ran Ireland during the lord lieutenants' lengthy absences. Having made a fortune in post-war land speculation, his political influence made him Ireland's richest man before his death in 1729. The undertaker system broke down in the 1760s when the lord lieutenants began spending more time in Ireland, and took more control of managing its affairs, building their own parliamentary majorities by the more direct dispensing of patronage. Although taking government patronage could lead to accusations of corruption, in reality the entire parliamentary elite and most of the political nation did not regard it as dishonourable or inappropriate (even if government officials often complained about the scale required). Conolly was also one of a number of men of business, like Nathaniel Clements or John Beresford, in whose hands lay the administration of Ireland's developing state, and who brought an increasing professionalism to the task. For most of the century, such men were able to go about their business undisturbed by larger political questions, which flared up into crisis only occasionally.

From 1692 until its abolition, parliament contained an opposition claiming to represent country or real whig principles. Sometimes, this was a cynical exercise by ambitious politicians eager to secure a government job by making a nuisance of themselves. Even where this was so, they deployed a discourse that had a strong resonance among the political nation and, increasingly, the wider populace. Of course, supporters of government were also keen to claim the mantle of patriotism. Patriotism began as an Irish Protestant version of the Williamite vision of events in England in 1688, but ultimately became a highly contested term claimed by everyone from the supporters of Protestant Ascendancy to their enemies in the United Irishmen.

Irish patriotism had two major components, the economic and the political. Economic patriotism centred on improvement, primarily of the economy but also of manners. Ireland was widely believed to have the population, resources, and climate to thrive economically. Toby Barnard has demonstrated the roots of the eighteenth-century ‘fashionable cult’ of improvement in seventeenth-century reform schemes motivated by varieties of Protestantism.<sup>30</sup> The Jacobite parliament passed several acts aimed at securing economic improvement, suggesting that the concept enjoyed widespread acceptance from early on. By the 1760s, ‘a man has a figure in his county in proportion to the improvements he makes.’<sup>31</sup> Improvement took many forms, being institutionalised in the many turnpikes, market towns, canals and industries funded and encouraged by parliament, other public bodies, landlords and improving societies like the Dublin Society (1731), which became the model for similar societies across Europe. Self-interest mixed with patriotism as state subsidies often benefited the political elite and their clients. By the end of the eighteenth century, improvement had become subsumed within the concept of enlightenment. As the government-sponsored *Freeman’s Journal* put it when discussing improvement in 1791, ‘the enlightened spirit of the present times has led the inhabitants of this kingdom to some undertakings infinitely important to society’. The ‘force of reason and the influence of patriotism’ would ensure it continued.<sup>32</sup>

Political patriotism was centred on the powers of the Irish parliament. Generally the viceroys successfully managed parliament but at times it proved difficult, most often when the rights of the people and parliament of Ireland were seen to be at stake. A clash between viceroy and parliament over its powers ended the first sitting of the new era in 1692. The growing importance of public opinion, which increasingly limited the freedom of manoeuvre for both

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<sup>30</sup> Toby Barnard, *The Kingdom of Ireland, 1641-1760* (Houndmills: Palgrave Macmillan, 2004), p.80.

<sup>31</sup> Cited in R. B. McDowell, *Ireland in the Age of Imperialism and Revolution, 1760-1801* (Oxford: Clarendon, 1979), pp.6-7.

<sup>32</sup> *Freeman’s Journal*, 25<sup>th</sup> October 1791.

politicians and government, was more obvious in such disputes as time passed. The powers of parliament were intimately tied to economic questions because of English restrictions on Irish trade. It was disputes over proposed restrictions on the woollen trade that led William Molyneux to write *The Case of Ireland's Being Bound by Acts of Parliament in England, Stated* (1698). Molyneux made his case using (tortuous) historical precedent, but he also turned the rhetoric and principles of 1688 against the English elite it had secured in power, citing chapter 16 of John Locke's *Second Treatise* (1689) in defence of inalienable natural rights. Unsurprisingly, politicians in London were deeply unconvinced, while the work produced only a muted response in Ireland. However, its reputation would grow over subsequent decades until it assumed the status of the foundational text of Irish patriotism.

In 1720, annoyed at Irish pretensions, the British parliament (British since the Anglo-Scottish union of 1707) passed the Declaratory Act, which explicitly declared the kingdom of Ireland subordinate and dependent to the crown of Great Britain (really meaning the British parliament). The act explicitly stated that Westminster had the right to pass laws 'to bind the People and the Kingdom of *Ireland*'.<sup>33</sup> This seemingly settled the issue. However, it soon flared up more virulently than before due to the Wood's Half-pence debacle. After the Englishman William Wood acquired the patent to mint coins for Ireland, rumours soon spread that he was using inferior metal. Irish opinion was outraged. Jonathan Swift's *To the Whole People of Ireland* (1724), part of the *Drapier's Letters* (1724-5), denied that Ireland was a dependent kingdom and declared that 'by the Laws of GOD, of NATURE, of NATIONS, and of your own Country, you ARE and OUGHT to be as FREE a People as your Brethren in *England*'.<sup>34</sup> Amidst the storm, government's chief supporters in parliament withdrew their support, and the

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<sup>33</sup> *An Act for the Better Securing the Dependency of Ireland upon the Crown of Great Britain. To which is Added, J-----n T-----d, esq; his Reasons Why the Bill for the Better Securing the Dependency of Ireland, Should Not Pass* (London, 1720), p.4.

<sup>34</sup> [Jonathan Swift], *A Letter to the Whole People of Ireland* (Dublin, 1724), p.15.

patent was rescinded. Although motivated in large part by material considerations, the episode reveals the growing influence of patriotism in and out of doors, as well as the increasing power of the press, which turned the Drapier into a national hero. The emerging gap in opinions on Ireland's ideal constitutional status between the Irish and British elites was clear to see. Despite it, most Irish politicians happily worked the system as it stood.

In 1753, the constitutional question was raised once more. The catalyst was a power struggle between the two leading undertakers, Speaker Henry Boyle and George Stone, Archbishop of Armagh. Boyle chose to re-assert his importance via the issue on which both government and public opinion were most sensitive, the money bill. Tellingly-named Patriot Clubs appeared across the country to support Boyle, while almost 200 pamphlets were published on the dispute in three years. Stone feared for his life, while the rumours about his alleged homosexuality circulating among the elite and in print reached some members of the lower orders, who pointed at their children's behinds exclaiming 'What a fine pair of buttocks they are'.<sup>35</sup> Boyle's abandonment of his new-found patriotism in a deal with government in 1756 produced a profound sense of betrayal among his supporters. The 'greatest mob' ever seen in Dublin turned out on St Patrick's Day with an effigy of Boyle on its way to the gallows; the army dispersed the crowd.<sup>36</sup> Public opinion could be a useful ally for the political elite, providing credibility and status. However, it was also developing the capacity to exceed what the elite considered legitimate bounds, with the lower and middle orders, particularly in Dublin, developing their own distinct interpretation of patriotism, as had been demonstrated in the late 1740s by the popularity of Charles Lucas and his challenge to the oligarchy governing the city. Lord Kildare

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<sup>35</sup>Cited in Bob Harris, *Politics and the Nation: Britain in the Mid-Eighteenth Century* (Oxford: Oxford University Press, 2002), p.207, n.69.

<sup>36</sup> Cited in S.J. Connolly, *Divided Kingdom: Ireland 1630-1800* (Oxford: Oxford University Press, 2008), p.248.

confessed that ‘when popularity is on the other side’, he could not support the government.<sup>37</sup> Public opinion bared its teeth in December 1759, when rumours of an impending union saw parliament invaded by a large, armed crowd that forced some members to swear that they stood ‘for the country and against the union’.<sup>38</sup> By the mid-eighteenth century, an alternative source of political legitimacy – the appeal to public opinion – was coming into being, as were the conditions for more widespread extra-parliamentary political agitation, with more political clubs and publications appearing independent of the traditional political elite over the following decades.

War against Louis XIV allowed parliament to become a permanent institution. War against Louis XVI and the American revolutionaries allowed it to achieve legislative independence, (i.e. the British parliament accepted it had no right to legislate for Ireland). Patriots termed this development the ‘revolution of 1782’. It was the product of a popular campaign begun against British commercial restrictions in 1778 that rapidly snowballed into a movement to assert Ireland’s rights as an independent kingdom. Independence did not mean separation from Britain, but rather the idea that the two were sister kingdoms, united by the same crown and common interests but each in charge of her own affairs. The war also produced the first formal breach in the penal laws. The Relief Act of 1778 allowed Catholics to hold land on similar terms to Protestants but withheld political rights. London was desperate for military manpower, and saw relief as a means to help access the millions of Irish Catholics formally banned from enlisting.

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<sup>37</sup> Cited in E. Magennis, *The Irish Political System, 1740-1765: The Golden Age of the Undertakers* (Dublin: Four Courts, 2000), p.120.

<sup>38</sup> Cited in Connolly, *Divided Kingdom*, p.386.

Britain's desperation for manpower in America created the conditions for 1782. Most of the army in Ireland was sent to the colonies. When France formally entered the war in 1778, Irish Protestants feared invasion or rebellion. They founded the Volunteers. The force grew rapidly, peaking at perhaps 80,000-strong. It was a powerful manifestation of classical republicanism – the citizen-soldier defending his homeland in time of need. These armed citizens soon turned their attention from military to political matters. On 15 February 1782, at the famous Dungannon Volunteer convention, they dismissed objections that they should avoid politics: 'a citizen, by learning the use of arms, does not abandon any of his civil rights'.<sup>39</sup>

The disruption to trade caused by the war, which was beginning to produce real hardship among the urban poor, and opposition from British business interests to concessions for Ireland, focused Volunteer attention on economic restrictions. Their message, as delivered by a Volunteer demonstration on the anniversary of William III's birthday on 4 November 1779, was simple: 'A short money bill – A free trade – Or else!!!'<sup>40</sup> That the Volunteers were in this instance merely the armed wing of public opinion was made clear by the popularity of a campaign to buy only Irish goods, by the press, by parliamentary speeches, and by popular demonstrations at parliament. When the Commons voted a short money bill, indicating that government supporters had joined the clamour for free trade, London was forced to give way, and Ireland's right to trade with the colonies (free trade) was recognised.

Patriots within and without parliament, from all classes, now focused on Ireland's constitutional status. In April 1780, Henry Grattan told parliament: 'you, by the assistance of the people, have recovered trade, you still owe the kingdom liberty'.<sup>41</sup> The patriot campaign

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<sup>39</sup> C. H. Wilson, *A Compleat Collection of the Resolutions of the Volunteers, Grand Juries, &c. of Ireland, which Followed the Celebrated Dungannon Diet*, 2 vols (Dublin, 1782), 1, p.1.

<sup>40</sup> Cited in Morley, *Irish Opinion and the American Revolution*, p.224.

<sup>41</sup> *The Speeches of the Right Hon. Henry Grattan*, ed. D.O. Madden (Dublin, 1874), p.39

soon stalled but was revived when parliament met again in October 1781 and by the Dungannon convention, which resolved that ‘a claim of any body of men, other than the King, Lords and Commons of Ireland, to make laws to bind this kingdom, is unconstitutional, illegal, and a *grievance*’.<sup>42</sup> When more traditionally representative bodies like county grand juries and meetings of electors also expressed this opinion, it was clear that the majority of the political nation and wider public opinion supported the patriot demands. The American debacle saw Rockingham replace Lord North as British prime minister, and the new ministry soon repealed the Declaratory Act. Further campaigning led by Henry Flood led Westminster to explicitly renounce any claim to legislate for Ireland in April 1783.

Vincent Morley has recently argued that the American example influenced Irish patriots rather than American ideas. This view is supported by the fact that 1782 was presented by its supporters in traditional terms, as Ireland receiving the full benefits of the constitution of 1688, i.e. civil and religious liberty, with the rights of the people institutionalised in government. Others were more sceptical. In 1791, Theobald Wolfe Tone, a few months before helping to found the Society of United Irishmen, famously described it as ‘the most bungling imperfect business that ever threw ridicule on a lofty epithet’.<sup>43</sup> Why had ‘Grattan’s Parliament’ proved such a disappointment to radical patriots?

After 1782 some Volunteers mounted a campaign for reform. Some radical corps had admitted Catholics and the poor, who could not afford to buy the uniform and weapons themselves, to their ranks. Given the link between bearing arms and citizenship, this was an assertion that political rights belonged to all, regardless of religion or property, and a direct challenge to two

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<sup>42</sup> C. H. Wilson, *A Compleat Collection of the Resolutions of the Volunteers* (Dublin, 1782), vol. 1, p.1.

<sup>43</sup> T.W. Tone, *An Argument on Behalf of the Catholics of Ireland* (Dublin, 1791) p.11.

fundamental principles of the status quo. An angry Grattan claimed arming ‘the poverty of the kingdom’ besmirched the original Volunteers, the ‘armed property of Ireland’.<sup>44</sup> The Volunteer reformers themselves split over religion and property, and the campaign effectively ended when Flood, who went straight to parliament from a Volunteer convention in his uniform, was denounced as a member of an armed force trying to overawe the legitimate representatives of the people. Public opinion, united, armed, and allied to a significant section of the political elite, had proven capable of forcing through change against London’s wishes. However, the radical segment of a divided public opinion proved incapable of forcing change from the native parliamentary elite supported by the resources of the state and a substantial segment of public opinion. From 1782 onwards, this was the rock on which reform plans foundered.

Legislative independence also proved disappointing. The viceroys rapidly proved able to manage parliament once more. Poynings’ Law was still used, albeit sparingly. Parliamentary management was made easier by the distribution of seats in the Commons. Fewer than 100 of the 300 seats were genuinely open to contest, the rest being pocket boroughs that could be bought and sold. Parliament represented property, not the people as a whole, or even the majority of the political nation. 1782 had not altered this fact. William Drennan lamented the state of Ireland’s ‘helots’. ‘What is the distance between an Irishman and a Freeman? Not less than three thousand miles.’<sup>45</sup> The implication of Drennan’s extremely popular work was that liberty required a democratic republic, free from the corrupting influence of monarchy and aristocracy.

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<sup>44</sup> *The Parliamentary Register; or History of the Proceedings and Debates of the House of Commons of Ireland*, 4 (Dublin, 1785), p.41.

<sup>45</sup> William Drennan, *The Letters of Orellana, an Irish Helot* (Dublin, 1785), p. 11.

Opinion as a whole, however, was determined to protect legislative independence. The British prime minister William Pitt's Commercial Propositions of 1785 for a free trade area between Britain and Ireland were seen as possibly prefiguring a union, and were defeated by vigorous protests in the public sphere. Supporters of both government and opposition saw the Commercial Treaty of 1787 with France, the first to which Ireland was a signatory in her own right, as proof of Ireland's enhanced status. The Regency Crisis of 1788-9, brought about by King George III's mental incapacitation, showed just how highly Irish independence was valued. A major constitutional crisis whereby Britain and Ireland had the same regent with very different powers in each kingdom was avoided only by the king's timely recovery. The Irish parliament's decision to vote the Prince of Wales full powers in defiance of the British parliament's example and the viceroy's wishes was possible only because many government supporters placed the rights of the Irish parliament above their usual interests.

By mid-1789, Irish politics were frozen. The traditional elite was comfortably in control, while the viceroy could generally control parliament. Although the parliamentary opposition was better organised after the formation of the Irish Whig Club in June 1789, and there were signs of life among opposition political activists from further down the social scale, there was no hint that Ireland was about to enter one of the most turbulent and bloody decades in its history, when the whole edifice of the state nearly crumbled under the ideological, political and eventually military assault of secular, republican, revolutionary democrats, nor that legislative independence would end in parliament voting for a union with Britain that ended its existence.

The example, principles and, later, arms of the French Revolution set Irish politics on the path to attempted revolution. A people had freed itself, and set about governing according to the rights of man. Moreover, it was a Catholic people, convincing many Protestants that Catholics

were fit for liberty after all. The Revolution of course passed through different phases – constitutional monarchy, radical democratic republic, terror, expansionist representative republic, military dictatorship – and Irish attitudes adjusted to them. Initially, the Revolution seemed to inaugurate a new era of liberty in human history. It was welcomed across the political spectrum, and some quickly argued Ireland should imitate France. ‘When the people of Ireland see that a nation, which was lately immersed in slavery, are now ably contending for the rights of man, will the Irish ... sit idle’, asked one newspaper in August 1789.<sup>46</sup> Such sentiments divided reformers and supporters of the status quo long before the works of Edmund Burke and Thomas Paine appeared. Liberal reformers saw in the early Revolution the creation of a moderate, enlightened government similar, but superior, to their own. Radicals saw something different. The revolutionary principle of the sovereignty of the nation suggested how society and government could be remodelled in the interests of all the people. This belief motivated the foundation of the United Irishmen in October 1791. Their initial resolutions declared the need for a national government free of English influence, parliamentary reform, and equal rights for all regardless of religion, at a time when ‘the rights of man are ascertained in theory, and that theory substantiated by practice’.<sup>47</sup> Although couched in the language of reform, this would mean stripping the aristocratic elite of its political power and religious privileges – revolutionary change, as their opponents understood perfectly. The French Revolution helped motivate opponents of the status quo to renew their efforts, but they were not simply trying to copy France. They were responding to, and trying to change, Irish social, economic, religious and political conditions.

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<sup>46</sup> *Morning Post; or Dublin Courant*, 15 August 1789.

<sup>47</sup> W.T.W. Tone ed., *Life of Theobald Wolfe Tone*, (Washington, 1826), 1, p.367.

In late 1791, members of the professional and mercantile bourgeoisie seized control of the Catholic Committee from its clerical-aristocratic leadership, and began campaigning more aggressively for political rights. The elite had already considered and completely rejected the idea of change. Reform had been denied after 1782, and an extensive debate in the mid-1780s about the confessional state saw not change but the consolidation of the concept of Protestant Ascendancy (i.e. that church and state must remain Protestant). The outcome of Catholic claims would depend on who could persuade Pitt that their policy was in Britain's interest. London signalled its intentions by supporting the 1792 Relief Act. This, however, did not grant political rights, while the new leaders of the Catholic Committee had been roundly abused by government supporters defending Ascendancy.

In response, the Catholic Committee organised elections on the basis of one man, one vote, to what became known as the Catholic Convention when it met in December 1792. Wolfe Tone, as secretary to the Committee, had been one of its main organisers. Simultaneously, he was also involved in organising a new Volunteer unit with republican insignia modelled on the French National Guard. By late 1792, it was clear Britain and France would shortly be at war. Government, fearful revolution was in the air, moved against the Volunteers, who were effectively suppressed by spring 1793. In 1793, it also brought in a militia act, resulting in massive riots. The Convention Act banned elected assemblies other than parliament, and the Gunpowder Act restricted access to arms and ammunition. The prospect of war led to concessions to public opinion, as well as coercion, partly to make recruitment easier. London bullied its supporters into passing the 1793 Relief Act, which enfranchised Catholics but excluded them from parliament and senior government positions. Thomas Bartlett has neatly

summarised the scale of these changes as ‘the 1793 revolution’.<sup>48</sup> This was defensive modernization, reform to ensure that the aristocratic order as a whole could emerge from the revolutionary wars intact.

Initially, the United Irishmen sought to mobilise public opinion to pressurize the government into reform. They embarked on a programme of mass politicisation, to ‘make every man a politician’.<sup>49</sup> They were supreme propagandists. From 1792 the *Northern Star* was Ireland’s most popular paper, and handbills, songbooks, satires, pamphlets, public demonstrations, clothing, badges, even hairstyles and funerals all promoted their message. Mass politicisation occurred, driven too by interest in France and the Catholic campaign. However, by 1793, United Irish leaders in Ulster had already begun developing an alternative strategy. Having embraced separatism and republican democracy, they began preparations for a potential military conflict. Before their suppression, moves had begun to better organise radical Volunteers into a coherent force, and arms and ammunition were being secretly stored, including several Volunteer cannon. Secret organisations were also being created. In all this, they ran ahead of many of their own members, and of public opinion generally. Propaganda, the effects of the war, the government’s refusal to deliver either reform or Catholic emancipation, sectarian tensions, and the successes of French arms all helped radicalise opinion in the years that followed.

The Defenders, a Catholic secret society originating from sectarian conflict in 1780s Armagh, were spreading rapidly by 1793. Defender ideology varied from person to person. Secular democratic republicanism inspired by America and France could be found alongside, or fused

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<sup>48</sup> Thomas Bartlett, *The Fall and Rise of the Irish Nation: The Catholic Question, 1690-1830* (Dublin: Gill & Macmillan, 1992), ch. 9.

<sup>49</sup> T.A. Emmet ‘Parts of an Essay Towards the History of Ireland’ in W.J. MacNeven, *Pieces of Irish History* (New York, 1807), p.77.

with, social and economic grievances such as high prices and tithes, and outright sectarianism. The prominent Protestant United Irishman James Napper Tandy did not swear to restore 'the true religion that was lost since the Reformation', unlike some of his fellow-Defenders.<sup>50</sup> The Defenders and United Irishmen built on traditions of agrarian popular protest movements like the Whiteboys and Steelboys. Their coalescence in the mid-1790s produced a mass revolutionary underground movement, peaking at perhaps 280,000 men. The United Irish alliance with France, forged during 1796, gave them an invaluable credibility with the populace. The failed attempt at Bantry Bay in December 1796 demonstrated that the French were serious about invasion. Given French victories across Europe, the result of an invasion seemed likely to be a United Irish victory. United Irish recruitment rocketed. The government determined to smash the movement before invasion could occur.

The white terror popularly known as the dragooning of Ulster saw the army unleashed on suspect elements of the populace. The United Irish organisation in Ulster never really recovered, not least from the suppression of the *Northern Star*. Increasingly, loyalists were mobilised. The yeomanry was established before Bantry Bay. Existing sectarian tensions were exploited, with the recently-founded Orange lodges receiving (limited) elite and official patronage. Repressive tactics were employed everywhere. The United Irishmen argued over whether to wait for the French, or strike before the movement suffered further. Having decided to act, they were seriously weakened by arrests and the death of the overall military commander, Lord Edward Fitzgerald. The rebellion that broke out on 23 May 1798 was far from that planned. Many United Irishmen never turned out, while the central strategy of taking Dublin failed from the start. Nor did the French arrive in good time or sufficient numbers. Although the United Irishmen won some significant victories initially, especially in Wexford

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<sup>50</sup> Cited in Jim Smyth, *The Men of No Property* (Basingstoke: Macmillan, 1998), p.113

and, with French help, Connacht, the rebellion was put down relatively easily and quickly. As in the 1690s, the French proved unable to provide sufficient support for their Irish allies, while the rulers of Britain simply could not afford to lose Ireland, and poured whatever resources were necessary into keeping it.

What would a successful United Irish revolution have produced? Monarchy, aristocracy and the church establishment – the three pillars of *ancien régime* European society – would have been abolished and replaced by a democratic, secular republic. Ireland would have been separate from Britain, but under the protection of France. Some of the major grievances of the lower orders, such as tithes, would have been addressed. The lands of the established church and probably of diehard counter-revolutionaries would have been redistributed. Civic and political equality and meritocracy would have replaced the aristocratic social order. In other words, a political and social revolution placing bourgeois revolutionary democrats in power with the support of the lower orders would have occurred. But not all rebels were motivated by this vision. Sectarian violence broke out in several places, most infamously in the burnings at Scullabogue. Some rebels in Connacht claimed to be fighting for France and the Blessed Virgin. Sectarian tensions remained within the United Irish movement, while disagreements about attitudes to France and social reform existed. Nevertheless, revolutionary democracy was the main motivation behind the rebellion.

Around 10,000 died, the overwhelming majority killed by the forces of the state, often away from the battlefield. Lord Cornwallis, dispatched to take over the army and the viceroyalty, defeated the rebels and then instituted a policy of considerable leniency, annoying many local reactionaries.

On hearing of the rebellion, Pitt had raised the need for a union to follow its defeat. Although it had long-term origins, and was part of a Europe-wide pattern of state centralisation, the union of 1800 was a wartime measure, an act of defensive modernisation, comparable to, for example, Prussian reforms after 1806. But it was also the moment when the Protestant elite sacrificed their most prized possession, their parliament, which had for a century seemed the best guarantee that their interests would be protected. Why? In part, Edward Cooke was right when he warned union would have to be ‘written up, spoken up, intrigued up, drunk up, sung up, and bribed up’.<sup>51</sup> Irish politicians drove a hard bargain, rejecting the union at first. Bribery alone, whether in cash, offices or titles, was insufficient to pass the union. At least the illusion of public support had to be secured. Publications were funded, resolutions of support arranged, and Cornwallis toured the country receiving pro-union declarations. Catholics were promised emancipation, while Protestants were promised that as a minority in the new state, Catholics would pose no threat. Ultimately, however, fear passed the union. The Protestant elite feared that without the union they would be vulnerable to another rising, or a French invasion, or both. In the past, their parliament seemed to offer the best security for their lives, their church, their property, and their ascendancy – now union did.

The Protestant elite of 1660 maintained their dominance of land, wealth, society and politics throughout the period. At times it was a close run thing. The Ascendancy class came under greatest threat at times of major international warfare, when French eyes turned towards Ireland and its supportive population. However, war against the Americans and their allies allowed the Ascendancy to reach its zenith, with legislative independence. The quest for greater control was intimately linked to the desire for economic improvement. Economic improvement became a central part of social and political thought, shaping the Irish Enlightenment and

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<sup>51</sup> Quoted in Bartlett, *Fall and Rise of the Irish Nation*, p.257.

patriotism. Concern over the rights of parliament and the desire for improvement facilitated the elite's adoption of an Irish identity, and the rise of public opinion. These concerns also raise the historiographically-vexed question of how to characterise Ireland in this period, as a colony or *ancien régime* kingdom. Ireland's history of colonization is clear, and undoubtedly there were colonial aspects to her government. However, Ireland was recognised as a separate, if for most of the period dependent, kingdom. The often loose and ahistorical use of the colonial model gives further ground for caution. Comparisons with extra-European societies only highlight a fundamental difference. In Ireland, religion was the dividing line and cause of discrimination; unlike skin colour, religion could be changed, and entry to the governing elite secured. Moreover, Irish people of all sorts saw themselves as Europeans, and the colonial model risks ignoring this fact. Other concepts from European history are applicable to the governance of Ireland, particularly composite monarchy, and state centralization. The 1790s, unlike the 1690s, saw large numbers of Catholics supporting the Protestant state against its challengers, a testament to the success of the elite in acquiring acceptance. The 1790s also saw large numbers of Protestants fight the confessional state in the name of revolution, part of a wider struggle in *ancien régime* Europe. Throughout the Atlantic world, economic development, the growth of the public sphere, and developments in social and political thought had created the conditions in which monarchy and aristocracy were under threat. The revolutionary democratic challenge to aristocracy sprang from the middle and lower orders; this was class war, on an international scale. 1798 was the culmination of that struggle in Ireland, though shaped by its particular national and religious circumstances. The union ended one phase of Ireland's constitutional history; the question now became whether it would prove better at managing the tensions caused by the national, religious and class questions.

### Further Reading:

The most detailed narrative is found in the *New History of Ireland*, volume 3 (Oxford: Oxford University Press, 1975) edited by F.J. Byrne, T.W. Moody & F.X. Martin, and volume 4 (Oxford: Oxford University Press, 1986) edited by T.W. Moody and W.E. Vaughan. However, both are severely out of date. David Dickson, *New Foundations: Ireland 1660-1800*, 2<sup>nd</sup> edn. (Dublin Irish Academic Press, 2000) is a fine survey of the entire period. Toby Barnard's *The Kingdom of Ireland, 1641-1760* (Houndmills: Palgrave Macmillan, 2004) provides excellent insight into key themes. Raymond Gillespie, *Seventeenth Century Ireland* (Dublin: Gill & Macmillan, 2006) is essential. Tim Harris, *Restoration* (London: Allen Lane, 2005) and *Revolution* (London: Allen Lane, 2006) place Ireland in a three-kingdoms perspective. S.J. Connolly's masterful *Divided Kingdom* (Oxford: Oxford University Press, 2008) covers the whole period, reiterates the stimulating and controversial arguments expressed in his *Religion, Law and Power* (Oxford: Oxford University Press, 1992) and casts a sceptical eye on the direction of the recent historiography of the 1790s. Ian McBride's *Eighteenth-Century Ireland* (Dublin: Gill & Macmillan, 2009) is an essential, wide-ranging account, and challenges some of Connolly's key arguments. Breandán Ó Buachalla, *Aisling Ghéar* (Baile Átha Cliath, An Clóchomhar, 1996), Éamonn Ó Ciardha, *Ireland and the Jacobite Cause, 1685-1766* (Dublin: Four Courts Press, 2004) and Vincent Morley, *Irish Opinion and the American Revolution, 1760-1783* (Cambridge: Cambridge University Press, 2002) are essential on the history of Jacobitism and Gaelic poetry. Marianne Elliott, *Partners in Revolution: The United Irishmen and France* (New Haven: Yale University Press, 1982) remains the starting point for the 1790s. Jim Smyth, *The Men of No Property* (Basingstoke, Macmillan, 1998), Nancy Curtin, *The United Irishmen* (Oxford: Oxford University Press, 1994) and Keven Whelan, *The Tree of Liberty* (Cork: Cork University Press, 1996) all develop the recent master-theme of popular politicisation. P.M. Geoghegan's *The Irish Act of Union* (Dublin: Gill & Macmillan, 1999) is the most up-to-date account of how the union passed.