

I.

Laws that Isolated and Impoverished the Irish



UNIT I: Laws that Isolated and Impoverished the Irish

PERFORMANCE OBJECTIVES

1. The student will understand that the mass starvation in Ireland resulted from historical and political forces as well as the potato blight itself.

TEACHING/LEARNING STRATEGIES AND ACTIVITIES

A. Students will Examine the laws designed to separate, subjugate and impoverish the native Irish.

Activity 1. Students will read excerpted material from A

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Pocket History of Ireland (p.26-27), The Great Hunger, (p.27-28) "Penal Laws" from The Story of the Irish Race. Students will answer questions following readings and discuss issues.

Activity 2. Students will read excerpted material from A Pocket History of Ireland (p.40-41), the Encyclopedia Americana - International Edition on the economic theory of Laissez Faire and the writings of Thomas Robert Malthus. Students will answer questions following readings and discuss issues.

Activity 3. Students will read "The Destruction of Irish Trade", summarized and excerpted material from The Story of the Irish Race. Students will answer questions following the reading and discuss the issues raised.

INSTRUCTIONAL MATERIAL/RESOURCES

MacManus, Seamus, The Story of the Irish Race, The Irish Publishing Co., New York, 1922

O hEithir, Breandan, A Pocket History. of Ireland, The O'Brien Press, Dublin, Ireland, 1989

Woodham-Smith, Cecil, The Great Hunger; Ireland 1845-1849 Penguin Books, London, England, 1991.

Encyclopedia, Americana, Grolier Incorporated, 1992.

Irish Famine

Unit I

Activity 1

The Statutes of Kilkenny

"So successful was this cultural assimilation that two hundred years after the first invaders arrived the English crown was forced to take severe measures at a parliament which assembled in Kilkenny, the heartland of Norman Ireland, in 1366. Its purpose was to preserve the racial purity and cultural separateness of the colonizers, thereby enabling the English crown to retain control over them.

It is a measure of the adaptability of both the Irish and the Normans that the crown was faced with such a problem. Not only were the Normans militarily superior, but their political, social and religious systems were different from those practiced by the natives. They favored central government, walled land cultivated intensively, inheritance through the first-born male, and large abbeys rather than small monastic settlements; and Norman French was their language. They secured their land by building castles, which functioned first

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as strong-points in the invasion and later as centers of control and power. The native Irish seemed to accept the new way of life as something they could, and had to, live with. Gradually, Gaelic culture prevailed and although the Normans controlled about two-thirds of the country in 1366, military might and political sophistication had not been sufficiently powerful to obliterate the native way of life.

The Duke of Clarence, son of Edward III, presided over the parliament which passed the Statutes of Kilkenny. Their purpose was to prevent further assimilation, by legal and religious penalties. The settlers were forbidden to use the Irish language. They were also forbidden to use Irish names, marry into Irish families, use the Irish mode of dress, adopt any Irish laws and play the Irish game of hurling. The measures were a failure. Gaelicisation had gone too far and by now the native population, having failed to beat the invaders on the field of battle, was in league militarily with the conquerors. By the end of the fifteenth century the English crown ruled only a small area around Dublin, known from its fortifications of earth and wood as 'The Pale' (meaning a fence or boundary). The term has lived on in contemporary politics to describe those who show little understanding of the problems of rural Ireland and whose outlook is conditioned by their metropolitan surroundings."

O hEithir, Breandan, A Pocket History of Ireland, The O'Brien Press, Dublin, Ireland, 1989

Questions for discussion:

- What was the purpose of the Statutes of Kilkenny?
- What would be lost to the English rulers if the Irish and English (Normans) continued to intermarry?
- What do you think the term "Beyond the Pale" meant to an Englishman living in 14th century Dublin?

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Unit I

Activity 1

The Penal Laws

"The Penal Laws, dating from 1695, and not repealed in their entirety until Catholic emancipation in 1829, aimed at the destruction of Catholicism in Ireland by a series of ferocious enactments, provoked by Irish support of the Stuarts after the Protestant William of Orange was invited to ascend the English throne in 1688, and England faced the greatest Catholic power in Europe - France. At this critical moment the Catholic Irish took up arms in support of the Stuarts. James II's standard was raised in Ireland, and he, with an Irish Catholic army, was defeated on Irish soil, at the battle of the

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Boyne, near Drogheda, on July 1, 1690.

The threat to England had been alarming, and vengeance followed. Irish intervention on behalf of the Stuarts was to be made impossible forever by reducing the Catholic Irish to helpless impotence. They were, in the words of a contemporary, to become 'insignificant slaves, fit for nothing but to hew wood and draw water', and to achieve this object the Penal Laws were devised.

In broad outline, they barred Catholics from the army and navy, the law, commerce, and from every civic activity. No Catholic could vote, hold any office under the Crown, or purchase land, and Catholic estates were dismembered by an enactment directing that at the death of a Catholic owner his land was to be divided among all his sons, unless the eldest became a Protestant, when he would inherit the whole. Education was made almost impossible, since Catholics might not attend schools, nor keep schools, nor send their children to be educated abroad. The practice of the Catholic faith was proscribed; sinforming was encouraged as 'an honorable service' and priest-hunting treated as a sport.

Such were the main provisions of the Penal Code, described by Edmund Burke as 'a machine as well fitted for the oppression, impoverishment and degradation of a people, and the debasement in them of human nature itself, as ever proceeded from the perverted ingenuity of man'.

The material damage suffered through the Penal Laws was great; ruin was widespread, old families disappeared and old estates were broken up; but the most disastrous effects were moral. The Penal Laws brought lawlessness, dissimulation and revenge in their train, and the Irish character, above all the character of the peasantry, did become, in Burke's words, degraded and debased. The upper classes were able to leave the country and many middle-class merchants contrived, with guile, to survive, but the poor Catholic peasant bore the full hardship. His religion, made him an outlaw; in the Irish House of Commons he was described as 'the common enemy', and whatever was inflicted on him he must bear, for where could he look for redress? To his landlord, who was almost invariably an alien conqueror? To the law? Not when every person connected with the law, from the jailer to the judge, was a Protestant who regarded him as 'the common enemy'.

In these conditions suspicion of the law, of the ministers of the law and of all established authority worked into the very nerves and blood of the Irish peasant, and, since the law did not give him justice, he set up his own law. The secret societies, which have been the curse of Ireland, became widespread during the Penal period, and a succession of underground associations, Oak Boys, White Boys and Ribbon Men, gathering in bogs and lonely glens, flouted the law and dispensed a people's justice in the terrible form of revenge. The informer, the supplanter of an evicted tenant, the landlord's man,

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were punished with dreadful savagery, and since animals were wealth, their unfortunate animals suffered, too. Cattle were 'clifted', driven over the edge of a cliff, horses hamstrung, dogs clubbed to death, stables fired and the animals within, burned alive. Nor were lawlessness, cruelty and revenge the only consequences. During the long Penal period, dissimulation became a moral necessity and evasion of the law the duty of every god-fearing Catholic. To worship according to his faith, the Catholic must attend illegal meetings; to protect his priest, he must be secret, cunning, and a concealer of the truth.

These were dangerous lessons for any government to compel its subjects to learn, and a dangerous habit of mind for any nation to acquire."

Woodham-Smith, Cecil, The Great Hunger; Ireland 1845-1849 p.27-28
Penguin Books, London, England, 1991. First printing: 1962.

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Unit I

Activity 1

PENAL LAWS

"Professor Lecky, a Protestant of British blood and ardent British sympathy, says in his History of Ireland in the 18th Century that the object of the Penal Laws was threefold:

1. To deprive the Catholics of all civil life

2. To reduce them to a condition of most extreme and brutal ignorance

3. To dissociate them from the soil He might, with absolute justice, substituted Irish for Catholics-and added, (4) to exipirate (cause to expire) the Race.

- The Irish Catholic was forbidden the exercise of his religion.
- He was forbidden to receive education,
- He was forbidden to enter a profession.
- He was forbidden to hold public office.
- He was forbidden to engage in trade or commerce.
- He was forbidden to live in a corporate town or within five miles thereof.
- He was forbidden to own a horse of greater value than five pounds.
- He was forbidden to purchase land.
- He was forbidden to lease land.
- He was forbidden to accept a mortgage on land in security for a loan.
- He was forbidden to vote.

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- He was forbidden to keep any arms for his protection.
- He was forbidden to hold a life annuity.
- He was forbidden to buy land from a Protestant.
- He was forbidden to receive a gift of land from a Protestant.
- He was forbidden to inherit land from a Protestant.
- He was forbidden to inherit anything from a Protestant.
- He was forbidden to rent any land that was worth more than thirty shillings a year.
- He was forbidden to reap from his land any profit exceeding a third of the rent.
- He could not be guardian to a child.
- He could not, when dying, leave his infant children under Catholic guardianship.
- He could not attend Catholic worship.
- He was compelled by law to attend Protestant worship.
- He could not himself educate his child.
- He could not send his child to a Catholic teacher.
- He could not employ a Catholic teacher to come to his child.
- He could not send his child abroad to receive education.

MacManus, Seamus, Story of the Irish Race, Devin-Adair Co., Greenwich, Connecticut, 1979 p.458-459

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Unit I

Activity 1

Questions for discussion:

- What was the purpose of the Penal Laws?
- How was religion used to divide the Irish from the English?
- Why was the education of Catholics forbidden?
- In what sense did an Irish Catholic exist under the Penal Laws?

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Unit I

Activity 2

The Famine

"A terrible national calamity which decimated the population and all but killed the Irish language (the everyday speech in areas ravaged by famine) was now occupying everyone's attention. The great potato famines of 1845-51 reduced the population from 8 million to 6.6 million through starvation, disease and emigration to Britain and America. The Napoleonic war in Europe led to the growth in tillage farming to supply the armies. When it ended in 1815 it had a marked effect on the Irish economy. The potato had become the staple food for most of the rural population, but with the war's end came a change from tillage to pasture. This caused much unemployment and the

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unemployed depended entirely on small patches of sub-divided land to grow enough potatoes to sustain them. The population had increased to 8 million, two-thirds of them depending on agriculture, much of which was at minimal level. When the potato crop was destroyed by blight the result was devastating: the people's only source of food was gone.

Although the government in London was aware of the threatening problem, Ireland was not a major preoccupation and the famine had assumed the proportion of a crisis before schemes were implemented on a large scale. Even when they were it seemed that the crisis was of secondary importance when it came to preserving the economic policies of the day. These policies were based on the principle of non-interference with market forces in economic matters. Although the potato crop failed, the country was still producing and exporting more than enough grain crops to feed the population. But that was a 'money crop' and not a 'food crop' and could not be interfered with. The relief schemes were frequently hastily thought up, and parts of Ireland still contain roads that lead to nowhere in particular - built during the famine. These are known as *boithre na mine* (meal roads) in Irish because a day's work was paid for with imported Indian meal. Other relief schemes were organized by proselytizing Protestants who handed out food accompanied by religious tracts. Some Catholics did convert to the Protestant faith and were promptly christened 'soupers' (from the soup kitchen run by the proselytizers) as a mark of contempt by their stauncher fellow Catholic neighbors.

This disaster, one of the greatest to happen in a European country in peacetime, was a tragic condemnation of the Union. For the dilatory manner in which the crisis was dealt with in London was a result of sheer ignorance. The Times of London wrote the obituary of the Irish nation by writing that soon an Irishman in his native land would be as rare as an American Indian in his."

O hEithir, Breandan, A Pocket History of Ireland, The O'Brien Press, Dublin, Ireland, 1989

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Unit I

Activity 2

"MALTHUS, mal'thes, Thomas Robert (1766-1834), British economist, whose theories of population and food supply had a deep influence on later economists, historians, and demographers. He was born near Guilford Surrey, England, on Feb. 14, 1766, the son of a well-to-do country gentleman. He entered Cambridge in 1784, where he became interested in mathematics. In 1797 he took holy orders and briefly occupied a country parish. After some travel, he was appointed (1805) professor of history and political economy at Haileybury, the college established by the East India Company for its cadets. There he remained for the rest of his life. He died near Bath, England, on

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Dec. 29, 1834.

Malthus' father was of liberal views, a friend of Jean Jacques Rousseau and an admirer of William Godwin and the marquis de Condorcet, all of whom represented the high hopes for social progress associated with the 18th century Enlightenment, the Age of Reason. But the younger Malthus, partly because of his training and partly because the intellectual climate in England had become ultraconservative following the French Revolution, came to opposite and more pessimistic conclusions about the future of mankind. His argument rested on two "postulata"—that food is necessary for existence, and that "the passion between the sexes is necessary and will remain." He asserted that "the human species would increase in the ratio of 1, 2, 4, 8... and subsistence as 1, 2, 3, 4" Thus population growth would be checked by inadequate food supplies, reducing the majority to a bare subsistence.

These views, implying that Nature was destructive of any hope for lessening poverty, and poor relief was self-defeating, were expressed in a short pamphlet, *Essay on the Principles of Population* (1798), which projected him into public attention with a vengeance. Very few works of equal brevity have aroused so much wrath or have been so influential. This attention was the more remarkable since Malthus' ideas were not original (as he admitted) and were based on assertion, not observation. Nevertheless, his argument helped shape public policy for generations, and is even invoked today.

Malthusian population doctrine has generally been used to 'blame the victim'—that is, to support the belief that the ultimate source of poverty is the lack of foresight of the poor. In the first edition of the *Essay*, where the argument was presented with simplistic certainty, the only "checks" on overpopulation were said to be vice and, especially, misery. In later editions he admitted that late marriage would be another check to population. Still later, in his *Principles of Political Economy* (1820), he altered the argument further by relating population growth not directly to food supplies but to increasing employment opportunities. Thus general economic progress would "have a favorable effect upon the poor" if they were industrious and frugal. But it was his first and harshest statement that caught the public eye.

Malthus also popularized or contributed other principles to the new science of political economy. In 1815 he developed a theory of land-rent based on the principle of "diminishing returns." This holds that successive units of productive inputs, such as labor or capital, when applied to a given amount of land, would result in progressively smaller units of output (food).

Diminishing returns reinforces the dismal prospects of his population principle, since it means that as population grows, more and more labor will be needed to produce each unit of food.

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But the argument ignored the effect of scientific agriculture, the opening of new, more fertile lands, and technological progress generally. All of these have increased agricultural output per unit of input and made possible a rising standard of living for a larger population. Besides the "population principle" and "diminishing returns," Malthus conceived the notion that accumulation of capital, the foundation of industrial production, could go forward too rapidly. In that case, he said, too much would be produced, and the market would suffer from a "glut" of unsold goods. Looking at this problem from a conservative view, as he generally did, Malthus found the solution in the exaggerated consumption habits and large numbers of servants employed by the well-to-do landowning class. He asserted that "a body of unproductive consumers was needed to preserve a "balance between produce and consumption."

But, as his great adversary (and friend) David Ricardo saw, England's industrial prosperity in the 1820's required more productive capital—that is, wage-goods as well as factories and machines—and not more unproductive consumers. Ricardo's views, which reflected industrialists' and workers' interests as opposed to landowners', carried the day—all too well in fact, hardening into a dogma that survived for over a century.

Then in 1936, during the Great Depression, Malthus' theory of overproduction and "glut" was rescued from obscurity by John Maynard Keynes, who praised him for having anticipated by over a century the source of depressions. Keynes' theoretical model, like Malthus', was designed to preserve the status quo. Thus, paradoxically, the ideas for which Malthus was best known in his own time have been largely discarded or disproven, while the doctrine least accepted in his day has been raised from the dead, as it were, in modern Keynesianism."

H. John Thorkelson
University of Connecticut

Encyclopedia Americana, Grolier Incorporated, 1992. First printing: 1829

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Unit I

Activity 2

"LAISSEZ FAIRE, le- sa-far', a phrase that epitomized 19th century economic and political philosophy in the English-speaking world. The term usually is translated to mean "leave it (the economic system) alone." It calls for and supports a "hands-off" policy on the part of government. The phrase itself is originally French. The thought behind it, however, is English as well. In the 18th century, great emphasis was placed on natural law throughout Western Europe. It was held that the natural order of things was best designed to produce the most beneficent results for mankind, if man would only leave it

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alone. This spurred investigations in the natural sciences to discover the immutable laws of nature. Philosophically, mankind was urged to accept and follow these laws. In political and economic organization, laissez hire became the accepted policy.

The most vocal arguments in the 18th century came from France. A group known today as the Physiocrats, who called themselves "les économistes," carried the philosophical arguments of natural law into the social field. A French merchant named Legendre is credited with saying in 1680 that if you want to advance commerce and industry "leave them alone" (*laissez faire*). The injunction was directed at the French government of that day, which was stifling industry and trade with excessive regulation. The argument was carried into the political field by the marquis d'Arguesseau, who in 1753 declared that "to govern better, it is necessary to govern less." This point of view found its way into American political philosophy in the form of the Jeffersonian "The least governed are the best governed."

It remained for Adam Smith, the father of modern economics, to provide a definitive philosophical justification for a policy of laissez faire in economic affairs. That was the doctrine of the "invisible hand" propounded in his Wealth of Nations . (1776) The argument ran that people, if left to their own devices and unimpeded by governmental regulation, would conduct their economic activities as if guided by an unseen, invisible hand so as to maximize both their own and their society's economic well-being. This represented an ultimate faith in natural law and in each individual's relation to the natural order.

Practically, a policy of laissez hire meant extreme individualism in economic and political affairs, and a "hands-off" attitude on the part of government. "Free trade," "free enterprise," "rugged individualism," and "free competition", are all phrases that represent laissez hire in action, particularly in the English-speaking world of the 19th century. The freedom so frequently referred to is freedom from all but the minimum amount of governmental intervention.

Laissez faire and the philosophy of natural law from which it emanates are no longer dominant economic forces. In the 20th century, greater emphasis has been placed on mankind stability to master its fate through collective action. Trade unions and manufacturers' associations represent this trend. Governmental intervention or regulation "for the good of all" has in many areas superseded free and untrammled individualism. Laissez faire - now often referred to as the market economy - is now only one of many policies vying for preeminence in the economic affairs of the Western World."

WILLIAM N. KINNARD, Jr.
University of Connecticut

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Encyclopedia Americana, Grolier Incorporated, 1992.

Questions for discussion:

- Should a laissez faire policy have been applied to Ireland during a time when the main food crop of the poor was devastated? In other words, should the market forces of supply and demand be altered during a mass starvation?
- Should the colonial power allow exports of food from a country because greater profits are to be obtained elsewhere?
- If British government officials believed Malthus' theory that population growth is to be halted by inadequate food supplies, and that poor relief was self-defeating, how should they respond to the Irish Famine?
- What if the food supplies in Ireland were adequate, but the poor could not afford them? What should be the policy then?

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Activity 3

The Destruction of Irish Trade

The early Irish were famous for their excellence in arts and crafts, especially for their wonderful work in metals, bronze, silver and gold. By the beginning of the 14th century trading ships were constantly sailing between Ireland and the leading ports of the Continent.

COMPETITION WITH ENGLAND

This commerce was a threat to English merchants who tried to discourage such trade. They brought pressure on their government, which passed a law in 1494 that prohibited the Irish from exporting any industrial product, unless it was shipped through an English port, with an English permit after paying English fees. However, England was not able to enforce the law. By 1548 British merchants were using armed vessels to attack and plunder trading ships travelling between Ireland and the Continent. (unofficial piracy)

ENGLISH MEN, ENGLISH SHIPS, ENGLISH CREWS, ENGLISH PORTS AND IRISH GOODS

In 1571 Queen Elizabeth ordered that no cloth or stuff made in Ireland could be exported, even to England, except by English men in Ireland. The act was amended in 1663 to prohibit the use of all foreign-going ships, except those that were built in England, mastered and three-fourths manned by English, and cleared from English ports. The return cargoes had to be unloaded in England. Ireland's shipbuilding industry was thus destroyed and her trade with the Continent wiped out.

TRADE WITH THE COLONIES

Ireland then began a lucrative trade with the Colonies. That was

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"cured" in 1670 by a new law which forbade Ireland to export to the colonies "anything except horses, servants, and victuals." England followed with a decree that no Colonial products could be landed in Ireland until they had first landed in England and paid all English rates and duties.

Ireland was forbidden to engage in trade with the colonies and plantations of the New World if it involved sugar, tobacco, cotton, wool, rice, and numerous other items. The only item left for Ireland to import was rum. The English wanted to help English rum makers in the West Indies at the expense of Irish farmers and distillers.

IRISH WOOL TRADE CURTAILED, THEN DESTROYED

When the Irish were forbidden to export their sheep, they began a thriving trade in wool. In 1634 The Lord Lieutenant of Ireland, Lord Stafford, wrote to King Charles I: "All wisdom advises us to keep this (Irish) kingdom as much subordinate and dependent on England as possible; and, holding them from manufacture of wool (which unless otherwise directed, I shall by all means discourage), and then enforcing them to fetch their cloth from England, how can they depart from us without nakedness and beggary?"

In 1660 even the export of wool from Ireland to England was forbidden. Other English laws prohibited all exports of Irish wool in any form. In 1673, Sir William Temple advised that the Irish would act wisely by giving up the manufacture of wool even for home use, because "it tended to interfere prejudicially with the English woolen trade."

George II sent three warships and eight other armed vessels to cruise off the coast of Ireland to seize all vessels carrying woolens from Ireland. "So ended the fairest promise that Ireland had ever known of becoming a prosperous and a happy country."

LINEN TRADE REPRESSED

Irish linen manufacturing met with the same fate when the Irish were forbidden to export their product to all other countries except England. A thirty percent duty was levied in England, effectively prohibiting the trade. English manufacturers, on the other hand, were granted a bounty for all linen exports.

BEEF, PORK, BUTTER AND CHEESE

In 1665 Irish cattle were no longer welcome in England, so the Irish began killing them and exporting the meat. King Charles II declared that the importation of cattle, sheep, swine and beef from Ireland was henceforth a common nuisance, and forbidden. Pork and bacon were soon prohibited, followed by butter and cheese.

SILK AND TOBACCO

In the middle of the 18th century, Ireland began developing a silk weaving industry. Britain imposed a heavy duty on Irish silk, but

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British manufactured silk was admitted to Ireland duty-free. Ireland attempted to develop her tobacco industry, but that too was prohibited.

FISH

In 1819 England withdrew the subsidy for Irish fisheries and increased the subsidies to British fishermen - with the result that Ireland's possession of one of the longest coastlines in Europe, still left it with one of the most miserable fisheries.

GLASS

Late in the 18th century the Irish became known for their manufacture of glass. George II forbade the Irish to export glass to any country whatsoever under penalty of forfeiting ship, cargo and ten shillings per pound weight.

THE RESULT

By 1839, a French visitor to Ireland, Gustave de Beaumont, was able to write:

"In all countries, more or less, paupers may be discovered; but an entire nation of paupers is what was never seen until it was shown in Ireland. To explain the social condition of such a country, it would be only necessary to recount its miseries and its sufferings; the history of the poor is the history of Ireland."

CONCLUSION

>From the 15th through the 19th centuries, successive English monarchies and governments enacted laws designed to suppress and destroy Irish manufacturing and trade. These repressive Acts, coupled with the Penal Laws, reduced the Irish people to "nakedness and beggary" in a very direct and purposeful way. The destitute Irish then stood at the very brink of the bottomless pit. When the potato blight struck in 1845, it was but time for the final push.

Summarized from pages 483-492 of:

MacManus, Seamus, The Story of the Irish Race, New York, The Irish Publishing Company, 1922

Irish Famine

Unit 1

Activity 3

QUESTIONS FOR DISCUSSION

- Why did the English wish to have complete control over Irish trade and manufacturing?
- What do you think would be the long-term effects of halting every attempt by a people to export their goods?
- How does this story help us understand how the Irish became

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impoverished enough to live off potatoes?

- Is this kind of governmental interference in trade the opposite of laissez faire?