CHAPTER 1

Between Two Parliaments
Visions of Representation in the Union Debates

> An Union presupposes that when it is completed, the contracting states shall be bound together by the same Constitution, Laws, and Government; and by an identity of interests, and equality of privileges.[1]
>
> Edward Cooke (1798)

> Enter into no treaty of Union with Englishmen. They may hold out to you very fair and flattering promises, but trust them not.[2]
>
> 'Hibernicus' (1799)

To preserve the status quo in Ireland in the aftermath of the 1798 rebellion, Lord Clare, the Irish Lord Chancellor, concluded that the parliament in which he sat in Dublin must be destroyed. Clare was one of the most prominent advocates of a parliamentary union between Ireland and Britain during the 1790s.[3] In an age of French-inspired democratic ideas and the terrifying spectre of revolution spearheaded by the United Irish movement that had recently revealed itself in Ireland, Clare opined that the Irish Protestant 'Ascendancy', the bastion of order and privilege, could only survive as part of a greater British polity. Such a conclusion was reached partly through fear of the Catholic majority in Ireland, enthused by a new political vocabulary of popular sovereignty and civic equality. Advocacy of a parliamentary union with Britain was also an explicit criticism of the nature of Irish governance during the turbulent decades since the 1780s.

Inspired by the American Revolution, the Irish parliament, the representatives of which were restricted only to the Anglican minority, had

[1] [Edward Cooke], *Arguments For and Against an Union, Between Great Britain and Ireland, Considered*, 2nd ed. (Dublin: J. Milliken, 1799), p. 6.

[2] 'Hibernicus', *English Union is Ireland's Ruin! Or an Address to the Irish Nation* (Dublin: James Moore, 1799), p. 25.

[3] For an overview of his career, see Ann C. Kavanaugh, *John Fitzgibbon, Earl of Clare: Protestant Reaction and English Authority in Late-Eighteenth-Century Ireland* (Dublin: Irish Academic Press, 1997).

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asserted its independence in legislative matters in 1782. More than a decade on, Clare sneered at the fallacy of an independent administration that had failed to pacify Irish discontent. The rebellion of 1798 was, he reasoned, as much a product of an ineffective parliament suffering from delusions of grandeur as it was a doctrinaire expression of Irish separatism or republicanism. As Ireland peered into the nineteenth century in the aftermath of the violence of 1798, Clare believed that the country had to choose between two competing conceptions of union: the protection of property, rule by the wise, and the upholding of the Protestant interest through the parliamentary fusion of Dublin and London; or a union of the masses offered by the Society of United Irishmen, which threatened to tear down the traditional structures that governed society. The democratic radicalism of the United Irish movement desired, in Clare's words, 'the grand project of Parliamentary Reform, or in other words, of Anarchy and Democracy'.[4] While the rebellion was suppressed by the state in 1798, Clare was concerned that the revolutionary genie would not go back into the bottle, casting a dark shadow over the Protestant political nation. To maintain its privileges, the shape of representative government had to be reimagined.

Clare's intervention came in the context of a sustained debate over parliamentary union between Ireland and Britain in the aftermath of the rebellion of 1798. Visions of union between the two countries had been articulated periodically since the seventeenth century and appeared to some observers as the logical destination of the journey that had begun with English unions with the Welsh and Scots.[5] Indeed, from a historical perspective, the idea of British-Irish union appears the logical culmination of the process that commenced with formal Anglo-Welsh integration in 1541, via the union between England and Scotland in 1707.[6] But in Ireland, any sense of inevitability about a union with Britain was fiercely contested.[7] At stake were two rival visions of the political status of Ireland.

[4] John Fitzgibbon, *The Speech of the Right Hon. John, Earl of Clare, Lord High Chancellor of Ireland, in the House of Lords of Ireland, on a Motion made by the Earl of Moira, Monday 19 February 1798*, 4th ed. (Dublin: J. Milliken, 1798), pp. 17–19.

[5] James Kelly, 'The origins of the Act of Union: an examination of unionist opinion in Britain and Ireland, 1650–1800', *Irish Historical Studies*, vol. 25, no. 99 (1987), p. 237. James Kelly, 'The Act of Union: its origins and background', in Dáire Keogh and Kevin Whelan (eds.), *Acts of Union: The Causes, Contexts and the Consequences of the Act of Union* (Dublin: Four Courts Press, 2001), p. 49; Douglas Kanter, *The Making of British Unionism, 1740–1848: Politics, Government and the Anglo-Irish Constitutional Relationship* (Dublin: Four Courts Press, 2009), p. 72.

[6] Kelly, 'The Act of Union: its origins and background', p. 49.

[7] John Bew, *The Glory of Being Britons: Civic Unionism in Nineteenth-Century Belfast* (Dublin: Irish Academic Press, 2008), p. 56.

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Unionists promised access to imperial power and commercial prosperity through parliamentary fusion; anti-unionists warned of a surrender to colonial subjugation, invoking the spectre of a sovereign parliament committing political 'suicide'. These competing claims – rooted in Enlightenment theories of sovereignty, practical anxieties about Catholic inclusion, and bitter experience with British economic dominance – revealed Ireland not as a passive recipient of imperial policy, but as a battleground for defining representative government in the age of revolution.

In promoting a union, Lord Clare denigrated the Irish parliament as the seat of a provincial and inferior government, all too eager to bare its teeth in foolhardy assertions of independence from Britain to prove its 'patriotic' credentials. Despite the narrow definition of the Irish political nation as a Protestant one, such was the abysmal record of the Irish parliament that Clare 'should feel most happy to commit my country to the sober discretion of the British parliament, even though we had not a single representative in it'.[8] In Clare's reading, then, British political despotism was preferable to Irish representative vanity. Irish parliamentarians, the gentry, and supporters of the Protestant Ascendancy in Ireland, figures who were brilliantly satirised by Maria Edgeworth in *Castle Rackrent*, thus faced an existential crisis as the eighteenth century drew to a close. Union may have meant many things, but the phrase above all implied the destruction of *their* parliament.

The Edgeworthian Connection: Unionism as Modernity?

When Maria Edgeworth published *Castle Rackrent* in January 1800, the constitutional future of Ireland was still clouded by uncertainty. From the final months of 1798 to the summer of 1800, when the Acts of Union were passed through the Dublin and London parliaments, the arguments for and against abolishing the Irish parliament and transplanting a portion of its representatives to London preoccupied political society in Ireland, triggering lengthy parliamentary discussions and a lively pamphlet war. While Edgeworth's novel preceded the Union, she astutely recognised that change was coming. Her 'Hibernian tale' was a satirised depiction of her own world, the Anglo-Irish landed gentry, albeit through the prism of one family – the slovenly Rackrents – and with a careful temporal positioning through the proclamation that the events of the novel occurred 'before the year 1782'. At the heart of the novel is the vulgarness of Irish life, chiefly

[8] Fitzgibbon, *Speech ... on Monday 10 February 1800*, p. 58.

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through the rank abuses of the Protestant aristocracy and the illiteracy of the Catholic peasantry. Completed in the context of a wider political discussion concerning the future of Irish government, the story's central motif was the need to recalibrate the 'national' in Ireland to politically incorporate – and improve the condition of – the Catholic majority. This made *Castle Rackrent* an important intellectual intervention at a sensitive time. It positioned union as an enlightenment project, founded on the principles of moral and social improvement, the most logical vehicle to usher in the age of rationality to Ireland.[9] But 'union' implies a two-way direction of travel, and Edgeworth humorously cast doubt on *which* national character, Irish or British, would be most transformed through exposure to the other: 'Did the Warwickshire militia [who were stationed in Ireland during the 1790s] . . . teach the Irish to drink beer, or did they learn from the Irish to drink whiskey?'[10] Will Irish representatives bring enlightenment *to* Ireland, or poison the well of the imperial machine?

Several months after the publication of *Castle Rackrent*, Maria's father, Richard Lovell Edgeworth, was tormented by doubt about the political future of Ireland. A member of the Irish parliament only since 1798, Richard Edgeworth struck an unusual figure within Dublin political society. While he was the head of a landed estate in County Longford, Edgeworth was a progressive landlord, staunchly opposed to the absenteeism that blighted Irish rural life, and interested in the latest agricultural techniques. He was attracted to the radical educational thinking of Jean-Jacques Rousseau, which emphasised the importance of instilling the unselfish values of citizenship into young children, in order to prepare them for political – and, more to the point, republican – society.[11] He published several books on aspects of education, including a primer on how the young can enjoy poetry.[12] Edgeworth was half-English: his early life was spent in England, but the family moved to Ireland in 1782. Maria was constantly by her father's side as he travelled throughout his estate, experiencing the manners and customs of the Irish peasantry at first hand. The Edgeworths personified a latent unionism that straddled the two islands, which desired a greater role for the positive – and, more precisely, rational – influence of Britain in Irish cultural and intellectual

[9] Michael Brown, *The Irish Enlightenment* (Cambridge, MA: Harvard University Press, 2016), p. 466.
[10] Maria Edgeworth, *Castle Rackrent*, ed. George Watson (Oxford: Oxford University Press, 2008; first published 1800), p. 97.
[11] Richard Lovell Edgeworth, *Memoirs of Richard Lovell Edgeworth, Esq.: Begun by Himself and Concluded by his Daughter, Maria Edgeworth*, 2 vols. (London: R. Hunter, 1820), i, p. 177.
[12] Richard Lovell Edgeworth, *Poetry Explained for Young People*, new ed. (London: R. Hunter, 1821).

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life. But the unionism of Richard Edgeworth was complex. 'I am a unionist', he confided to a friend after a particularly gruelling session in the Irish parliament in March 1800, 'but I vote and speak against the union now proposed to us'.[13]

The dilemma faced by Richard Edgeworth illuminates the ambiguous nature of the union debate and, indeed, the measure itself. Edgeworth may have been a self-professed unionist, but tensions inherent within nascent unionism came to the surface in his contributions to the debate in the Irish parliament. Edgeworth reflected that 'We are fond of imitating the British Constitution', but 'ours is but an imperfect imitation of it'. With a union, however, there is no need to rely on an imitation: 'we may have the original'. Given the inability of the Irish parliament to ameliorate itself – most glaringly in its continuing hostility to Catholic representation and wider franchise reform – Edgeworth reasoned that union might prove the only way to 'improve our present Constitution'.[14] Union offered, in other words, a path to parliamentary reform. Here, Edgeworth ironically echoed Clare and Lord Castlereagh, the latter the most fervent Irish champion of union, both of whom conceptualised the disenfranchising of the Irish boroughs in a newly merged parliament as a definite – and final – act of reform. Castlereagh couched the union as a progressive measure that offered constitutional change while securing political safety, ensuring such a measure was a reasoned reply to the question of parliamentary reform.[15]

Edgeworth agreed with the sentiment of change, but not Castlereagh's decidedly modest interpretation of reform. Edgeworth stressed the potential transformative impact of union on the public face of Irish politics, hypothesising that a reduction in the number of Irish members of parliament would 'weaken the force of aristocratic influence in elections', as fewer seats implied a more determined challenge from the 'popular power'.[16] He placed parliamentary representation at the heart of his contribution to the union debate. While he spoke the language of reform

[13] Richard Lovell Edgeworth to Dr Robert Darwin, 31 March 1800, in Edgeworth, *Memoirs of Richard Lovell Edgeworth*, ii, p. 252.

[14] Richard Lovell Edgeworth, *The Substance of Three Speeches, Delivered in the House of Commons of Ireland, February 4, March 6, and March 21, 1800, Upon the Subject of an Union with Great Britain* (London: R. Johnson, 1800), p. 5.

[15] Lord Castlereagh, *The Speech of the Right Hon. Lord Viscount Castlereagh, Upon Delivering to the House of Commons of Ireland, His Excellency the Lord Lieutenant's Message on the Subject of an Incorporating Union with Great Britain, with the Resolutions Containing the Terms on which it is Proposed to Carry that measure into Effect, 5 February 1800* (Dublin: J. Milliken, 1800), pp. 33–4. See John Bew, *Castlereagh: Enlightenment, War and Tyranny* (London: Quercus, 2011), p. 143.

[16] Edgeworth, *Substance of Three Speeches*, p. 8.

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in challenging aristocracy and desiring commercial and trading interests inside parliament, his argument was also conditioned by the peculiar Irish setting. The 'true cause' that called for 'strong measures to restore us to security' was religious division, 'the real cause of all our evils'.[17] Deep-rooted sectarianism and the spectre of rebellion was the dual inheritance of Irish statesmen in Edgeworth's age, and he believed the political classes lacked the acumen and imagination to confront the problem, most obviously in the collective inability to bury the last of the penal laws by permitting Catholics into parliament. Instead, 'the force of England' was needed as a restrainer of the acrimony that permeated Irish political life. The *removal* of self-government would lessen the burdens on the Irish political classes, who stubbornly remained unrepresentative of majority opinion, while shielding them from the rancour that a religiously defined oligarchy inevitably produced. If nothing else, union held out the hand for 'the revival of better passions' in Ireland by the potential dilution of Irish grievances within a larger polity. Given the history of Irish domestic quarrels, Edgeworth believed that parliamentary independence – the concept stressed by anti-union champions of the 1782 constitution, which retracted the British right to enact laws over Ireland – was an intoxicating illusion. 'So long as the property of this country requires protection from Great Britain, we cannot be independent', he asserted. The failure to incorporate the various religious groupings into mainstream political life in Ireland ensured that the only progressive vision of the future centred on a legislative tie to the greater power across the Irish Sea.[18]

In highlighting the Irish parliament's refusal to reform itself, especially the continuing lack of Catholic representation, Edgeworth provided a coherent rationale for union. He was deeply sympathetic to the cause of unionism and offered a progressive case for union as a measure of parliamentary reform. Despite this, Edgeworth voted against the measure when it was introduced in the House of Commons in Dublin. Maria recalled that when her father rose to address the Irish parliament on the subject of union in 1800, he was uncertain as to the correct course of action, and only voted against the measure because of the scale of hostile speeches made by 'the men of sense and property in the nation'.[19] But this reading downplayed the extent of Edgeworth's criticism of the proposal, if not the principle, of union. He believed that equality should underpin any future constitutional connection between the two ancient kingdoms, but realised

[17] Ibid., p. 13. [18] Ibid., pp. 13–15.
[19] Edgeworth, *Memoirs of Richard Lovell Edgeworth*, ii, p. 244.

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that the proposals for legislative union in 1800, as presented to the Irish parliament, were not sufficiently anchored in the ideal of partnership. '[E]verything which can be an object of Legislative exertion', he proclaimed, 'must be upon a perfect footing of equality'.[20] As it was, Edgeworth read the proposals as the burdening of Ireland with the rapidly accruing British war debt in a disproportionate and unfair manner. This was not the basis for equality between the two kingdoms: Edgeworth believed that the debt question would be the harbinger of a broader pattern of British dominance over Ireland, disguised behind the discourse of partnership.

This threat was amplified by the hostility to combining union with parliamentary reform. While Edgeworth pointed to Irishmen who flourished in Britain, such as Edmund Burke, Isaac Barré, and Richard Brinsley Sheridan, he questioned the general effectiveness of Ireland's representatives in London under the existing franchise. He suggested that William Pitt should combine union with reform by 'lopping off 100 English borough Members', thus producing Edgeworth's representative ideal, a 'considerable majority of county and city Members'. Union would have a restorative impact if accompanied with reform; this was the method, as Edgeworth colourfully put it, to 'pour better blood into the veins of the British Constitution, while an equal quantity of what was corrupted, was drawn out by another channel'.[21] For Edgeworth, union in itself was not the answer to the broader question of representative government. There was little point in sending Irish members to an unreformed imperial parliament that excluded mercantile and modern commercial interests: reform was needed alongside union to create a modern state deserving of both countries within it. He concluded sourly that the proposed measure fell far short of this ideal: 'We are to have alterations without improvements, and change without reform'.[22]

Just as Maria Edgeworth's *Castle Rackrent* was an appeal to liberate Ireland from its past,[23] so too did Richard Edgeworth's conceptualisation of union rest on a decidedly modernist ideal, stripped of historical sentiment. He drew on arguments rooted in the principles of national sovereignty, parliamentary reform, and political economy. At the heart of his contribution was a deep-seated concern for how Irish interests would be represented in a unified parliament. In an unreformed Westminster that maintained the existing number of British members but reduced the incoming Irish members to around 100, Edgeworth judged that Ireland

[20] Edgeworth, *Substance of Three Speeches*, pp. 18–19. [21] Ibid., pp. 6, 8. [22] Ibid., pp. 39–40.
[23] Brown, *Irish Enlightenment*, p. 467.

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would not enjoy the benefits of representative government. Edgeworth believed that the British and Irish 'Constitutions are founded upon representation', but this principle was warped by the aristocratic stranglehold over power.[24] Edgeworth was prepared to support union only if such a measure won '*the consent of the nation*', but this was structurally impossible to secure in a political system that retained a narrow franchise.[25] Without explicit consent, union would be nothing less than an act of submission, which threatened to poison the well of British-Irish relations. Given the widespread animosity towards union from the propertied class and wider public opinion, Ireland's representatives, in Edgeworth's reading, had no choice but to reject it. Failure to oppose union, he reasoned, was a derogation of political duty.

To Edgeworth's chagrin, however, the incorporating union passed through the Irish parliament. The promise of improving security through strengthening the British-Irish connection in the face of a menacing international and domestic Jacobinism was a powerful incentive to ditch the Dublin legislature.[26] The 'compensation' to disenfranchised borough representatives that Castlereagh mentioned turned out to be a euphemism for bribes and rewards to support the union.[27] Parliamentary acts to clear the way for union were passed simultaneously in London and Dublin during the summer of 1800. The anti-unionists were horrified: rather than watch the indignity at first hand, Richard Edgeworth joined a walkout of most of the opposition from the House, never to return to College Green.[28] The eight articles of the Act of Union between Great Britain and Ireland came into effect on 1 January 1801. On that day, the two kingdoms of Britain and Ireland were united under one common legislature. Dublin lost its parliament, and 100 Irish members, several of whom had been staunchly in the anti-union camp, took up their seats in the newly unified parliament in London.

Sabines and Romans

The passing of the Union is typically depicted as a high political tale, centring on the drama in the two parliaments and on key figures driving

[24] Edgeworth, *Substance of Three Speeches*, p. 21. [25] Ibid., pp. 32, 48. Emphasis in original.
[26] James Kelly, 'The failure of opposition', in Michael Brown, Patrick M. Geoghegan, and James Kelly (eds.), *The Irish Act of Union: Bicentennial Essays* (Dublin: Irish Academic Press, 2003), p. 128.
[27] S. J. Connolly, *Divided Kingdom: Ireland 1630–1800* (Oxford: Oxford University Press, 2008), p. 492.
[28] Patrick M. *Geoghegan, The Irish Act of Union: A Study in High Politics, 1798–1801* (Dublin: Gill & Macmillan, 1999), p. 116.

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the project, such as the Prime Minister, William Pitt; the Lord Lieutenant for Ireland, Lord Cornwallis; and the Chief Secretary, Lord Castlereagh.[29] As a result, the details of how the Union became law are well known, but rather less understood are the competing constitutional visions of representative government that were debated at the time.[30] Broadly speaking, advocates of union made the case that Irish representatives would be empowered in London through access to imperial networks, shifting Ireland from the periphery to the centre of the empire. Anti-unionists, by contrast, stressed that a parliament in Dublin provided local accountability (often ignoring the exclusively Anglican nature of the parliament), and that Irish MPs in Westminster would have little influence over policy matters. This was, therefore, primarily an exchange concerning the nature of representative government.

The debate spilled out of parliament from the second half of 1798, with a dramatic upsurge in pamphlet material. Some 300 pamphlets were published between 1798 and 1800 on the question of union, the majority of which sided with anti-unionism.[31] The prospect of union carried existential hopes and fears for the future of Ireland, and thus engaged many people formally outside of the political elite. The pamphlet wars also suggest the contemporary importance placed on mobilising public opinion: unionism and anti-unionism needed legitimacy in the form of ideas and popular support.[32] While the financial and patronage corruption that underpinned the passage of the Union is well known, the importance of the vast sums set aside by the British government for propaganda work is underappreciated: that there was a secret service fund to hire writers, publish a plethora of pro-union materials, and potentially arrange for the wholesale purchase of opposition pamphlets to destroy them, tells its own story about the centrality of public opinion and debate.[33]

[29] Geoghegan, *Irish Act of Union*; and G. G. Bolton, *The Passing of the Irish Act of Union: A Study in Parliamentary Politics* (Oxford: Oxford University Press, 1966). A brilliant recent revision of the high political drama is Bew, *Castlereagh*.

[30] Kanter, *Making of British Unionism*, p. 98.

[31] W. J. McCormack, *The Pamphlet Debate on the Union between Great Britain and Ireland, 1797–1800* (Dublin: Irish Academic Press, 1996), p. 10; James Kelly, 'Popular politics in Ireland and the Act of Union', *Transactions of the Royal Historical Society*, vol. 10 (2000), p. 266.

[32] Jim Smyth, 'The Act of Union and "public opinion"', in Smyth (ed.), *Revolution, Counter-Revolution and Union: Ireland in the 1790s* (Cambridge: Cambridge University Press, 2000), p. 153; James Stafford, *The Case of Ireland: Commerce, Empire and the European Order, 1750–1848* (Cambridge: Cambridge University Press, 2022), pp. 141–2.

[33] Patrick M. Geoghegan, '"An act of power & corruption"? The Union debate', in John Gibney (ed.), *The United Irishmen, Rebellion and the Act of Union, 1791–1803* (Barnsley: Pen & Sword Books, 2018), p. 125.

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Edward Cooke's innocuous sounding pamphlet, *Arguments For and Against An Union* appeared in the winter of 1798, kickstarting the war of ideas. Cooke was a talented English undersecretary at the Civil Department in the Irish administration.[34] Once William Pitt's preference for union became publicly known after the outbreak of rebellion in the early summer of 1798, Cooke identified that hostility to the idea in Ireland, not least from its ruling class, was a potential barrier to success.[35] He believed that union would only become a legislative reality if it were 'written up, spoken up, intrigued up, drunk up, sung-up and bribed up'.[36] Towards the end of 1798, he turned to the 'write up' himself by publishing anonymously his pamphlet. Despite its seemingly impartial title, *Arguments* presented a sustained case in favour of unifying the parliaments of Ireland and Great Britain. The pamphlet offered a coherent pro-union case, chiming with, and solidifying, much of Pitt's legislative thinking. Cooke anticipated many aspects of the union debate as it unfolded throughout 1799 and 1800, such as the competency of the Irish parliament to consent to incorporation with London and the question of Catholic inclusion into the political nation. But while *Arguments* sketched out a vision for union, its publication unintentionally gave anti-union writers a direct target, and they did not hesitate in joining the literary firing line in what became the most intense pamphlet war in Ireland since the early years of the French Revolution.

Cooke's underlying message was that union between Ireland and Great Britain promised a partnership of equals, bound by the same constitution, laws and government. Union was not subjection; the two countries would be tied together in a state of healthy interdependence. Given the obvious power imbalance in existing British-Irish relations, Cooke aimed to whet the appetites of his Irish readers, who had, in his reading, much to gain from a union with the stronger country:

> Equal liberty. Equal privilege with the people of Great Britain, guaranteed by a Parliament composed from the Representatives of both kingdoms, and upheld by the power of all the subjects of the two islands; in short, the consolidation of Great Britain and Ireland in one kingdom, with one Constitution, one King, one Law, one Religion, can never be the ruin of Ireland. It widens the foundation of our liberties.[37]

[34] Bew, *Castlereagh*, p. 110.
[35] Mansergh, 'The Union and the importance of public opinion', in Keogh and Whelan (eds.), *Acts of Union*, p. 127.
[36] Kelly, 'Popular politics', pp. 264–5.
[37] [Cooke], *Arguments*, p. 54.

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It was a calculated appeal to Irish political pride. The Patriot campaign for Irish parliamentary independence, led by Henry Grattan and Henry Flood in the 1770s and 1780s, was based on the belief that Ireland should have the same (post-1688) constitution as Britain. In essence, this meant that just as the British parliament was subject to no higher legislative authority, the same principle should apply to the representatives of the Irish political nation.[38]

This idea was immensely influential within Irish political thought. For Patriots such as Grattan, Whigs such as Burke and, indeed, later advocates of Irish self-government, such as Daniel O'Connell and John Redmond, the British constitution was, in the words of the astute commentator, Stephen Gwynn, 'a kind of Holy Writ, marking the highest point of political achievement'.[39] Cooke fully understood this impulse: his case for union was constructed on an appeal to the very sentiment that achieved the constitution of 1782. But while Ireland may have secured an independent legislature, Cooke queried the calibre of the representatives that sat in it, suggesting that they were directed by the 'Cabals of British Party'. Given that the case for Irish legislative independence was founded on mirroring the British constitution, Cook asked the obvious question: 'might it not be a measure of wisdom to incorporate the Parliaments together, and that Ireland should accept the same Guarantee for its Liberty and Prosperity, as satisfies the people of England?'[40]

Certainly, this rationale had wider purchase. William Cusack Smith, an Irish lawyer and MP, in a public letter to Henry Grattan, stressed that union with Great Britain represented the ultimate realisation of the constitution of 1782, not its destruction. Irish representatives would be formally incorporated into the very British constitutional model that the Patriots advocated, completing the logic of 1782.[41] Smith, *pace* Grattan, believed that union did not imply the 'surrender' of political rights, as 'a legislative incorporation would leave the principles of the Irish Constitution unimpaired'.[42] He minimised the sense of disruption that union implied by suggesting that 'Union does not take away our Parliament: it merely

[38] Stephen Small, *Political Thought in Ireland, 1776–1798: Republicanism, Patriotism and Radicalism* (Oxford: Oxford University Press, 2002), p. 46.
[39] Stephen Gwynn, *Henry Grattan and His Times* (Dublin: Browne and Nolan Ltd., 1939), p. 106.
[40] [Cooke], *Arguments*, p. 14.
[41] William Cusack Smith, *Letter to Henry Grattan, Esq., MP* (Dublin: Marchbank, 1800), p. 23.
[42] William Cusack Smith, *The Substance of Mr William Smith's Speech on the Subject of a Legislative Union Between this Country and Great Britain, Delivered in the House of Commons, Thursday, January 24th, 1799, and now Reduced to the Form of an Address to the People of Ireland*, 2nd ed. (Dublin: Marchbank, 1799), p. 18.

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changes the residence of that body'.[43] Maurice Fitzgerald, the Knight of Kerry, concurred, telling the Irish House of Commons in 1799 that as Irish political rights were affirmed by 'the law of England', union copper-fastened the existing constitutional condition.[44] The notion that union 'preserved' Irish sovereignty by transferring it to a larger polity became an important feature within a number of unionist pamphlets.[45]

While Cooke's *Arguments* rejuvenated unionism within Irish political debate, it served as the rallying call for the articulation of the anti-union position. For Charles Kendal Bushe, the distinguished lawyer and outspoken critic of union, Cooke's pamphlet was 'the most audacious, profligate, and libellous production', a scandalous publication designed to 'insult the feelings of a nation'.[46] Richard Jebb, another lawyer and former friend of Theobald Wolfe Tone, attacked Cooke's conceptualisation of union as 'a wound in our national pride', which threatened to transform 'a powerful, growing kingdom to a small and petty member of the Empire'.[47] The language adopted by Bushe and Jebb gave the impression that the anti-unionist argument was founded simply on emotion.[48] Such a reading, however, overlooks the political and theoretical content of their contributions. While there was certainly not a unity of purpose within the anti-unionist ranks (a point that seriously weakened the cause),[49] there was a broad consensus that self-government was the greatest symbol of liberty that a political nation can possess. While some opponents of Cooke and the unionist programme criticised the unrepresentative nature of the Irish parliament, not least its exclusion of Catholics, the *right* of that parliament to continue to legislate was fiercely upheld.[50]

This line of thought united the various wings of Irish anti-unionism. While there were multiple arguments made against a legislative union,

[43] William Cusack Smith, *Review of a Publication, Entitled*, The Speech of the Right Honourable John Foster, Speaker of the House of Commons of Ireland; *in a Letter, Addressed to Him by William Smith, Esq.*, 2nd ed. (Dublin: Marchbank, 1799), p. 36.

[44] *A Report of the Debate in the House of Commons of Ireland, on Tuesday and Wednesday the 22nd and 23rd of January, 1799, on the Subject of an Union* (Dublin: James Moore, 1799), p. 17.

[45] For example, 'A Barrister', *Letters on the Subject of Union, Addressed to Messrs Saurin and Jebb, in which Mr Jebb's* "Reply" *is Considered* (Dublin: J. Milliken, 1799), p. 7; Anon., *A Loyal Subject's Thoughts on an Union between Great Britain and Ireland* (Dublin: J. Milliken, 1799), p. 28.

[46] [Charles Kendal Bushe], *The Union: Cease Your Funning, or the Rebel Detected*, 4th ed. (Dublin: James Moore, 1798), p. 44.

[47] Richard Jebb, *A Reply to a Pamphlet, Entitled*, Arguments For and Against a Union (Dublin: William Jones, 1798), p. 20.

[48] McDowell, *Irish Public Opinion,* 1750–1800 (London: Faber and Faber, 1944), pp. 210–11.

[49] Kelly, 'The failure of opposition', p. 128.

[50] Joshua Spencer, *Thoughts on an Union* (Dublin: William Jones, 1798), p. 21.

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cutting across issues such as security, political economy and local responsibility, a common denominator was the centrality of the College Green within the political psyche of the anti-unionists. From this perspective, Ireland possessed and cherished separate constitutional rights from Britain: the idea that the Irish would surrender its parliament was insulting.[51]

Cooke attempted to reassure readers that Irish incorporation into the British state would not imperil the political status of Ireland. He drew a parallel with ancient Rome's foundation myth concerning the Sabines and Romans, which he believed provided a historical case study of the fusing of two peoples (and states). He suggested that the Sabines 'united' with the Romans to enhance 'their liberty, their happiness, and their power'.[52] The Romans-Sabine trope had a longer history, going back to Grotius's *On the Law of War and Peace* (1625). Daniel Defoe deployed the analogy during the English-Scottish union debate, suggesting that integration into the Roman state inferred equal rights to the incorporated peoples.[53] Given the pedigree of the comparison, Cooke seemed to be on firm ground; but it quickly provoked a hostile response. Where Cooke (like Defoe) saw the extension of rights, opponents saw the pretext for exploitation and domination. For anti-unionists such as Isaac Burke Bethal, the historical precedent for union lifted the veil on the implicit imperialism underpinning British intentions. Critics seized on the more brutal aspects of the analogy, chiefly the rape of the Sabine women by the Romans. A popular ballad from 1798 mocked Cooke's classical reference:

> The Clerk [Cooke] he informs us the Romans and Sabines,
> United, some thousands centuries ago?
> But the latter rememb'ring the flames of their cabins,
> And rapes of their daughters, would fain have said no.[54]

It was indeed a misguided analogy, as it generated more heat than light. Pemberton Rudd asserted chillingly that 'Roman greatness' was constructed on the eradication of the 'very name of Sabine'. Nevertheless, 'if the Author *will* have Sabine history', Rudd carped, 'why did he forget to hint at the fate of Sabine Tatius?'[55] Titus Tatius was the king of the

[51] 'Hibernicus', *English Union is Ireland's Ruin!*, p. 6.
[52] [Cooke], *Arguments*, p. 7.
[53] Laurence Dickey, 'Power, commerce and natural law in Daniel Defoe's political writings, 1698–1707', in John Robertson (ed.), *A Union for Empire: Political Thought and the Union of 1707* (Cambridge: Cambridge University Press, 1995), pp. 88–9.
[54] *A New Song: Billy Pitt & The Union* (Dublin, 1798), Broadside Ballads Online, Bodleian Library, Oxford, http://ballads.bodleian.ox.ac.uk/search/roud/V8767 [last accessed 3 November 2023].
[55] Pemberton Rudd, *An Answer to the Pamphlet Entitled* Arguments For and Against an Union*, in a Letter Addressed to Edward Cooke* (Dublin: J. Milliken, 1799), pp. 9–10. Emphasis in original.

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Sabines; he was co-opted as joint ruler of the expanded Roman kingdom following the Sabine war but was murdered a few years later. After his death, the Roman king, Romulus, assumed sole authority once again. Would-be 'Sabines' in Ireland, warned Rudd, should bear in mind the denouement of Cooke's ancient precedent.

A principal component of the anti-unionist platform was the belief that incorporating union would result in Irish servitude, not equality with the more powerful partner. This was the essence of the contributions made by writers as diverse as the United Irish radical William Drennan, the Patriot Henry Grattan, and the loyalist William Saurin.[56] The speaker of the Irish parliament, John Foster, professed to admiring Britain and British values, but was 'not ready to give up the Irish character' of high politics in Dublin.[57] The anti-unionist outrage at the potential encroachment of Irish liberties by Britain sprang from an inherent belief in the independence of the constitutional tradition in Ireland. Barry Maxwell, the first Earl of Farnham, held up the 'solemn recognition of her independent legislative power' in 1782 as Ireland's 'Magna Charta'.[58] The parliament in Dublin was a guarantor of liberty, as freedom was bound up with self-government. The union threatened to strip Ireland of its 'Magna Charta' and, as such, was condemned by anti-unionists as foreshadowing a new age of unresponsive government at best, or political slavery at worst. Given British parliamentary arithmetic, Farnham did not believe that transferring a portion of the Irish parliament to London in the aftermath of a union represented a continuance of self-government (as Cooke asserted), given that Ireland's MPs would be outnumbered by English and Scottish members. He argued that Ireland's lack of influence in shaping the future legislative agenda within a unified state would be so insurmountable that the Irish might as well not have any representation in London at all.[59] If there were a clash between representatives of Britain and Ireland in a

[56] William Drennan, *A Letter to the Right Hon. William Pitt* (Dublin: James Moore, 1799), p. 4; Henry Grattan, *An Answer to a Pamphlet Entitled*, The Speech of the Earl of Clare, on the Subject of a Legislative Union, Between Great Britain and Ireland, 5th ed. (Dublin: J. Moore, 1800), p. 6; William Saurin, *An Accurate Report on the Speech of William Saurin, Esq., in the Irish House of Commons, on Friday, the 21st of February, 1800, on the Question of a Legislative Union with Great Britain* (Dublin: J. Moore, 1800), p. 22.

[57] John Foster, *Speech of the Right Honourable John Foster, Speaker of the House of Commons of Ireland, Delivered in Committee, on Thursday the 11th Day of April, 1799* (Dublin: James Moore, 1799), p. 67.

[58] Right Hon. Barry, Earl Farnham, *An Examination into the Principles Contained in a Pamphlet, Entitled* The Speech of Lord Minto*, with some Remarks upon a Pamphlet, Entitled* Observations on that Part of the Speaker's Speech which Relates to Trade (Dublin: James Moore, 1800), p. 37.

[59] Ibid., p. 10.

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post-union parliament, Thomas Goold told listeners at a debate of the Irish bar in December 1798, the British interest would inevitably triumph, not because it was inherently correct, but simply because it had weight of numbers.[60] William Saurin, the most distinguished Irish lawyer on the anti-union side, cynically concluded that the fusion of the two parliaments was intended to reassert 'the supremacy of the British legislature' and to reduce Ireland to a 'province' within a multinational state. This reduction in status would deprive Ireland of meaningful representative government.[61]

The vast bulk of the pamphlet material generated during the union debate was hostile to the proposed British connection. The case for union, while not as voluminous as its counterpoint, was, however, diffuse, but at heart it concerned the question of representation. Rebuffing the anti-unionist argument that the reduction of Irish representatives in a union state – the 300 MPs in College Green would become 100 MPs in Westminster – inevitably diminished Irish influence, unionists pressed the case that the *quality* of representation in London would be dramatically enhanced. The insular corruption of the existing Irish representative system, with its low-calibre members, rotten boroughs, and closed franchises, would terminate when Ireland's political centre turned towards London.[62] Another critical argument ran that Irish MPs would not sit in London as MPs *for* Ireland, because the competing regional interests would melt away in the face of the affairs of the greater imperial whole. The 'respectable representatives for Great Britain' would be as responsible for Ireland as Irish MPs.[63] William Johnson, a pro-union barrister, concurred, suggesting that if Irish affairs were governed by the same principles as the British applied to their concerns, political representation would be more effective in Westminster. He developed Cooke's idea of one common governing principle within the larger polity, stressing that in the new state, 'there cannot be one law for Ireland, and another for the rest of the united kingdoms'.[64] Experience would painfully disprove this point.

If a union held the promise of enhancing the quality of representative politics in Ireland, the proposed constitutional framework offered the

[60] *A Report of the Debate of the Irish Bar, on Sunday, the 9th of December, 1798, on the Subject of an Union of the Legislatures of Great Britain and Ireland* (Dublin: J. Moore, 1799), p. 43.
[61] Saurin, *An Accurate Report*, p. 22. [62] Edgeworth, *Substance of Three Speeches*, p. 8.
[63] Archibald Redfoord, *Union, Necessary to Security: Addressed to the Loyal Inhabitants of Ireland* (Dublin: J. Archer, 1800), p. 47.
[64] 'A Barrister' [William Johnson], *Letter to Joshua Spencer, Esq., Occasioned by his* Thoughts on an Union (Dublin: John Archer, 1798), p. 32.

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alluring goal of addressing Catholic exclusion from the Irish political nation. Unionist writers were divided in their view of Catholic Emancipation, ranging from vocal advocacy to an existential dread of its inevitability. Regardless of perspective, the idea commonly floated was that with Ireland part of a larger, firmly Protestant, polity, the denominational Irish majority could be 'safely' brought into the political nation.[65] While the Irish parliament mirrored its British counterpart in slowly undoing the vestiges of the penal laws (a Catholic Relief Act was passed in Dublin in 1793, for example, which relieved a limited number of social and economic disabilities), there was little sign that full political emancipation was on the cards. One pamphleteer dismissed the 'independence' that the anti-unionists feted, given that political rights were denied to the majority of the population under the constitutional settlement of 1782.[66] This was the state of affairs that Edmund Burke sought to puncture in his *Letter to Sir Hercules Langrishe* in 1792, which appealed to British constitutional reasoning to alter the political position of Catholics in Ireland. Burke argued that in a mixed constitution with a popular component, it was not politically feasible to exclude the majority of the population from the rights of citizenship, as to do so was to undermine the idea of a commonwealth.[67] Burke made the distinction that Catholics were not excluded from the '*state*', but from '*the British constitution*'. Government continued to function despite the political bar on Catholics; yet the Irish majority were locked out of the rights and obligations that their Protestant fellow countrymen assumed as natural. Burke rejected any claim that Catholics were 'virtually' represented in the Irish parliament, as the 'sympathy of feeling' required between disenfranchised community and political delegates did not exist. 'As things stand', Burke claimed, 'the Catholic, as a Catholic and belonging to a description, has no *virtual* relation to the representative; but on the *contrary*'. This tension was potentially calamitous. 'Our constitution', Burke warned, 'is not made for great, general, proscriptive exclusions; sooner or later, it will destroy them, or they will destroy the constitution'.[68]

[65] See, for example, 'A Mimber', *Unconnected Hints, and Loose Ideas Upon the Union, with Two Propositions* (Dublin: Marchbank, 1799), p. 25; Sylvester Douglas, *Speech of the Right Honourable Sylvester Douglas, in the House of Commons, Tuesday, April the 23rd, 1799, on Seconding the Motion of the Rt. Hon. The Chancellor of the Exchequer, for the House to Agree with the Lords in an Address to His Majesty, Relative to a Union with Ireland* (Dublin: John Milliken, 1799), p. 98.

[66] 'Atticus', *To the People of Ireland* (no publishing details, [1800]), p. 4.

[67] Richard Bourke, *Empire and Revolution: The Political Life of Edmund Burke* (Princeton, NJ: Princeton University Press, 2015), p. 795.

[68] Edmund Burke, *A Letter from the Right Hon. Edmund Burke, MP in the Kingdom of Great Britain, to Sir Hercules Langrishe, MP, on the Subject of Roman Catholics of Ireland, and the Propriety of*

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Burke died in 1797, but his analysis of the political state of Ireland permeated the arguments of some on the unionist side. If the penal laws ensured that virtual representation did not operate for Irish Catholics, then parliamentary union could address this deficit. Pitt spoke openly in 1799 about a union state providing a 'safe' framework for Catholic participation in political life.[69] For Pitt, an act of union must be accompanied by legislation to formally end the penal laws, particularly the abolition of the bar on Catholics to enter parliament. Such a bold step would secure, in Pitt's calculation, the support of Irish Catholics and radical reformers, helping to unify the new 'United Kingdom'.[70] As Michael Brown has observed, the form of British government that Pitt was seeking to extend into Ireland simply would not work 'if the majority did not have access to it'.[71] With a parallel act of Catholic Emancipation, Pitt and his chief allies, Castlereagh and Cornwallis, hoped to secure a genuine union of the two countries by including the previously excluded.[72] Union was the path to a more inclusive sense of Irish representative government.

This argument was most prominently taken up in Ireland by Theobald McKenna.[73] McKenna, a leading Catholic lawyer, had, in the early 1790s, been an outspoken member of the Catholic Committee (he made the stringent case that the penal laws were a violation of natural right); the tide of radicalism in 1791 pushed him into the Dublin branch of the United Irishmen. His increasing despair at events in revolutionary France from 1792, and the parallel deepening of radicalism within the United Irish movement, however, led McKenna to advocate a more moderate reform agenda.[74] Radical reformers, such as Theobald Wolfe Tone, dismissed McKenna's gradualist arguments, in which Catholics were not granted full and immediate political rights, as 'bladdering stuff'.[75] But such 'bladdering stuff' was politically useful in pushing Catholic opinion towards

Admitting Them to the Elective Franchise Consistently with the Principles of the Constitution Established at the Revolution (Dublin: J. Byrne, 1792), pp. 5, 22. Emphases in original.

[69] William Pitt, Speech of the Right Hon. *William Pitt, in the House of Commons, Thursday 31 January 1799, on Offering to the House the Resolutions which he Proposes as the Basis of a Union between Great Britain and Ireland* (Dublin: John Exshaw, 1799), pp. 39–40.

[70] Eric J. Evans, *William Pitt the Younger* (London: Routledge, 1999), p. 70.

[71] Michael Brown, 'The injured lady and her British problem', in Brown, Geoghegan, and Kelly (eds.), *Irish Act of Union*, p. 49.

[72] Bew, *Castlereagh*, p. 132. [73] Stafford, *The Case of Ireland*, pp. 149–50.

[74] Theobald McKenna, *Political Essays Relative to the Affairs of Ireland, in 1791, 1792, and 1793; With Remarks on the Present State of that Country* (London: J. Debrett, 1794), pp. 165–206.

[75] T. W. Moody, R. B. McDowell, and C. J. Woods (eds.), *The Writings of Theobald Wolfe Tone*, 3 vols. (Oxford: Oxford University Press, 2001), i, p. 217.

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union in the aftermath of the 1798 rebellion, or so the British government, at least, believed. McKenna was paid £300 per year for 'literary services' on behalf of the unionist cause.[76] Two substantial pamphlets appeared bearing his name during the union debates, and despite the less-than-wholesome motives for writing, McKenna's texts set out the clearest case why Catholics should support an incorporative union with Great Britain.

McKenna crafted an argument to appeal to national sentiment and a moderate reforming agenda by challenging the Irish status quo. He presented union as a transformative moment, which would allow Ireland to play a full and active role in the affairs of empire – an imperial right hitherto denied because of the myopic nature of Irish politics. While anti-unionists upheld the right to Irish self-government, the parliament in Dublin, with its 'mock independence', claimed McKenna, served only the 'vanity' of the small clique that sat in it. As such, the parliament was nothing less than a provincial distraction from the 'council of empire' in London.[77] He argued that the injudicious and ill-tempered nature of Irish politics stemmed from the stuffy narrowness of the parliament in Dublin. In setting a political agenda guided only by the interests of a minority, the parliament had damaged the 'manners' of the population.[78] The penal laws sanctioned the coercive power of 'little minds' from the Protestant Ascendancy, the leader of which 'studied manners and politics in an Orange Lodge'. The exclusion of Catholics from the political liberties of the state, McKenna rationalised, highlighted the bitter prejudices of the Protestant Ascendancy, who monopolised the state apparatus in Ireland. McKenna drew on Adam Smith's connection between prosperity and electoral privilege, suggesting that, in denying the franchise to an entire religious denomination, Ireland stood apart from wider Enlightenment trends.[79] 'Whilst the adjacent nations were resolving into civilised habits', McKenna declared, 'what has been the government of Ireland, but a perpetual scuffle between the state and the people?'[80] As with his calls for Catholic political relief from the early 1790s, McKenna rejected universal male suffrage, stressing that only propertied Catholics should be franchised. He explicitly rejected 'a Democracy' where 'population' was

[76] Geoghegan, *Irish Act of Union*, p. 128.
[77] Theobald McKenna, *A Memoire on Some Questions Respecting the Projected Union of Great Britain and Ireland* (Dublin: John Rice, 1799), pp. 4, 12.
[78] Theobald McKenna, *Constitutional Objections to the Government of Ireland by a Separate Legislature: In a Letter to John Hamilton, Esq., Occasioned by his Remarks on* A Memoire on The Projected Union (Dublin: H. Fitzpatrick, 1799), p. v.
[79] McKenna, *Memoire*, p. 22. [80] McKenna, *Constitutional Objections*, p. 11.

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'superior to property'.[81] McKenna called for the extension of political rights to Catholics as they existed for Protestants in Ireland; while this was not 'reform' in the radical sense of the term during the 1790s, he concluded that union offered an opportunity to subsume Irish differences within the larger British polity.

This line of thinking on the Catholic question also found a place in the thinking of Pitt and Cooke. Cooke speculated that the Irish parliament would never grant the denominational majority civil equality, as such a course would leave Protestants outnumbered by three to one. This consigned Catholics to a limbo state, with minimal hope of joining, or even influencing, the political nation. But the sting could be taken out of the issue if a new polity, spanning Britain and Ireland, enfranchised Catholics across the two kingdoms. This framework granted Catholics the rights they sought, while protecting the Protestant interest through the sheer scale of numbers.[82] The logic of Cooke's argument was that, in the aftermath of union, Irish religious demographics would cease to matter as a political issue. In his second pamphlet on the question of union, McKenna pushed the boundaries of Cooke's argument by reiterating his belief that contemporaneous notions of Irish political independence were false. He made the case that European powers recognised the British Crown's authority over Ireland, not a separate and independent Irish state; for all intents and purposes, the archipelago resembled a confederation.[83] The constitution of 1782 may have tinkered with the legislative relationship between Ireland and Britain, but it did not undermine 'the rights of the British Crown' in Ireland, nor withhold the 'obedience of the Irish people' to that Crown.[84] Irish unrest, McKenna asserted, was generated by a parliament in Dublin that perpetrated the worst excesses of denominational oligarchy.[85] As such, he positioned an irreformable Irish parliament as the chief barrier to a welcome extension of the 'British constitution' into Ireland. He concluded that incorporating union offered the means to harmonise the relationship between the kingdoms, while defusing religious tensions.[86]

Only a few anti-unionists questioned McKenna's and Cooke's trust in the British parliament to emancipate Catholics. 'Let the Catholic look to the political history of Great Britain', countered one of McKenna's critics, 'and he [*sic*.] will see a system of government that ought at one view to

[81] McKenna, *Memoire*, p. 35. [82] [Cooke], *Arguments*, pp. 23–32.
[83] McKenna, *Constitutional Objections*, p. 17. [84] Ibid., p. 22. [85] Ibid., p. 62.
[86] Ibid., p. 84.

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convince him of the fallacy of such expectations'.[87] Richard Jebb suggested that in trying to reconcile Catholics and Protestants to a union with Britain, Cooke, in the end, satisfied neither group. Instead of union, he called for the Irish parliament to 'make one great effort of patriotism' in emancipating the Irish majority.[88] Cooke's critics also borrowed from classical republicanism to warn against union. An anonymous writer in a periodical called *The Anti-Union* channelled John Milton's seventeenth-century commonwealth ideal with the assertion that 'if you cannot be free without the patronage and protection of Britain, you cannot be free with it'.[89] This neo-Roman abstraction suggested that dependency on another nation was counterintuitive to notions of emancipation, as a free state was defined by its capacity for self-government.[90] This argument carried considerable purchase within anti-unionist circles. Thomas Goold, the industrious lawyer from Cork, for example, celebrated 'the independent parliament' in Dublin as the 'only guarantee of liberty'. To consent to the destruction of the seat of government in Ireland was to 'become a slave on terms of my own making'.[91]

The zeal of anti-unionism alienated certain observers. The Irish-born Lord Sheffield, speaking in the British House of Commons, could barely hide his annoyance at the leaders of 'an English colony', maintained by 'English arms and treasure', proclaiming their 'independence'.[92] Indeed, the anti-unionist celebration of '1782' overlooked that the Catholics of Ireland were locked out of self-government and forced to acquiesce in laws not of their making. As a result, only a handful of anti-unionists harnessed the Catholic question in framing their argument, as inclusion of a formally excluded segment of the body politic undermined the case to maintain the principled independence of the Irish parliament. A thoughtful pamphlet signed by 'A. N.' appeared in late 1798, for example, which made the case that union risked violating the contract between the representative and constituent. Yet for all the references to the political rights of the 'people'

[87] John Hamilton, *A Letter to Theobald McKenna, Occasioned by a Publication Entitled A Memoire on Some Questions Respecting the Projected Union* (Dublin: James Moore, 1799), p. 27.
[88] Jebb, *Reply to a Pamphlet*, pp. 21–3; quote on p. 23.
[89] *Anti-Union*, no. 22 (14 February 1799), p. 86. For Milton, see Quentin Skinner, *Liberty before Liberalism* (Cambridge: Cambridge University Press, 2012; first published 1998), p. 30.
[90] Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford University Press, 1997), pp. 31–2; Skinner, *Liberty before Liberalism*, p. 26.
[91] Thomas Goold, *An Address to the People of Ireland, on the Subject of the Projected Union* (Dublin: James Moore, 1799), p. 12.
[92] Lord Sheffield, *Substance of the Speech of the Right Honourable Lord Sheffield, Monday, April 22, 1799, Upon the Subject of Union with Ireland* (Dublin: J. Milliken, 1799), p. 30.

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and the importance of public opinion – 'Let Parliament be the organ, but give the people the will' – both of these concepts excluded Catholics. The 'people' and public opinion were often euphemisms for the existing (denominationally defined) political nation.[93] The use of the 'People' in anti-unionist tracts can read as apparent proclamations of Irish popular sovereignty, when it was in fact a synonym for the Anglican propertied interest that was represented in College Green.[94] That said, the pamphlet material represented a concerted effort – on both sides – to reach a broader constituent base than the political nation.[95]

The political economy of incorporating union was another pronounced theme within the pamphlet material.[96] That said, economic and fiscal issues were viewed primarily through the constitutional prism, with unionists holding the promise of commercial growth through integration with British markets, while anti-unionists fretted about an upsurge in the Irish tax burden within a large imperial polity at war with France. Cooke set the unionist tone in connecting political and commercial integration in an incorporated state, with Irish merchants placed on an equal footing with British traders, able to access a wider range of markets. Echoing Adam Smith's prediction in *The Wealth of Nations* (1776) that a union with Britain was the key to Irish economic improvement, Cooke argued that Ireland, as a separate political entity, risked economic marginalisation in a world dominated by large imperial states.[97] Union promised the creation of a free-trade zone between Britain and Ireland, which would prompt British capital and resources to circulate throughout the smaller island, materially improving Irish industrial and mercantile conditions.[98] Scotland was cited by McKenna as an illuminating case study: the Scots suffered religious clashes and economic hardship before 1707, but had found 'internal quiet' after the union, creating the foundations for increased prosperity within an imperial state.[99] Unionists conceded that the Irish

[93] 'A.N.', *Thoughts on the Constitutional Rights of Parliament, Respecting the Power of Surrendering the Legislative Independence of Ireland* (Dublin: V. Dowling, 1798), pp. 7–8, 10.

[94] *The Speech of the Right Honourable Barry, Lord Yelverton, Chief Baron of His Majesty's Court of Exchequer, in the House of Lords of Ireland, on Saturday, March 22, 1800; in the Debate on the Fourth Article of a Legislative Union Between Great Britain and Ireland* (Dublin: J. Milliken, 1800), p. 9.

[95] Smyth, 'Act of Union', pp. 157–8.

[96] For wider contexts, see Stafford, *The Case of Ireland*, pp. 139–40.

[97] [Cooke], *Arguments*, p. 39; Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 2 vols. (London: W. Strahan, 1776), ii, p. 583.

[98] 'A Freeman of Dublin', *An Appeal to the Loyal Citizens of Dublin* (Dublin: John Milliken, 1800), p. 28.

[99] McKenna, *Memoire*, p. 15.

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would inherit British wartime debt in a union state, but taxes would be proportional to Ireland's (newly enhanced) ability to pay.[100]

This did not convince the anti-unionists, such as Henry Grattan, who adopted a more pessimistic view.[101] The extension of British taxes into Ireland threatened to cripple the smaller island, wiping out any material benefit that the union provided.[102] As the productivity of the Irish economy depended on cheap labour and low wages, the importation of a tax burden would devastate the natural order in Ireland.[103] *Pace* McKenna's use of Scotland as an example of economic improvement within the union state, a common trope in the anti-unionist literature was the imposition of the malt tax by the English on the Scots, a demonstration of the fiscal damage wrought by London on the Celtic periphery.[104] But more fundamentally, anti-unionists fretted about the power imbalance that would define Ireland's relationship with Britain inside an incorporated state, and how the commercial and fiscal equality talked up by Cooke was an illusion. Dublin manufacturers were concerned that the implementation of free trade would see a decrease in demand for Irish products in Ireland.[105] An anonymous Catholic pamphleteer questioned the idea of commercial equality, suggesting that it was not in the economic interest of the British to 'raise rivals' to their established industrial and trading towns and cities.[106] The fate of the Irish woollen trade, which was destroyed by English protective legislation in 1699, was frequently cited as an example of Irish economic interests being of little concern to the holders of power in London.[107]

Added to these fears about increased taxes and an economically subordinate role for the Irish within a union state was the threat of an increase in absenteeism. The absent landlord – the owner of Irish land who resided

[100] Anon., *An Exposition of the Principal Terms of Union, and its Probable Effects on Ireland* (Dublin: J. Milliken, 1800), p. 15.

[101] *The Speech of Henry Grattan, Esq, on the Subject of a Legislative Union with Great Britain…* (Dublin: J. Stockdale, 1800), p. 26.

[102] 'A Student of Trinity College', *Observations on a Pamphlet, Supposed to be Written by an Englishman, Entitled* Arguments For and Against an Union (Dublin: J. Milliken, 1799), p. 31.

[103] John Collis, *An Address to the People of Ireland, on the Projected Union* (Dublin: James Moore, 1799), pp. 10–12.

[104] 'A Student of Trinity College', *Observations*, p. 15.

[105] Cormac Ó Gráda, *Ireland: A New Economic History, 1780–1939* (Oxford: Oxford University Press, 1994), p. 44.

[106] 'An Irish Catholic', *An Argument for Independence, in Opposition to an Union, Addressed to all his Countrymen* (Dublin: J. Stockdale, 1799), p. 6. This has been attributed to the United Irishman W. J. MacNeven: McCormack, *Pamphlet Debate*, p. 28.

[107] Robert Orr, *A Review of the Speech of the Right Hon. William Pitt, in the British House of Commons, on Thursday, January 31st, 1799* (Dublin: J. Stockdale, 1799), pp. 2–3.

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elsewhere, usually Britain – was long held up as a contributing cause of economic distress, as rents were not spent in Ireland and the condition of estates could be neglected.[108] Anti-unionists warned that an increase in Irish absenteeism would follow the transfer of power from Dublin to London, suggesting that a further exodus of the landed interest would inevitably drain the country further of wealth.[109] Speaking in the British House of Commons in 1799, the Irish-born playwright, Richard Brinsley Sheridan, commented that absenteeism was one of the gravest evils that Ireland faced at the turn of the century. He could not resist scoffing that the proposed remedy was the creation of an 'Absentee Government' for Ireland.[110]

Political Suicide: The Right of the Irish Parliament to 'Die'

The pamphlet war over the union was fought in an age when questions of imperial allegiance and sovereignty were at the fore of British politics.[111] The conflict with the American colonies shook notions of theoretical sovereignty within the empire, as the political authority of the imperial parliament was subverted by the emergence of the idea that power resided in those who deemed themselves 'the represented people'.[112] Just as the American colonists adopted a disparate range of legitimising languages in opposing British sovereignty, so too did anti-unionists in Ireland in opposing incorporating union. Anti-unionism found classical republican ideas of self-government nestling alongside notions of the liberties of the freeborn (Protestant) Irishman and assertions of the right to resist tyrannical encroachments of political rights by government. While incorporating union meant, constitutionally speaking, a fusion of the parliaments of Ireland and Britain, the stark symbolism of the abolition of College Green had an enduring appeal. Much of the anti-unionist case was wrapped in emotive rhetoric, such as Grattan's dire warning of the

[108] R. D. C. Black, *Economic Thought and the Irish Question, 1817–1970* (Cambridge: Cambridge University Press, 1960), p. 73.
[109] Matthew Weld, *No Union! Being an Appeal to Irishmen*, 4th ed. (Cork: J. Haly, M. Harris, and J. Connor, 1798), p. 14.
[110] *Speech of Richard Brinsley Sheridan, Esq., in the House of Commons of Great Britain, on Thursday, January 31st, 1799, in Reply to Mr Pitt's Speech on the Union with Ireland* (Dublin: James Moore, 1799), p. 22.
[111] J. C. D. Clark, *English Society, 1688–1832* (Cambridge: Cambridge University Press, 1985), p. 199.
[112] J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, NJ: Princeton University Press, 2003; first published 1975), p. 525.

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'extinction of the Constitution' or William Drennan's apocalyptic vision of national 'destruction' following the loss of self-government.[113]

As such graphic imagery hints, the competency of the parliament in Dublin to legislate for union, thus ending its own separate existence, was a highly charged aspect of the debate. The British establishment could not simply *impose* union on Ireland; it was vital for Pitt, Castlereagh and other governmental figures that the parliament in Dublin passed legislation to bestow legitimacy on the new constitutional connection from the Irish side. This explains the systematic corruption that came with union, as Pitt's government doled out – illegally, in some cases – money to buy off votes and seats in College Green, as well as the use of peerages as bribes.[114] Set against the backdrop of the war with France, the stakes of national security were high at the time of the union, but an Irish blessing, even one gained through extortion, was needed for the proposed constitutional marriage.[115]

The question of parliamentary competence to legislate for union crystallised two contrasting conceptions of sovereignty. The anti-unionists pressed the case that the Irish parliament did not have the power to extinguish itself; if this was attempted, power would shift directly to the 'people' (however narrowly defined). While Sieyès went uncited in the pamphlet debate, this was an Irish version of his ideal of a constituent power, the inherent right of the nation to fix the boundaries of a constitution. Under this theory, a constituted body could not dissolve itself unilaterally.[116]

The unionists, on the other hand, saw no legal barrier in the way of the Irish parliament to decide the constitutional future of Ireland. These arguments tended to draw on Hobbesian interpretations of parliamentary sovereignty, stressing that a properly constituted assembly possessed the authority to enter into a union with another. This vision rejected the implicit (and at times explicit) popular sovereignty of the constituent power theory. Pitt, for example, derided the notion that there was, in the secular world, a higher authority than governments: the 'people' were not

[113] Henry Grattan, in *A Report of the Debate in the House of Commons of Ireland, on Wednesday and Thursday the 15th and 16th of January, 1800 on an Amendment to the Address Moved by Sir Laurence Parsons, on the Subject of An Union* (Dublin: James Moore, 1800), p. 125; Drennan, *Letter to Pitt*, p. 46. Drennan was the only northern Dissenter to contribute to the union debate: see Ian McBride, *Scripture Politics: Ulster Presbyterianism and Irish Radicalism in the Late Eighteenth Century* (Oxford: Oxford University Press, 1998), p. 210.

[114] David Wilkinson, 'How did they pass the Union? Secret service expenditure', *History*, vol. 82, no. 266 (1997), pp. 223–51; Geoghegan, *Irish Act of Union*, pp. 118–29.

[115] Dana Y. Rabin, *Britain and Its Internal Others, 1750–1800: Under Rule of Law* (Manchester: Manchester University Press, 2017), p. 197.

[116] Lucia Rubinelli, *Constituent Power: A History* (Cambridge: Cambridge University Press, 2020), p. 19.

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sovereign. In Pitt's estimation, popular or national sovereignty, envisaged as an authority *over* parliament, was code for political factions expressing their grievances through extra-parliamentary agitation. 'In every Government', Pitt told the House of Commons in 1799, 'there must reside somewhere a supreme, absolute, and unlimited authority'.[117] Taking the legislative independence of the Irish parliament at face value, Pitt's message was that formal Irish sovereignty resided in College Green. There was, according to the Prime Minister, no legal authority that could stop Ireland from discussing, debating and ultimately consenting to union through its 'national' parliament.

Irish unionists deployed versions of Pitt's argument. Theobald McKenna pointed to the Irish parliament's past record in altering the 'laws, manners, religion, and property of this island' without recourse to debates about competency. On a more abstract level, McKenna also queried the notion of a higher authority than the Irish parliament. He defined the sovereign as the final arbiter in the decision-making process: if this was not College Green in the Irish case, McKenna asked, where did sovereignty in Ireland reside?[118] This constitutional question was echoed by Viscount Falkland, who published a pamphlet in 1799 on the issue of the competency of the Irish parliament to legislate for union. He suggested that College Green had the right to consent to the creation of a new, unified British-Irish state, as its members were granted by the electorate 'an unlimited confidence and independent authority'. A political nation chooses to exercise its liberties through its representatives, Falkland surmised, meaning that there is no higher authority than a parliamentary government.[119] The constitution was not an 'absolutely fixed' entity, according to the Irish MP, William Johnson, but malleable and able to agree to profound change.[120] Indeed, in a bid to transform the anti-unionist case into a straw man, several unionists hypothesised that if a parliament lacked the theoretical authority to enter into union, then the 1707 Act that bound England and Scotland together was constitutionally void.[121] Such thinking was, according to unionists, farcical.

[117] Pitt, *Speech of Pitt*, p. 61. [118] McKenna, *Constitutional Objections*, p. v.

[119] Charles, Viscount Falkland, *Considerations on the Competency of the Parliament of Ireland to Accede to an Union with Great Britain* (London: J. Wright, 1799), pp. 6–8.

[120] [William Johnson], *Reasons for Adopting an Union between Ireland and Great Britain* (Dublin: J. Milliken, 1799), p. 3.

[121] Lord Minto, *The Speech of Lord Minto, in the House of Peers, April 11, 1799, on a Motion for an Address to His Majesty, to Communicate the Resolutions of the Two Houses of Parliament, Respecting an Union between Great Britain and Ireland* (London: John Stockdale, 1799), pp. 146–7; [Cooke], *Arguments*, p. 42; Falkland, *Considerations*, p. 20.

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If a parliament did not possess a legislative ability, the lawyer William Cusack Smith hypothesised, then the body in question was simply not a parliament. He argued that the 'law-giver must ever be the supreme power in the State'. To suggest that the Irish parliament could not authorise union, and thus admit that College Green was not the 'supreme power' in Ireland, was to 'degrade' the sitting representatives which collectively made up the country's political wisdom.[122] Smith, like a small number of other unionists, cited William Blackstone as an authority to suggest that the Irish parliament was competent to legislate for union. Blackstone was the eighteenth-century English constitutional theorist par excellence: his multi-volume *Commentaries on the Laws of England* were first published in 1765 and received numerous new editions through the rest of the century.[123] The *Commentaries* helped to popularise the concept of parliamentary sovereignty, emphasising the Hobbesian idea that the law-giver was the highest legal body in a state, at once absolute and omnipresent. As Blackstone contended, 'the power of making laws constitutes the supreme authority, so wherever the supreme authority in any state resides, it is the right of that authority to make laws'.[124]

Only a handful of pages in the *Commentaries* touched directly on Irish affairs, but unionists and anti-unionists clashed in their interpretations of the text.[125] Blackstone described Ireland as 'a distinct kingdom', though a 'dependent, subordinate kingdom'. While Ireland possessed a parliament, England retained a right to legislate for the smaller island. This political imbalance stemmed from the history of 'conquest' – Blackstone's term – the single most important aspect in shaping Anglo-Irish relations.[126] Blackstone believed that 'this state of dependence' was 'almost forgotten' and 'ready to be disputed' by the Irish.[127] Indeed, the analysis of Ireland as a conquered country was ignored by most

[122] William Cusack Smith, *Animadversions on the Speech of Mr Saurin and Mr Bushe etc.* (Dublin: Marchbank, 1800), pp. 9, 29, 31.
[123] For Blackstone's rather elusive life, see Wilfred Prest, *William Blackstone: Law and Letters in the Eighteenth Century* (Oxford: Oxford University Press, 2008).
[124] William Blackstone, *Commentaries on the Laws of England: Book the First* (Oxford: Oxford University Press, 1765; first published 1763), p. 52.
[125] Ultán Gillen, 'Blackstone and Ireland', in Anthony Page and Wilfred Prest (eds.), *Blackstone and His Critics* (London: Bloomsbury, 2018), pp. 97–115.
[126] Blackstone, *Commentaries*, bk. 1, pp. 98–101. See J. C. D. Clark, *The Language of Liberty, 1660–1832: Political Discourse and Social Dynamics in the Anglo-American World* (Cambridge: Cambridge University Press, 1994), p. 87.
[127] Blackstone, *Commentaries*, bk. I, p. 101.

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anti-unionists, who nevertheless deployed Blackstone to argue that a parliament cannot surrender sovereignty to another body.[128]

So, Blackstone cropped up within Irish political debate to make a number of mutually exclusive points. He was most cited in the argument whether College Green possessed the power to legislate for union; but Blackstone was also deployed by both unionists and anti-unionists to make respective cases that union offered a path to either the perfection or usurpation of the constitution in Ireland. Less considered by both sides was Blackstone's depiction of the inferior status of the Irish parliament within the British constitution, which meant, in effect, that union was inevitable if the Crown-in-Parliament in London deemed it so.

This was a revealing blind spot of unionists and anti-unionists alike, as both sides appeared oblivious to the structural imbalance of the British-Irish relationship, presenting College Green as an independent and, at times, absolute, assembly. The Dissenting lawyer Robert Holmes, writing under a pseudonym, was a rare voice against this consensus, bluntly pointing out the subordinate relationship that Ireland endured with Britain. 'Had Ireland indeed an independent Parliament', he asserted, 'a Legislative Union between Great Britain and Ireland never could take place'.[129] In this sense, Holmes ruefully conceded that sovereignty in Ireland was indeed, as Blackstone testified, rooted in conquest.

It was William Cusack Smith who offered the most sustained engagement with Blackstone of all the participants in the union debate. For Smith, Blackstone had demonstrated that parliament possessed power to profoundly alter the constitution in order to perfect it, with the Act of Union between England and Scotland providing a ready-made example.[130] Smith also attempted to debunk Charles Kendal Bushe's questioning of the competency of the Irish parliament by asserting Blackstone's doctrine of the 'absolute, all-competent and uncontrolled' power of a lawfully constituted assembly.[131] Patrick Duigenan, the firebrand Protestant, also drew on Blackstone to demonstrate that it was not a union that threatened to undermine the constitution, but its potential pairing with Catholic

[128] P. Sheehy, *Union a Plague: In Answer to Counsellor McKenna's Memoire on the Projected Union* (Dublin: J. Hill, 1799), p. 22.
[129] 'A Philosopher' [Robert Holmes], *A Demonstration of the Necessity of a Legislative Union of Great Britain and Ireland, Involving a Refutation of Every Argument which has been or can be Urged Against that Measure* (Dublin: no publishing house, 1799), p. 17.
[130] Smith, *Substance of Mr William Smith's Speech*, p. 27.
[131] Smith, *Letter to Henry Grattan*, p. 78.

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relief.[132] Other pro-union activists adopted a more conservative reading of Blackstone's mantra of parliamentary sovereignty to buttress the case that College Green was, from an Irish perspective, the final arbiter in settling constitutional questions.[133]

Another widely cited authority during the union debates was John Locke. Locke's *Two Treatises of Government* (1689) set out a social contract theory of sovereignty with, crucially, an in-built right to resist the sovereign if the supreme authority of a state became corrupted.[134] His influence was more keenly felt in late eighteenth-century Ireland than Britain, partly because of his privileged place within the curriculum at Trinity College Dublin and the United Irish movement's attraction to the potentially 'democratic' theory of sovereignty found in the second of the *Two Treatises*.[135] Locke's ideas regarding the ability or otherwise of an assembly to transfer sovereignty to another body were aired many times during the union debate.[136] But as the pamphlet war continued, the use of Locke's political philosophy, like Blackstone's, assumed a malleable quality, with friends and enemies of deepening the constitutional connection between Ireland and Britain studding their arguments with Lockean theory.

Locke's relevance to the debate over the union hinged on readings of chapter nineteen of the second of the *Two Treatises*, 'Of the Dissolution of Government'. In Locke's theory of sovereignty, civil government was created through a social contract with those seeking protection for 'property' (a term Locke defined broadly, including life and liberty as much as material goods or land). A sovereign power thus was constructed from, and legitimated by, the consent of the governed. If the sovereign failed to protect the property of political society, the people can withdraw their consent, and are 'absolved from any farther Obedience'. In such a

[132] Patrick Duigenan, *A Fair Representation of the Present Political State of Ireland*; *In a Course of Strictures on Two Pamphlets, One Entitled* The Case of Ireland Reconsidered*; the Other Entitled Consideration on the State of Public Affairs in the Year 1799 – Ireland* (London: J. Wright, 1799), pp. 194–5.

[133] 'Author of the *Necessity of an Incorporate Union between Great Britain and Ireland*', *Competency of the Parliaments of Great Britain and Ireland to Incorporate their Legislatures; With Some Remarks Upon the Debate in the Irish House of Lords upon the Address* (Dublin: J. Milliken, 1799), p. 4.

[134] David Wootton, 'Introduction', in John Locke, *Political Writings*, ed. David Wootton (Indianapolis, IN: Hackett Publishing Co., 2003), pp. 77–89.

[135] Patrick Kelly, 'Perceptions of Locke in eighteenth-century Ireland', *Proceedings of the Royal Irish Academy*, vol. 89C (1989), pp. 17–35. For an example of Locke's influence on the United Irishmen, see Arthur O'Connor, *The State of Ireland*, ed. James Livesey (Dublin: Lilliput Press, 1998; first published 1798), p. 114.

[136] Danny Mansergh, *Grattan's Failure: Parliamentary Opposition and the People in Ireland, 1779–1800* (Dublin: Irish Academic Press, 2005), p. 248.

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circumstance, power reverts back to 'the People', who possess a right to 'resume their original Liberty' through the establishment of a new legislative assembly.[137] A parliament, in other words, was not considered the site of absolute and unbounded sovereignty; as legitimacy for political structures flowed from the consent of society, the people represented the higher form of authority *if* the sovereign became corrupted. But Locke made another observation that was also pertinent to the union debate in Ireland: 'The *Legislative cannot transfer the Power of Making Laws* to any other hands. For it being but a delegated power from the People, they, who have it, cannot pass it over to others'.[138] These Lockean tropes – the role of political representatives as delegates rather than final arbiters, the boundaries of formal sovereignty, the inability of power to be transferred to another assembly – were embraced by a number of anti-unionists eager to cast doubt on the right of the Irish parliament to terminate itself through an acceptance of incorporating union.

The most serious engagement with Locke during the union debates came from the anti-unionist lawyers, who wished to 'prove' that the Irish parliament did not possess the right to legislate for union. At a debate of the Irish bar in December 1798, Joshua Spencer cited Locke to contend 'that Parliament is utterly incompetent to such a measure [as incorporating union], without express authority from the people'.[139] Drawing on Locke, Spencer believed that College Green could not abolish itself for two reasons: the parliament lacked the consent of the people to do so, and the passing of political power from one body to another was unconstitutional.[140] The *Anti-Union* periodical, which was associated with the Irish bar, printed a letter in January 1799 confirming such a view, quoting directly from Locke to suggest that the delivery 'of the people into the SUBJECTION of a FOREIGN power' marked the 'dissolution of the government'.[141] In separate works, George Barnes and Matthew Weld, both prominent barristers, cited Locke while making the case that any attempt by the Irish legislature to (in Weld's words) 'annihilate the Constitution of the Lords and Commons of Ireland' would result in power returning to the people and (presumably) fresh elections returning a new parliament.[142]

[137] John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1988), p. 412.
[138] Ibid., p. 362. Locke's emphasis.
[139] *Report of the Debate of the Irish Bar*, p. 8.
[140] Ibid., p. 9.
[141] *Anti-Union*, no. 14 (26 January 1799), p. 55.
[142] Weld, *No Union!*, p. 23; George Barnes, *The Rights of the Imperial Crown of Ireland Asserted and Maintained, Against Edward Cooke, Esq., Reputed Author of a Pamphlet, Entitled* "Arguments For and Against an Union, &c." (Dublin: W. Gilbert, 1799), p. 72.

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The Lockean argument also carried considerable weight among anti-unionist opinion formally outside the Irish bar. William Drennan, the United Irishman, claimed that 'the principles of John Locke' were the foundation stone of the 'republican part of the constitution'.[143] This implied that the Irish legislature – despite its considerable representative flaws in the eyes of Drennan – symbolised the proud virtue of self-government, with its removal threatening to plunge Ireland into 'provinciality and servitude'.[144] Drennan explicitly claimed that sovereignty rested within the Irish people and not College Green, meaning that the assembly did not possess legal authority to agree to union.[145] The right to resist any attempt by political representatives to 'destroy his Constituent' was vigorously asserted by another pamphleteer writing under the pseudonym of 'Irishman', who utilised the natural law theories of Locke, Hugo Grotius and Samuel Pufendorf to suggest that 'the form of Government' could not be fundamentally altered without first seeking the consent of the 'People'.[146] In this reading, the 'sovereign' was not the same thing as the 'government', providing a distinctive Irish engagement with Rousseauean ideas of power.[147]

Unionists combined a curious blend of respect for Locke and disdain for interpretations of his work that stressed the sovereignty of the people. The Lockean insistence of anti-unionists on an illegal transfer of power from one legislative body to another was condemned as a wilful distortion of the terms of incorporating union. The power of government was not being transferred 'to any other hands', as union presupposed an equal share of the spoils of sovereignty.[148] Sylvester Douglas, British lawyer, MP and former Chief Secretary of Ireland, published a pro-union speech through a Dublin printing house in 1799, which lamented that Locke's 'metaphysical principles have become the groundwork of the vain wisdom and false

[143] Drennan, *Letter to Pitt*, p. 43. By 'republican', Drennan was referring to the 'democratic' aspect of mixed government, thus adhering to the United Irishmen's advanced doctrine of imagining an Irish republic without monarchical or aristocratic elements.

[144] Ibid., p. 41. [145] Ibid., p. 46.

[146] 'An Irishman', *Reasons Against a Union, in which* 'Arguments For and Against a Union'*, Supposed to Have Come From a Person in High Station, are Particularly Considered* (Dublin: G. Folingsby, 1798), pp. 3–4. The authorship of this pamphlet has been attributed to one John Kelly: McCormack, *Pamphlet Debate*, p. 73.

[147] This theme is the focus of Richard Tuck, *The Sleeping Sovereign: The Invention of Modern Democracy* (Cambridge: Cambridge University Press, 2015).

[148] 'Author of *The Necessity of an Incorporate Union*', *Competency of the Parliaments*, p. 15. Also see the same anonymous author's pamphlet, *Necessity of an Incorporate Union Between Great Britain & Ireland Proved From the Situation of both Kingdoms: with a Sketch of the Principles upon which it Ought to be Formed* (London: J. Wright, 1799), p. 83.

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philosophy'. Chief among these was the 'mischievous principle of the direct sovereignty of the people'.[149] In the Irish House of Lords, Lord Minto condemned the 'juvenile refinements of political metaphysics' or 'the early puerilities of those who may have read their Locke without reading history, or in reading Locke have forgotten their history'. He believed that a constitution provided the legal framework for a state and society, setting out the ground rules to ensure the welfare of its people. The right to resist legitimate government, as advocated by anti-unionist readings of Locke, was equated with anarchy, and as such, Minto concluded, was incompatible with the 'tranquillity and peace of the people'. In Minto's reasoning, the primary duty of the sovereign was protection of the people.[150] While this was a direct Lockean inflection, Minto strongly opposed the more controversial idea that sovereignty resided outside of the sovereign.

Not all the contributions to the debate explicitly drew on, or rebuffed, constitutional authorities such as Blackstone and Locke when addressing the question of whether the Irish parliament possessed the ability to legislate for union. Edward Cooke dealt with the objection that the Irish parliament did not possess the competency to end its existence without recourse to such legal authorities. In every circumstance, governments should follow the mantra of 'the general good', even if it meant far-reaching constitutional reform. Union, Cooke asserted, came in the same vein as the Reformation, the Revolution of 1688 and the legislative connection between England and Scotland: major constitutional alterations that were opposed by many contemporaries, but ultimately vindicated by history.[151] Indeed, the logic of Cooke's stance was fleshed out and given a particular Irish cadence by Richard Edgeworth: if College Green was endowed with the right to embrace legislative independence in 1782 because it was 'useful to Ireland', then it followed that College Green possessed the ability to accept union in 1800 based on the same precondition.[152]

Anti-unionists scoffed at the idea that the loss of self-government was 'useful to Ireland' or promised to contribute to the 'happiness of the people'. One of the angriest yet most amusing denunciations of Cooke and the wider pro-union case came anonymously from Charles Kendal Bushe. Bushe was one of the most distinguished lawyers of the age, later rising to become Lord Chief Justice of the King's Bench for Ireland; but in his anti-union tirade, *Cease Your Funning*, he did not hold back in

[149] Douglas, *Speech of the Right Honourable Sylvester Douglas*, pp. 6–7.
[150] Minto, *Speech of Lord Minto*, pp. 129–30. [151] [Cooke], *Arguments*, p. 42.
[152] Edgeworth, *Substance of Three Speeches*, p. 4.

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attacking British designs. In a later review of Bushe's career, Lord Brougham, the former Lord Chancellor, paid the Irish lawyer the highest compliment by comparing his pamphlet to Jonathan Swift's political satire.[153] In *Cease Your Funning*, Bushe ironically attacked Cooke for accidentally continuing the destructive agenda of the United Irishmen – in other words, conspiring to pull down the Irish parliament – in a bid to tarnish the unionist cause. Bushe also sank his teeth into Cooke's insistence that a parliament can terminate itself in the name of the 'general good'. Cooke, according to Bushe,

> repeats the sophism of Rousseau in defence of suicide – that reason being given to man to achieve happiness, he has a right to destroy himself whenever it tells him death is preferable to life. He knows that delusive argument was easily answered by Rousseau himself, and therefore urges it as a mock defence for what he hints to be political suicide.[154]

Bushe was drawing here, somewhat mischievously, on Rousseau's meditation on suicide found in his novel, *Julie, or the New Heloise*, which was published in 1761.[155] This conceptualisation of Cooke's case for union as an act of 'political suicide' had rhetorical traction, with several other anti-unionists deploying similar terminology.[156] Like the suicide of an individual, the notion of a parliament wilfully embracing oblivion could be depicted at once as deviant, illegal, and immoral. According to Bushe, the 'object of Parliament' is the 'general good'. How, then, he asked, was the 'general good' enhanced by the destruction of a parliament? 'This would be very schoolboyish', concluded Bushe, 'if it was not very wicked'.[157]

Most unionists ignored the 'suicide' analogy, reminding readers instead that incorporating union implied a fusion of the British and Irish parliaments, not the extinction of the latter.[158] Theobald McKenna was, then,

[153] Henry, Lord Brougham, *Historical Sketches of Statesmen who Flourished in the Time of George III, to which are added Remarks on the French Revolution*, third series (London: Charles Knight and Co., 1843), p. 229.

[154] Bushe, *Cease Your Funning*, pp. 42–3.

[155] See Daniel Gordon, 'From act to fact: the transformation of suicide in Western thought', *Historical Reflections*, vol. 42, no. 2 (2016), pp. 35–6.

[156] Charles Ball, *An Union Neither Necessary or Expedient for Ireland: Being an Answer to the Author of* Arguments For and Against an Union, Between Great Britain and Ireland, Considered (Dublin: William Porter, 1798), p. 22; 'An Irish Logician', *An Union to be Subjection, Proved from Mr C's Own Words in his Arguments For and Against. In Two Parts. Part I* (Dublin: J. Rice, 1799), p. 22.

[157] Bushe, *Cease Your Funning*, p. 43.

[158] [Cooke], *Arguments*, p. 14; 'A Freeman', *Observations on Mr Bousfield's Letter, etc.* (Cork: Cork Advertiser Office, 1799), p. 13.

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something of an exception. In closing the preface of his second pro-union pamphlet, McKenna explicitly turned the notion of political suicide into a virtue. 'The power, which a man has over his own existence', reasoned McKenna,

> may serve to illustrate the capacity of a sovereign jurisdiction to make engagements for its extinction. The law of morality does not allow a man to commit suicide; but if the act be necessary, it is justified by the end. A man may not shoot himself capriciously; but he may go upon a mine, with a certainty of being blown up, and if he saves an army by exposing himself, his conduct is heroism.[159]

The demise of the Irish parliament thus was not a senseless act of self-destruction, but a sacrifice worth making for the greater good, for perfecting the constitution in Ireland. The alternative, McKenna reminded more reform-minded readers, was the maintenance of a political elite divorced from the non-Anglican majority in Ireland, and with it some of the most grotesque forms of 'Old Corruption'.[160] Union with Britain was not an act of political suicide; for McKenna, it was the path to national redemption and religious liberty.

'… And for Ever After, Be United into One Kingdom …'

The debate ended on 1 August 1800. On that day in the Irish House of Commons, a bill was passed sanctioning incorporating union with Britain, paralleling similar legislation that had completed its parliamentary journey in London the previous month. On 1 January 1801, the United Kingdom of Great Britain and Ireland came into being, with the first article proclaiming that the arrangement would last 'forever'. [161] The tonal emphasis of finality over flexibility was ominous.[162]

The Irish parliament was, in a legal sense, transferred to London (in terms of powers and a portion of its representatives). But in a more emotive political reading, as offered by Irish opponents of the Union before and after 1800, the termination of College Green heralded an age without the dignity of self-government. The final line of Jonah Barrington's explosive attack on the Union in *Rise and Fall of the Irish Nation*, published in 1833, captured this sentiment perfectly, the substance of which later provided

[159] McKenna, *Constitutional Objections*, p. vi. [160] Ibid., pp. 53–4.
[161] Article One, Union with Ireland Act (1800), 39 & 40 Geo. 3, ch. 67.
[162] Nicholas Mansergh, *The Irish Question 1840–1921*, 3rd ed. (Toronto: University of Toronto Press, 1975), p. 318.

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an ideological justification for the political campaigns for repealing the Union, Home Rule and, indeed, independence. With the enactment of the Union in 1801, Barrington lamented, 'An independent country was thus degraded into a province – Ireland, as a nation, was EXTINGUISHED'.[163]

Union came without Catholic Emancipation, and this fundamentally damaged the measure's legitimacy in Ireland. Pitt's proposal to introduce a measure to eliminate the penal laws alongside the union legislation was blocked by George III, who believed that such a course was a violation of his coronation oath.[164] It was a watershed moment: the vision of the union state as a religiously neutral political space was lost.[165] Had the remnants of the penal laws been abolished at the same time as the Union became operational, as Pitt, Cooke, and a number of other unionists wished to see, the subsequent history of the United Kingdom – and Ireland's place in it – may have been fundamentally different. With Catholic representation in parliament from 1801, there would have been no need for the mass mobilisation spearheaded by Daniel O'Connell during the 1820s that did much to highlight the gap between Irish ideas of representative government and its practice. Devoid of the agitation that defined 'O'Connellism', the gifted O'Connell might himself have quietly taken a parliamentary seat in the 1810s or 1820s and dedicated himself to lobbying for parliamentary reform. Such were the consequences of delaying Catholic Emancipation for twenty-nine years.

The corruption and bribery that lubricated the passage of the Union through the Irish parliament became a staple in nationalist historiography throughout the nineteenth and twentieth centuries.[166] By the 1830s, the story of the Acts of Union, as told by Barrington and O'Connell, centred on the unsavoury image of parliamentarians lining their pockets with titles, favours, or riches. Yet there was much more to the origins of the Union than these depictions, not least the intellectual investment made by advocates and opponents of the measure before the summer of 1800, many of which were soon forgotten. The debate that raged in print culture from the end of 1798 to the summer of 1800 was unprecedented in scale within Irish political life and shed light on contemporaneous understandings –

[163] Jonah Barrington, *Rise and Fall of the Irish Nation* (Dublin: James Duffy, 1833), p. 479.
[164] Geoghegan, *Irish Act of Union*, p. 163.
[165] James Livesey, 'The fall of the Catholic cosmopolitan: Charles O'Connor and the Catholic debate on the Act of Union', *Britain and the World*, vol. 6, no. 2 (2013), pp. 152–70.
[166] James Kelly, 'The historiography of the Act of Union', in Brown, Geoghegan, and Kelly (eds.), *Irish Act of Union*, pp. 5–36.

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and misunderstandings – of ideas such as sovereignty, representation, and the workings of the 'constitution'. While deeply polemic and partisan, the argument over incorporating union was a complex dispute over the nature of representative government.

Unionists pressed the case that the constitutional fusion of Ireland and Britain promised the Irish a share in the governance of a new and expanded state, with access to the levers of imperial power. Union, in this reading, extended the principle of self-government beyond the national boundaries. The anti-unionist case largely rested on the antithesis of this argument, that the destruction of the parliament in Dublin symbolised the end of Irish self-government. The fear of the anti-unionists was that incorporation with Britain would result in a more distant and remote governance of Ireland, with Irish representatives powerless to effect change. The anti-unionism of Charles Kendal Bushe was, in this regard, telling. While fearful that union would constitutionally sanction British dominance over Ireland, Bushe was also dismissive of the calibre of the Irish political elite in an unreformed parliament. Union could not improve Ireland's condition, Bushe bitingly concluded, as such a measure would simply 'remove these representative delinquents into a more remote theatre for the exhibition of their depravity'.[167] An incorporating union alone was insufficient to deal with wider Irish political problems.

For the authors of political texts written from 1798 to 1800, union between Ireland and Britain was a pathway to several imagined destinations. Union was the perfection of the British constitution in Ireland; union was the usurpation of the Irish constitution; union was the means to achieve parliamentary reform and Catholic relief; union was the bulwark of the Protestant and conservative interest. The sheer variety in the imagining of the potential of a union reflected the fractured nature of Irish political life at the turn of the century, with the measure attracting utopian – and dystopian – commentaries. The hopes and fears of the late eighteenth-century generation of protagonists who contributed to the debate over the union illuminate many aspects of Irish political thought in the final days of the Irish parliament in College Green, particularly contemporaneous understandings of the boundaries of sovereignty, the design of self-government, and the political rights of the 'people', however defined. From 1801, the experiment was finally operational, with the arrival of 100 Irish MPs to London. The theory of union could now be tested through practice.

[167] Bushe, *Cease Your Funning*, p. 7.

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