CHAPTER 4

Irish Conservatives, Conditional Unionism, and Contractarian Thought

> Repeal can never take place until the Protestants of Ireland are disgusted by, and alienated from, the English Government.[1]
>
> Samuel Ferguson (1833)

> The policy of the government seems to be, not to govern with a liberal and impartial spirit, but to be facetious and exclusive – servile to the priest, and revolutionary radical – hostile to the Protestant loyalist and his church.[2]
>
> Anthony Meyler (1838)

At a meeting of the Protestant Conservative Society in June 1832, Rev. John B. McCrea alerted the membership that he was aware of an instance in which Protestant orphans were kidnapped, sealed into a barrel, and taken to 'a Popish house'. Once released, 'they were kept until fully initiated into all the mysteries of the Roman Catholic system'. Such a plot was testament, McCrea believed, to the 'ingenuity and perseverance in which Roman Catholics applied themselves to the seduction of the children of Protestants'.[3] McCrea was one of the prominent figures within Tory society in Dublin during the late 1820s and early 1830s, a time when Catholic Emancipation and parliamentary reform drastically altered Irish political life. Despite his status as a dissenting minister within a wider Protestant political world dominated by Anglicans, McCrea was a senior figure in the Orange Order's chaplaincy and was awarded the freedom of Dublin in 1829 for his anti-Emancipation activism.[4] He embraced the label 'Tory Dissenter', which he believed was 'equivalent with inexorable

[1] *Dublin University Magazine*, November 1833, p. 588.
[2] Anthony Meyler, *Irish Tranquillity Under Mr O'Connell, my Lord Mulgrave, and the Romish Priesthood* (Dublin: Wm. Carson, 1838), p. 20.
[3] *Belfast Newsletter*, 12 June 1832.
[4] Jacqueline Hill, *From Patriots to Unionists: Dublin Civic Politics and Irish Protestant Patriotism, 1660–1840* (Oxford: Oxford University Press, 1997), p. 339; David Fitzpatrick, *Descendancy: Irish Protestant Histories since 1795* (Cambridge: Cambridge University Press, 2014), p. 86.

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hostility to everything, whether called political or religious, that would give to the man of sin an iota's advantage of the Spirit's jurisdiction'. The chief 'man of sin' was he who spread Catholic doctrine. 'God-insulting popery, [which] is the climax of Satan's policy', McCrea affirmed, was 'the grand engine of all confederated wickedness'.[5] The lingering penal laws and the mobilisation of the Catholic Association ensured that religious identity moulded the shape of political rights and obligations, perpetuating the Protestant-Catholic divide in Ireland. With the emergence of the 'priest' as a political figure in Ireland, Protestants such as McCrea reasoned that such a dangerous foe demanded to be confronted in the spiritual and earthly realms.

The Protestant orphans that McCrea alleged were seized by Catholics were thus proselytised into a false faith *and* political degeneracy. The outlandish scheme was internalised as another skirmish in 'the systematic warfare against Protestant principles and Protestant institutions' waged by Irish Catholics.[6] In a lecture to the Orange Institution of Dublin in 1835, later published as a pamphlet, McCrea connected 'Christian liberty' to the 'social state of man'. He cited wisdom, justice, and charity as the hallmarks of Protestantism; and as the boundaries of the political sphere were fixed by the moral virtues that emanate from a society, Protestant teaching was fundamental to enlightened political action. Catholicism, as the antithesis of Protestantism, was, in McCrea's reading, corrosive of political virtue. In this sense, Catholic Emancipation had been a regressive political step:

> There can be no such thing as equal rights, in the proper sense, until men are brought under the influence of those principles whereby everyone looks not at his own good alone, but also to the good of others. Take, for example, a nation or a section of a nation where infidelity or superstition prevails. In the absence of that revelation the entrance of which giveth sight to the blind and understanding to the simple, what do we see but intolerance, anarchy, and every evil work?[7]

A fear of a politically active and enfranchised Catholic majority permeated McCrea's words. The accession of William III confirmed Protestantism's place as 'the constitutional religion of these realms',[8] but the rise of a

[5] J. B. McCrea, *The Cause of Irish Protestant Orphans: The Cause of Godliness and Loyalty* (Dublin: Richard Moore, [1833]), p. 9.
[6] Ibid., p. 18.
[7] J. B. McCrea, *The Lord's Spirit the Spirit of Liberty: A Discourse to the Orange Institution of Dublin, on the Twelfth of July, to Commemorate the Revolution by William the Third* (Dublin: William Warren, 1835), p. 24.
[8] Ibid., pp. 25–6.

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politicised Catholicism in Ireland threatened this status quo. McCrea spoke of the need to maintain 'our yet Protestant empire', projecting the shifting Irish political dynamics onto an imperial stage: if Ireland fell, the empire would surely follow.[9]

McCrea voiced many of the fears of Irish Toryism during the 1830s and 1840s. The Tory platform in Ireland was deeply traumatised by Catholic Emancipation, the Reform Act, and the subsequent rise of the Repeal of the Union agitation. This brand of Toryism was underpinned by a distinct yearning for the days of the Protestant Ascendancy, although some of its more thoughtful adherents realised that those days were over and an accommodation with the new forces in Irish and British life was required. The political makeup of Toryism in Ireland was distinctly Protestant, reflecting the divisions within the wider body politic that crystallised during the first few decades after the Acts of Union.[10] Sectarianism was an important political factor in Ireland, but there was more to Toryism than reactionary bigotry. Religion was, of course, a key plank of post-French Revolution European conservatism, with conservatives across the continent defending established church structures as promoters of social order.[11] The dynamics of Irish Toryism were not, from a European perspective, that unusual.

For McCrea, religion was 'the foundation of patriotism'.[12] In this spirit, Tories in Ireland positioned themselves as the chief protectors of the Protestant constitution, which emphasised the idea of mixed government and Protestant succession to the throne.[13] The Irish Protestant was imagined as the last bastion in a global struggle against popery. Religion and conservative politics became intermeshed because Protestantism and the constitution itself were threatened by the growing political assertiveness of Catholics in Ireland. It was no coincidence that many senior figures associated with Irish Toryism – McCrea, Henry Cooke, T. D. Gregg, and Mortimer O'Sullivan – were evangelical clergymen, increasingly drawn from across the Protestant denominations.[14]

[9] J. B. McCrea, *Education Board of Ireland*, 2nd ed. (Dublin: J. Hoare, 1833), p. 4.
[10] K. Theodore Hoppen, *Elections, Politics, and Society in Ireland, 1832–1885* (Oxford: Oxford University Press, 1984), p. 279.
[11] Edmund Fawcett, *Conservatism: The Fight for a Tradition* (Princeton, NJ: Princeton University Press, 2020), p. 6.
[12] McCrea, *Lord's Spirit*, p. 29.
[13] Allan Blackstock, *Loyalism in Ireland, 1789–1829* (Woodbridge: Boydell Press, 2007), p. 2; J. C. D. Clark, *English Society, 1688–1832: Ideology, Social Structure and Political Practice during the Ancien Régime* (Cambridge: Cambridge University Press, 1985), pp. 396–7.
[14] Alvin Jackson, *The Two Unions: Ireland, Scotland, and the Survival of the United Kingdom, 1707–2007* (Oxford: Oxford University Press, 2012), pp. 286–7; Andrew R. Holmes, *The Irish*

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The challenge of the post-Emancipation period was the need to reorient Irish Protestantism to meet the new threats of political Catholicism and democratic ideas. This was, however, far from straightforward. The Acts of Union promised incorporation into a larger Protestant polity, transforming the Irish minority into a British majority. But this apparent safety blanket for Irish Protestants was threatened by the ruptures of the late 1820s and early 1830s. One pamphleteer interpreted Catholic Emancipation and the onset of the Repeal campaign as dangerous shifts towards popular sovereignty, with an agitated public opinion in Ireland seemingly taking precedence over parliamentary deliberation. It was necessary, the writer argued, for 'those who possess property and influence' to organise to block the erection of 'a democracy upon the ruins of our constitution'.[15] This call to arms underpinned much Irish Tory activism during the 1830s, which centred increasingly on ideas of self-reliance, driven by a distrust of the machinations of the Westminster political bubble. There was also much public soul-searching among Irish Tories concerning the status of the Union itself. Tories in Ireland interpreted the Acts of Union as a contract between two kingdoms – a 'solemn treaty' between Ireland and Britain, in the words of one pamphleteer – with rights, duties, and obligations for each side to uphold.[16] But as Ireland entered the devastation of the Famine years in the 1840s, some Irish Tories publicly questioned whether British misgovernance rendered the contract void.

Tories and Conservatives

An argument made by some English Tory opponents of the Reform Act of 1832 was that it was not parliament that was corrupt, but the people: an extension to the franchise would merely 'multiply the number of greedy patronage-seekers within the electorate'.[17] In Ireland, this sentiment was intensified by demographic realities. A number of anti-O'Connellite pamphleteers in the early 1830s voiced their fears of a new Catholic ascendancy created through the toxic mix of parliamentary reform and Repeal: the spectre of an empowered and vengeful O'Connell, harnessing

Presbyterian Mind: Conservative Theology, Evangelical Experience, and Modern Criticism, 1830–1930 (Oxford: Oxford University Press, 2018), p. 15.

[15] 'A Protestant of the Established Church', *The Repeal of the Union Considered* (Dublin: Richard Milliken and Son, 1831), pp. 3, 5, 35.

[16] Ibid., p. 35.

[17] Philip Harling, 'Parliament the state, and "Old Corruption": conceptualizing reform, *c.*1790–1832', in Arthur Burns and Joanna Innes (eds.), *Rethinking the Age of Reform: Britain 1780–1850* (Cambridge: Cambridge University Press, 2003), p. 108.

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an increasingly bitter sectarian body politic, threatened the Irish Protestant minority and, indeed, Ireland's entire constitutional connection with Britain.[18] The Rev. Tresham Dames Gregg, a Dublin-born clergyman who served in several Anglican churches in Yorkshire during the 1830s, condemned the willingness of 'our governors to disregard the opinions of the Protestants of Ireland', as parliamentary reform 'will throw the representation of that country into the hands of the papists'.[19] John Wilson Croker, a pivotal Irish Tory figure and opponent of reform, feared that the masses would become omnipotent in the new dispensation, fatally damaging the existing constitution. In an article published in 1831, Croker registered a Burkean belief that governments 'were originally constituted for the express purpose of presenting and resisting change', and should have a 'strong tenacity to things *as they are*'.[20] Croker was not a wholly reactionary opponent of parliamentary reform: he favoured incorporating 'matured' public opinion into political deliberation, but feared the impact of sudden and violent manifestations of popular mood.[21] Croker was instrumental in modernising British Toryism during the 1830s, providing the intellectual context through his periodical writings for Robert Peel's shift to 'Conservatism' – a term, in fact, invented by Croker.[22]

Peel's 'Tamworth Manifesto' of 1834 is typically viewed as a founding document of modern conservatism.[23] The 'manifesto', which was a widely circulated address to Peel's constituency electorate, was indeed a watershed moment; as one later commentator put it, the proclamation 'gave some offence and caused some alarm to old-fashioned Tories at the time of its appearance', because of its acceptance of the principle of parliamentary reform and the desire to win over public opinion.[24] Peel was reinventing the traditional Tory respect for institutions of authority for the post-reform

[18] For this line of argument, see 'H. N.', *An Address to the People of Ireland on the Repeal of the Legislative Union Between Great Britain and Ireland* (Dublin: Richard Milliken and Son, 1831), pp. 12–13; Anon., *Repeal or No Repeal: Repeal of the Union Considered in its Practical Bearings* (London: James Ridgway and Sons, 1833), pp. 13–14; Anon., *Ireland. Ignorance. 'Repeal'* (London: James Ridgway, 1833), pp. 11–12.

[19] 'M. S. G.' [T. D. Gregg], *Letters to J. E. Gordon, Esq., MP* (London: L. B. Seeley and Son, 1832), pp. 51–2.

[20] [John Wilson Croker], 'Friendly advice to the Lords on the Reform Bill', *Quarterly Review* (July 1831), pp. 507, 539. My emphasis.

[21] Ibid., p. 518.

[22] Robert Portsmouth, *John Wilson Croker: Irish Ideas and the Invention of Modern Conservatism* (Dublin: Irish Academic Press, 2010), pp. 134–5.

[23] R. J. White, *The Conservative Tradition*, 2nd ed. (London: Adam & Charles Black, 1964), pp. 10–11.

[24] J. R. Thursfield, *Peel* (London: Macmillan and Co., 1891), p. 136.

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age, fusing the imperative to 'conserve' with more popular interests. Peelite Conservatives adopted what Emily Jones has described as a Burkean 'active conception of maintenance': change must be allowed to occur – naturally and organically – to preserve and, indeed, improve on what was fundamentally good in a society.[25] Croker was a forthright champion of such Burkean thinking, believing that it represented a middle way between the extremes of reactionary Toryism and radical Whiggism. Through the pages of the *Quarterly Review* through the early 1830s, he propagated the cause of what he called 'the conservative party', which should be founded on the principles of 'enlightened Toryism' and ready to engage with an expanded electorate.[26] Croker's brand of Conservatism also recognised the need for change to defuse crisis moments. While many Tories rejected the premise of Catholic Emancipation out of hand, Croker, for example, supported the measure, fearing that the continuing refusal to incorporate Catholics into the constitution would trigger 'an Irish rebellion, and perhaps a Reform ferment in England also'.[27] The problem, as he saw it at the time, was that Emancipation risked coming too late to truly resemble a heartfelt attempt at reconciliation between the British political classes and Irish majority opinion. Croker was also aware that the sudden shift away from the 'ultra-Tory' platform of anti-Catholicism also threatened to alienate Protestants in Ireland.[28]

Croker was accurate in his assessment about the likely consequences of Catholic Emancipation in Ireland. The rapidity of the rise of the Repeal of the Union platform, which was constructed on the foundations of the Catholic Association, disaffected those who viewed the Emancipation settlement as the final act in recalibrating Ireland's constitutional relationship with Britain. Liberal Presbyterians such as Sir James Emerson Tennent, who was elected MP for Belfast in 1832, supported Catholic Emancipation as a form of political justice, but were exasperated at O'Connell raising the Repeal flag. 'If I am less liberal in my opinion', Emerson told the House of Commons in 1834, 'I owe my conversion to O'Connell'.[29] Indeed, other liberal reformers in Belfast became more

[25] Emily Jones, *Edmund Burke and the Invention of Modern Conservatism, 1830–1914* (Oxford: Oxford University Press, 2017), p. 179.
[26] Portsmouth, *Croker*, pp. 137–8.
[27] Croker to Lord Hertford, 21 February 1832, in Louis J. Jennings (ed.), *The Croker Papers: The Correspondence and Diaries of the Late Right Honourable John Wilson Croker*, 2 vols. (New York: Charles Scribner's Sons, 1884), i, p. 541.
[28] Portsmouth, *Croker*, p. 110.
[29] Quoted in John Bew, *The Glory of Being Britons: Civic Unionism in Nineteenth-Century Belfast* (Dublin: Irish Academic Press, 2009), p. 135.

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overtly unionist following the launch of the Repeal campaign in 1830.[30] Emerson broke from the Whigs in 1834 and eventually drifted towards the Conservatives. Such was his fear of the Repeal agitation that he predicted that every Irish Protestant would 'become in his own defence a conservative'.[31] This *defensive* posture taken by Emerson is worthy of note, as it became a staple of Irish Toryism in the age of O'Connell.

O'Connell was not, of course, a doctrinaire separatist, but from an Irish Protestant perspective, Repeal threatened Ireland's British connection. In the post-Emancipation political landscape, Irish Tories increasingly saw themselves as the final bulwark of the Union in Ireland, the chief upholders of Protestant values and loyalty to the Crown and constitution.[32] The O'Connellites, on the other hand, according to Tory pamphleteers, contained 'not one man of rank'[33] (a point that was clearly untrue, as the background of Thomas Wyse demonstrates) and were intent on fostering 'treason and rebellion'.[34] The spectre that haunted the Irish Tory mind was another '1641', a reference to the alleged massacre of Protestant planters in Ulster by dispossessed Catholics during the Wars of the Three Kingdoms. The grisly atrocities of 1641 were grossly exaggerated by Sir John Temple in his notorious book *The Irish Rebellion* (1646), which remained in print during the eighteenth and early nineteenth centuries.[35] Temple's work did much to entrench the idea of a premeditated attempt to exterminate the Protestants in Ireland; the frontispiece of the final edition in 1812 warned Protestants to keep on 'their Guard against the Encroachment of Popery'.[36] In addition, annual sermons were held on 23 October, the anniversary of the outbreak of the rebellion, which reinforced Irish Protestants' sense of dread of the intentions of their Catholic neighbours.[37] The shedding of Catholic deference in the aftermath of the Union was deeply troubling for Irish Protestants, and the threat of another '1641'

[30] Jonathan Jeffrey Wright, *The 'Natural Leaders' and Their World: Politics, Culture and Society in Belfast, c.1801–1832* (Liverpool: Liverpool University Press, 2012), p. 134.
[31] Ibid.
[32] Andrew Shields, *The Irish Conservative Party, 1852–1868: Land, Politics and Religion* (Dublin: Irish Academic Press, 2007), p. xiii.
[33] Anon., *Cursory Observations on the State of Ireland* (Dublin: printed for the author, 1831), p. 16.
[34] 'Civis', *Thoughts on the Repeal of the Union* (Dublin: Richard Moore, 1831), p. 5.
[35] T. C. Barnard, *Irish Protestants Ascents and Descents, 1641–1770* (Dublin: Four Courts Press, 2004), p. 9.
[36] John Temple, *The Irish Rebellion: or a History of the Attempts of the Irish Papists to Extirpate the Protestants in the Kingdom of Ireland, Together with the Barbarous Cruelties, and Bloody Massacres which Ensued Thereupon* (London: White, Cochrane and Co., 1812; first published 1646).
[37] T. C. Barnard, 'The uses of 23 October 1641 and Irish Protestant celebrations', *English Historical Review*, vol. 106, no. 421 (1991), pp. 889–920.

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was invoked frequently in political speeches and writings within the polarising sectarian climate of the 1820s and 1830s.[38] That politicised Catholicism was being aided and abetted by successive Tory *and* Whig administrations – Wellington's government piloted through the Catholic Relief Act in 1829, while the Whigs and O'Connellites struck up an informal partnership in 1835 – contributed to the renewed fears of Irish Protestantism.

The breaking of the Protestant constitution with the coming of Emancipation pushed Irish Tories into new modes of thought and organisation, predating Peel's plea for a modern conservatism to meet the demands of the age. If the mission of the Reform Act was to expand the aristocratic constitution to encompass the interests of the growing middle classes, Toryism attempted something similar in Ireland.[39] The Irish Protestant Conservative Society was established in 1831, representing the first practical reaction to the post-Emancipation dispensation.[40] Led by Rev. Charles Boyton, a Fellow of Trinity College Dublin (TCD) and key personality within Dublin Toryism in the early 1830s, the Society responded to O'Connellism by mimicking its populism. One of the aims of the Society was the establishment of a Protestant version of the 'Catholic Rent', the chief fundraising mechanism that powered the Catholic Association during the 1820s.[41] Like the Catholic Association, the Irish Protestant Conservative Society envisaged the rent not only as a source of income, but as a means to construct a political community that spanned the length of the island.[42] 'The poor man who pays his 6d.', affirmed one advocate, 'is sure to feel as much interest as he who pays pounds'.[43] Like the contributors to the Catholic Rent, those who paid the 'Protestant Rent' were in a sense mobilised, publicly highlighting the strength of feeling relating to the cause.[44] The Society was eager to mobilise Protestants of all classes and denominations to broaden the Conservative platform, with the intention of uniting traditional Tories from the landed

[38] John Gibney, *The Shadow of a Year: The 1641 Rebellion in Irish History and Memory* (Madison: University of Wisconsin Press, 2013), pp. 62–3.
[39] Norman Gash, *Politics in the Age of Peel: A Study in the Technique of Parliamentary Representation, 1830–1850* (London: Longmans, 1966; first published 1953), p. 17.
[40] Hoppen, *Elections, Politics, and Society*, p. 280.
[41] Michael Keyes, *Funding the Nation: Money and Nationalist Politics in Nineteenth-Century Ireland* (Dublin: Gill & Macmillan, 2009), pp. 9–42.
[42] *Speech Delivered by the Rev. C. Boyton, FTCD, at a Meeting of the Protestant Conservative Society, on Tuesday, the 10th July, 1832* (Dublin: J. Hoare, 1832), pp. 9–10.
[43] Anon., *Plain and Practical Hints, for the Serious Consideration of all Protestants, and Particularly of Conservatives, by a Member of that Society* (Dublin: Richard M. Tims, 1833), p. 7.
[44] *Belfast Newsletter*, 17 July 1832.

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class with the 'lower orders' behind one banner.[45] This marked a dramatic shift in Irish Tory thought. In emphasising the need for pan-Protestant unity, Boyton suggested to the Society in 1832 that Irish Toryism had hitherto been incapacitated by complacency:

> Sir, our past misfortunes can be traced to our own faults. For years, when the Protestants of the country were assailed, the practice was to repose and to throw ourselves back upon the existing government for safety – (hear) – and while a powerful party [the Catholic Association] was formed, concentrated, and brought to formidable maturity by our opponents, we still postponed to meet it by similar means; we clung around the neck of the existing government until our helpless imbecility became a burden upon them too heavy to be sustained (hear, hear).[46]

It was a revealing admission: Catholic Emancipation occurred partly because Toryism was ill equipped to meet the challenges of a popular political campaign, and London could not be trusted to provide unconditional support for the Protestant minority in Ireland. The Irish Tory ambition to construct a national organisation that mobilised Protestant opinion echoed the Peelite 'Conservative' initiatives in the immediate post-reform period; but for the former, redesigning the mode of political action was an existential imperative.

The Irish Protestant Conservative Society was dissolved in 1834, as its organisers feared breaching the Coercion Act introduced by the Whigs. In an unexpected move, Boyton, alienated by the Reform Act and the heavy-handed security legislation directed at Ireland, opened a dialogue with O'Connell with the view to building a potential anti-Whig coalition. O'Connell eagerly encouraged an alliance between Tories and Repealers, although he was aware of the pitfalls. 'It is true it may lead to nothing', he confided in his lieutenant, P. V. Fitzpatrick.

> It may be an ebullition of disappointed *expectation* on his part but I hope it is rather a symptom of his really entertaining those sentiments of honest Irishism which I often and with pleasure perceive to mix with his party politics. He [Boyton] is at all events right in his conjecture that the policy of this Administration is purely *English domination* over the Irish of all parties.[47]

O'Connell was correct with his initial thought: the talks did not result in any new political departure based on an anti-Whig alliance. Boyton

[45] *Speech Delivered by Boyton . . . Meeting of the Protestant Conservative Society*, pp. 3–4.
[46] Ibid., p. 13.
[47] Daniel O'Connell to P. V. Fitzpatrick, 21 February 1833, in Maurice R. O'Connell (ed.), *The Correspondence of Daniel O'Connell*, 8 vols. (Dublin: Irish Manuscripts Commission, 1977), v, p. 10. Emphases in original.

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apparently listened carefully to the proposals of O'Connell, which played down notions of a post-Repeal social revolution, stressing the sanctity of property rights and religious freedom in a self-governing Ireland, but he could not formally commit Irish Toryism to such a radical step. As Fitzpatrick recorded, Boyton lamented that 'his party' was animated 'by an abstract detestation of Popery which seems to forbid all hope of coalition'.[48] Not for the first time nor the last in Ireland, the toxicity of sectarianism was impossible to overcome; but the warmness between Boyton and O'Connell should not obscure the fact that they envisaged Repeal as performing very different tasks. For O'Connellite Repealers, the end of the Union was equated with the final destruction of Protestant privilege in Ireland; for Tory Repealers, the restoration of the Irish parliament represented the means to protect the Protestant interest.

Still, this episode does much to illuminate the fluidity of Irish political thought during the early 1830s. Part of O'Connell's proposal to Boyton was the retention of the 105 Irish MPs in Westminster following the restoration of the Irish parliament.[49] This represented a move away from the literal definition of 'Repeal', as the Union would be dramatically reformed, not terminated.[50] This concession from O'Connell was made to appeal to the unionism of the Irish Tory position, which he did not view as incompatible with the return of a parliament in Dublin. From Boyton's perspective, Irish Tories needed to show more self-reliance, particularly in electoral politics. As well as articulating the need for an organisation that spanned Ireland, he made the case that 'good government' relied on getting 'good members at the elections'.[51] The protection of the Church of Ireland, the rights of property, and the 'lawful privileges' that came from being part of the United Kingdom thus rested on the return of high-calibre Irish Tories to Westminster; it could not be taken for granted, as Boyton alluded, that the government had Irish Toryism's best interests at heart. The return of an Irish parliament and the likelihood of a strong Tory presence therein (especially if the franchise was connected to a high property bar) was, therefore, not a wholly unattractive option. Indeed, Repeal gained some traction among the Protestant members of several

[48] W. J. Fitzpatrick, *Correspondence of Daniel O'Connell: the Liberator*, 2 vols. (New York: Longmans, Green, and Co., 1888), i, p. 327.
[49] O'Connell to Fitzpatrick, [*c.* 22 March 1833], in O'Connell, *Correspondence of O'Connell*, v, p. 21.
[50] O'Connell's proposal resembles the definition of Home Rule in the bills of 1893 and 1912, in which an Irish presence in Westminster would be retained after the creation of a parliament in Dublin.
[51] *Speech Delivered by Boyton . . . Meeting of the Protestant Conservative Society*, p. 11.

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Dublin city guilds in 1832 as a method (as the city commons put it) 'to recover the advantages we have lost'.[52] Boyton personified a form of 'conditional unionism', which constantly measured the value of the Union by the government's ability to protect the Protestants of Ireland and the Anglican Church. The concession of Catholic Emancipation, and the subsequent emergence of a Whig programme with little sympathy for Irish Toryism, undermined his trust in the Union. While Irish Tories upheld the Crown, Protestantism, and empire as the common symbols of a British national identity that bound together the component countries of the United Kingdom, the preferred structure of *government* was less certain.

Boyton resigned his TCD Fellowship in 1833, and thereafter took little part in active politics. His influence in shaping the immediate future of Irish Toryism was, however, immense. He was instrumental in the attempt to build a distinctly *Irish* Tory movement, recognising the need to construct an organisational infrastructure to mirror the post-reform times. Boyton may have voiced his fears of 'spirit of popularism' and denounced democracy as the 'master-poison of the age',[53] but he was attuned to the need to broaden the appeal of the Irish Tory platform. 'If a revolution is to ensue', he told a meeting in 1834, it is a wiser choice to be its 'leaders [rather] than its victims'.[54] Mobilisation, public meetings, and publishing pamphlets was, Boyton believed, critical to renewing the leadership credentials of Tory Ireland. While the Irish Protestant Conservative Society disbanded in 1834, other organisations, imbued with similar aims, swiftly followed in its wake. Boyton wished to construct a strongly patriotic Irish conservative movement that avoided the reactionary Toryism which celebrated the worst excesses of the penal laws. He also despised absentee landlords, so often identified as part of the Irish Tory tribe, for their failure to take leadership positions, both on their estates and nationally.[55] What O'Connell referred to as Boyton's 'honest Irishism' was at the heart of his conditional unionism: the Irish Tory dilemma concerned the competing pulls of what was in Ireland's best interests and those of the wider United Kingdom. From the perspective of Tories such as Boyton during the 1830s and 1840s, these two interests appeared only rarely to align.

[52] Hill, *From Patriots to Unionists*, p. 350.
[53] Charles Boyton, *Observations on the Church; its Relation to the State; the Authority of its Governors; and the Duties and Obligations of its Ministers* (Dublin: Milliken and Son, 1838), p. 25.
[54] *DUM*, September 1834, p. 343.
[55] *Speech Delivered by Boyton . . . Meeting of the Protestant Conservative Society*, p. 18.

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Defining Irish Conservatism: Politics and the *Dublin University Magazine*

Alongside the imperative to organise and mobilise the Irish Tory interest, Boyton also played a role in nurturing a new generation of thinkers and activists through his connection to TCD. Boyton was a tutor to a young Isaac Butt, the latter of whom entered TCD as a precocious fifteen-year-old in 1828, and imbibed much of his mentor's instinctive political mindset that blended an uncompromising commitment to Protestantism with sympathy for Ireland's nationality. Butt, along with other 'Tory juveniles' (to use Malcolm Brown's impish phrase)[56] such as the brothers, Samuel and Mortimer O'Sullivan, Charles Stuart Stanford, and John Anster, set up the *Dublin University Magazine* (*DUM*) in 1833, which became the periodical *par excellence* for Boytonist conservative thought. Other notable literary figures, such as Samuel Ferguson, Charles Lever, and Sheridan Le Fanu, contributed to the *DUM* after its establishment.[57] The tone of the *DUM* was relentlessly Protestant – a trait that can be traced to the O'Sullivan brothers as the outlet's early ideological patrons – but its pages often drew attention to political anxiety with the constitutional status quo.[58] During Butt's editorship (1834–8), the *DUM* positioned itself as a champion of the new conservatism. 'The Tory of old was often the misguided defender of preposterous theories of the sacredness of all authority', the *DUM* reflected in 1837; 'the Conservative of modern times', on the other hand, 'is the rational defender of tried and established institutions that have vindicated their propriety by their permanence, against the idle and mischievous spirit of change'.[59]

Despite the decidedly 'modern' take on political ideology, the *Magazine's* overt and uncompromising Protestantism chimed more with an older Toryism. The tone was set by Samuel and Mortimer O'Sullivan, Catholic converts to Protestantism who embraced their new calling with fanaticism. Both brothers became clergymen, skilled writers, and well-known controversialists.[60] William Carleton, another significant literary

[56] Malcolm Brown, *The Politics of Irish Literature: From Thomas Davis to W. B. Yeats* (Seattle: University of Washington Press, 1972), p. 59.
[57] Indeed, Le Fanu bought the *DUM* in 1861: see W. J. McCormack, *Sheridan Le Fanu*, 3rd ed. (Stroud: Sutton Publishing Ltd., 1997), p. 138.
[58] Wayne E. Hall, *Dialogues in the Margin: A Study of the Dublin University Magazine* (Gerrards Cross: Colin Smythe Ltd., 2000), p. 39.
[59] *DUM*, February 1837, p. 180.
[60] Desmond Bowen, *The Protestant Crusade in Ireland, 1800–1870* (Dublin: Gill & Macmillan, 1978), p. 117.

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talent who contributed to the *DUM*, admired the 'eloquence' of the O'Sullivans, especially Mortimer.[61] Mortimer's politics were determined by his unbending evangelicalism, at the heart of which was a profound anti-Catholicism. He described the Catholic Church as a Satanic institution, as it professed to be holy while 'prohibit[ing] men from learning what God had taught' through the denial of private Bible study. Catholicism's authoritarian nature, symbolised by the infallibility of its teachings, O'Sullivan warned, characterised the chief threat to religious and humanist liberty. 'Such is the Church of Rome', O'Sullivan opined in 1833, 'a monstrous nightmare, without form or consistence, whose power is in the stagnation of abused human faculties, not in its own strength or subtlety'.[62]

Given the minority status of Protestants in Ireland, O'Sullivan was at pains to stress the need for unity and – like Boyton – self-reliance in the face of an indifferent government. The need for organisations to protect Protestantism in Ireland, such as the Orange Order, was a manifestation of a social contract that was badly frayed by a legislative programme that seemingly strengthened Catholicism. O'Sullivan argued that a 'well-ordered government' was one that 'affords protection to the subject'; if this protection was not forthcoming, the subject could legitimately establish extra-parliamentary societies to fulfil this need. The 'inadequacy of law', O'Sullivan declared, 'must be compensated by private endeavour'.[63] O'Sullivan made these observations against the backdrop of the 'Tithe War', a mass form of civil disobedience aimed to disrupt the collection of the tithe which paid for the upkeep of the Church of Ireland. The 'War' descended into violence in various parts of Ireland, at times directed explicitly against Protestants.[64] While some observers, such as the Frenchman Gustave de Beaumont, who visited Ireland with Alexis de Tocqueville in 1835, believed that the abolition of the tithe was a mandatory step towards the imperative of equality between the status of Protestantism and Catholicism,[65] O'Sullivan and like-minded Protestants

[61] David O'Donoghue (ed.), *The Life of William Carleton*, 2 vols. (London: Downey & Co., 1896), i, p. 231.

[62] Mortimer O'Sullivan, *A Guide to an Irish Gentleman in his Search for a Religion* (Dublin: William Curry, Jr. and Co., 1833), pp. 321, 335.

[63] Mortimer O'Sullivan, *Case of the Protestants of Ireland, Stated in Addresses Delivered at Meetings in Dublin, Liverpool, Bristol, and Bath, in the Year 1834* (London: John Hatchard & Son, 1836), pp. 44–5.

[64] Richard McMahon, *Homicide in Pre-Famine and Famine Ireland* (Liverpool: Liverpool University Press, 2013), p. 134.

[65] Gustave de Beaumont, *Ireland: Social, Political and Religious*, ed. W. C. Taylor (Cambridge, MA: Harvard University Press, 2006; first published 1839), pp. 329–30.

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tended to interpret such a move in a more zero-sum manner. The anti-tithe campaign was connected to the O'Connellite movement; O'Sullivan warned that the Repeal platform was little more than a cover to 'extirpate Protestantism and effect a separation from England'.[66] The Church of Ireland and the Union were 'hated' by Irish Catholics because they were the chief obstacles to the 'establishment of Romish ascendancy'.[67] He believed that the government was attempting to reconcile the 'enemies of the British connexion'; but the surrender of the Church of Ireland's establishment status, as a concession to the O'Connellites, would mark the first step towards the 'dismemberment of the empire'.[68]

From an Irish Tory perspective, then, the stakes were high. Politics and religion were intimately linked in the thought of Mortimer O'Sullivan, as they were existential concerns. This worldview was often found in the pages of the *DUM*, which also tended to read political matters through the lens of religion. The *DUM* should be understood as part of the wider project to mobilise and disseminate Irish Toryism in the aftermath of Emancipation and parliamentary reform. The self-reliance ethos was again to the fore in the *DUM*: apathy among Irish Protestants was frequently cited as a danger equal to the O'Connellites or English Whigs.[69] The sectarianism of the *DUM* was justified by referring to the Catholic Church as a foreign power, seeking to disrupt the harmony of the Protestant United Kingdom. In his first editorial, Butt asserted that, given that the United Kingdom is 'a Protestant State', and once it ceases to be Protestant, 'her government is at an end'. To preserve the state, reasoned Butt, 'every means' should be used 'to destroy and exterminate Popery in Ireland'. Butt was eager to temper his acerbic words with a declaration of 'love' for Ireland and 'our Roman Catholic brethren', making a profound distinction between 'Catholicism' and 'Popery'; the former was superstition masquerading as religion, the latter was a political project dedicated to the fall of global Protestantism.[70] Parliamentary reform was condemned as a conspiracy against the mixed and balanced constitution, with the effect of rendering one part – the House of Commons – omnipotent.[71] This was a worrying development for Irish Tories, as there was a more visible O'Connellite presence in the Commons after 1833. After the 'Lichfield Compact' of 1835, which created a working relationship between the Whigs and the Repealers, these concerns ratcheted up. An article in the

[66] O'Sullivan, *Case of the Protestants of Ireland*, p. 47. [67] Ibid., p. 126. [68] Ibid., pp. 103–4.
[69] Hall, *Dialogues in the Margin*, p. 57. [70] *DUM*, August 1834, pp. 121, 128.
[71] *DUM*, February 1835, p. 117.

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DUM on Orangeism in 1835 emphasised the Irish Tory cry for 'defensive associations' in Ireland to uphold Protestantism in the face of governmental pandering to O'Connellism.[72] There would be no need for the Orange Order if Irish Protestants were 'satisfied that they are secure', but this was an impossibility in the age of menacing 'popish agitation'.[73]

The *DUM* was, however, more than a mouthpiece of Orangeism. While positioning Ireland as a citadel of a global Protestantism, the journal provided an outlet for the descendants of the Protestant Ascendancy to make sense of their Irishness within the framework of the Union.[74] In the words of Joseph Spence, the centrepiece of the Irish Tory philosophy that informed the *DUM* was a refusal to accept that unionism was a barrier to promoting 'the cause of Irish nationality as ardently as those who professed "nationalism" as a political creed'.[75] To this end, the periodical published a wide range of historical, antiquarian, and literary-inflected articles that connected contemporary Irish Toryism to Ireland's past glories, especially the eighteenth-century Patriot tradition.[76] The Union was framed as a partnership of equals; Ireland's rich historical and literary traditions gave no pause to notions of Irish inferiority within the United Kingdom. Responding to O'Connell's argument that the Union slashed the political status of Irishmen through the destruction of self-government, the *DUM* cited Hugo Grotius to insist that nations did not lose privileges on joining a confederacy. The Union, in fact, politically enhanced the rights of the Irish: 'in addition to being an Irishman', the *DUM* celebrated, 'he is likewise a citizen of the most enlightened and commanding nation in modern times'.[77]

The reality of the Union was, however, decidedly more mosaic. The political mood of the *DUM* oscillated intensely between hope and despair, often in the same article. The most striking early example of this can be found in a celebrated article by Sir Samuel Ferguson, the northern poet and antiquarian. Ferguson was uncomfortable with the levels of anti-

[72] *DUM*, April 1835, p. 490. [73] Ibid., p. 485.

[74] Colin W. Reid, 'Citizens of nowhere: longing, belonging and exile among Irish Protestant writers in Britain, c.1830–1970', *Irish Studies Review*, vol. 24, no. 3 (2016), p. 260.

[75] Joseph Spence, 'The philosophy of Irish Toryism, 1833–1852: a study of the reactions to liberal reformism in Ireland in the generation between the first Reform Act and the Famine, with especial reference to expressions of national feelings among the Protestant Ascendancy' (University of London PhD thesis, 1991), p. 10.

[76] As Roy Foster notes, this idea was also articulated by the writers of the *Nation* a decade later, one of many intellectual references shared by the two publications. R. F. Foster, *Words Alone: Yeats and His Inheritances* (Oxford: Oxford University Press, 2011), p. 53.

[77] *DUM*, June 1834, p. 721.

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Catholic venom that Butt injected into the *DUM*, which he believed were goaded on by the O'Sullivan brothers on the editorial board.[78] Nevertheless, Ferguson was not immune from interpreting the political world through the prism of religious fear. 'A dialogue between the head of heart of an Irish Protestant' was published anonymously in the *DUM* in November 1833, and remains one of the most profound insights into the alienation of post-reform Irish Toryism.[79] Written in the context of disillusion with the Whig government's Irish policy – chiefly the excesses of reform and coercion – Ferguson voiced his frustration at Protestants personifying the 'safeguards of [the] British connection' in Ireland, while being 'deceived, insulted, spoiled, and set at defiance' by the state. Ferguson was conflicted in expressing his sympathy for the downtrodden Catholics of Ireland because of a fear of their revolutionary potential. Repeal was the 'stalking horse' for a new Catholic ascendancy, which might result in the 'enforcement of those laws entrusted to the pikes of the sans-culottes'.[80] Despite his discontent with the direction of travel within the Union, Ferguson feared that Repeal would inevitably lead to separation, with a barbaric religious war in Ireland to follow. The 'heart' of the article's title recognised the historic suffering of the Catholic priesthood in Ireland and admitted their devotion to the poor; but the 'head' saw the fermenting of 'another rebellion of 1641'.[81] Irish Protestants were loyal to the British constitution, but that constitution was not loyal to them; they styled themselves as the natural leaders of a country that rejected their leadership. Ferguson lamented the precariousness of the Irish Protestant position in a biting passage:

> I am tormented and enraged by the condition to which our loyalty has brought us. Deserted by the Tories, insulted by the Whigs, threatened by the Radicals, hated by the Papists, and envied by the Dissenters, plundered in our country-seats, robbed in our own town houses, driven abroad by violence, called back by humanity, and, after all, told that we are neither English nor Irish, fish nor flesh, but a peddling colony, a forlorn advanced guard that must conform to every mutinous movement of the pretorian rabble – all this, too, while we are the acknowledged possessors of nine tenths of the property of a great country, and wielders of the preponderating influence between two parties; on whose relative position depend the

[78] Eve Patten, *Samuel Ferguson and the Culture of Nineteenth-Century Ireland* (Dublin: Four Courts Press, 2004), p. 61.

[79] While the 'Dialogue' was published anonymously, it is included in a bibliography of Ferguson's work in his wife's detailed biography. Mary Catherine Ferguson, *Sir Samuel Ferguson in the Ireland of his Day*, 2 vols. (Edinburgh: William Blackwood and Sons, 1896), ii, p. 369.

[80] *DUM*, November 1833, p. 588. [81] Ibid., p. 590.

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> greatest interests in the empire. I love this land better than any other. I cannot believe it is a hostile country. I love the people of it, in spite of themselves, and cannot feel towards them as enemies.[82]

This extraordinary outburst was the most lucid articulation of the political and social isolation felt by Irish Protestantism in the age of O'Connell.

The *DUM* offers a vivid insight into the mentalities of Dublin Tories in the aftermath of reform. Its pages were permeated with questions of national authenticity, as Ferguson's 'Dialogue' showcased: with a perception of being 'neither English nor Irish' (to use Ferguson's repine), Tories such as Ferguson struggled to define their position within the United Kingdom and Ireland. As a result, the *DUM* veered quite dramatically between different ideological positions. Articles voiced full-throated denunciations of O'Connellism as a Popish conspiracy before expressing a love for O'Connell's misguided followers. Ireland was presented as both a kingdom with a proud historical record of political independence from Britain and a semi-colonial entity in which Irish Protestants were merely a British garrison. As Ferguson's disdain of the 'peddling colony' charge demonstrated, the perceived colonial dimensions of the Ireland of their time unsettled some of the young Turks in the *DUM* ranks. Another famed article, 'English theories and Irish facts' (1835), often cited due to the provocative dichotomy of its title, expressed regret that a more robust colonial form of government was not adopted in Ireland to foster 'a complete conformity to English habits and laws': the 'native Irish', the article professed, enjoyed the rights of British citizenship, but lacked understanding of the reciprocal duties.[83] But while some *DUM* writers believed that Irish Protestants were the descendants of the leaders of the ancient kingdom of Ireland, others interpreted Protestantism as the offspring of colonialism. 'There is no use hiding the broad through unpalatable fact', one author conceded in 1833, 'that the Protestant population are an English garrison which is holding this island in its allegiance to England'. As 'a garrison in a half-conquered and half-resisting country', the implications were stark:

> if it [Irish Protestants] be once withdrawn, or if it deserts its banners, or if it emigrate, there will be neither safety for the property, nor security for the allegiance of this island, and the ascendency of England is shivered to atoms![84]

In other words, the Protestants of Ireland were *the* personification of the Act of Union, a legislative vision made flesh and blood. Without them, the

[82] Ibid., p. 591. [83] *DUM*, December 1835, pp. 682–4. [84] *DUM*, May 1833, p. 472.

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British connection would wither and die. This sentiment animated several organisations, such as the Protestant Colonisation Society of Ireland, which attempted to reclaim Irish wasteland to rehome potential emigrants.[85] The defensiveness of Irish Protestantism was not simply an outward projection of a sense of siege mentality, but a reflection on the structural problems in fully assimilating Ireland into the wider United Kingdom. If O'Connell is more loved by the bulk of the Irish people than the queen, the *DUM* surmised, the British connection was gravely threatened.[86]

While issues pertaining to nationality in the *DUM* have captured the attention of scholars,[87] the periodical was partly, we should not forget, a political organ, and acted as a guide to the constitutional ideas of Irish Toryism. In drawing his 'Dialogue between the head and heart' to a close, Ferguson asserted that the reason why the political mood in Ireland appeared so embittered was because of 'English *misgovernment*', not the shackles of ancient hatreds.[88] The theme of how Ireland is governed, and how it ought to be governed, was a prominent motif of the *DUM*. This is not to say that a consistent line was presented. Ferguson's fulmination that Irish Tories were neither 'fish nor flesh' encapsulated a fluidity in how the writers for the *DUM* understood Ireland's relationship with Britain. The *Magazine*, for example, veered dramatically between denouncing the Act of Union as a wrecking ball to a distinctive Irish constitutional tradition and hailing the British connection as Ireland's only salvation.[89]

Some things were, however, more consistently articulated. The *DUM* stoutly defended the Church of Ireland from the gaze of successive reforming governments during the 1830s, interpreting any serious legislative alteration in Church practice as an attack on Protestantism itself. A Whig proposal to commandeer surplus Irish Anglican income in 1835 was fiercely denounced by the *DUM*: if Church property was confiscated by the state for secular purposes, the Union, which fused the Irish parliament *and* Church to its British counterparts, was a mockery.[90] A morbid declinism was often present in the pages of the *DUM*, studded by a belief that the Repeal of the Union was an inevitability, a process

[85] *Transactions of the Protestant Colonisation Society of Ireland, Reported at a Public Meeting of Subscribers, in the Dublin Institution, on Thursday, May 24, 1832* (Dublin: J. Hoare, 1832), p. 29.
[86] *DUM*, October 1844, p. 447.
[87] Most notably Spence's sparkling thesis, 'The philosophy of Irish Toryism'.
[88] *DUM*, November 1833, p. 592. Emphasis in original.
[89] Contrast, for example, *DUM*, August 1834, p. 132, and July 1843, p. 109.
[90] *DUM*, August 1835, p. 134.

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accelerated by an aloof government oblivious to the perils posed to Irish Protestantism by the O'Connellite political ascendancy.[91] The global implications of the undermining of the Irish Tory platform were continually emphasised, with the condition of Ireland taken as a microcosm of the wellbeing of the Empire.[92]

A potent anti-democratic aesthetic was also an obvious feature of the *DUM's* political writings. In 1838, the *Magazine* queried whether the government had fallen under the 'cloven foot of democracy' in its dalliances with O'Connellism.[93] The notion of universal suffrage was condemned on the perceived absurdity of '*counting* suffrages instead of *weighing* them': any newly enfranchised masses threatened the representation of sound 'interests', risking a fall into a Tocquevillian tyranny of the majority.[94] The Irish context, in which Toryism represented a minority political perspective, was rarely missing in *DUM* analyses of such radical reforming concepts. If the 'will of the majority' was the arbiter of political decisions, the Church establishment in Ireland would fall, replaced by a new Catholic ascendancy. A lack of political education and the predominance of Anglophobia among the bulk of the population, the *DUM* claimed, ensured that a democratic franchise would be a dangerous weapon in Ireland. In a critical review of Beaumont's piercing study, *L'Irlande: Sociale, Politique et Religieuse*, in 1839, the *DUM* asserted that the majority of the Irish population did not tolerate 'any difference of opinion' and had slavish tendencies to follow despotic leaders. The 'liberty which they seek', pronounced the *DUM*, 'is that which is most favourable to the views of the demagogue, who demands power for the masses rather than freedom for individuals'.[95] The following year, the *DUM* reviewed the second volume of *Democracy in America*, by Beaumont's great friend, Tocqueville. 'Democracy', as it appeared in the pages of Tocqueville, surmised the *DUM*, did not equate to 'freedom', but to 'equality', meaning 'the absence of privilege'.[96] It went unspoken in the review, but this analysis was coloured by the Irish Tory context, which stressed that the 'privileges' held by Protestantism were the last remaining bulwarks against the rise of a democratic Catholic nationalism driven by vengeance. 'Equality' was thus an existential threat.

Universal suffrage also risked tipping the balance of power in the mixed constitution which defined British governance. The *DUM* imagined a

[91] *DUM*, July 1836, pp. 6–7.
[92] *DUM*, November 1837, p. 520.
[93] *DUM*, March 1837, p. 353.
[94] *DUM*, February 1837, pp. 183–4.
[95] *DUM*, July 1839, p. 112.
[96] *DUM*, November 1840, pp. 546–7.

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popular assembly inevitably asserting its power over the Crown and peers, ultimately dismantling the constitutional norms of careful deliberation and a pluralistic decision-making process, which had hitherto promoted stability through reconciling a 'variety of classes'. Supreme power should continue to reside in a mixed constitution, which provided a framework for careful deliberation and the articulation of a range of interests, achieving stability through reconciling a 'variety of classes'. The *DUM* presented the British mixed constitution as the pinnacle of how the exercise of power should be structured in a modern state. That constitution was, of course, distinguished by the interconnectedness of the Crown, Lords, and Commons, but the *DUM* also believed that a fourth constituent element was virtually represented, namely 'the democracy excluded from electoral privileges'. Given this array of interests, there was simply no need to radically alter this constitutional setup through an increase in suffrage. The constitution should decide the political direction of the state, not the 'people'.[97] The concept of 'representative government' was also belittled as an attempt to assert the sovereignty of the people in an indirect manner. Such a system gave the voters too much control over their representatives, creating a perverted parliamentary class of 'pledged partizans' rather than the dignified ideal of the 'deliberative councillor'.[98]

This is not to say that the *DUM* believed that the practice of the British constitution mirrored the theory. The *Magazine* condemned the enfranchisement of the £10 freeholder in Ireland in 1829, which in effect granted more political power to the Catholic clergy in Ireland. The impoverished fate of the £10 freeholder in Ireland rendered him very different to his socially aspirational English equivalent. 'Popular power', lamented the *DUM*, 'is one thing in a country where the people are far advanced in knowledge and civilisation', but quite another in 'a country where the mass of the population are sunk low in ignorance and its consequent degradation'.[99] The Irish £10 freeholder was estranged from landlordism and socially distant from the wider population: he was the tool of the priesthood *par excellence*, the foot soldier of O'Connell's demagogy. This was one of the most notable cases wearily identified by the *DUM* as a misguided effort to employ an 'English theory' (that the £10 freeholder should enjoy the suffrage) to incongruous 'Irish facts' (the £10 freeholder in Ireland was the slave of Popish superstition). The anatomy of Irish suffrage became a more pressing political point after the Whigs' so-called

[97] *DUM*, May 1838, pp. 643–5.
[98] *DUM*, February 1837, pp. 185–7.
[99] *DUM*, April 1835, p. 376.

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Lichfield House agreement with O'Connell in 1835, which resulted in the programme of 'justice to Ireland' through additional reforms.[100] Given that the *DUM* asserted that the parliamentary might of O'Connellism was concocted from a toxic mix of the ignorant yet enfranchised masses and the Catholic clergy, the Lichfield House development was deeply troubling. After 1835, the *DUM* equated 'misgovernment' with the O'Connellite influence over the Whigs.[101] The Irish Lord Lieutenant, Lord Mulgrave, was castigated as a 'despot', with O'Connell as 'a viceroy over him' – an arrangement sanctioned by the government itself.[102]

As this analysis revealed, the Whigs' pivot towards the O'Connellite movement was interpreted by the *DUM* as constituting a form of tyrannical rule. The government was acting at the behest of a 'factional' interest in Ireland: the logical direction of travel, a dismayed *DUM* concluded, was a British embrace of Repeal.[103] The *DUM* used the creation of a Whig-O'Connellite nexus to agitate for the creation of a new conservative party in Ireland to challenge the narrative that the Repealers spoke for the country. Conservatives should avoid allowing 'their enemies' to assume the 'imposing appearance of being the popular party' and assert the Tory claim to 'the national cause'.[104] Drawing on the Peelite idiom, the *DUM* pleaded to 'our Tory friends' to 'convert their passive, defensive Toryism' into 'an active energetic spirit of Conservatism'. The alternative for Tories was inevitable 'anarchy and ruin', imaginatively conjured up as 'ebbing and glowing from the democracy of the "Poissardes" to the despotism of a Robespierre'.[105] If the political clout of the Repealers lay in organisation and mobilisation, the *DUM* pushed Irish conservatives to follow this example with grave urgency.

Defenders of the Faith

The Irish Metropolitan Conservative Society (IMCS) was established in November 1836, with Francis Hodgkinson, the Vice Provost of TCD, as its president. Tellingly, a letter of support from a sitting Tory MP, as well as Rev. Mortimer O'Sullivan, referred to the new organisation as the

[100] Jay R. Roszman, '"Ireland as a weapon of warfare": Whigs, Tories, and the problem of Irish outrages, 1835 to 1839', *Historical Journal*, vol. 60, no. 4 (2017), p. 975.
[101] For example, see *DUM*, April 1838, p. 530. [102] *DUM*, December 1837, p. 703.
[103] *DUM*, July 1836, p. 7. [104] Ibid., p. 9.
[105] *DUM*, September 1836, p. 297. The Poissardes were the market women who marched to Versailles in October 1789.

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'Metropolitan Protestant Association'.[106] The stated mission of the new Society was threefold: uniting the Protestants of Ireland behind one political body; the promotion of registration of Protestant voters; and the establishment of loan funds to assist 'the humbler classes of Protestants'.[107] These latter two aims highlighted the Tory adaption to the new era of post-reform politics, with the Protestant interest being defined by a preparedness to engage in electioneering and a pan-class appeal to denominational unity.

The list of supporters that was printed following the first public meeting of the Society revealed a largely urban body, with numerous professional men in its ranks. There was a distinct lack of aristocratic and gentry figures, further anticipating the shedding of the old Tory skin. Indeed, while the Society upheld the rights of property as an abstract political imperative, the *wrongs* of Irish property in practice were not evaded. A report commissioned by the Society condemned the practice of landlordism in Ireland, pinning much of the blame for the social and religious backwardness of the Irish peasant on the gentry:

> Your Committee would respectfully state their conviction, that the extreme dangers to which you are now exposed are in a great degree, if not entirely attributable to the fact, that the Protestants of this country contented themselves for ages past with preserving the constitution, enforcing the laws, and maintaining a connexion with England. They omitted to improve their estates and disregarded the spiritual welfare of those who dwelt on them; they affected to think themselves English instead of raising their native country to a moral rank, in which they might be proud to own themselves her sons.[108]

In other words, the paternal link between landlord and tenant had been broken. The 'metropolitan' Tories now seized the leadership of Irish conservatism.

The IMCS was founded in the same year as the Orange Order was formally (if only symbolically) dissolved, in the face of an impending government ban on the latter organisation. Orangemen had become a notable presence during the election in 1835, dominating the streets of Belfast and engaging in sectarian rioting in Armagh.[109] The *DUM*,

[106] *Morning Post*, 18 November 1836. [107] Ibid.
[108] *Report of the Proceedings at the First Public Meeting of the Irish Metropolitan Conservative Society, Held at their House, 19 Dawson Street, on the 16th of November, 1836* (Dublin: Irish Metropolitan Conservative Society, 1836), p. 5.
[109] Hoppen, *Elections, Politics, and Society*, p. 320.

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however, stressed the Order's place as a form of 'self-preservation' for Protestants.[110] This trope was common in pro-Orangeism pamphlets in the few years following reform, with Protestant commentators expressing grave concern about the Whig administration empowering the O'Connellite movement through an assault on the pillars of Protestantism in Ireland.[111] At the first meeting of the IMCS, Robert Plunkett announced that the new society was not intended to act as 'a substitute for Orangeism', but to urge Protestants to recognise that politics in the aftermath of reform had radically changed. The extension of the franchise demanded the modernisation of political organisation. 'We are', Plunkett declared, 'essentially a body associated for the purpose of Conservative registration'.[112] John West, the MP for Dublin City, followed Plunkett in proclaiming that 'the battle of the Constitution must be fought at the registries'.[113]

Voters were thus replacing 'interests' as the primary mechanism of securing political representation, a trend that Irish Tories grasped by the mid 1830s. Like the writings exhibited in the *DUM*, the IMCS was a manifestation of an Irish Protestant belief that inaction was simply not an option in the face of the ebullience of O'Connellism; those who wished to maintain the British constitution in Ireland were forced to meet the Repealers on their own terms. The mobilisation of Tory voters was more important than the old aristocratic networks in this new age. In its report of the founding of the IMCS, the *DUM* optimistically hoped that the stimulus was now in place to encourage the creation of local associations throughout Ireland, 'to secure a fair representation for the sentiments and feelings of the really qualified voters of the constituencies of the country'.[114]

Despite the emphasis on grassroots mobilisation to amplify Irish Conservatism, the IMCS was resolutely opposed to any further democratisation of the franchise, which, it was feared, would disproportionately increase the number of Catholic voters. The wider political vision of the IMCS was profoundly shaped by virulent anti-Catholicism, which perpetuated the idea that the Catholic Church was undermining Protestantism on a global scale. The first 'special report' published by the IMCS centred on the Catholic Church and its 'organised conspiracy' to undermine the Protestant constitution of the British state through a

[110] *DUM*, April 1836, p. 408.
[111] 'A Voice from the North', *To the Orangemen of Ireland* (Belfast: Stuart & Gregg, 1835); O'Sullivan, *Case of the Protestants of Ireland*, p. 19.
[112] *Report . . . First Public Meeting of the Irish Metropolitan Conservative Society*, pp. 14, 17.
[113] Ibid., p. 22. [114] *DUM*, January 1837, pp. 11–12.

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sustained assault on the Church of Ireland.[115] On the face of it, the enduring presence of such anti-Catholicism within the IMCS platform suggests that underneath the veneer of modern, Peelite-esque conservatism in Ireland, the animating impulse remained reactionary bigotry. But such a judgement overlooks a fundamental component of Irish conservatism in Ireland: the Catholic Church was feared as a *political* threat to the Protestant conceptions of liberty. Faced with an ascendant Repeal movement, which crystallised Catholic indifference to the fate of the Act of Union, and a Whig reliance on the O'Connellites for parliamentary arithmetic, the IMCS positioned itself as the defender of the Protestant constitution and the true voice of Irish patriotism.

The writings of Dr Anthony Meyler, a founding member of the IMCS, showcased this sentiment. Meyler was a medical doctor and well-known lecturer within the Dublin circuit, who campaigned for better ventilation in public buildings to improve respiratory health.[116] He was also a Catholic convert to Protestantism. In 1838, he published a blistering attack on O'Connellism and the Whig government for enabling the 'Popish clergy' to stoke 'the rebellious and lawless feelings now so prevalent'. Meyler's conception of the future was shaded with dystopian colours, fearful of the political clout of Irish Catholicism. With the 'unholy compact' between the Whigs and O'Connellites, he affirmed that 'Ireland is now governed by the agency of a Popish faction'. 'A tremendous crisis is approaching', he speculated,

> and we are on the eve of a struggle between the peasantry, goaded on by their priests, and the Protestant Church and its members. Ireland is the field where the battle of religious freedom and the constitution may again be fought; and unless the Protestants awake to a sense of their danger, and take the necessary measures of security, the priests will be the rulers of the country.[117]

Ireland as the battlefield of the constitution, the site of a confrontation between Protestant liberty and Catholic tyranny, was a chief animating impulse within Irish Toryism in the age of O'Connell.

[115] *Authentic Reports of Special Meetings of the Irish Metropolitan Conservative Society: on the Policy of the Church of Rome in this Country in her Advocacy of the Voluntary System: a Lecture Delivered by Rev. J. C. Martin* (Dublin: IMCS, 1837), pp. 8–9.

[116] Anthony Meyler, *Observations on Ventilation, and on the Dependence of Health on the Purity of the Air which we Respire* (London: Longman, Hurst, Rees, Orme, and Brown, 1818). For Meyler's lecturing interests, see Enda Leaney, 'Provincial science lectures in nineteenth-century Ireland', *Irish Historical Studies*, vol. 34, no. 135 (2005), p. 269.

[117] Meyler, *Irish Tranquillity*, pp. iii, iv–v.

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Meyler's words have a reactionary ring to them, but his stance was more nuanced than his rhetoric suggested. While much of his argument revolved around the rejection of Catholicism as a form of enlightened Christianity – 'I loathed the dark bondage of that superstition in which their minds were held captive'[118] – he acclaimed the redemptive potential of responsible political rights to temper Irish unrest. Meyler supported Catholic Emancipation, believing that the restoration of the privileges of citizenship to the Irish majority would foster a more critical mind, eventually overthrowing the influence of the dominating priest.[119] The experience of the immediate post-Emancipation age, however, shattered his hopes. While the Catholic Relief Act created theoretical political equality among the Catholics and Protestants of Ireland, Meyler criticised the 'injudicious extension of the elective franchise' in 1832 for ushering in a new religiously based ascendancy led by O'Connell.[120] In Meyler's reading, the political equilibrium created in 1829 was destroyed only three years later by the earthquake of parliamentary reform. It was the extension of the franchise, not Catholic Emancipation, that empowered the Irish priests. The newly enfranchised Catholic voters had become the foot soldiers of O'Connellism, a terrifying political machine lubricated by rampant anti-Protestantism.

The alliance between the O'Connellite MPs and the Whigs was, therefore, according to Meyler, one of the most debilitating aftershocks of parliamentary reform. Indeed, he framed this arrangement as a crisis of political power, as the constitutional norms that underpinned legitimate governance in the United Kingdom were overthrown; the government was now in the hands of a pernicious faction. He argued that 'the authority of government should be based on the property, the morality and the intelligence of the country', established political norms that had been overturned in the years since parliamentary reform. 'The Roman Catholic tenant should not legislate for his Protestant landlord – the Romish priest should not legislate, as he does, for the Protestant Church'.[121] Particular ire was directed at Lord Mulgrave, the Whig Lord Lieutenant for Ireland, who, in an attempt to court popularity in Dublin, failed to comprehend the true character of Irish political factions.[122] Mulgrave had, Meyler insisted, 'mistook the noisy uproar of a violent, though insignificant party, for the sober and deliberate voice of the nation'.[123] With this 'violent' faction

[118] Ibid., p. vi. [119] Ibid., p. vii. [120] Ibid., p. 2. [121] Ibid., p. ix.
[122] K. Theodore Hoppen, *Governing Hibernia: British Politicians and Ireland, 1801–1921* (Oxford: Oxford University Press, 2016), pp. 77–8.
[123] Meyler, *Irish Tranquillity*, pp. 31–2.

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apparently influencing government policy, the fabric of political authority was coming undone. Meyler rejected a Rousseauean interpretation of government as 'an imaginary compact', 'a mutual surrender of certain natural rights for a common object', stressing instead that political authority is invested with legitimacy only because of an ability to provide security of life and property. He mounted a classical conservative argument that political power should be retained only by those who demonstrated 'wisdom', 'knowledge', 'experience', and 'intelligence'. Society was on a path of certain destruction if 'a lawless and ignorant populace' was invested with authority.[124]

Meyler may have rejected contractarian theories of government based on the surrender of natural rights, but he, like other Irish Tories, framed the Acts of Union as a contract between two historic nations. In operating in an alliance with the political representatives of the Catholic clergy, the Whig administration threatened to renege this contract; Meyler appealed for British parties to adopt a more holistic approach to Ireland to reset the political clock. It was for those in power in Britain to 'consolidate the union' as a reparation for 'centuries of misrule'.[125] Ireland was part of a Protestant kingdom, and the only sustainable path maintaining this status was the 'education of the people in the religion of the gospel'.[126] Given the winds of political change, Meyler was, however, pessimistic. While some Tories such as Emerson Tennent threw cold water on the robustness of the Whig-Radical nexus,[127] Meyler feared that the United Kingdom was sleepwalking into a revolutionary situation. Reform and the ascent of political radicalism threatened the traditional institutions of the British state, such as the Church of England and the House of Lords; in Ireland, the Catholic priesthood was empowered via the 'agency of the peasantry'.[128] Fear for the future of Ireland and the Union propelled Meyler into action with the IMCS.

The contractarian interpretation of the Acts of Union implied equal partnership of the United Kingdom. As such, Irish unionists could, in theory, withdraw their consent to the settlement of 1800, if British actions were deemed to render the connection void. The practical consequences of this stance were, however, difficult for Irish conservatives to articulate. The IMCS published a speech by Meyler in 1840 centring on the destabilising

[124] Ibid., pp. x–xi. [125] Ibid., p. 109. [126] Ibid., p. 119.
[127] *Report of the Speeches and Proceedings at the Belfast Society's Fourth Anniversary Dinner, Held on Tuesday, December 20, 1836, in the Conservative Hall, Belfast*, 2nd ed. (Belfast: G. Phillips, 1837), p. 15.
[128] Meyler, *Irish Tranquillity*, p. 117.

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character of politics since the passage of Catholic Emancipation. A number of key Irish conservative assumptions were articulated: the extension of the vote corrupted the Catholic peasant, rendering him a tool of the priest; the phrase 'justice for Ireland' was a cover for the creation of a Catholic ascendancy; and rebellion threatened to overwhelm the defenders of the Protestant faith and the Union.[129] Meyler dwelt on the lost cause of post-Emancipation political harmony in Ireland, accusing the Whigs of merely emboldening the O'Connellites. The object of Emancipation, for Meyler, was to increase conformity to the laws from the hitherto excluded Catholics. There was potential to unite 'the gentry of both persuasions in the bonds of amity', but sectarian differences had been stoked by O'Connell, forcing Catholic landlords to relinquish 'their legitimate influence' as political leaders and fall into the 'degrading bondage' of 'priestly and peasant despotism'.[130]

Meyler's belief in the potential of Emancipation to strengthen conservative social norms of hierarchy and diffidence across Ireland offers an insight into a particular Irish Tory body of ideas. Emancipation was a lost opportunity to expand political liberty throughout Ireland: the creation of a more inclusive form of Irish citizenship should have challenged the clerical grip over the Catholic population. In this sense, Emancipation was a theoretically stronger method to tackle 'superstition' and priestly domination than the penal laws themselves. In a series of public letters to Lord Stanley, who served in Peel's administration in 1841, Meyler conceded that the penal laws 'passed the legitimate boundaries of legislation' because they victimised the laity as much as the Catholic clergy. Meyler was comfortable with 'restrictive laws' directed at the latter group, but in making the Irish majority suffer a loss of political rights, alienation festered in the place of loyalty. The exclusion of Catholics from the legislature was a hammer blow to reconciliation.[131] Coupled with the expansion of the franchise, the landed interest in Ireland had been diminished beyond repair. Meyler recorded that the age of 'high ascendancy and exclusive Toryism in Ireland has passed away' and was not likely to return. Instead, conservatives needed to find a compromise with what he termed 'a new element' within Irish political thought called 'liberty', lest it become monopolised by the 'Popish priesthood'.[132]

[129] *The Address of the Metropolitan Conservative Society of Ireland to the Protestants of Great Britain, Along with a Speech Delivered by Doctor Meyler* (Dublin: W. Warren, 1840), pp. 4, 10, 14, 16.
[130] Ibid., pp. 36–7.
[131] Anthony Meyler, *Six Letters Addressed to Lord Stanley, on the Political and Religious Condition of Ireland* (Dublin: William Carson, 1841), pp. 6–7.
[132] Ibid., p. 13.

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Meyler defined 'liberty' as freedom to constitutional rights. As such, liberty was not an abstraction in his imagination, but a political concept that derived its features from 'character of the people with whose government it is blended'.[133] The problem in penal law-era Ireland was that the majority of the people and the government endured an antagonistic relationship, allowing the Catholic Church to assume the status of a distinctive political authority working in opposition to the state. 'Liberty' within Catholic Ireland, therefore, implied a rather different thing than in Protestant Ireland. Meyler regretted the Irish Tory acquiescence in this state of affairs, which contributed to the sectarian nature of political life in Ireland. As the natural figures of authority in a largely feudal society, Meyler lamented the inability of Irish Tories in providing leadership to a wider political community than Protestants. This was compounded by a failure of government since the Union, which 'neglected to educate the people out of the superstition in which they were immersed'.[134] These factors had potentially lethal consequences, which Meyler spelled out with apocalyptic gloom. 'The Protestants of Ireland now stand on a volcano, unknowing how soon it may explode, or when the massacre of 1641 may be repeated'.[135] The only hope for political stability in Ireland was, according to Meyler, the Emancipation of the Catholic people from their priesthood; in other words, nothing short of a second Reformation.[136]

The unspoken consensus within Irish conservatism was, however, that such a radical solution was impossible. Meyler uncompromisingly claimed that Ireland was 'rotten to the very core', destroyed by the unchecked influence of 'Popery', aided and abetted by British indifference and inaction.[137] Hopelessness was a recurring theme within Irish conservative writing during the high age of O'Connell and the Repeal movement. Policies relating to religious practice emanating from London were widely criticised for empowering O'Connellism. For Meyler, the British grant to the Catholic seminary in Maynooth was, in essence, a state-sanctioned sponsorship of treason, given the production of a priesthood 'eminently turbulent and disloyal'.[138] Other Tories followed suit. In judging the 'usefulness' of the Church of Ireland, John Campbell Colquhoun, a Scottish conservative, condemned the failure to teach 'the people the Gospel in their own language', ensuring that Anglicanism remained a

[133] Ibid., p. 19. [134] Ibid., p. 74. [135] Ibid., p. 23. [136] Ibid., p. 24. [137] Ibid., p. 72.
[138] *A Speech, Delivered by Doctor Meyler, at the Great Meeting of the Irish Metropolitan Conservative Society, on a Petition to the House of Commons, Praying that the Annual Grant Hitherto Voted to the Roman Catholic College at Maynooth may be Discontinued* (Dublin: Joshua Porter, 1839), p. 14.

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minority denomination despite its official status in Ireland. In explaining Irish unrest, Colquhoun blamed the state for maintaining a distant and hostile relationship with the Catholic population.[139]

A more forthright argument was made by Rev. Tresham Dames Gregg, one of the staunchest opponents of Catholicism in Ireland. In 1840, Gregg published the uncompromisingly titled *Protestant Ascendancy Vindicated*, which was a hostile response to the reform of the Dublin Corporation. The Dublin Corporation was a bastion of Protestantism within Irish civic society, but it fell victim to the wider pattern of municipal reform implemented by the Whigs after 1835.[140] In Ireland, this took the form of the destruction of the Protestant privileges within local government. By November 1841, the grim reality of this reform for Irish conservatives was clear: Daniel O'Connell became the Lord Mayor of Dublin. Gregg began *Protestant Ascendancy Vindicated* with the bleak declaration that Ireland is 'the most miserable country in the world', a condition fostered solely by 'Popery'. Given this, he saw salvation for Ireland only in a restored Protestant Ascendancy. Gregg framed this argument expansively, expressing a desire to reclaim Protestant rights beyond those threatened to be lost at the Dublin Corporation. 'Protestant Corporations', he affirmed, 'are only consistent with a Protestant constitution'. The logic of this stance was that opposing the reform of corporations was not enough if the 'great Protestant system' – the wider constitution – was dismantled as a sop to Irish Catholics and O'Connellite radicals.[141] Gregg defined 'freedom' as the birthright of Protestants, contrasting this virtue with the 'slavery' imposed by the Catholic Church on its adherents. It followed, then, that a 'Protestant constitution' represented the apex of political achievement. This logic pushed Gregg to assert that there was little point in defending the Protestant privileges of one part of the constitution – the corporations – while the remainder was smashed by a factionalist government: 'Let us seek to retain our Protestant Corporations not as anomalous institutions, exclusively Protestant, when everything else has been Papalised'.[142] The revitalisation of the 'Protestant Ascendency' in Gregg's imagination rested on two pillars: the maintenance of the Church of Ireland, supported 'by a

[139] J. C. Colquhoun, *The Uses of the Established Church to the Protestantism and Civilization of Ireland*, 2nd ed. (London: Hatchards, 1839), p. 12.
[140] Hill, *From Patriots to Unionists*, p. 365.
[141] T. D. Gregg, *Protestant Ascendancy Vindicated, and National Regeneration, Through the Instrumentality of National Religion, Urged; in a Series of Letters to the Corporation of Dublin* (Dublin: D. R. Bleakley, 1840), p. 6.
[142] Ibid., p. 121.

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provision from every member of the community' (a euphemism for the old tithe system); and the government of the country 'exclusively in the hands of Protestant Christians'.[143] While Gregg warned against interfering in the religious practices of individual Catholics, and condemned the old penal laws for doing so, he demanded at the same time the expulsion of Catholic MPs from Westminster to ensure 'Scriptural policy' can be enacted without opposition.[144]

Gregg's stance was extreme, but it was representative of the broad currents of Irish conservative thought in the era of O'Connell. At the heart of his position was that politics and religion were – and should be – intimately intertwined. 'The man who says that religion has nothing to do with politics', Gregg wrote in 1847, 'aims a mortal blow at all establishments for religion'.[145] The defence of 'Protestant' political institutions was more than religious zealotry: Gregg believed that the constitutional privileges afforded to Ireland stemmed from Protestantism.[146] 'Britain is free, because she is Protestant', Gregg recorded in 1840.[147] Ireland stood, in stark contrast, as an 'enslaved country', where neither Catholics nor Protestants were free, because of 'Romanism' and the constitutional dilution of Protestantism.[148] This echoed the *DUM*'s assertion that Ireland was, in essence, a 'medieval society' in which priestly domination underpinned 'political superstition' and religious fanaticism. The Union was presented as the light of modernity, as Ireland gained 'the advantages of institutions centuries in advance of her state of civilisation'.[149] But these 'institutions' were being chipped away by British neglect of the Protestant ethos of the Union. Gregg strongly endorsed the self-reliance motif that was frequently articulated by Irish conservatives during the 1830s and 1840s, calling for men of talent to actively represent Ireland at Westminster. If the course of history since 1801 was a guide, passive reliance on British statesmen would prove fatal for Ireland and the wider imperial world. If political liberty was connected to Protestant values, then Irish Protestantism stood as a guardian of freedom. 'Nothing but the spread of truth', Gregg reasoned, 'can recover Great Britain, regenerate Ireland, and save the empire from ruin'.[150] This was the crux of the matter. The unionism of many Irish conservatives in the era of O'Connell was

[143] Ibid., p. 64. [144] Ibid., pp. 83, 98.
[145] T. D. Gregg, *Free Thoughts on Protestant Matters*, 2nd ed. (Dublin: W. Curry, Jr. & Co., 1847), p. 44.
[146] Ibid., pp. 77–8. [147] Gregg, *Protestant Ascendancy Vindicated*, p. 11.
[148] Gregg, *Free Thoughts*, p. 121. [149] *DUM*, October 1844, pp. 442, 448.
[150] Gregg, *Free Thoughts*, p. 399.

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nourished not by a shared national identity with the British, but a belief that Protestantism and political freedom remained intertwined.

The Union on Trial

In 1848, Daniel Owen Madden, a literary associate of Young Ireland, extolled the virtues of the Irish bar. From the mid eighteenth century, Madden asserted, the Irish bar has 'produced more orators than the English body of lawyers'. The English law profession may have been 'endowed with unconquerable industry and solid talent', but their Irish counterparts dazzled with their 'eloquence, enthusiasm, and the fire of genius'.[151] This perception was shared by a number of nineteenth-century contemporaries, who stressed that the courtroom was the professional environment for several of the most talented men in Ireland.[152] In high-profile cases during the nineteenth century, lawyers became notable public figures, and there was a huge appetite for legal news and an appreciation for eloquent court speeches. The trials of the Young Irelanders in 1848 offer a dramatic snapshot of this phenomenon. Several prominent Irish conservatives served as defence lawyers for the likes of John Mitchel and William Smith O'Brien before and after the 1848 rebellion; their legal arguments placed the Union on trial as much as the men charged with sedition and high treason.

The courtroom has been recognised as a performative – and deeply political – space for legal teams, defendants, juries, and onlookers.[153] The nineteenth-century courtroom was used by Irish separatists to legitimate acts of high treason against the British Crown, and to denounce the very essence of British law in Ireland. From Robert Emmet's prized oratory from the dock in 1803 through to Roger Casement's famous speech during his trial in 1916, the courtroom was not simply a site of deliberation and justice; it was also a space to advocate separatism through oratory.

[151] Daniel Owen Madden, *Revelations of Ireland in the Past Generation* (Dublin: James McGlashan, 1848), p. 2.

[152] See, for example, Richard Lalor Sheil, *Sketches of the Irish Bar*, 2 vols. (New York: Redfield, 1854). J. Roderick O'Flanagan, *The Irish Bar: Comprising Anecdotes, Bon-Mots, and Biographical Sketches of the Bench and Bar of Ireland* (London: S. Low, Marston, Searle, and Rivington, 1879); 'Report of the recent state trials', *Dublin Review*, vol. 16, no. 32 (June 1844), p. 378.

[153] Katie Barclay, *Men on Trial: Performing Emotion, Embodiment and Identity in Ireland, 1800–45* (Manchester: Manchester University Press, 2019), p. 5; Myles Dungan, *Conspiracy: Irish Political Trials* (Dublin: Prism, 2009), p. xv; Michael T. Davis, Emma Macleod and Gordon Pentland (eds.), *Political Trials in an Age of Revolutions: Britain and the North Atlantic, 1793–1848* (London: Palgrave Macmillan, 2019), p. 6.

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A distinctive literary culture developed around seditious 'speeches from the dock', which emphasised the patriotic virtues of generations of rebels against the British connection in Ireland.[154] Political trials were, however, not monologues: it was often the lawyers who were the dramatic stars of the show. This was the case for several of the trials in 1848, particularly those featuring Isaac Butt as the defence counsel. For Butt, the trials of 1848 became an occasion to publicly critique the structure of government in Ireland that had resulted in the devastation of the Famine, which fuelled the desperate attempt by Irish patriots to wage war on the Crown. The Young Ireland rebels may have been misguided in their attempt to wage war against the Crown, but the attempt at insurrection raised a troubling question for Irish Tories as the Famine disseminated the Irish countryside. What if the Young Irelanders were fundamentally correct in their analysis of the Union?

Indeed, elements within Young Ireland and Tory Ireland converged during the 1840s, even before the onset of the Famine. Irish conservatives looked to Britain's constitution as a great charter of freedom, upholding a liberty that was rooted in, and intertwined with, the principles of Protestantism. The prevailing sense among conservatives such as O'Sullivan, Meyler, and Gregg was that successive governments had, since 1829, eroded the social contract that underpinned the legislative Union. But such an interpretation struggled to articulate a political alternative, given that the idea of the Repeal of the Union was intimately bound up with the assertive Catholicism of O'Connell. With the founding of the *Nation* in 1842, however, a less Catholic-centred interpretation of self-government found a platform, which attracted several Irish Tories. Established writers, such as William Carleton and James Clarence Mangan, appeared in both the *DUM* and the *Nation*, encapsulating the shared sense of pride in Irish history, antiquities, and folklore within the two publications, which transcended political divisions.[155] But there were other notable intersections between the Tory and Repeal worlds beyond the pages of the *Nation*, with the courtroom emerging as a pivotal space to explore the potential for a meaningful political synthesis. Suggestive glimpses of a possible Irish Tory-Young Ireland consensus appeared during James Whiteside's defences of Daniel O'Connell and Charles Gavan Duffy against charges of sedition in 1843 and 1844.

[154] The most striking example was A. M. Sullivan and T. D. Sullivan, *Guilty or Not Guilty? Speeches from the Dock, or Protests of Irish Patriotism* (Dublin: no publishing house, 1867). See Chapter 5, p. 211, for a more detailed discussion.

[155] Foster, *Words Alone*, pp. 52–4.

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James Whiteside was, by the 1840s, a major presence within the Irish bar. His political thought was framed, like his Irish conservative contemporaries, by the connections between Protestant liberty and responsible government.[156] Whiteside was particularly regarded for his eloquence, and his defence of Duffy in 1844 was widely praised as a master class of courtroom rhetoric. The *DUM* recorded that Whiteside's address was 'almost unrivalled in the annals of oratory'.[157] His performance was apparently so powerful that it moved many in the courtroom to tears.[158] Whiteside's argument was constructed around a critique of the Union which appealed not to abstract national sentiment but to a materialist interpretation of the shortcomings of constitutional centralisation. The *DUM's* praise for Whiteside's approach spoke volumes about the conditionality of unionism within the ranks of Irish conservatism, even before the horrors of the Famine began to devastate the potato crop. Indeed, following Whiteside's spirited defence of Duffy, Young Ireland voiced their hopes of further collaborations with Irish conservatives: the *Nation* pinned its hopes on 'a rising race of Irish lawyers', a number of whom were associated with the *DUM*, to transform the Irish bar into a nationally minded institution.[159]

While this burden of expectation initially rested on Whiteside, it was the younger *DUM*-affiliated lawyers, Isaac Butt and Samuel Ferguson, who publicly gravitated towards Young Ireland after the aftermath of the state trials of 1844.[160] Butt was one of the most gifted young Tories of his day, a man who combined intellectual vigour, an affable character, and a classical style of oratory. He had been, as we saw earlier, an editor of the *DUM* during the 1830s; in addition, he was elected to the Whateley Professorship in Political Economy at TCD in 1836, a position he held until 1841.[161] It was the great Repeal debate at Dublin Corporation in

[156] Patrick Maume, 'Unionists and patriots: James Whiteside, the Irish bar and the dilemmas of the Protestant nation in Victorian Ireland', in Allan Blackstock and Frank O'Gorman (eds.), *Loyalism and the Formation of the British World, 1775–1914* (Woodbridge: Boydell Press, 2014), pp. 145–62.

[157] *DUM*, March 1849, p. 333.

[158] Charles Read and T. P. O'Connor (eds.), *The Cabinet of Irish Literature: Selections from the Works of the Chief Poets, Orators, and Prose Writers of Ireland*, 4 vols. (London: Blackie and Son, 1880), iv, p. 65.

[159] *Nation*, 23 March 1844.

[160] It should be noted that Whiteside was abroad for much of 1845–7; his *Italy in the Nineteenth Century*, 3 vols. (London: Richard Bentley, 1848) was based on his Italian travels during this time.

[161] For Butt's tenure as Whateley Professor, see Alan O'Day, 'Isaac Butt and neglected political economists', in Noel Thompson and Nigel Allington (eds.), *English, Irish and Subversives among the Dismal Scientists* (Bingley: Emerald, 2010), pp. 375–401, and Colin W. Reid, '"A voice for Ireland": Isaac Butt, environmental justice, and the dilemmas of the Irish land question', in Matthew Kelly (ed.), *Nature and the Environment in Nineteenth-Century Ireland* (Liverpool: Liverpool University Press, 2019), pp. 55–74.

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1843, however, that catapulted Butt into national prominence. As a young alderman at the Corporation, Butt was chosen to counter Daniel O'Connell's motion to petition parliament in favour of the Repeal of the Union. O'Connell spoke for over four hours, focusing on the extreme poverty that blighted many parts of Ireland, which he connected to a lack of self-government. Butt's reply emphasised the exalted status that the Union had granted Ireland and the Irish. 'I am satisfied', Butt told the Corporation, 'that we have all a much greater stake in the strength and in the prosperity of the empire at large, than we can have in any petty and separate interest of any of its component parts'.[162] Indeed, Butt argued that the Union was a more logical framework of governance than a return of a parliament in Dublin, as the Irish understanding of political liberty was rooted in 'Anglo-Saxon rights'. 'The liberties of our country', Butt declared, can be traced 'no higher than the English conquest'.[163] Butt was critical about how O'Connell had weaponised the concept of Repeal, which he believed had inflamed the political mood of the country. Despite this, Butt conceded that the emotional appeal of a restoration of a parliament in Dublin was potent.[164] Nevertheless, he hoped that his vision of a harmonious Union, with Ireland enjoying a privileged role within a greater kingdom and empire, would trump the lure of O'Connellite sentiment. But as Ireland moved into the era of the Famine, the conditionality of Butt's unionism came increasingly to the fore.

Irish Toryism hit a crisis point with the onset of the Famine; the perception that the Union state was unable – or even unwilling – to alleviate the devastation of the blight led some unionists to question Ireland's constitutional status. Butt's vision of the United Kingdom as a multinational melting pot, imbued with a shared imperial purpose and common interests, was fractured by the Famine. In 1847, he published *A Voice for Ireland*, a blistering attack on the nature of Irish governance:

> Irishmen were told that in consenting to a Union which would make them partners with a great and opulent nation, like England, they would have all the advantages that might be expected to flow from such a nation. How are these expectations to be realised, how are these pledges to be fulfilled, if the partnership is only to be one of loss, and never of profit to us?[165]

[162] Isaac Butt, *Repeal of the Union: the Substance of a Speech Delivered in the Corporation of Dublin, on 28th February, 1843, on Mr O'Connell's Motion to Petition for a Repeal of the Legislative Union* (Dublin: William Curry, Jr. and Co., 1843), p. 6.
[163] Ibid., p. 9. [164] Ibid., pp. 62–5.
[165] Isaac Butt, *A Voice for Ireland, the Famine in the Land: What Has Been Done and What is to be Done* (Dublin: J. McGlashan, 1847), p. 22.

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Butt was moving closer politically to his Repealer contemporaries. 'Can we wonder if the Irish people believe', Butt fumed, '*and believe it they do* – that the lives of those who have perished, and who will perish, have been sacrificed by a deliberate compact to the gains of English merchants'. The humanitarian failure of theories of free market political economy had, Butt asserted, 'created among all classes a feeling of deep dissatisfaction, not only with the ministry but with English rule'.[166] The Famine, in other words, grimly brought to the surface the tensions inherent within the Union itself.

At the beginning of 1848, the *DUM* published an anxious article outlining the dangers and duties of Irish conservatives and the landed interest during the humanitarian crisis that was unfolding in the countryside. A stark warning leapt out of the pages: either the government intervened in a meaningful way in Ireland – the expansion of tenant rights was the most significant idea floated in the *DUM* – or the Union would perish from neglect. 'Conservatives in Ireland', the *DUM* counselled, 'should prepare for that which is most to be dreaded'.[167] Some conservatives were, however, more advanced than the *DUM's* position, and came to advocate – with a reluctant inflection – the Repeal of the Union. In April 1848, the *Morning Chronicle* reported that Butt, 'heretofore a prominent Conservative of the Orange school', was preparing to be 'the great gun' of the newly established Protestant Repeal Association.[168] This organisation was founded by Samuel Ferguson, with the aim of giving voice to the exasperation and disenchantment felt by Protestants at how unresponsive the Union government was to Ireland's plight. While this body shared the common goal of repealing the Union with the more classical republican-inspired Young Irelanders, their respective emphases were very different. Young Ireland articulated the claims for independent nationhood; the Protestant Repeal Association emphasised that a constitutional breach had occurred and required correction.[169] The Acts of Union were, therefore, viewed very differently by the two camps. The Irish conservatives who formed the Protestant Repeal Association believed that the Union was, in essence, a contract between two nations, but one of these partners – England – had not lived up to its obligations; Young Ireland, on the other hand, increasingly rejected the Union as a blight on Irish nationhood.

These differences in viewpoint were evident at the first meeting of the Association in Dublin in May, at which Ferguson read a resolution that

[166] Ibid., p. 10. [167] *DUM*, January 1848, pp. 150, 154–5.
[168] *Morning Chronicle*, 26 April 1848. [169] Patten, *Samuel Ferguson*, p. 117.

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stressed the Association's rather negative rationale to terminate the Union: 'Resolved – That national prosperity is based on social confidence, and that social confidence in Ireland cannot be expected to exist while the Government is conducted, and the laws are made, by strangers to the Irish people.'[170] Butt was absent from this meeting, but the *Morning Chronicle* carried intelligence a few days later of his apparent intentions: 'It is asserted that Mr Butt, Q.C., who is to defend Mr Meagher next week, is to declare himself a Repealer on the occasion of his address to the jury.'[171]

Butt's performance as defence counsel for Meagher and O'Brien in their trials for sedition in May 1848 was thus sharpened by his rising sense of disillusion with the British constitution as it operated in Ireland. Meagher, himself an able rhetorician, as underlined by his infamous 'Sword' speech refuting non-violent O'Connellism from 1846 – 'Be it for the defence, or be it for the assertion of a nation's liberty, I look upon the sword as a sacred weapon'[172] – found his defence counsel adopting a strategy that justified the use of such language. Butt's case pivoted on the idea that Young Ireland's politics were motivated by an anti-unionist rather than anti-monarchy sentiment, a distinction that rebuffed the charge of sedition against the Queen. The evocative defence rested on constitutional rather than personal matters, as Butt denounced the failure to enact the constitution of 1688 in Ireland, ensuring that the Irish did not enjoy the same political and legal liberties as the English, the latter of whom were 'governed by the opinions of a free people'. The very fact that Young Ireland leaders were accused of sedition for proclaiming Ireland's right to freedom, Butt contended, demonstrated the legal discrepancies between the two islands. He concluded in a Lockean vein: as the *Times* reported, Butt 'proceeded to defend the sacred right of resistance, by which the liberties of the people should be maintained against aggression'.[173] While the conclusion of Butt's robust address brought prolonged bouts of applause, including from other lawyers, he did not make, despite the *Morning Chronicle's* report the week before, a formal declaration for Repeal.[174] This was indicative of Butt's political dilemma: while his legal and polemic language was permeated with critiques of how the centralised Union state operated in Ireland, this was combined with an inherent

[170] *Morning Chronicle*, 11 May 1848. Also see Ferguson, *Sir Samuel Ferguson*, i, p. 248.
[171] *Morning Chronicle*, 13 May 1848.
[172] Arthur Griffith, *Meagher of the Sword: Speeches of Thomas Francis Meagher in Ireland, 1846–1848* (Dublin: M. H. Gill & Son, Ltd., 1916), p. 36.
[173] *Times*, 18 May 1848.
[174] Terence de Vere White, *The Road of Excess* (Dublin: Browne and Nolan Ltd., 1946), pp. 120–1.

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loyalism to the British Crown. The dynamics of this tension, and the ambiguous political space in which Butt found himself inhabiting during the Famine, studded his defence of William Smith O'Brien against the charge of sedition.

Like Meagher's defence, Butt cast O'Brien's case in broad national terms rather than a narrow personal interpretation. Butt emphasised his client's aristocratic respectability, asserting that political culture in Ireland had become corrupted when such a man could be pronounced guilty of treasonous behaviour. O'Brien's agitation was not against the Crown, Butt reasoned, but against the Acts of Union. In exhorting the Irish population to arm themselves, O'Brien had highlighted the constitutional gap between Ireland and Britain, as '[e]very man in a free country had the right to carry arms'. Butt's oratory again embraced Lockean language denoting the relationship between the citizen and sovereign – his use of the rhetorical trope 'slave' to describe the political status of the Irish under the Union explicitly drew on Locke's dictum of resisting an arbitrary power that inflicted slavery[175] – and attempted to further politicise O'Brien's case. This politically charged legal argument was similar in rhetorical nature to Robert Holmes's defence of John Mitchel in May 1848, which stressed Ireland's constitutional subordination under the Union.[176] Butt's extraordinary appeal at the conclusion of the speech made a virtue of O'Brien's actions, emphasising the ethos of his client through a plea saturated in political pathos:

> I ask you to decide this case as you ought by law to decide it, in judging of Mr Smith O'Brien's intentions, upon the supposition that Repeal is desirable for the country, and that the taking away of our native parliament was a grievous wrong. If you deal with the question in that way, how can you find a verdict of guilty? If you find a verdict of guilty, it must be upon your preconceived political opinions. But again I say, and I announce it fearlessly, that you must decide the case as if Repeal was desirable for the country.[177]

It was a master class in rhetorical practice. What made Butt's address so compelling was that the words were grounded within his own character: his stringent defence of O'Brien was informed by his own personal dilemma over the future of Irish governance. Butt's oratory was a

[175] John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1988), p. 412.
[176] *The Queen against John Mitchel* (1848), 6 St Tr NS 599, p. 660.
[177] *The Queen against O'Brien, and the Queen against Meagher* (1848), 6 St Tr NS 571, p. 591.

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principled critique of the Union that was at once heartfelt and intellectually devastating. His decision not to pursue a more formal forensic style was vindicated: like the Meagher trial, the jury failed to convict, and O'Brien walked away from court a free man. Immediately after the collapse of the trial, O'Brien addressed supporters, praising the 'patriotic sentiments' of Butt, 'and expressed his belief that it was the dawn of a new nationality for Ireland'.[178]

The aftermath of the attempt at armed insurrection in July 1848, however, highlighted the limitations of this 'new nationality'. Following the Young Ireland revolt at Ballingarry, south Tipperary, the language of the Irish conservative lawyers dramatically shifted away from abstract justifications of resistance. In September, William Smith O'Brien, and other leading Young Irelanders, found themselves back in the courtroom facing charges of treason-felony. One month before the keynote trials, Butt defended Kevin O'Doherty, with his address once again emphasising the denial of liberty to Ireland under the British constitution in its current form. There was, however, a marked difference in tone from the May speeches: after the July rebellion by the Young Irelanders, Butt avoided overt avocation of rebellion. His defence of O'Doherty's 'intention of familiarising the Irish people to the use of arms and to war', chiefly through articles which appeared in the *United Irishman*, was couched in the rhetoric of the right to bear arms, the highest distinction of a free country. Yet this defence was prefaced by a revealing line:

> At another time, *if this country were peaceable*, and if the divisions which now distract the country were removed, I would say the man who taught the country the dignity of an armed nation, was doing them a noble service.[179]

Theoretical appeals to resist an unjust government were punctured by the actualities of Young Ireland violence. The jury failed to agree on O'Doherty's fate during the first two trials, but he was convicted and exiled during the third trial. Facing Butt across the courtroom was James Whiteside, the defender of Gavan Duffy just a few years before, but now part of the counsel for the Crown. Whiteside gained a renewed prominence in October when he accepted O'Brien's brief in the highest profile Young Ireland trial following the attempted rebellion.

While Whiteside lacked connections with the young Protestant intellectuals associated with the *DUM*, such as Butt, Ferguson, and Charles

[178] *Nation*, 20 May 1848.
[179] *The Queen against O'Doherty* (1848), 6 St Tr NS 831, p. 864. My emphasis.

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Lever, he shared many of their political tastes and assumptions. Like Butt, for example, he wrestled with how best to reconcile the eighteenth-century Patriot legacy of enlightened Protestant leadership, national virtue, and rhetorical eloquence with nineteenth-century realities of centralised Union, Catholic Emancipation, and the seemingly irresistible march of democracy. While Butt ultimately failed to resolve these tensions within the framework of the Union, pushing him towards an advocacy of federalism in 1870, Whiteside was able to square Protestant Patriotism with his unionism. He was aware of Protestant sentimental attachment to College Green, the site of the 'old' Irish parliament, which stood as a monument to an age of national leadership and men who held a mythic status. When reflecting on the Union debates in the Dublin parliament, for instance, Whiteside questioned which side he would have followed. Given the rhetorical power of the anti-unionist case, he imagined finding himself spellbound by 'the gravity of Saurin's argument – enchanted by the eloquence of Bushe – convinced by Plunket – inflamed by Grattan'.[180] But this, he recognised, would have been a mistake. For all the eloquence contained within the walls of College Green, for all the passionate articulation of national indignation of the late 1790s, the theory of Union was much more attractive than the colonial subordination that hitherto existed. In Whiteside's view, an informed Irish citizenry, part of a greater imperial polity, was a greater beacon of the liberties enshrined in the British constitution than an outdated provincial parliament.[181]

As his celebrated performance as defence counsel for Duffy demonstrated, Whiteside's unionism was intellectually broad enough to conceptualise resistance against British rule in Ireland as a crisis of government rather than doctrinal separatism. While his defence of William Smith O'Brien in 1848 should be viewed against this backdrop, the Young Ireland resort to *literal* rather than theoretical violence ensured that Whiteside was forced to adopt a rather different approach to his legal colleagues the previous May. Amidst much press attention (including special supplements in newspapers),[182] the Special Commission that presided over the Young Irelanders' trials for high treason sat in September and October. Such was the perceived power of Whiteside's defence of O'Brien that it was afterwards published in pamphlet form and as part of

[180] James Whiteside, *The Life and Death of the Irish Parliament: A Lecture* (Dublin: Hodges, Smith and Co., 1864), p. 196. Also see Maume, 'Unionists and patriots', pp. 145–6.
[181] Whiteside, *Life and Death*, pp. 104, 202. [182] *Belfast Newsletter*, 6 October 1848.

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William C. Townsend's *Modern State Trials*, a volume of recent legal history issued by a major London publisher.[183]

Given the nature of the charge and O'Brien's unquestionable role in the rebellion, success for the defence team appeared highly unlikely. Nevertheless, Whiteside's much-praised address to the court was infused with aspects of the eighteenth-century Patriot tradition. In constructing the case for O'Brien's defence, Whiteside downplayed O'Brien's revolutionary intent, not only by emphasising his aristocratic pedigree but also by forensically deconstructing the notion that 'treason' described what happened in Ballingarry. Whiteside rejected the idea that O'Brien wished to wage war to threaten the Queen's life: he insisted instead that the Young Irelander's motives were much more circumspect. Whiteside cited the monarchist and imperial dimensions of O'Brien's Repeal rhetoric during the 1840s, which stressed the compatibility of Irish legislative independence with the Crown and wider empire. The Crown prosecution relayed a speech by O'Brien in which the Young Irelander desired to see 'the formation of a National Guard – an army of volunteers of 1848' as evidence of treasonous intent; but Whiteside coolly affirmed that this alluded 'to a reconstitution of the volunteers of 1782, who were the instruments of such blessings to their country'.[184] The rising of a citizen militia was presented as a praiseworthy exercise in political virtue, not a crude form of treason. That the Young Ireland 'army' which took to the field in 1848 was far from a military force was used by Whiteside for effect: 'Did you ever hear of a body of men with stones going to demolish the monarchy of England?'[185] The speech was in many ways similar to Butt's defence of O'Brien in May: the aristocratic O'Brien was presented as a virtuous, if naïve, political figure guided only by patriotism and a desire to see his country governed well. That he believed this could not be achieved through the British constitution as it stood in Ireland did not make him a revolutionary; if anything, both Whiteside and Butt implied that O'Brien's moral stand to radically change the nature of Ireland's relationship with Britain was noble and courageous. Unlike Butt, however, Whiteside was forced to deal with the actuality of violence in 1848, a very different thing from the classical idealism of citizen armies. Here, Whiteside relied on

[183] James Whiteside, *Whiteside's Defence of Wm. S. O'Brien, Esq., MP: On His Trial for High Treason at Clonmel, on Thursday and Friday, 5th and 6th October, 1848* (Dublin: no publisher details, [1848]).William C. Townsend, *Modern State Trials: With Essays and Notes*, 2 vols. (London: Longman, Brown, Green, and Longmans, 1850).

[184] *The Queen against Smith O'Brien* (1848), 7 St Tr NS 1, p. 225.

[185] *The Queen against Smith O'Brien*, p. 239.

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more logos than pathos in explaining O'Brien's behaviour at Ballingarry. O'Brien was not attempting to stoke rebellion in Tipperary, argued the defence; rather his intention was to 'escape and prevent arrest'.[186] The very ineptitude of the escapade was cited as evidence against the idea of revolutionary intent by Whiteside. Barricades were raised not to levy war, but to resist arrest; gunpowder was not seized because there was no plan to 'make war on the Queen'. The reality was, of course, rather different: the failures of the rebellion were more down to O'Brien's profound miscalculations concerning the militancy of the peasantry and the support of the clergy than a lack of revolutionary commitment from the Young Ireland leader.[187] O'Brien came to retrospectively resent the defence's argument, which accentuated the bungling aspects of the Ballingarry disturbance and downplayed the Young Irelanders' desire for national liberation. But given that any declaration of revolutionary intent would have implicated a number of Young Irelanders, O'Brien acquiesced in passive acceptance of his lawyer's counsel.[188]

Whiteside concluded his address, like Butt before him, with an appeal to the jury to question the nature of the Irish body politic under the Union. That O'Brien, an aristocrat from an ancient and respected family, had become radicalised into rebellion was a consequence of the inadequacies that marred the British-Irish connection. Whiteside was careful, however, not to provide as full a critique of the Union as Butt had made in May. The focus was instead resolutely on O'Brien's sense of patriotism. Indeed, the defence counsel's aim was to direct attention away from the affray in Ballingarry and emphasise O'Brien's noble character to win over public opinion; the hope was to ensure the state would find it difficult to impose an overly harsh sentence on a popular patriot.[189] In the end, though, Whiteside's meticulously constructed defence was undone when the prosecution produced a letter from O'Brien to the directors of the Mining Company, dated 29 July, in which the Young Ireland leader proclaimed 'in case the Irish revolution should succeed, the property of the Mining Company will be confiscated as national property'.[190] O'Brien was found guilty by the jury and sentenced to be hanged, drawn, and

[186] *The Queen against Smith O'Brien*, p. 240.
[187] Richard Davis, *The Young Ireland Movement* (Dublin: Gill & Macmillan, 1988), p. 163.
[188] Robert Sloan, *William Smith O'Brien and the Young Ireland Rebellion of 1848* (Dublin: Four Courts Press, 2000), p. 293.
[189] John Monsell to William Smith O'Brien, 23 August [1848], William Smith O'Brien Papers, National Library of Ireland (NLI), MS 442/2497.
[190] *The Queen against Smith O'Brien*, p. 318.

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quartered, although this was later commuted to deportation to Van Diemen's Land.

The courtroom rhetoric adopted by Whiteside in O'Brien's trial had several similarities to Butt's passionate defence of the Young Irelander in May, but was substantially handicapped by the actuality of violence in the summer of 1848. Nevertheless, Whiteside's conclusions emphasised the virtues of patriotism and self-reliance at the height of the Famine, prominent themes which had animated Irish conservative thought since the passing of the Catholic Relief Act. The arguments that Whiteside, along with other conservative lawyers such as Butt, deployed in the courtroom mirrored their growing ambivalence towards the Union, which appeared to provide intellectual support for the growth of a Repeal sentiment within the Irish conservative platform in early 1848. The affray in Ballingarry, however, shattered the apparent rapprochement of Irish conservatism and Young Ireland. Shortly before the rebellion, a conservative pamphleteer sketched out the dangers in importing French revolutionary ideas into Ireland, as any insurrection risked sectarian civil war.[191] And, indeed, once Repeal became stained with the Young Ireland rebellion, conservatives swiftly backed away. Regardless of what occurred in Ballingarry, the emergence of the Protestant Repeal Association was a striking episode within Irish conservative thought. The Association was, however, a minority pastime, even before the rebellion: while Butt placed the Union on trial in his high-profile courtroom appearances in 1848, it is striking that he apparently did not join the Association. The dilemmas of unionism were not resolved in 1848, but quietly faded from public view following the rebellion. The conditionality of the Union within the conservative mindset did, however, receive one more dramatic airing, under the leadership of Isaac Butt in the early 1870s.

The Union Trap

For Irish conservatives of all stripes in the period between the passage of Catholic Emancipation and the Famine, the British constitution remained the framework to provide political liberty. The Protestant state was a beacon of enlightenment and rationality, in stark contrast to the 'popery' and 'superstition' of the Catholic people of Ireland. Yet, the direction of travel from the early 1830s, when reform dominated the political agenda of

[191] 'An Irishman', *The French Revolution and the Repeal of the Union: an Address to the People of Ireland* (Dublin: Mullen, Corbet, and Co., 1848), p. 6.

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the United Kingdom, to the humanitarian disaster of the Famine, via bouts of O'Connellite influence over successive governments, alienated and discombobulated Irish conservatives.

As post-reform governance evolved during this period, a perception grew that the United Kingdom was less a meaningful union of nations and more a quasi-English empire. The Famine, and the painfully inadequate governmental response – and, more to the point perhaps, the infamous Whig maxim of 'Irish property should support Irish poverty'[192] – crystallised Irish conservative doubts about the Union as Ireland's ideal constitutional framework. As the defence lawyer of the radical Young Irelander, Richard D'Alton Williams, in 1848, Samuel Ferguson declared in court that one part of the United Kingdom had no right to assert authority over another. 'We are part and parcel with them of one Imperial body', Ferguson asserted,

> their friends and fellow-labourers for the general good; assuming no jurisdiction over them, suffering no assumption of jurisdiction by them over us, their equals in the eye of the law, members with them while the Union lasts of one United Kingdom; but their slaves never![193]

The government's response to the Famine was so traumatic for Irish conservatives because it shattered the illusion of constitutional equality.

For Irish Tories such as Ferguson, the Union became a trap. Loyalty to the imperial parliament left Tories impotent in Irish affairs, while their insistence on 'Protestant liberty' was weakened by an increasingly tolerant state. For its adherents, unionism stood for an embrace of Protestant cosmopolitanism and imperial greatness, an escape from the unnerving rise of a Catholic majority articulating the language of O'Connellite democracy. The brief Irish Tory flirtation with the restoration of an Irish parliament during the 1840s was a revealing moment. As one pamphleteer put it, England and Ireland were not 'considered one and the same country', what was, from an Irish perspective, the purpose of the Union?[194]

[192] David P. Nally, *Human Encumbrances: Political Violence and the Great Irish Famine* (Notre Dame, IN: University of Notre Dame Press, 2011), p. 138.
[193] Ferguson, *Sir Samuel Ferguson*, i, p. 208.
[194] Sandham Elly, *Potatoes, Pigs and Politics, the Curse of Ireland, and the Cause of England's Embarrassments* (London: Kent and Richards, 1848), p. 34.

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