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University of Limerick

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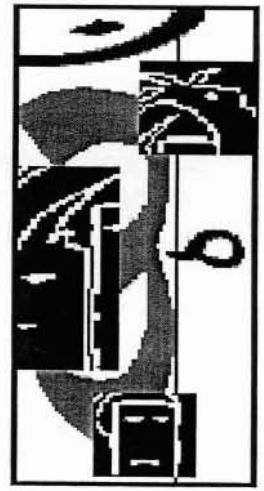

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Cover design by Jennifer McCaffrey and Nora McGillicuddy, Limerick School of Art and Design, Limerick Institute of Technology.
The cover incorporates the concept of past, present and future, which is depicted, firstly by the use of the Buddhist symbol *Aum*. The idea is secondly represented by three illustrative heads looking in different directions. They symbolise the search for history by past, present and future historians.

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Preface

On behalf of the faculty of the Department of History, and as Patron of the University of Limerick History Society, I would like to welcome you to volume five of our journal, *History Studies*. The publication of this collection of essays is a landmark for the society which was established in 1997 by students from the first intake of the BA in History, Politics, Sociology and Social Studies. The society endeavours to provide students with a range of opportunities to explore their interest in history in depth and outside the formal curriculum.

Over the past seven years, the society has organised numerous guest lectures, tours to locations of historical significance, quizzes and re-enactments of events and practices. This rare enthusiasm has engaged both undergraduate and postgraduate students and won praise from the Students Union. The History Society has also supported the publication of this journal, a flagship project entailing the thankless and often difficult task of fund raising. Such activities require detailed planning which the society's committee and its journal sub-committee have willingly undertaken each year. This latest success is a testimony to their dedication and ongoing commitment to the promotion of history as a discipline within and beyond the university.

Finally, I wish to thank Declan Jackson, John Maguire and Jennifer Moore, the editors of volume of five of the *History Studies*, who have done a magnificent job in producing this edition. I hope you, the reader, will enjoy the journal and learn from the essays.

Dr Bernadette Whelan
Head, Department of History
Patron,
University of Limerick History Society

Editorial

It is with great pleasure that the editors present volume five of *History Studies*, the journal of the History Society of the University of Limerick. It is our opinion that this volume marks a watershed in the life of this journal. The strength and quality of the articles is self evident.

In this volume we are delighted to publish work from contributors across a broad spectrum of academia; encompassing undergraduate, masters and doctoral levels. At the risk of striking an arrogant note, the articles contained within volume five have reached new heights in respect of diversity, content and writing style.

The editing of this volume was both rewarding and entertaining. To our contributors we are most grateful for their insight and generosity. It is our hope that brave young scholars will continue to contribute to our journal. Without them we would not be writing this editorial. Bravo!

Declan Jackson John Maguire Jennifer Moore

Acknowledgements

We would like to thank the following without which this edition of *History Studies* could not have been produced. The Department of History, University of Limerick, the University of Limerick Foundation and the Dean of Graduate Studies, University of Limerick.

Dr. Bernadette Whelan and Dr. John Logan have provided invaluable support during the preparation of this volume. Without their assistance Volume 5 would not have seen the light of day.

Finally, heart felt thanks to the President of the University of Limerick, Professor Roger Downer. His unflinching encouragement to this volume and the previous numbers has been both influential and pivotal.

The combined efforts of all these people has ensured the continued success of this journal.

Foreword

The landscape of history is a rugged and uneven one, but not one that the historian should be afraid to explore. While some are content to stick to the well-worn path of historical thought with its famous landmarks and turning points, others prefer to rummage among the undergrowth to find their own trails. It is precisely this that the University of Limerick History Society aims to promote – a more active interest in history, beyond the confines of formal learning.

We are fully confident that *History Studies* fulfils this aim and are utterly proud of our journal, which is the only one in Ireland to be produced entirely by students. We wish to extend our heartfelt gratitude to our hard-working and capable editing staff, Declan Jackson, John Maguire and Jennifer Moore, while we remain indebted to our patrons, Dr. Bernadette Whelan and John Logan, for their ongoing support. Finally, the Society would like to extend its gratitude to all those who contributed to our journal and assisted in its production.

The History Society hopes that our readers enjoy the broad range of engaging articles trapped within the pages of this journal, and we are convinced that though they may satisfy an immediate hunger, they will ultimately leave you yearning for more.

Emma Stafford (Auditor) Eamonn Gardiner (Secretary)

Politics, policy and history; history teaching in Irish secondary schools 1922-70

John O'Callaghan

This article examines the role of history teaching in Irish secondary schools in the period 1922-70. It assesses what objectives were the most important in history teaching and what interests school history curricula were designed to serve. The emphasis is on the political, cultural, social and economic factors that determined the content of the history curriculum and its development. The primary focus is on the politics and policy of history teaching, including the respective contributions of church and state to the formulation of the history programmes. It is argued that a particular view of Ireland's past as a Gaelic, Catholic and nationalist one informed the ideas of policy makers and thus provided the basis of state education policy, and history teaching specifically. The conclusion drawn is that history teaching was used by elite interest groups, namely the state and the church, in the service of their own interests. It was used to justify the state's existence and employed as an instrument of religious education. History was exploited in the pursuit of the objectives of the cultural revival movement, being used to legitimise the restoration of Irish as a spoken language.

The Dáil Commission on Secondary Education sat from 24 September 1921 to 7 December 1922 when it presented its recommendations to the Free State Minister for Education, Eoin MacNeill. Its purpose, according to Frank Fahy of the Ministry for Education, was to determine how best education could be used to aid the revival of 'the ancient life of Ireland as a Gaelic state, Gaelic in language, and Gaelic and Christian in its ideals'.[1] The report of the Commission recommended that Irish, history and geography should constitute the Gaelic core of the curriculum.[2] The proposal to place Irish at the centre of the curriculum was a radical departure from the system in operation under the Intermediate Education Board. Equally radical was the proposal that geography and history should be compulsory and have an Irish orientation.

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[1] *Times Education Supplement*, 1 October 1921.
[2] *Dáil Commission on Secondary Education*, [unpublished report, mimeographed in Library of the Department of Education].

Patrick Pearse was the foremost pre-independence pioneer of Irish-Ireland education. Pearse fits Seán Farren's profile of the ideologue of indigenous culture as an alternative to that disseminated by the colonial power.[3] Pearse looked forward to the post-colonial phase when national identity would be fully restored. He argued that all of Ireland's problems originated in the education system. It was 'the most grotesque and horrible of the English inventions for the debasement of Ireland'.[4] Pearse believed that the national consciousness was enshrined mainly in the national language.[5] Before he converted to political rather than strictly cultural nationalism, Pearse's primary objective was the preservation of the Irish language:

> ...when Ireland's language is established, her own distinctive culture is assured ... all phases of a nation's life will most assuredly adjust themselves on national lines as best suited to the national character once that national character is safeguarded by its strongest bulwark.[6]

By 1912, when he wrote *The murder machine*, Pearse had taken up the sword as well as the pen. It encapsulated his main educational ideas and introduced a new political dimension. He asserted that the education system was a vehicle of cultural imperialism. It contained no national material. As a result, Irish people were enslaved, and because the machine was so effective, they were not conscious of their cultural slavery.[7] Pearse believed that Ireland needed political independence and the restoration of promotion of knowledge of the national past in the schools in order to counter the effects of mental and cultural colonisation. Ideas similar to those of Pearse were invoked in the formation of education policy in independent Ireland.

Michael Tierney, professor of Greek, and subsequently president of University College, Dublin (UCD), also outlined his philosophy on schooling with a view to an independent Ireland. Like Pearse, he considered the British system of education as 'grotesque'.[8] He agreed that it was designed to destroy separate Irish nationality and

[3] See Seán Farren, 'Culture and education in Ireland' in *Compass, Journal of the Irish Association for Curriculum Development*, 5, 2 (1976), pp. 24-38.
[4] Patrick Pearse, 'The murder machine' in *Collected works of Pádraic H. Pearse – political writings and speeches* (Dublin, 1924), p. 6.
[5] Pearse, 'The murder machine', pp. 40-1.
[6] *An Claidheamh Soluis*, 27 August 1904.
[7] Pearse, 'The murder machine', pp. 8-9 & 40.
[8] Michael Tierney, *Education in a free Ireland* (Dublin, 1920), p. 20.

to make children disregard that they were Irish.[9] Tierney believed that the very purpose of a free Irish state would be to forge an Ireland through education that linked the Gaelic state of the past to what he envisaged as the Christian state of the future.[10] The basis of all teaching would be the Irish language, history, music and art. As with Pearse (and his father-in-law Eoin MacNeill), Tierney believed the history and language of Ireland were closely connected.[11]

Eoin MacNeill, the first secretary of the Gaelic League and professor of ancient Irish History at UCD, was the minister for Education from August 1922 to November 1925. This was a decisive period in the determination of the direction of the new Irish education system. MacNeill declared that for the members of the government to abandon the attempt to revive Irish would be to abandon their own nation.[12] He regarded the language as the distinctive lifeline and the principal thread of Irish nationality.[13] The essential element in MacNeill's Irish-Ireland was the language. He believed that ignorance of Irish history was the chief cause of want of interest in the Irish language. He felt that to anyone who did not identify himself with Irish history, the learning of the language would be a mere philology.[14] In his academic work, MacNeill identified the basis of the Irish nation in the remote Gaelic past. He showed that the Irish nation was an ancient historical entity whose formation could be traced back to the fifth century: 'the Irish people stand singular and eminent ... from the fifth century forward, as the possessors of an intense national consciousness'.[15] He outlined the continuity of Irish history from pre-Celtic to contemporary times and found the origin of Irish laws and institutions in the remote past.[16] In this way, he connected ancient Ireland with modern Ireland as one constant and timeless nation, establishing the ancient historical roots of the new state. MacNeill stated that 'the business and main functions of the Department of Education in this country are to conserve and build up our nationality'.[17] Thus, MacNeill epitomised both the Gaelic ethos and the historical perspective of the founding fathers of the nascent state. MacNeill, as a devout Catholic, also epitomised the religious standpoint of Free State

[9] Tierney, *Education in a free Ireland*, p. 29.
[10] Tierney, *Education in a free Ireland*, pp. 26 – 98.
[11] Tierney, *Education in a free Ireland*, p. 45.
[12] *Times Education Supplement*, 30 October 1925.
[13] *An Claidheamh Soluis*, 5 October 1907.
[14] *An Claidheamh Soluis*., 28 October 1911.
[15] Eoin MacNeill, *The phases of Irish history* (Dublin, 1919), p. 248.
[16] Eoin MacNeill, *Early Irish laws and institutions* (Dublin, 1935).
[17] *Dáil Debates*, vol. 13, 11 November 1925, col. 187.

political leaders. MacNeill's successors in the education portfolio, John Marcus O'Sullivan, Thomas Derrig and Richard Mulcahy, held attitudes on the relative roles of church and state in education, the promotion of the language revival and the ideal of a Gaelic Ireland that were indistinguishable from his.

The first annual report of the Department of Education highlighted the fact that the central educational aim of the Free State was 'the strengthening of the national fibre by giving the language, music, history and tradition of Ireland their natural place in the life of Irish schools'.[18] In the spirit of the recommendations of the Dáil Commission, the new history syllabi betrayed radical changes in approach and attitude. At both junior and senior levels, there was a far greater emphasis on Irish history.[19] Under the Intermediate Board, British and Imperial history had been promoted at the expense of Irish history but the opposite became the case. The inclusion of a full outline course of Irish history in its own right, combined with the exclusion of British and Imperial history, was in line with the state policy of using education, and history within it, to create an 'Irish Ireland'. The neglect of Irish history under the Intermediate Board had been interpreted as a deliberate policy of Anglicisation, and the cultivation of Irish history was designed to serve the process of Gaelicisation.[20] In 1925, Joseph O'Neill, secretary of the Department of Education, wrote to W. T. Cosgrave that education policy aimed 'to redress the balance and to make compensation' for the neglect of Irish culture under the previous system.[21] This echoed Pearse's thinking. In 1931, the Department of Education argued that until the history of Ireland was properly taught the work of Gaelicisation would be hindered, since there would be 'no real incentive to urge the pupils to the use of Irish as a living speech'.[22] This echoed MacNeill's thinking. The extent of the change in emphasis from British to Irish history was made clear by the reports of examiners and inspectors, who commented on the ignorance of British history displayed by many students in matters in which Ireland was directly affected by Britain:

[18] Department of Education, *Report 1923-24* (Dublin, 1924), p. 22.
[19] See Department of Education, *Rules and programmes for secondary schools 1924-25* (Dublin, 1925), pp. 63-6.
[20] Department of Education, *Report 1923-24*, p. 22.
[21] National Archives of Ireland (N. A. I.), Department of the Taoiseach (D. T.), S 7801.
[22] Department of Education, *Report 1930-31* (Dublin, 1931), p. 21.

> It is undesirable that teachers should treat Irish history as an isolated phenomenon or should fail to explain the connection between events in Ireland and the contemporaneous events in Great Britain and Europe.[23]

The tendency, apparent in the syllabi, to study the history of Ireland in isolation was still an issue in the 1970s, even as the project of European unity gathered pace and Ireland joined the EEC in 1973.

Policy makers intended history to reflect a romantic but unhistorical ideal of Ireland's Gaelic past held by many Irish revolutionaries. Pearse, for example, idealised education in pagan and early Christian Ireland and argued that its character could be revived through an education of 'adequate inspiration'.[24] He believed that 'a heroic tale is more essentially a factor in education than a proposition in Euclid... what Ireland wants beyond all... is a new birth of the heroic spirit'.[25] However, the conception of history and history teaching as a method of restoring and renewing the Gaelic past did not consider those whose past was not a Gaelic one. The emergence of a new consensus on Irish identity meant that those who did not subscribe to it, in political, cultural or historical terms, became outsiders in the state. For many unionists, nationalism and the cultural revival were inextricably linked with Catholicism. The Catholic Church was suspected of nurturing an extreme nationalism in its schools. Echoing Canon Law, the Central Association of Catholic Clerical School Managers had asserted in 1921 that

> We are confident that an Irish government... will always recognise and respect the principles which must regulate and govern Catholic education ... the only satisfactory system of education for Catholics is one wherein Catholic children are taught in Catholic schools by Catholic teachers under Catholic control.[26]

In 1924, the orthodox *Catholic Bulletin* declared that 'The Irish nation is the Gaelic nation; its language and literature is the Gaelic language; its history is the history of the Gael. All other elements have no place... '.[27] When the state of Northern Ireland was set up, the main Protestant churches transferred their ownership of schools to the

[23] Department of Education, *Report 1927-28* (Dublin, 1928), p. 58.
[24] Pearse, 'The murder machine', pp. 24-5.
[25] Pearse, 'The murder machine', p. 38.
[26] *Irish Catholic Directory* (1922), pp. 577-8.
[27] *Catholic Bulletin*, 14, 4 (1924), p. 269.

state. Irish history was dropped entirely from the curriculum of state schools.[28] The Catholic Church retained ownership of its schools. In the south, the Catholic Church played a dominant role in the management of education. The distinctions were less explicit than in the north but the dynamics of the system raised issues about denominational, non-denominational and secular perspectives on education. The majority of schools were *de facto* Catholic schools. The Catholic Church claimed the allegiance of 95 per cent of the Free State population. With the exception of Ernest Blythe, the first Free State cabinet consisted entirely of Catholics.[29]

Some provision was made for the minority viewpoint in the Senate, however. In contrast with southern Catholic nationalists, southern Protestant unionists felt deeply the pressure of political change. Many schools under Protestant management did not subscribe to the Gaelicicising policies and the historical perspective of the new state. They had to bear the rigours of a state Gaelicisation policy, or else see their schools deprived of all public funding. Letters sent to the Taoiseach in 1944 by the Presbyteries of Monaghan, Letterkenny and Raphoe illustrate the attitude of Protestant schools to the use of Irish as a teaching medium.[30] The Presbyteries acknowledged the cultural value of Irish as a subject of study but argued that it was granted an undue proportion of the timetable and that the policy of using it as the chief medium of instruction was not educationally beneficial for children whose home language was English. The letters also recorded anxieties that the setting of exam papers for entry to teacher training colleges in Irish only would seriously imperil the supply of Presbyterian teachers.[31]

The significance given to school history teaching by the new government was revealed in 1922 when it became a compulsory subject in primary schools. The programme followed from 1925 dealt exclusively with Irish history and changed little until the introduction of the new curriculum for primary schools in 1971. In 1934, the Department of Education outlined the approach that it wanted primary school teachers to take to history:

[28] Seán Farren, 'Nationalist-Catholic reaction to educational reform in Northern Ireland 1920-30' in *History of Education*, 15, 1 (1986), p. 28.
[29] See E. Brian Titley, *Church, state, and the control of schooling in Ireland 1900-44* (Dublin, 1983), p. 90.
[30] N. A. I., D. T., RA 98/44.
[31] N.A.I., D.T., RA 98/44.

> In an Irish school in which history is properly taught, the pupils will learn that they are citizens of no mean country, that they belong to a race that has a noble tradition of heroism and persistent loyalty to ideals. In such a school no formal exhortation should be necessary to bring home to every pupil the worth of good faith, courage and endurance, and the strong grounds that they are for a belief that a race that has survived a millennium of grievous struggle and persecution must possess qualities that are a guarantee of a great future... Irish history has been much distorted by those who wrote from the enemy's standpoint. Such writers had to attempt to justify conquest and expropriation.[32]

The policy of Gaelicisation, then, was aimed mainly at the primary schools and only to a limited degree at secondary schools. This emphasis on the primary school was due to the realisation that it was more effective to begin orientation at the earliest suitable age, and to the fact that secondary schools were almost exclusively in private denominational hands. It was also the case that a relatively small proportion of students continued their education beyond primary school level. In addition to these factors, secondary schools were much more independent of the Department of Education than were primary schools. Supervision of primary schools by a vast inspectorate was much more intense than was the case at secondary level.

For a complete understanding of the philosophy underlying the new history programmes and of the role of history in secondary schools during the early years of the new history programme, an understanding of the influence of Rev. T. J. Corcoran, S. J., professor of Education at UCD between 1909 and 1942, is necessary. Joseph O'Neill, secretary of the Department of Education from its foundation until 1944, regarded him highly: 'In the reconstruction of the Irish state he was from the beginning the master-builder in education'.[33] Corcoran championed a traditional Catholic view of education. He did not accept that history should be a subject of secular instruction. He declared that the history curriculum was aimed at reversing British modes of historical study, which were 'inimical to the study of the work and development of the Church of Christ'.[34] He argued for the teaching of history in the new secondary school curriculum to reflect a Catholic spirit and outlook.[35] He urged all Catholic schools to provide a course in history wherein the Church would occupy

[32] Department of Education, *Notes for teachers: history* (Dublin, 1934), p. 3.
[33] Joseph O'Neill, 'The educationist' in *Studies*, 32, 126 (1943), p. 158.
[34] T. J. Corcoran, 'History courses and examinations, Belfast and Dublin, 1930' in *The Irish Monthly*, 58, 686 (1930), p. 372.
[35] T. J. Corcoran, 'The new secondary programmes in Ireland: the teaching of history' in *Studies*, 12, 46 (1923), p. 258.

its rightful place as the driving force in all civilisations and progress.[36] Corcoran explicitly viewed history as a branch of Catholic religious, moral and sociological training. He believed the critical utility of history in secondary school was to produce 'the class with the Catholic mind, whose members will later on not be inclined to shirk the use of moral decisions on the facts of public life' and to 'produce the citizen who will not fear to be explicitly Catholic in the field of social action'.[37] Corcoran was particularly influential in the formation of educational policy in the early years of the Irish Free State. He dominated the proceedings of the Dáil Commission on Secondary Education and he took a central role in determining the new programmes for primary and secondary schools.[38]

The 1960 report of the Council of Education identified the dominant purpose of secondary schools as the inculcation of religious ideals and values.[39] The aim of the schools was 'to prepare their pupils to be God-fearing' so that they could responsibly discharge their duties to God.[40] The prevailing curriculum was 'the grammar school type, synonymous with general and humanist education'.[41] The report endorsed that role in concurrence with an informal system of vocational guidance.[42] It acknowledged the primacy of the humanist subjects and stated that the chief aim of school history was not the training of scientific historians or the critical spirit, except in a broad way, but the development of the civic and moral sense.[43] It confirmed the curriculum as still on the lines of that adopted in 1924 following the recommendation of the Dáil Commission on Secondary Education. It accepted the status quo and affirmed that little change had taken place. There had been developments and variations, but the Council acknowledged that there had been no departure from the fundamental principles adopted in 1924.[44] The Council's endorsement of the existing curriculum suggested an apparent lack of awareness regarding the more analytical and dynamic thinking afoot which would transform secondary education during the following decade. By the time the report was finally published in 1962, the pace of

[36] T. J. Corcoran, 'A highway for Catholic education' in *The Irish Monthly*, 57, 677 (1929), p. 570.
[37] T. J. Corcoran, 'Moral training through history' in *The Irish Monthly*, 56, 666 (1928), pp. 622, 624.
[38] See Joseph O'Connor, 'The teaching of Irish' in *Capuchin Annual* (1949), p. 209, O'Neill, 'The educationist' in *Studies*, pp. 153-62, O'Donoghue, *The Catholic Church*, p. 33 and Titley, *Church, state, and the control of schooling*, p. 99.
[39] O'Connor, 'The teaching of Irish', p. 80.
[40] O'Connor, 'The teaching of Irish', p. 88.
[41] O'Connor, 'The teaching of Irish', p.88.
[42] O'Connor, 'The teaching of Irish', p. 82.
[43] O'Connor, 'The teaching of Irish', p. 130.
[44] O'Connor, 'The teaching of Irish', p. 68.

change in Irish society had outstripped it, making the Council seem outmoded and its limited proposals redundant. Reaction to the report was negative.[45] The *Irish Independent* argued that the Council was not in tune with the spirit of reform evident in the air at teachers' conferences: 'The most outstanding feature of the Council's report is that it sees no need for any really far-reaching changes'[46]. The *Irish Times* of the same date reported that the Council did not make any firm decision on any potentially controversial issue, including the teaching of recent Irish history: 'The report of the Council of Education has missed a singular opportunity to give a new direction to the cultural and commercial orientation of Irish secondary education'.

During most of the period from independence to the 1960s, one of the most remarkable features of Irish education policy was the reluctance of the state to encroach on the entrenched position of the Catholic Church. The claims of the Catholic Church were not moderate however: it actually established for itself a more extensive control over education in Ireland than in any other country in the world. Political leaders never publicly questioned the prerogatives that the church established for itself in education. They were mainly the products of Catholic schools, were staunchly Catholic and obeyed the rulings of the church on moral issues. Due to church-state cooperation on education and the influence of Corcoran, the role of history in secondary schools was largely in accordance, and certainly not incompatible with, a Catholic world-view. Changes that came about in education in the 1960s entailed a sudden increase of state intervention in a field where the Catholic Church had long been dominant. In 1963, the Minister for Education, Dr. Patrick Hillery, announced in the Dáil, as he had done in the public press, that matters of educational policy would be formulated on the sole responsibility of the minister concerned, with, if necessary, government approval, and that policy matters would not be submitted to outside bodies prior to their promulgation.[47]

Education was a moribund department until the 1960s. Compared with previous decades, a feature of the 1960s was a significant increase in government interest in education. The context was the programme of economic reform initiated by the Fianna Fáil government under Seán Lemass. The aim of the reform programme was to prepare Irish industry, commerce and agriculture to meet the economic demands of

[45] These editorials are included in the file on proposals and recommendations to the Council of Education in N. A. I., D. T., S 15015 B/61.
[46] *The Irish Independent*, 26 April 1962.
[47] *Dáil Debates*, vol. 203, 30 May 1963, col. 598.

the EEC. Reform was also influenced by Ireland's increasingly strong links with international organisations such as the Council of Europe and the United Nations. Irish economic policy was moving from protectionism to free international trade. In 1962, the minister for Education, George Colley, in conjunction with the Organisation for Economic Co-operation and Development (OECD), established a panel to review Irish educational institutions and goals. In contrast with the Council of Education, its members were not educationists but leading civil servants, academics and economists. Its broad terms of reference indicated an intention to frame the development of education within the wider economic development of the state.[48] The 1965 report, *Investment in Education*, promoted the planned development of education as a contribution to economic growth. Colley told the OECD that

> For us in Ireland this report has had an immediate impact on policy. We are now embarked on the long and arduous task of adapting our educational system and institutions to serve the needs of the nation in the age of technology and, we hope, rapid economic growth.[49]

Thus, the direction of educational change was determined by economic factors. Irish education was pushed away from its former insularity by policy makers and became more outward looking, as well as becoming more inclusive of internal Irish interests. The inclusion of such topics as 'Life in Presbyterian Ulster', 'The Birth of Orangeism' and 'The End of the Catholic-Dissenter Alliance' was set in the context of improving relations between the Republic and Northern Ireland, symbolised by meetings between Lemass and Terence O'Neill, the Northern Prime Minister, in 1965. It seemed to indicate a move away from traditional narrow Catholic-Gaelic nationalism. Many curricular changes were introduced into secondary schools in an attempt to satisfy the needs of an increasingly industrialised economy. History became less important as the sciences became more important. The decline in the proportion of pupils taking history may be gauged from the fact that, in 1960, seventy percent of boys and seventy four percent of girls took history; by 1970 the figure for boys had dropped to forty two percent and for girls to forty four percent.

[48] See the report of the survey team appointed by the Minister for Education in 1962, *Investment in Education* (Dublin, 1965), pp. xxix-xxxii.
[49] OECD Directorate for Scientific Affairs, *Investment in Education Ireland: Report of the survey team appointed by the Irish Minister for Education* (Paris, 1965), p. vi.

The fundamental role that history can play in the development of patriotic attitudes was recognised and exploited in the Irish Free State. History was used in the pursuit of extra-educational objectives. The political objective was the most important in history teaching, and, as such, history teaching operated as a political instrument. Its end, in so far as it concerned the state, was chiefly political; the production of loyal citizens and the justification and preservation of the state's existence. As a part of the school curriculum, the subject of history taught young learners a monolithic nationalist, anti-British and pro-Catholic history that was heavily dependent upon allegory and collective memory. School history was a major part in a state project to preserve and propagate what it meant to be Irish. It was based on the twin aims of developing a state that was Gaelic and predominantly Catholic in outlook and spirit. The primary objective of history teaching was the transmission of the distinct nationality upon which the state was founded. 'The past' served the multitude as well as the elite: it allowed the Irish people to reconcile themselves to contemporary economic and social woes while taking pride in the self-image it offered them of a people with an inner spirituality; it distinguished the Irish from the English in terms of race and culture, thus demonstrating the existence of an Irish nation and validating the existence of the state. As a critical part of the policy of Gaelicisation, history teaching took on an emphatically patriotic tone and sought to validate the nationalist cause in a teleological manner that lacked historical perspective. The function of history was to convince students of the unique qualities of the Gaelic nation and imbue them with that same Gaelic spirit which had endured centuries of oppression under the British before coming into its inheritance of independence. Students heard the story of Ireland from the halcyon days of the pre-Norman era, through a long struggle of conquest, persecution, endurance and deliverance. The narrative featured martyrs like Wolfe Tone, Emmet, O'Donovan Rossa, Connolly and Pearse. The young people of Ireland were taught how a glorious past culminated in and justified the new state. The purpose of history was to help to transform Ireland back into the Gaelic state that it once was.

The chief function of Irish educational policy was to conserve and develop Irish nationality. Thus, the schools of the Irish Free State were charged with the task of building Irish nationality. They were the chief mechanism in a continuing cultural revolution. The idea of a Gaelic Ireland was synonymous with independent Ireland. The Irish language was central to Irish national identity. The primary function of the

schools was to recreate a Gaelic, Irish speaking nation. The education system aimed to develop awareness and appreciation of what made the Irish a unique and great race. This distinctive and peerless heritage was the foundation for independence. The function of history was to play a supporting role to Irish by strengthening the national fibre and illustrating the distinctiveness and continuity of the Irish nation. History was used to demonstrate the importance of the Irish language in preserving national consciousness and continuity, and thus legitimise its restoration as a spoken language.

The nationalist role ascribed to history in primary schools was not as pronounced in secondary schools. This was because the type of indoctrination involved was more effective with younger subjects, and relatively few students went on to secondary level. Perhaps the most important factor that determined the function of history at secondary level was the Catholic philosophy that permeated secondary education. The study of history was not a secular pursuit but a branch of religious education and an instruction in proper Catholic living. As a part of the school curriculum, the subject of history taught young learners a monolithic nationalist, anti-British and pro-Catholic history that was heavily dependent upon allegory and collective memory. School history was a major part in a state project to preserve and propagate what it meant to be Irish. While there were some discrepancies between what Pearse envisaged for post-colonial Ireland and the structure that was actually put in place, the education system of Free State Ireland was, in large part, the one that Pearse had advocated. If the British 'murder machine' had been responsible for the manufacturing of cultural slaves, the same charge of ideological indoctrination might be levelled at the new regime.

The new Free State was a post-colonial state. The development of a distinctly Irish identity based on the nation's Gaelic heritage, a heritage that was not recognised under the British school system, was an understandable objective because of geographical proximity to England and a history of political and cultural animosity. Leaving aside the extent to which this objective was achieved, the country paid a heavy price in pursuing it. The influence of the Catholic Church served to sustain and reinforce divisions and antagonisms between Catholics and Protestants in the south. The attempted re-Gaelicisation of society served to widen existing communal divisions and further alienate the minority Protestant community. It further widened the gap between north and south. It allowed no room for compromise on the issue of national identity. If the link between views of history, political thought and action, as

well as the role of the school in the process of socialisation and the creation of historical and political identity has been exaggerated. The reality was that the Protestant and unionist communities perceived history teaching as a threat to their interests. Gaelic culture was proclaimed as not only relatively, but absolutely better than others. Nationalist history was not only pro-Irish but anti-British.

In terms of the function ascribed to history, it was not until the mid 1960s that Irish education emerged from 'Plato's cave'. Industrial expansion combined with the prospect of entering the EEC in the near future created conditions in which the role of history was viewed less in terms of building a Gaelic state and more in terms of cognitive training and citizenship. School curricula became more closely aligned with the needs of an industrialising economy. The nationalist role assigned to history at the foundation of the state was significantly diminished. Non-Gaelic elements of the Irish nation were acknowledged as relations with Northern Ireland seemed to improve. However, Ireland was about to reap a harvest, some of the seeds of which may have been sown in the education system.

The white woman's burden: A look at the influence of British women on the decolonisation process and their prominent role in British imperial history.

Deirdra McCracken

Throughout history, gender has plagued numerous authors who have ignored the subject or simply refused to include it in their writings. Some are inclined to blame the earlier low level of female literacy in certain countries for this, as most of the writing about women was done by men.[1] This could also be due in large part to the fact that the general public refused to see that women were also having an effect on the world, and not only through suffragette marches. In the early nineteen hundreds the governments of both the *Raj* and Great Britain were unwilling to accord women any official recognition for their contributions to imperialism; 'they were, nonetheless, eager to take advantage of the wives' presence in the empire to further their own ends'.[2] Meanwhile, the slave trade has been a mainstay of African history for some time, yet one would scarcely know that women participated in it, which indeed they did, as both perpetrators and victims.[3] Though women were not the primary leaders in nationalistic activities in this former colony, they were very active at the local level in challenging colonial prerogatives,[4] a fact that should not be overlooked nor forgotten. Authors Margaret Strobel, Mary A. Procida and M.P. Baldwin have examined why the female version of the colonial times has not been put into a clearer perspective, or into focus at all for that matter. They have shed some light on different areas where women have played a vital role, impacting the future of their country and Empire.

This paper will expose the importance of the white women in British imperialism and colonisation, by emphasizing the role they played in changing the relation of coloniser and colonised, with India and Africa serving as examples. There is obviously a social aspect to this paper, notably the lifestyle changes that the female emigration brought upon not only the British but also the indigenous women as well. Next, the political ramifications of allowing the white women onto foreign soil will be

[1] Margaret Strobel, 'African women's history' in *History Teacher*, 15:4 (1982), p.512.
[2] Mary A. Procida, *Married to the empire: Gender, politics and imperialism in India, 1883-1947* (Manchester, 2002), p. 170.
[3] Strobel, 'African women's history', p.513.
[4] Strobel, 'African women's history', p.513.

presented. Finally, there is the idea that while many thought the colonies were – no place for white women – there are clearly plenty of reasons why that is exactly where they needed to be. Through all of these explanations, it will be shown that white women did play a prominent role in imperial history, perhaps even more so than the white man.

As noted above, the empires were thought to be 'no place for a [white] woman',[5] however the time period in question really allowed no place for any woman. In the late nineteenth and early twentieth centuries, women around the world were only beginning their fight for equality with the emergence of suffragette movements demanding emancipation for men and women alike. While '[t]echnological advance made it easy to believe in human progress throughout the world, … humankind seemed trapped in an evolutionary struggle',[6] a fact perhaps most loudly pronounced in the colonial empires. The indigenous women of India and Africa were considered a class below their men. The appearance of the white woman in these colonies changed this however, making them more aware of the power they truly possessed. Yet if the British women were able to help the indigenous women find themselves, the 'white women in India and Britain also used the "plight" of Indian women to define themselves and their mission'.[7] One aspect in which white women played a role was that of relationships. Before the women came to the colonies, their men had traveled there alone, and hence had discovered ways of satisfying their needs. This made way for concubinage, which is noted as being a feature of early periods of European conquest and rule in Africa, and was healthier, according to some, than prostitution.[8] Most often these relationships of sort would lead to families, and so this formed, for some time, the typical household in these countries. According to Ann Stoler, 'the colonized woman living as a concubine to a European man formed the dominant domestic arrangement in colonial cultures through the early twentieth century'.[9] This illustrated the fact that while white men were the dominant personalities, they did not seem to have qualms about interracial relationships. Though none can be sure of the exact treatment these women received

[5] Margaret Strobel, *Gender, sex, and empire* (Washington, 1994), p.1.
[6] Wm. Roger Louis, 'The European colonial empires', in Michael Howard and Wm. Roger Louis (eds.) *The Oxford history of the twentieth century* (Oxford, 2002), p.91.
[7] Louis, 'The European colonial empires', p.2.
[8] Louis, 'The European colonial empires', p.6.
[9] Strobel, *Gender, sex, and empire* (Washington, 1994), p.6.

in these relationships, it is safe to say that at least some of their needs were being met, such as economic ones.

For some, however, this was not an appropriate situation. Dr. Annie Besant, Victorian radical and advocate of women's rights, made very vocal her views on the situation in India in the 1920s when she was editor of *Stridharma*, the first magazine completely dedicated to Indian women.[10] She did not see these interracial relationships as being beneficial to anyone but the men, and linked the oppression of Indian women to imperial domination.[11] This was perhaps worsened with the arrival of white women on Indian soil, as they were 'seen to be jealous of concubines' relationships with European men and quick to delineate social boundaries between European and indigenous peoples',[12] indicating that it was the women more so than the men that contributed to the racist tensions. Racial divisions between coloniser and colonised actually hardened with the appearance of these white women, since white men were capable of dominating their relationships, while 'white women had to be protected from the sexual appetites of indigenous men'.[13] This created an image of savagery not welcomed by Britain, and thus deepened the void between the two races. This is not to say however that the white male relationships were perfectly acceptable by British standards either, amplified by Strobel's statement that 'mixed-race offspring from relations of concubinage and marriage came to be an embarrassment and a perceived danger'.[14] Though some may argue that these relationships were necessary to achieve the imperial status upon which Britain preyed, others accuse the white men of abusing the power which they possessed over the indigenous women.

Not only were these relationships causing alarm in Britain or amongst the white women, but they were also placing labels on the women who participated in them, creating an even greater divide among the races, as well as among the female gender. In India, traditional *devadasis* (temple dancers), who participated in many

[10] Judith Whitehead, 'Measuring women's value: Continuity and change in the regulation of prostitution in Madras Presidency, 1860-1947', in Himani Bannerji, Shahrzad Mojab and J. Whitehead (eds.), *Of property and propriety: The role of gender and class in imperialism and nationalism* (Toronto, 2001), p. 169.
[11] Nancy Fix-Anderson, 'Bridging cross-cultural feminisms: Annie Besant and women's rights in England and India, 1874-1933', in *Women's History Review*, 3:4 (1994), p. 576.
[12] Strobel, *Gender, sex, and empire*, p.6.
[13] Strobel, *Gender, sex and empire*, p.6.
[14] Strobel, *Gender, sex and* empire, p.8.

daily spiritual rituals, were soon labelled prostitutes by the arriving British women.[15] This was typical of the Victorian population, whose cultural traditions 'drew sharp symbolic divisions between pure and impure practices'.[16] However the attitudes of the authorities towards these prostitutes were ambivalent: on the one hand, they were seen as playing a positive role in maintaining the manliness of the army; but they were also seen as a potentially disease-bearing impediment to imperial control.[17] This was becoming a greater problem socially than many perhaps realized, in more than one colony. Hansen argues that

> ...not only were African women recruited or coerced into liaisons with white men, [but] white colonial women refused to hire African women as domestic servants, fearing their competition as sexual partners. [...] And as African families came to hire domestics, African women adopted the same reservation about employing females.[18]

This in turn meant that African women not only were being discriminated against, but were being prevented from finding work in one of the only sectors for which many qualified, that being the domestic arena. It was therefore the jealousy of the white women, combined with their fear of the indigenous men's so-called barbarianism, which drove a great wedge among the two cultures in both Africa and India.

The arrival of the white women naturally meant the arrival of British influence as well. This was manifested in the new presence of Western trends, style being just one of many examples. Fashion and sport introduced by the British women were welcomed by the Indian Civil Service officers' wives such as Mrs. N.B. Bonarjee, who gladly abandoned her *sari* in favour of khaki trousers to go hunting and shooting.[19] Sophisticated dress and leisure was an ingredient of the Anglo-Indian wives' recipe for 'helping their less fortunate Indian sisters to ascend to the level of modern British womanhood'.[20] Strobel notes newspapers' reactions to changing behavior in the indigenous women of Africa, using as an example 'a 1930s Swahili newspaper [that] included articles about girls imitating western behaviour and

[15] Whitehead, 'Measuring women's value', in Bannerji et al. (eds.) *Of property and propriety* (Toronto, 2001), pp.153-154.
[16] Whitehead, 'Measuring women's value' , p.159.
[17] Whitehead, 'Measuring women's value', p.161.
[18] Strobel, *Gender, sex and empire* (Washington, 1994), p.10.
[19] Procida, *Married to the empire* (Manchester, 2002), p.176.
[20] Procida, *Married to the empire*, p.165.

dress'.[21] This was seen by some as a positive step for the indigenous women, as they were modernizing their lifestyle which in turn meant more freedom. The growing freedom and powers of Indians in their own country often made it easier for the white women to have friendships with them,[22] as they were suddenly on the proverbial same page. Procida notes that Anglo-Indian women felt most comfortable with those Indian women who could, and would socialise in British fashion where, in time, Indian women were themselves more at ease.[23] This newfound relationship had much to do with the wave of emigrants from Britain, making the journey to the colonies by choice. With more and more of its men working in the civil service sector in India, the British government felt compelled to send over some of its women, so as to add balance to structure. It is important that the British sense of pride be kept in mind, as well as the fact that in the early twentieth century, 'colonial empires were associated with ideas of national greatness, competitiveness, and the survival of the fittest'.[24]

Not able to afford a weak or disheartened population abroad, Britain recruited many women who were trained in such fields as health, education and social work,[25] to name a few. This provided career advancement for these women at a time when the possibility of war was looming, and women's rights movements were upping their battles for equality. For women with careers in health care such as nursing, an opportunity to care for the less fortunate may have been a moral duty, even encouraged by a religious following of some sort. For others, it was a chance to see another part of the world, of the Empire nonetheless. With opportunity and desire as their motivation, career-oriented women did not need as much encouragement to make the move as an official's wife. Procida makes reference to the silent rule that 'a woman's first duty was to her spouse, and through him to the empire, [and thus] she would follow him wherever his duties took him'.[26] This duty set aside, it was the notion that the 'uplift of Indian womanhood was an important component of Britain's civilizing mission in India, because Indian women were presented as the segment of society most resistant to change'.[27] It was this characteristic which made the British

[21] Margaret Strobel, 'African women's history' in *History Teacher*, 15:4 (California, 1982), p.512.
[22] Margaret MacMillan, *Women of the Raj* (London, 1996), p.228.
[23] Procida, *Married to the empire* (Manchester, 2002), p.176.
[24] Louis, 'The European colonial empires', in Howard & Louis (eds.), *The Oxford history of the twentieth century* (Oxford, 2002), p.91.
[25] Procida, *Married to the empire* (Manchester, 2002), p.169.
[26] Procida, *Married to the empire*, p. 170.
[27] Procida, *Married to the empire*, p.166.

government request the aid of the Victorian ladies of England. Louis makes known that '[e]ach nation with colonial possessions ... possessed a sense of superiority as a governing race and a divine mission to civilize their non-European world'.[28] This mindset is what targeted the sophisticated gender and initiated a call to social arms for these superior European women. Perhaps having their lifestyle put on a pedestal by the government made the idea of uprooting themselves to a colony more appealing to the social butterflies, despite some 'race-based apprehensions about Indians, many of whom [some women] viewed as dirty and diseased'.[29]

Elitist prejudices aside, white women did indeed 'follow the flag into the outposts of empire'[30] where they would begin their duties of uplifting, caring for and influencing the indigenous women. It was suddenly the popular and patriotic thing to do, that is, travelling to a new place that was made to look so grand by the government in order to find fulfilling jobs that would not otherwise be found at home, as well as to meet men that would make suitable husbands. Julia Bush argued that 'the emigrators' task was to unify and strengthen the Empire, whilst at the same time meeting the needs of white British and Colonial women'.[31] This meant that suddenly the domestic, servant jobs were no longer reserved for the indigenous women, but were being offered to the white women emigrants as well, and sometimes at the expense of native women. While some could argue that finding these women jobs in foreign countries was a good deed, others found underlying reasons why the government would want to see its women leave the country. Though they may not have been the most flattering positions to occupy, the fact remains that these new arrivals of white women were imposing in an area that had otherwise been fully engaged by the indigenous women. It seemed as though the white women were suddenly forcing the indigenous women out of their jobs, and hence out of their means of providing for themselves. This is definitely one area where the white women's interference, by her mere presence, was certainly not appreciated, nor should it have been advised.

However, what needs to be taken into account is the fact that as of the mid-nineteenth century, there were suddenly more women than men in Britain, meaning

[28] Louis, 'The European Colonial Empires', in Howard & Louis (eds.), *The Oxford history of the twentieth century* (Oxford, 2002), p.92.
[29] Procida, *Married to the empire*, p.168.
[30] Procida, *Married to the empire*., p.167.
[31] Julia Bush, 'The right sort of Women: female emigrators and emigration to the British Empire, 1890-1910', in *Women's History Review*, 3:3 (1994), p.399.

that women had to work to provide for themselves which was at most times difficult. For this reason, emigration, especially to find work and possibly a husband, was very appealing, to both the women and the government. Unfortunately, this was the fine print of the contracts, as it became less about working and finding jobs in other countries and more about finding the colonies' men English wives.[32] This had in large part to do with the fact that Britain wanted to ensure the continuation of the British, that is, it wanted the Empire to continue, and hence the call for 'much-needed white children'.[33] To continue to cultivate its empire would require more British presence on colonial soil, so as to continue to instill the British dictums and values. Though the colonial power exported a simplified version of its own system of government and law,[34] imperial blood would need to be the orchestrating hand of such a structure. The Indian Civil Service is a perfect example of such an arrangement, as all of its high-ranking posts were held by British men. The various institutional structures put into place by the British government were designed to prolong the *Raj* – the elitist government made up of British bureaucrats in India – and a similar design emerged in Africa as well.[35] The goal in both countries was to encourage collaboration with the indigenous citizens without weakening the British control.[36]

This sense of control and racial dominance inadvertently trickled down to the British women's area of authority as well. Such racial distinctions caused a renewed sense of inferiority among the indigenous women, and consequently one of superiority among the white women. Though at first the thought of domestic work was appealing enough to recruit emigrants, it did not take long for the British women to be demanding employment that would maintain their social values and their sense of inherited or achieved status.[37] While racial segregation was to be expected with these restrictions upon relationships, and the subordination of one race to another, it is said that South African correspondents who were questioned on the situation 'deplored the "white girl … lifted far above the position she should occupy simply because she was white"'.[38] Clearly, in the case of Africa, the idea that white women could merely step in and expect nothing to be disturbed by their presence and their

[32] Bush, 'The right sort of woman', *Women's History Review*, 3:3 (1994), p. 389.
[33] Bush, 'The right sort of woman', p.400.
[34] Louis, 'The European colonial empires', p.96.
[35] Louis, 'The European colonial empires', p.100.
[36] Louis, 'The European colonial empires', p.100.
[37] Louis, 'The European colonial empires', p.392.
[38] Louis, 'The European colonial empires', p.398.

demands was not correct. Also, if racial discrimination is deemed a threat, then the native women were not completely safe where the white women were concerned. Societal differences at times made it difficult for the British ladies to find common ground between them and their Indian counterparts. In the situations where the job of domestic aid or servant was still held by an indigenous woman, the employee was not always treated kindly by the employer. Rather than tend to their mission of improving the attitude and lifestyle of the Indian women, British women 'often turned a blind eye to genuine opportunities for the uplift of Indian women within their own households'.[39] An example of this would be an occurrence where a disease originating in servants' quarters would have led a British wife to worry more about protecting herself and her family from illness than assisting a suffering Indian servant: most 'had no compunction in ejecting from the compound servants with contagious diseases such as cholera or smallpox'.[40] In this respect, the British women were more aiding the deterioration of the colony rather than providing it with the proper tools for survival. Naturally, Indian women would not have been able to criticize or dispute such ill-treatment as one realizes that this could have resulted in loss of employment, or perhaps worse conduct on behalf of the white women. Evidently, such relationships would have caused more of a digression than progress in the Indian women's attempt to Europeanise, leaving them no better off than they were before the arrival of their 'masters'.

It was perhaps the contentious bill introduced by Sir Courtney Ilbert in 1883 which showed the British how much of their culture was acutely being observed and imitated by the Indians. A 'controversial measure … that sought to allow senior Indian magistrates to preside over cases involving British subjects in India',[41] the Ilbert Bill was 'one of the earliest battles in which Anglo-Indians and British officials and, to a lesser extent, Indian men, fought over the prerogatives of imperial rule'.[42] In 1873 British subjects had been exempted from trial by Indian magistrates. However by 1883 the Viceroy, Lord Ripon, found Indians in the civil service to be senior

[39] Procida, *Married to the empire*, p.172.
[40] Procida, *Married to the empire*, p.172..
[41] "Ilbert Bill" *Encyclopædia Britannica* from Encyclopædia Britannica Premium Service. http://www.britannica.com/eb/article?tocId=9000900 (Accessed September 17, 2004).
[42] Procida, *Married to the empire*, p.203.

enough to preside over sessions courts.[43] This bill was described by Annette Akroyd Beveridge as a

> ...proposal to subject civilized women to the jurisdiction of men who have done little or nothing to redeem the women of their race, whose social ideas are still on the outer verge of civilization.[44]

This was surprisingly enough, the beginning of political mobilisation on the part of the Indians. It goes without saying that the white women vehemently opposed this bill, which was passed in the end, however not without a fervent opposition which included a petition signed by 5,758 women and then sent to Queen Victoria herself.[45] This series of public agitations allowed for the participation of the indigenous women as well, and 'thus, for women and men, British and Indian, the status of Indian women under Indian tradition and custom became a central issue'.[46] The political demonstrations were actually welcomed by the Indian men, who would use this as an example for their own political discontentment in future years.

In this sense, the white woman not only empowered herself where the Indian government was concerned, but she also empowered the indigenous woman who had never before voiced her opinion, much less had it heard by her country. In his novel *Burmese Days*, George Orwell accurately describes the domineering relationship that existed between the Indian man and his wife, brought to life by the wife attesting that she had always obeyed her husband.[47] This way of life was precisely what made the relationship between the British and Indian women so complex. For British women, Indian men's misogyny was disturbing and threatening, and the idea of submission in marriage and the silencing of a woman's political voice were repulsive.[48] At a time when Britain was already witnessing feminist uprising and contemplating full voter emancipation, India was still very much tied to the idea of patriarchal domination. It was more than likely frustration at the situation that caused British women to make their voices heard so loudly in India. The Ilbert Bill controversy is just one isolated incident of British women voicing their social and political concerns. The lack of

[43] "Ilbert Bill" *Encyclopædia Britannica* from Encyclopædia Britannica Premium Service, http://www.britannica.com/eb/article?tocId=9000900 (Accessed September 17, 2004).
[44] Strobel, *Gender, sex, and empire*, p.17.
[45] Strobel, Gender, sex and empire, p.18.
[46] Strobel, Gender, sex and empire, p.18.
[47] George Orwell, *Burmese Days* (London, 1961), p.16.
[48] Procida, *Married to the empire*, p.199.

political integrity demonstrated by Indian women led the British to perceive them as 'ignorant, childish and politically disengaged'.[49] Because of this complex relationship with the Indian women, the British ladies would often prefer to find themselves in circles made up completely of men - Indian men - which allowed them to engage in political discussions and debates on a regular basis, putting them as 'political competitors vying for power in the combative environment of imperial politics'.[50] These encounters were observed by Indian women from afar but did not go unnoticed, although it was not without apprehension that they would eventually participate in such discussions themselves. For the British women, 'the true measure of feminine worth became a woman's ability to work for the empire', a cause to which they attempted, rather unsuccessfully, to rally the Indian women.[51] However, this did not mean that there was no hope at all for a free-thinking Indian woman. Baldwin brings attention to the fact that the 'campaign for equal ... rights was a bridge that linked new and old feminists, women in Great Britain to women in the empire, British feminism to international feminism'.[52] Like any other progressive measure in society, it would simply be a matter of time before the feminist manifesto would catch the eye of the female Indian population, which it did, contributing to a deeper sense of camaraderie between the two female cultures.

Perhaps it was because they were subjected to a gender domination of sorts that they were able to identify with the colonised so as to pave the way towards political equality. The Ilbert Bill, which was both an argument for gender inequality as well as a dismissal of preferential treatment for colonising males, can help one to see how inequality, regardless of its root, can cause groups to come together. The 'substantial issue at the heart of the [Ilbert Bill] struggle was the extension of greater political authority and legitimacy to Indian men',[53] which ironically was what the British women were looking to accomplish both for themselves at home as well as for the Indian women. Though at the time of the controversy they were looking out for their best interests in a foreign land, they inadvertently caused a form of enlightenment to the Indian population as a whole. They took on what Procida terms

[49] Procida, *Married to the empire*, p.179.
[50] Procida, *Married to the emprie*, p.195.
[51] Procida, *Married to the empire*, p.183.
[52] M. Page Baldwin, 'Subject to the empire: Married women and the British nationality and Status of Aliens Act', in *Journal of British Studies*, 40:4 (Chicago, 2001), p.525.
[53] Procida, *Married to the empire*, p.204.

'unfeminine' roles as defenders of the empire,[54] both to defend themselves as well as their husbands against a law that might encourage Indian magistrates to use their newly granted power against their colonizers. While a compromise on the Ilbert Bill was reached, 'the new Westernised Indian middle class felt itself slighted by this arrangement, and the incident did much to give Indian national feeling a political form'.[55] Perhaps more importantly from the feminine perspective is that it gave a wonderful example of female assertiveness to the Indian women. It also encouraged the Indian males to stand up for their ideas and beliefs, exemplified by the first ever boycott of British goods as well as the first crop of violent protests in 1905 when Lord Curzon decided to divide the province of Bengal.[56] From the political perspective therefore, it can be argued that the white women did more good than harm in the end, as it was due to their actions that the Indian population followed suit, and hence somewhat took their future into their own hands.

The end of World War I actually marked the end of the political importance of the British in India. If nothing else, 'the war had shown a great many Indians that their white masters could be as irrational and savage as anyone else in the world',[57] which slowly led to a change in the relationship of coloniser and colonised. By this time, the civil service had an increased number of Indian employees, which proved hard on the European women who would not be able to find congenial companionship in the Indian wives.[58] It was also beginning to become obvious to the British men and women that they would slowly have to adjust to the idea that independence must come for that country.[59] While the chain of events did not seem to alter the lives of some, many, especially after World War II, began to realize that the *Raj* was dying. With this new image in mind, one white woman wrote 'we were no longer regarded as part of the ruling power but were accepted for what we were',[60] which in the end was probably the better alternative, to have the two races be friends rather than enemies, or than to have a higher class looking condescendingly upon a lower one.

[54] Procida, *Married to the empire,* p.219.
[55] "Ilbert Bill" *Encyclopedia Britannica* from Encyclopædia Britannica Premium Service, http://www.britannica.com/eb/article?tocId=9000900 (Accessed September 17, 2004).
[56] Margaret MacMillan, *Women of the Raj* (London, 1996), p.223.
[57] MacMillan, *Women of the Raj*, p.224.
[58] MacMillan, *Women of the Raj*, p.227.
[59] MacMillan, *Women of the Raj*, p.229.
[60] MacMillan, *Women of the Raj,* p.233.

It is fair to say that there are arguments supporting both the positive and negative influence that the white women have had. Through the examples outlined above, one can see that while there was a certain desire to maintain a higher class standard, in general the British women were looking for companionship. Their original opposition to interracial relationships can be attributed to jealousy as much as it can to the fear factor of the unknown. Again here, the argument had its roots in the class structure. The employment methods of the indigenous women should not have been disrupted by the emigration of white women, but it was, thus causing a rift among the two groups, attributable to the class discrepancies and the high expectations of the British women. Finally, there are the political outbursts orchestrated by the white women, which in the end paved the way for the indigenous women and men to act in the same manner. This in turn led to the fight for independence of India, and hence a somewhat better relationship between the two countries, as there no longer exists a feeling of submission or domination. For this, the white women can be thanked.

Newtown Pery – the antithesis to Corporation corruption and the birth of a new city in eighteenth century Limerick

Jennifer Moore

The development of the city of Limerick in the eighteenth century is one of repression followed by considerable growth towards the end of the century, so much so, that the nucleus of the city shifted entirely from its medieval foundations, to what was essentially a reclaimed swamp outside the city walls. Limerick's trade and development as a city after the sieges of 1690 and 1691 was one of underdevelopment, stagnation and a degree of corruption. The outcome of the sieges was negative for the majority of the Irish population and as such, the city found it difficult to overcome the stigma of the Treaty. The thick walls, the Norman castle and Thomond Bridge acted as everyday reminders to those who lived through the Sieges, what had actually happened there.

In terms of trade, the position of the city on the Shannon surrounded by a rich hinterland had ranked Limerick city third in Ireland c. 1600.[1] In terms of population, by 1706 Limerick also ranked third with a probable population of 11,000, behind Dublin with over 60,000 and Cork with an estimated 25,000 people.[2] So why then, did the development of trade and expansion of the city lag behind other ports such as Waterford and Cork to such a degree, taking into account their more favourable positions on the south and east coast? This underperformance may be attributed to a combination of factors. The first of which was the control of the various family factions over the civic governance of the city, most notably the protestant Roche family in the first half of the eighteenth century and the Smyth – Vereker – Prendergast circle towards the end of the eighteenth century. The control that these families attained was extensive, and those who did not support these oligarchies found it increasingly difficult to trade and compete in the city. Limerick was not alone in this oppression; there were similar conditions in Dublin, Waterford, Cork and Sligo to name but a few.[3] Another contributing factor to this underperformance was the large

[1] Patrick J. O'Connor, *Exploring Limerick's past, an historical geography of urban development in county and city* (Limerick, 1987), p. 36.
[2] E. MacLysaght, *Irish life in the seventeenth century* (Dublin, 1939), p. 190.
[3] See Brian Kirby, *Civic politics and parliamentary representation in Waterford city, 1730 – 1807,* (unpublished Ph.D. thesis, Maynooth, 2002); Jennifer Ridden, *'Making good citizens': national*

number of Catholic merchants in the city at a time when an increasing degree of penal legislation was being implemented. In 1704, for example, Catholic merchants were so successful that they took on Protestant assistants.[4] However, the refusal to grant Catholics similar rights as Protestants was inevitably going to slow the growth economy.

This article will focus on the workings of the urban civic governance of Limerick and how the various levels of society within the city contributed in the development, or stagnation, of the city. The hierarchy will be examined at three tiers. At the top level of civic governance lies the Corporation headed by the mayor and assisted by two sheriffs, the aldermen, burgesses, and various other offices. Governing the various trades of the city were the guilds. Each guild acted as a corporation within their trade with the master acting as mayor and wardens acting as sheriffs. Under the guild system, no person not a brother of a guild could practice their trade within the city walls, thus giving each trade a veritable monopoly over the city. Finally, intermingled with these two tiers were the prominent families, both the early patriciate families and the more recently supplanted families during the seventeenth century. This interest group was usually managed by the head of the family and they varied in size and power. The head endeavoured to make advantageous marriage connections for their children and also formed business and trading alliances based on mutual trust. Some Catholic families qualify for inclusion here, particularly the Arthurs and the Roches, both of whom became synonymous with the development of the new city, Newtown Pery.[5] These alliances are prominent in Limerick history with the same names frequently appearing in trade directories, corporation offices, in the national parliament and in the street and quay names in Newtown Pery.[6]

identity, religion, and liberalism among the Irish elite c. 1800 – 1850, (unpublished Ph.D. thesis, Kings College, University of London, 1998); and Kenneth Milne, *The Irish municipal corporations in the eighteenth century,* (unpublished Ph.D. thesis, Trinity College Dublin, 1962).
[4] Colm Lennon, *The urban patriciates of early modern Ireland: a case study of Limerick,* the twenty-eighth O'Donnell Lecture (NUI, Dublin, 1999), p. 3.
[5] Throughout the eighteenth century and into the nineteenth century there were two separate Roche families, the Catholic Roches who were wealthy successful merchants and also the Orange Roches who controlled the Corporation in the first half of the eighteenth century.
[6] For example, the Sextons, Arthurs, Creaghs, Roches, Whites, Massys, Maunsells, Unthanks, Bourkes, Smyths etc. See Lennon, *Urban patriciates;* Maurice Lenihan, *Limerick; its history and antiquities* (Dublin,
1967) for a list of family names, mayors and representatives for the city; and Gerry Joyce, *Limerick street names,* (Limerick, 1995).

What is unusual about Limerick is the extent to which the city expanded in the final quarter of the eighteenth century and the first thirty years or so of the nineteenth-century. Limerick was the last fortress in Ireland, and as such, its trade had suffered considerably. The corruption of the corporation was also another major factor for two reasons. First, and more obviously, the trading conditions were unfavourable to most and merchants could not practice freely. But second, and more interestingly, the corruption bred a new city and a new way of thinking. Edmund Sexton Pery offered his land to merchants who wished to move out of the corporation jurisdiction. This area, which later became Newtown Pery, offered the perfect refuge for those who had been subject to extortionate tolls and taxes. Questions have been raised as to Pery's motives, whether it was for self-promotion or city promotion. Either way, the city was the ultimate benefactor. From 1796 to 1800 Limerick's trade increased 15 percent ahead of Dublin which had increased 100 percent.[7] Belfast was the only city to outgrow Limerick in this period percentage wise.[8] In the earlier part of the century Limerick waned behind Dublin, Cork and Waterford. With the advent of Newtown Pery, Limerick renewed its status as the commercial centre of north Munster.

In order to examine the civic governance of the city it is necessary to examine the source of power, the family structure. The hierarchy of power in Limerick, as elsewhere, had its basis in the strength of various local and county families. The Old Catholic patrician families of Limerick enjoyed domination in the city up to Ireton's capture of the city in 1651. Although a large number of Protestant families were placed in Limerick, the old families still held considerable power.[9] The sieges of Limerick in 1690 and 1691 brought in the minority Orange families, the most prominent of which were the Roches, headed by Toxeth Roche. England was, at this unsteady time, placing loyal oligarchies in the various corporations in Ireland in order to maintain a tight control over Ireland. Although there was not an abrupt change of power, the vital positions within the municipal governing of the cities were being withdrawn from anyone who could not be trusted.

Limerick County differed from Cork in that no single landlord was in control of its politics. Lenihan noted that the Right Honourable George Evans, Lord Carbery

[7] David Dickson, 'Large-scale developers and the growth of eighteenth-century cities' in P. Butel and L.M. Cullen (eds), *Cities and merchants: French and Irish perspectives on urban development 1500-1900* (Dublin, 1986), p. 109.
[8] O'Connor, *Exploring Limerick's past*, p. 36.
[9] 1654 census : 5 percent Protestant, 1659: 59 percent Protestant. Lennon, *Urban patriciates*, p. 11.

died in 1759 at his seat in Caherass and 'was the only noble man who resided in or near the city at this time.'[10] This meant that the governance of the city was open to any politically astute man.[11] In Cork, Lord Shannon controlled seven or eight of the twelve boroughs and sent eighteen men to parliament.[12] Although the Olivers controlled the Kilmallock borough and the Taylors, Askeaton, the control of the city of Limerick was fiercely contested amongst the various élite families.[13]

The Limerick élite remained a relatively small and privileged group that needed careful alliances in order to sustain its position. One of the most advantageous alliances, in terms of the power they held, was that of the Smyth-Vereker-Prendergasts. Charles Smyth, the brother to Arthur Smyth Archbishop of Dublin, and eldest surviving son of Thomas Smyth, Bishop of Limerick, married Elizabeth, daughter of Sir Thomas Prendergast of Gort in Galway in 1728. Smyth represented the city in parliament for forty-five years from 1731 to 1776. He was brother-in-law to Edmund Sexton Pery and the families were allied politically and in terms of business until the 1790s.[14] Smyth died in 1784 and was succeeded by his eldest son, Thomas. He represented the city from 1776 until he died the year following his father's death, in 1785 without issue. Charles' second son, John Prendergast, later first viscount Gort took his brother's seat and represented the city from 1785-97. He had assumed the name Prendergast, but added Smyth to it in 1785. He died without issue in 1817. His sister, Julianna, (Julia) had married Thomas Vereker of Roxborough in 1759 and it was their son, Charles, who inherited the Gort title.[15] This alliance stood firm and they held total control of the Corporation by admitting their many friends as freemen to the city whether they were resident or not.

Other families of political significance in the city included the Pery, Massy, Maunsell, Monsell, Grady, and the Hartstonges; and catholic merchants, Creagh, Roche and Arthur. In the county the predominant families were Oliver, Hunt, Southwell and Quin. It was common for families of wealth to conform to Protestantism in the early part of the century, although not all Catholics did including

[10] Lenihan, *Limerick*, p. 348.
[11] Cliodhna Snoddy, 'Some notes on parliament and its Limerick members 1767-71' in *NMAJ*, IX, 4, 1965, pp. 169.
[12] William Hunt, *Irish parliament 1775*, p. 55 in Snoddy, '*Limerick members*', pp. 169.
[13] Keneth Milne, *The Irish municipal corporations in the eighteenth century*, (unpublished Ph.D. thesis, Trinity College Dublin, 1962) p.4.
[14] This alliance later changed to a rivalry between the families in the 1790s.
[15] Edith Mary Johnston-Liik, *History of the Irish parliament*, Vol VI p. 115 and *Burkes Peerage and baronetage*, 105th edition, (London, 1975) p. 115.

the Lacys, Bourkes, Ankettles and Fitzgeralds. Lennon pointed out four different ways by which the Catholics remained influential. First, the civic awareness and expertise they held in times of adversity. Second, the manner in which they were able to manipulate certain electoral politics. Third, the careful management of resources which led to municipal unity and their survival. Finally, they maintained a sense of cultural identity. They established ownership of the physical features of the city and held its history and traditions.[16] In response to the 1703 act 'to prevent the further growth of popery' which held the clause,

> ...that every person of the popish religion then inhabiting within the said city would bear themselves unfaithful to Her Majesty or in default of giving such security should depart out of the said city and suburbs on or before the 25th of March 1704.[17]

Edmond Sexton Pery supplied a refuge for a number of Catholics at St. Francis' Abbey located on King's Island. His great-great grandfather, Edmond Sexton was granted the land at the abbey, along with the lands of St. Mary's abbey and also the land known as the South Priors' land by Henry VIII after the Dissolution.[18] This land was located just outside the city walls and consequently, outside the jurisdiction of the corporation, thus allowing the Catholics to trade freely and to maintain their wealth. Naturally, the proximity of St. Francis' Abbey to the city meant that many of the Catholic and Dissenter traders infiltrated the trade inside the walls and established vital links. In the 1730s the Corporation alleged that St. Francis' Abbey was 'an asylum for papists'.[19] Lennon confirms this allegation when he describes it as 'the locus for the regrouping of many older burgher families, especially post 1700'.[20] Pery's use of his land proved to be indispensable to Catholic and those affected by the corruption of the Corporation including Protestant, Dissenter and Quaker. While St. Francis' Abbey sustained the Catholics and prevented them moving to the land in the first half of the century, the South Prior's land, which became known as Newtown Pery in 1769, allowed merchants to expand, develop and escape the extortionate taxes of the Corporation in the latter half of the eighteenth century.

[16] Lennon, *Urban patriciates,* p. 4.
[17] Begley, *The diocese of Limerick,* p. 97.
[18] Anthony Malcomson, 'Speaker Pery and the Pery papers' in *NMAJ,* XVI, (1973 – 74) p. 38.
[19] Petition of the Mayor, Sheriffs and Common Council of Limerick to the House of Lords [c. December 1737] (Limerick Papers, N.L.I. bundle 22) in Malcomson, 'Speaker Pery and the Pery papers', p. 38.
[20] Lennon, *Urban patriciates,* p. 19.

On the next tier of the hierarchy of civic power were the guilds. They were an association of merchants and craftsmen that gave the mutual benefit of regulation of trades and crafts. These members had the exclusive right to practice a craft or trade within the city limits. They originated in the late medieval period throughout Europe as the guild merchant. As population and demands increased so too did the merchants and the craft guilds.[21] The types of guild altered with the advances of society of the day and some became extinct.[22] Each of the guilds received a charter with the rules and regulations by which they operated. The important factor of the various guilds was that they were all exclusive, meaning no merchant or craftsman who was not admitted as a brother of his guild could buy or sell merchandise, or practice their trade within the city. It therefore became essential for any tradesman or merchant to be admitted to the guilds.[23] They were composed of two masters elected annually, two wardens appointed by the master and an unlimited number of brethren and sisters. They met quarterly at Michaelmas, Christmas, Easter and midsummer.[24] The various guilds were under the control of the Merchant of the Staple, which was the predecessor to the chamber of commerce.[25] They operated as a great trading corporation by buying collectively for the members by the shipload and selling at a fixed price. The exclusiveness of trade meant that the guilds held a complete monopoly over trade in the city and were frequently tempted to abuse this position by raising prices or use inferior products. In such cases the Common Council of the Corporation would step in and would inflict fines, or worse still, threaten to open the guild to non-guildsmen.[26]

The guilds themselves were bodies of a lesser degree than the city Corporation. In an analogy to the Corporation, the master of the guild acted as the mayor, the wardens as bailiffs and the council of the house acted as the common council. They managed their own finances[27] and although some of the wealthier guilds in the country owned their own property, there is no record of any Limerick guild holding any property of note. They would usually hold meetings in inns or public houses and it was customary to admit the proprietor as a freeman of the guild,

[21] J.J. Webb, *The guilds of Dublin,* (Dublin, 1929), p. 1.
[22] See appendix 1.
[23] Robert Herbert, 'The trade guilds of Limerick' in *NMAJ,* II, 3 1941, p. 121.
[24] Webb, *The guilds of Dublin,* p. 18.
[25] Herbert, 'The trade guilds of Limerick', p. 124.
[26] Webb, *The guilds of Dublin,* pp. 32 & 104.
[27] Webb, *The guilds of Dublin,* p. 103.

and therefore became lucrative to be such a host.[28] Sons of freemen were also admitted when they came of age, however many were allowed to practice their trade before this date. Admittance was not confined to persons resident in the city or engaged with the trade. Under the New Rules of 1672 all guild merchants had to take an oath of supremacy and should be made free on a payment of twenty shillings.[29] This was an attempt to lure more Protestant merchants to Limerick to rival the successful Catholic ones.

As a legal authority the masters and wardens oversaw the work of the guilds and could certify a tradesman's work or could get him disenfranchised. This body also resolved rivalries between some of the guilds.[30] The guilds became the social life of the city putting on plays and holding pageants. These pageants were great colourful affairs in the city. A procession of the guilds was held in 1777, possibly in honour of the guest of the city, the king of Morocco. The procession was in order of antiquity of character and concluded with the visiting king.[31] The guilds would also accompany the mayor on the Riding of the Franchises or bounds, a ceremony which lasted a number of days.

The importance of the guilds can be seen in how the mayor of the corporation would often court and entertain them. A budget was set aside for entertainments for certain occasions including the proclamation or death of a new monarch, declaring war or peace with another nation. In 1756, for example, £118 5s was spent on entertaining the guilds on proclamation of peace with France, however, later that year £13 was paid for ale sent to the corporations on proclaiming war against France.[32] It was a necessity to become a member of a guild if one was standing for election. The larger guilds exercised the most patronage as they acted as a sort of political party, in that they would ensure the members would vote for the one candidate. Charles Smyth sought membership and was admitted by the masters and elders of the Society of Victuallers of Limerick, to all the privileges, franchises &c. of the society in 1731.[33] Smyth went on to represent the county for forty-five years. Pery was a member of no less than ten guilds by 1750, and although he represented Wicklow from 1751 to1761,

[28] Herbert, 'The trade guilds of Limerick,' p. 128.
[29] Herbert, 'The trade guilds of Limerick', p. 122.
[30] 1714 witnessed the Battle of the Mayor Stone between the blacksmiths and the Weavers which is documented in a poem. Lenihan, *Limerick,* p. 329; Herbert, 'Trade guilds of Limerick', p.125.
[31] Herbert, 'the trade guilds of Limerick', p. 126.
[32] Reports from commissioners on municipal corporations in Ireland, H.C. 1835 (27), p. 348.
[33] Lenihan, *History of Limerick,* p. 328.

he sat for Limerick city uncontested from 1761 to 1785 when he was raised to peerage. The guilds also acted as a lobbying group to the city Corporation. In the 1720s they agitated against the customs levied on both Protestants and Catholics that were later declared illegal.[34]

The Catholic and Quaker merchants were excluded from full membership of the guilds, but were, however, permitted to become quarter brothers. In order to do so they had to take an oath of supremacy and pay a quarterage.[35] By doing this, the merchants were allowed to trade, but not within the city walls. The importance of St. Francis Abbey became apparent to the merchants who were affected and the abbey allowed them to primarily sustain their trade, and later many expanded into Newtown Pery becoming the essential elements to the development of the new town. The quarterage disputes and a number of petitions in the late 1750s and into the 1760s, Catholics and Quakers left the abbey grounds and expanded in to the city and new town. This highlighted the increasing assertiveness of the Catholic middle class. In a 1761 parliamentary committee it concluded that the guilds had no authority exacting payment from these tradesmen. However, the refusal to admit Catholics and Quakers may have signalled the decline of the guilds.[36]

On being created a freeman of a particular guild, the candidate had to make an application to the city in order to receive municipal franchise. By doing so any freemen of the guilds who were also freemen of the city could vote in the affairs of the city.[37] There were a number of ways a person could attain the freedom of the city. First, any man over the age of twenty-one who was the eldest son of a freeman. Second, any man being twenty-one and married to a daughter of a freeman. Third, any apprentice who serves under any art or mystery with any freeman for seven years. And finally, the *grace especial,* an honour bestowed on men who were of exceptional character and generally resided outside the city.[38] In attaining freedom of the city the citizens were also free of tolls issued both within the city and around the country. Therefore the freedom of the city was a much sought after status. Under the New Rules, Protestants were further encouraged to settle in Limerick;

[34] Kevin Hannon, *Historical reflections,* (Limerick, 1996), p. 104.
[35] Herbert, 'The trade guilds of Limerick', p. 121.
[36] Herbert, 'The trade guilds of Limerick' p. 121.
[37] Milne , *Irish municipal corporations,* p. 74.
[38] Municipal Corporations Report XXVII, p. 352. The final clause of *grace especial* was abused particularly by the Vereker clique in order to maintain their influence towards the end of the eighteenth century.

> ... all foreigners, strangers and aliens... who are or shall be merchants, traders, artificers, seamen or otherwise skilled and exercised in any mystery... then residing and inhabiting within the city of Limerick, or who should at any time thereafter come into the city with intent and resolution there to inhabit, reside and dwell, should upon his or their reasonable suit or request made, and upon payment down or tender of £20 by way of fine unto the chief magistrate or magistrates and common council...be admitted a freeman thereof... [39]

Thus the civic governing body, or Corporation, held a powerful position in both the city and the county.

Limerick Corporation exists both by prescription and by charter. The first charter was issued in 1197 on the death of Donald O'Brien when John, Earl of Morton and Lord of Ireland mooted the privileges enjoyed by the citizens of Dublin should be extended to Limerick. It was intended to establish English interest in the city and was granted on 19 December by Richard I where the Corporation would be regulated by statute. From this charter to 1840, fourteen subsequent charters were secured and expanded.[40] A considerable amount of autonomy, judicial and commercial regulation was given to various corporations under the medieval charters. However, the most important of these charters as regards the eighteenth century Corporation and corruption was that of the New Rules issued by Charles II on 13th February 1671. It stated:

1. The lord mayor, sheriffs, recorder and town clerk must have their names approved by the Lord Lieutenant before being sworn into office. The election of the lord mayor, sheriffs and treasurer must be by the lord mayor and aldermen, and '...no other person or persons whatsoever shall at any time hereafter have any vote in the election of the said office.'

Hence the English government had tight control over who governed the various towns and inevitably placed loyal Orange oligarchies in power.[41] This is especially evident in the years following the Treaty when the Roche oligarchy held power into the mid eighteenth century.[42] These local oligarchies, like in Belfast and Sligo, tended to distort the local institutions.

[39] Municipal Corporations Report 1835, p. 353.
[40] Municipal Corporations Report 1835, p. 344; Samuel Lewis, *A history and topography of Limerick city,* (Dublin & Cork, 1980 reprint), p. 129; Lenihan, *Limerick,* p. 47.
[41] Eamon O'Flaherty, 'Urban politics and municipal reform in Limerick 1723-62', in *Eighteenth century Ireland,* VI (Dublin, 1991), p. 106.
[42] Although this led to Whig opposition to the central government regarding the balance of power in the corporations.

2. The lord mayor, recorder, sheriffs, treasurer, aldermen, town clerk, common council, masters and wardens of guilds are required to take oaths of supremacy and allegiance.

The final clause was a reaction to the Cromwellian period when an increased population of loyal Protestants would both augment trade in Limerick and secure the city politically.

3. All foreigners, strangers and aliens, 'as well as others as Protestants', who shall be artisans, merchants or otherwise commercially valuable, may on payment of a twenty shilling fine become freemen of the city, and be admitted to any guild. Officers who refuse to accede such requisitions liable to disfranchisement.[43]

This legislation also exposed the institution of the corporation to be extremely vulnerable to corruption, which commenced almost immediately after its inception. There was, however, constant local political conflict between the various families wishing to have increased power in the civic government.[44]

Excluding St. Francis Abbey and the South Prior's land, the Corporation held jurisdiction over the liberties, one to three miles north and four to five miles south of the city, exclusive admiralty of the Shannon from three miles above the city to the sea and all inside the city walls.[45] This area was comprehensible enough to create the city into a county in its own right and Limerick city was therefore known as the county of the city of Limerick. Within the Corporation the most important body was that of the Common Council. This group consisted of the mayor, sheriffs, aldermen, burgesses and chamberlain. Collectively, this group was the governing civic municipal body. The common council elected a number of the officers of the corporation including the town clerk, the recorder, water bailiffs, crane master and clerk of the markets. Ultimately the power of the corporation lay in the hands of the mayor and often, the mayors of the city would go on to represent the city in parliament.[46]

Each year, the mayor was elected annually by the outgoing mayor and burgesses as under the New Rules. He maintained a number of offices including a Justice of the Peace, magistrate for the county, admiral of the Shannon, sole judge of

[43] Milne, *Irish municipal corporations,* p. 402.
[44] On some of those occasions the local politics was raised to a national level, for example, the Lucas affair in Dublin, O'Flaherty, 'Urban politics and municipal reform', p. 105.
[45] Robert Herbert, 'The antiquities of the corporation of Limerick' in *NMAJ,* IV, 3, 1994-5, p. 86.
[46] See Lenihan's list of mayors and representatives of the city and county, in Lenihan, *Limerick; its history and antiquities,* pp. 691-708 & 741-746.

the court of conscience, chief judge of Tholsel court, coroner, clerk of the markets and chairman of the Common Council. He also appointed the Sword bearer, high constable, six petty constables, ranger of the exchange and town crier.[47] He was paid a number of emoluments for these offices; £500 annually as mayor, 80 guineas as coroner, one ton of coal and six hundred weights of salt from each cargo of such imported, one salmon per week form the Corporation weirs, oysters from each oyster-boat while also receiving fees from Tholsel court and 10 shillings 6 pence for each affixing of the Corporation seal to letters of freedom.[48] Two sheriffs were also elected annually by the Common Council from its members. They acted as judges of Tholsel court and returning officers for parliamentary elections. They were paid a number of emoluments for this office, namely, £75 per annum as sheriff, £20 for the rent of office, given £50 for clothing of bailiffs, £12 in presentment from the grand jury in lieu of fees and also from superior courts up to £200 per annum. If an election occurred within their stay in office they also received fees from these parliamentary elections. Again this was a much sought after position for both economic benefits as well as a stepping-stone towards national representation.

The next tier consisted of the aldermen who usually comprised of ex-mayors so as to retain influence over the governing body. This was a position for life and they were elected by the Common Council. Although there was no salary with this position they did maintain political influence and had a considerable degree of pull. They had an honorary title bestowed on them by the mayor and their widows would receive an annual payment of £8. Underneath this body are the burgesses who were 'especially privileged freemen.' They were elected by the Common Council and their responsibility was to represent the freemen on the Common Council, but received no emoluments.[49] One had to be a member of the burgesses in order to be elevated to mayor, sheriffs, aldermen or chamberlain. Other positions of note include the recorder, town clerk, weigh-master, deputy clerk of the markets and hide crane-master, all of whom were elected by the Common Council.

The Court D'Oyer Hundred comprised of the entire body of freemen of the city. Although the Court D'Oyer Hundred is not to be found in any charter granted to the city, it was considered a very ancient tradition and this general assembly was

[47] Municipal Corporations Report, p. 359.
[48] Herbert, 'The antiquities of the Corporation of Limerick', pp. 88-9.
[49] Milne, *Irish municipal corporations,* p. 72.

headed by the president, or Common Speaker. He was elected every two years by the Court D'Oyer Hundred and before the New Rules, all acts of the Corporation had to be approved by this assembly. Their duties also included the canting of tolls, voting on extraordinary levies and approved the granting of leases of Corporation property.[50] However, under the New Rules of 1672 the power of the Court D'Oyer Hundred diminished a great deal. The election of Corporation offices no longer went through the freeman assembly, but through the Common Council. Furthermore, nothing could be discussed in the Court D'Oyer Hundred unless it had been passed by the Common Council. If this clause was not adhered to the freemen faced disenfranchisement.[51] These stipulations opened the door for small oligarchies to gain and sustain power in the civic government. The assembly of freemen was virtually redundant throughout the eighteenth-century leaving the corrupt clique free of checks and balances.[52]

It is difficult to define what exactly corruption was in the eighteenth century and is a label frequently placed throughout the century on numerous levels of governance, trade and society by standards of more recent times. Was this line of 'business' simply the norm by which a gentleman to earn his keep? In the case of corporation corruption, was it simply those not on the receiving end of the bounty who declared the Corporation corrupt? There seems to be very much an elasticated boundary by which eighteenth century corporators could stretch and manipulate the rules. In the case of Limerick, however, there came a point when this elastic boundary snapped, which served as catalyst in the formation of the new city, Newtown Pery. Throughout the eighteenth century the two families to hold the power and keep the city at their ransom were the Orange Roches and the Smyth – Vereker – Prendergast alliance. They created a 'magic circle' which allowed them to maintain this corruption for extended periods of time. Not only were the Catholics and Dissenters excluded from this circle, but also Protestants who would not either guarantee their support for the oligarchies, or indeed, wanted the power for themselves. This exclusion would lead to the eventual downfall of both oligarchies by a new emerging group, the Independent Citizens. This group consisted of Catholic, Dissenter and Protestant merchants and gentry who reacted against the repressions of the oligarchies. The

[50] O'Flaherty, *Urban Politics,* p. 107.
[51] David Lee, 'Fanfares of the vanities' in David Lee (ed), *Remembering Limerick – historical essays celebrating the 800th anniversary of Limerick's first charter granted in 1197* (Limerick, 1997), pp. 318-319.
[52] Power to the freemen was restored in the Limerick Regulation Act of 1823, 4 Geo. IV. 126. and was continued for another 70 years.

Catholic and Dissenter's main grievances were the cockett duties, exclusion from city trade and the quartering of soldiers. The Protestant grievances were the exclusion from the Common Council and therefore municipal government, and also the unfair tolls and gateage. The progress of the city was also stunted by this corruption and is one of the main reasons why Limerick trailed considerably behind other major ports in the country.

However, this repression had an equal and opposite effect. The continual tyranny of the Roches in the first half of the century forced these otherwise un-unified groups to come together with the common goal of freedom from the extortionate taxes. The Roches came into power as an Orange minority oligarchy in order to preserve and create a new loyal Protestant society after the Williamite wars. The family was headed by Toxeth, or Tock Roche and they preceded to hold power until the parliamentary committee of 1761. He was mayor in 1705 and 1723-4. His oligarchy was exceptionally anti-Catholic and turned the Catholics out of the city for three weeks during the Whig and Tory factions with the succession of the Hanoverian monarchy.[53] The first form of retaliation came in the 1720s when some of the country gents started a lawsuit against the legal exactions practiced at the gates and the markets. At the same time a lawsuit from the Catholic merchants against the cockett duties. Without the Court D'Oyer Hundred to keep these in check, the Common Council had a free reign on the tolls of the city. The court cases seemed to weaken the Common Council which left a window open for Lieutenant-General Thomas Pearse. He was looking for public rights and got himself into the Common Council and forced himself into the mayor's office. There was inevitably resistance from the Roche camp. However, they were forced to recognise his position with the accession of George II when Pearse had to proclaim the new monarch. Pearse went on to represent the city in parliament in 1727 replacing George Roche.[54]

Whig and Tory factions escalated again in 1731 when a city seat became available on the death of Henry Ingoldsby. Voting was extremely close between Charles Smyth and Philip Rawson with each vote being scrutinised for Catholicity. The seat went to Smyth who held it for forty-five years before passing it on to his son, the subsequent dominators of the Corporation at the end of the century. Despite this, the power of the Corporation lay in the hands of the Roches and their final acts of

[53] Begley, *The diocese of Limerick*, p. 101.
[54] Lenihan, *Limerick*, p. 323, 794 & 741; Begley, *The diocese of Limerick*, p. 100-103.

corruption came in the 1740s. The city was utterly neglected and market tolls peaked at three times the parliamentary schedules. There were a number of complaints against the Corporation in 1741. When Arthur Roche was mayor in 1743 he appointed John Vincent as town clerk. Together they conducted much of the Corporation business themselves without reference even to the Common Council. They also 'appointed' various citizens to corporation offices including the Pilot of the Port. He gave this office to his nine-year-old son for life which returned £20 per year plus a fee per ship. Roche paid a Henry Constable to act as pilot until he 'sold' the office to another freeman for £80.[55] Throughout the 1740s Roche maintained control of the Common Council and managed to keep out at least three freemen who had been sheriffs.

In 1747-8 two thirds of the Corporation lands fell out of lease. The corporators leased the entire grounds among themselves for 999 yeas at a total of £36 2s 9d, a fraction of their true worth. Arthur Roche received most of the land within the city and Thomond Gate. The leases worked out on average of £12 per annum where the true value should have been £300. Indeed, little if any of this peppercorn rent was ever paid.[56] John Wight's leased lands give a good example of their undervalue. He leased over eighty-seven acres at £5 15s. Later he leased sixteen of those acres at £100 and seven more acres also produced £100. In 1820 the property was offered to a Daniel Gabbett for £7,000, quite a healthy profit.[57]

These acts of the Corporation were the final straw for those excluded from the circle. In a letter from William Monsell to Reverend Charles Massy, A.M. Dean of St. Mary's, he imbues his bitterness towards the Corporation and complains of the robbery and oppression committed by them. He found the tolls on corn so high that he and others had stopped tilling in the area.[58] The situation worsened with riots in 1748 regarding the conditions of the humbler classes. Massy's interest was escalated when the city's numerous charities also felt the neglect of the Roches. The Dean was the custodian of a number of charities within the city. The almshouses for widows was converted into a linen board school, the Corporation ceased the payment of the schoolmaster at Dr. Hall's charity and his own project, the Blue coat school. In 1744-5 Massy offered some lands from the deanery for the project, however Roche claimed it would take two years for approval. Instead of giving the approval two years later,

[55] O'Flaherty, *Urban politics*, p. 109.
[56] O'Flaherty, *Urban politics* p. 110.
[57] Lenihan, *Limerick*, p. 340.
[58] Lenihan, *Limerick*, p. 337.

Roche leased the land to himself.[59] What further agitated Massy was the fact that the mayor had stopped paying rent in the mayoral house that was in the hands of the charity. Infuriated, Massy approached Andrew Welsh, the prolific eighteenth-century printer who published his attacks on the Corporation in the 1749 *Munster Journal*. After a meeting of the Corporation he placed an advertisement in the paper 22 May,

> ... I attended last Friday to offer my sentiments at a pretended General Assembly, which I heard was intended to be clandestinely held on that Day. The Event indeed demonstrated that I was not misinformed; for, without any other previous Notice to the Citizens, than the tolling Of the Tholsel-Bell about three Minutes, the Mayor and a few of the Council hurried to the Court-House; I, and a considerable number of Freemen walked not many Spaces after them, and yet, by the time I reached the middle of the Court-House, they broke up abruptly without any adjournment; and I am perswaded [sic] the formality of opening a Court, and propounding any matter whatsoever to be debated by the Citizens, could not possible be gone through before I got into the Court.
> As I am in Friendship with every Member of the Council, and have expressed a particular Attachment to the Interest of some of the Leaders of it in there personal Concerns, I did expect other kind of Treatment, than to have such an Indignity offer'd to me, of seeing the Court abruptly broken up, for no other Reason, than because I appeared in it... I do therefore promise to stand by and assist my Fellow Citizens, in the Recovery of all their just Rights and Privileges, against all Persons whatsoever, who shall presume to attempt the Invasion of them; and I shall most readily meet such of the Citizens, as have in Inclination to concert such Measures, as may effectually remedy all *past Grievances* and prevent all *future Jobbs* [sic].
> CHARLES MASSY.[60]

He placed an additional advertisement in the *Munster Journal* 29 May 1749 requesting his fellow Citizens to meet him at the house of Thomas Alley, a vintner to 'consider such Measures as may be most advantageous to the general Welfare of the whole Community.'[61] The meeting proved to be a successful one, and in another letter in the *Munster Journal* he addressed the 'Freemen of the City of Limerick.' In describing the perpetrators of the Corporation he used words such as 'oppressors', 'tyranny' and a 'Silly Headed Buffoon'[62] in an attempt to rally more support for his cause. Dean Massy then addressed the Mayor and the Common Council,

> ...*UNDER* the many Grievances which our unhappy City groans, no one cries more loudly for a speedy redress than the monstrous Abuse of the Act for continuing Lights in it. You alone have it in your Power, to remedy that great Evil. You can levy what Sum you please, not exceeding fifteen Shillings a Lamp ; and we are under a Necessity, of applotting [sic] that Sum at our Vestries. I observe, you constantly levy as much as possibly you can, tho' I am credibly informed, little more than half the Sum would lighten the Streets much better than they have hitherto been light. I flatter myself therefore, Gentlemen, with the Hope, that you will take this Affair seriously into your Consideration; and do not lay us under a Necessity of loading our poor Fellow Citizens with Taxes much heavier than they are able to bear.
> I beseech you to consider, that out House Rent is notoriously the greatest of any City in the Kingdom; and with great Concern I say it, our Taxes are so too; there are such real Clogs upon our Manufacturers, that we can never be a flourishing City, till our poor Tradesmen shall be in some Measure eased of them, which is greatly in your Power...[63]

Throughout the summer of 1749 Welsh continued to publish Dean Massy's attacks on the Corporation under the heading 'Some seasonable queries, proposed to the consideration of the whole Corporation of the City of Limerick.'[64] By mid August, Welsh had published the pamphlet entitled '*Collection of queries, &c. wrote on the occasion of the present dispute in the City of Limerick.*'[65]

By 1750 the citizens wanted a more forward policy for the city. Massy had done enough to alert more and more people to the plight of the city. Despite the unfavourable trading conditions, Limerick was expanding. A letter book of a merchant, John Kelly indicated extensive trading links with Liverpool, Bristol, London, Rotterdam, Nantes, Bordeaux, Jamaica and Antigua.[66] In order to maintain municipal stability in the cities and towns in Ireland there was a need for socio-political harmony among the elite classes. The Roches had succeeded in alienating a sufficient number of this class and so when they united with common grievances, the downfall of the Roche corruption was inevitable. The independent movement under the name of the 'Independent Free Citizens' gathered quite a number of merchants and gents under one aim, the removal of the Roches and regulation of the Corporation. The upkeep of the city had been utterly neglected angering many of its citizens. Hely-Hutchinson wrote to Edmund Sexton Pery on the 3 September 1750 after a visit to the city, ' ... your native dirt, my dear Mun, is one of the filthiest places that ever infected air...'[67]

[59] O'Flaherty, 'Urban politics', p. 112.
[60] *The Munster Journal*, 22 May 1749.
[61] *The Munster Journal*, 29 May 1749.
[62] *The Munster Journal*, 5 June 1749.
[63] *The Munster Journal*, 19 June 1749.
[64] *The Munster Journal*, 22 June 1749.
[65] *The Munster Journal*, 14 August 1749.
[66] Letterbook of J.K. Merchant of Limerick, N.L.I. Ms. 827 in O'Connor, *Exploring Limerick's past*, p. 41.
[67] In the Emly papers NLI, in A.P.W. Malcomson, 'Speaker Pery and the Pery papers', p. 53.

Pery was one of the leading members of the Independents along with Reverend Charles Massy, Dean of Limerick and John O'Donnell of Liberty Hall who was secretary for this expanding disaffected group. He wrote to various freemen of the city outside the Corporation regarding the degeneration of the city and the constant corruption of the Roches. There were a number of meetings held in the various houses of the Independents and O'Donnell held a number of social events and banquettes. With such toasts as 'Speedy restoration and to the just rights and privileges of the citizens of Limerick', 'May the Independent electors of Ireland always be represented by the ones they love' and 'May young patriots fill the places of old courtiers', support for the Independents came from all sides.[68] In 1750 a petition was sent to parliament pertaining that the Roches were unfit to govern Limerick and their legal acts should be declared void. It highlighted the misappropriation of public funds and charitable funds; the unjust quartering of soldiers on the Catholic merchants without compensation; the alienation of almost the entire Corporation and the recent leasing of Corporation property at ridiculously low rents.[69] Their disaffections were by no means revolutionary, but, like many other movements in the eighteenth century, they wanted regulation, not a complete overhaul.

In Cork, a case was taken by the Catholics against the mayor regarding the guild policy of quarter brothers so that they could trade within the city. The mayor lost the case and this resulted in all Catholics refusing to pay inflated quarter charges. The outcome of this case had a huge impact on Limerick Catholics. Many Catholics left the confines of the Abbey and set up trade in the city and compete with their Protestant counterparts.[70] Naturally the Corporation protested, but in a parliamentary committee chaired by Pery, the Catholics were deemed free of the quarter charges.

In 1759 two letters were printed and circulated signed by the Prince Telltruth Upright. In these letters the Corporation corruption was highlighted and talks of the decay of the city. At a meeting of about one hundred freemen at Thomas Alley's house, they considered 'such measures as may be advantageous to the general welfare of the whole community'.[71] The meeting produced the thirty-one resolutions that would go to parliament and ultimately end the dominance of the Roches. The petition

[68] Lenihan, *Limerick*, p. 350.
[69] Herbert, 'The chairing of Spring Rice', p. 133.
[70] Lenihan, *Limerick*, p. 347.
[71] Lenihan, *Limerick*, p. 349.

was presented to parliament in 1760 with five hundred signatures, although none catholic, and was backed by the sitting members of Limerick and Clare Richard Maunsell, Charles Smyth, Sir Edward O'Brien and Morough O'Brien. The resolutions included the quartering of soldiers on Catholics; condition of the streets; customs on the gates; tolls at the markets, misapplication of the revenue of the city for the previous thirty years; partial administration of justice and neglect of magistrates in regulating the markets; allocation of the Corporation lands to members of the Corporation; depriving the rights of freemen to exercise their rights as citizens in election of mayors etc.; decline of Court D'Oyer Hundred; selling of Corporation offices and allocating members offices of the Corporation for life when they should be allocated on an annual basis.[72] It is interesting to note that the welfare of the Catholics were included in these resolutions despite the fact there were no Catholic signatures on the petition. This indicates the particular importance the Catholics had in Limerick economy and highlights their alliance with the various Protestant factions within the city.

A select committee of the House of Commons was formed to deal with the petition and was chaired by Pery, the recently elected representative for the city. The committee heard evidence from thirty-six witnesses including burgesses, free citizens and Catholic merchants.[73] The committee singled out Arthur Roche guilty of all the conduct he was accused of and stated he was '…detrimental to the interest of the …city and contrary to his duty as a freeman, a common councilman and a magistrate.'[74] The committee went on to say,

> '…Arthur Roche had acquired so great an influence and power over the common council, that no person could be admitted a freeman, or common councilman, or magistrate, but through his interest…'[75]

[72] Lenihan, *Limerick*, p. 351-352; Begley, *The diocese of Limerick*, p. 112.
[73] Begley, *The diocese of Limerick*, p. 112
[74] O'Flaherty, 'Urban politics', p. 116.
[75] Municipal Corporations Report, p. 357.

And concluded,'...that it was the interposition of Parliament was absolutely necessary for redressing the said grievances and abuses, and for preventing the like for the future.'[76]A new law for the "better regulation of the city of Limerick" was passed by the Irish House of Commons and enacted on the 21st of December with the preamble

> '...that the estate and revenue belonging to the corporation...have been for a considerable time past most shamelessly wasted by a few members of the common council, and exorbitant and illegal tolls and duties had been exacted...and many of the citizens and inhabitants....grievously and illegally oppressed by the magistrates of the said city.'[77]

Under this law, the corporation was allowed to recover the debts illegally acquired by the Roches, renewed the schedule of tolls and changed the system of election so the freemen of the city would have an increased say in electoral matters thus preventing the same sort of oligarchical control happening once more.

However, under Poyning's law, the bill had to be approved by the British Privy Council. Nicholas Smyth was agent to the freemen and Andrew Shepherd was agent to the Corporation. Shepherd played the Catholic card and claimed the bill had papist connotations and was influenced by the popish faction. He also claimed the city was overrun with papists stating that there was one hundred priests and friars in the city. In reality, there were sixteen. The Privy Council ruled it threatened the New Rules and was thrown out.[78] Pery, on the other hand, had anticipated this ruling and had already gone about an alternative way of improving the city.

As a member of parliament, Pery had witnessed the new fashion of the wealthy country gentlemen of wintering in the city when farming was slow. With the success of the ground landlords in Dublin, Pery felt this could be emulated in Limerick. He was a man of considerable wealth and wanted the similar sort prestige his counterparts in Dublin enjoyed. He formed a partnership with John Purdon from Killaloe and set about his experiment. He chose the site of the present day John's square right inside John's gate so as to give an impression of a wealthy and fashionable city for those who entered through this gate.[79] This marked the beginning of Georgian Limerick. He was able to declare his lands as part of the Parish vestry of

[76] Municipal Corporations Report, p. 357.
[77] O'Flaherty, 'Urban politics', p. 116.
[78] Lenihan, *Limerick,* p. 353; Begley, *The diocese of Limerick,* p. 113; O'Flaherty, 'Urban Politics', pp. 117-18.
[79] Judith Hill, *The building of Limerick* (Cork, 1991), pp. 71-73.

St. Michael's Parish and so the regulation of this land lay in the hands of its commissioners and not the corporation.[80] As a member of the Independents and having no son to pass the lands on to, he saw the opportunity to offer an alternative to the conditions the merchants suffered under the Corporation in Englishtown and Irishtown. He used his political influence to instigate local acts for the benefit of the city. Including, grants amounting to £19,500 to cut the canal out to Plassey and on to Killaloe in 1755, 1759 and 1761 thus connecting Limerick to the emerging canal system; he secured a grant for a new bridge (now Mathew Bridge) at £3,500 and development of the city and quays at £4,500 in 1760.[81] At this time also, the walls of the city were finally dismantled which denoted that the augmented trade, and the modernisation of a city that could no longer be contained within the medieval fortress. He also had considerable influence over the position of the new Custom House. Symbolically it was placed outside the original walls of the Corporation on Pery's South Prior's land acting as a pivot between the old and the new towns.

The South Prior's land became the safe haven for those who had suffered the affliction of the unfair tolls and taxes by the Corporation. A plan was drawn up by Christopher Colles for this new town, or Newtown Pery as it was renamed in 1769, and there was a gradual migration from the old part of the city into the new with the aid of particular merchants as the Arthurs and the Roches, both Catholic who were among the first to start construction along Charlotte quay, and Arthur's Quay. There were a number of petitions sent parliament regarding the need for improvements to the city. In 1762 a new quay was commenced on the Abbey River; in 1764 the new city courthouse and the Lock Quay completed; and Sir Henry Hartstonge developed Limerick's first industrial zone, Sir Harry's Mall located outside the city walls.[82] A large number of mills and granaries were constructed throughout the city and with the completion of the canal in 1769; exports were not only leaving via the port, but also up the canal into the various towns and cities throughout Ireland. The city would later be known as the 'Granary of the south of Ireland'[83] and during the milling boom of the late eighteenth and early nineteenth centuries, Limerick's trade excelled. The custom duties of the port accentuate the title. In 1751 the duties for the port ranged at £16,000, in 1760 it was £29,187, by 1775 the duties exceeded £51,000 and continued

[80] O'Flaherty, 'Urban politics', p. 106.
[81] Lenihan, *Limerick,* p. 346.
[82] Cian O'Carroll (ed) *Dowd's History of Limerick,* (reprinted, Dublin, 1990), p. 93.
[83] *The Limerick Chronicle,* 11 November 1840.

to rise right up to the time of the Famine.[84] By 1780, in a letter from Robert Perceval of Cork to Dr. Robert Perceval he describes Limerick as

> ...one of the best built towns for its size I ever saw, and far exceeds Cork in the elegance of the streets, houses and public buildings..

With the success of Newtown Pery came the demise of the old. The migration from English and Irishtown left a vacuum in revenue for the corporation. The Exchange, or town hall was eventually abandoned and moved into the then, fashionable quarters of Newtown Pery where the wealth and the social life of the city thrived. The old towns then became synonymous with the working class and eventually decayed considerably. By 1835 the construction of Newtown Pery was completed and the nucleus of Limerick had firmly re-established itself outside the original corporation jurisdiction despite attempts by the Corporation, which had succumb to another oligarchy, attain control of the new city.

In 1834 H.D. Inglis describes the city

> ... I know of no town in which so a distinct line is drawn between its good and its bad quarters as in Limerick. A person arriving in Limerick by one of the best approaches, and driving to an hotel in Georges Street, will probably say "what a handsome city this is!", while a person entering the city by the old town, and taking up quarters there – a thing indeed, not likely – to happen would infallibly set down as the very vilest town he had ever entered.[85]

Newtown Pery ultimately symbolised the growth of the Liberal movement in Limerick and proved to be the antithesis to the corruption its citizens had experienced in the early 18th century. The 'Free Citizens' of Limerick had the opportunity to move away from the control of the Corporation and put Limerick back in contention with the rest of the economic world and unlike other cities, the citizens were able to focus their energies on matters other than the control of a particular oligarchy.

[84] O'Connor, *Exploring Limerick's past*, p. 42.
[85] Hill, *The building of Limerick*, p. 90.

Appendix 1

Comparison of trades

Ferrar's Directory 1769	Municipal Corporation Report 1835
Smiths	Smiths
Carpenters	Carpenters
Shoemakers	Brogue makers
Tailors	Tailors
Masons	Masons
Bakers	Bakers
Coopers	Coopers
Tobacconists	Tobacconists
Hatters	Hatters
Weavers	Linen weavers
Saddlers	-
Surgeon Barbers	-
Butchers	-
Tallow Chandlers	-
Brewers	-
	Rope makers
-	Painters
-	Slaters
-	Sawyers
-	Nailers
-	Stonecutters
-	Cordwainers
-	Founderers
-	Millwrights
-	Shipwrights
-	Coach builders

The change in guilds seem to highlight the needs of the day. Newtown Pery was largely constructed in this period and so many guilds involved in building would have thrived.

'A very brisk month of canvassing and caucusing'Episcopal Appointments in the Diocese of Limerick 1825-1917

Mathew Tobin

In the autumn of 1917, the clergy of the Diocese of Limerick were preoccupied with the question of who would succeed Bishop Edward Thomas O'Dwyer who had died on 19 August in that year. Rev James Cregan the parish priest of Athea wrote to the Rector of the Irish College in Rome, Mgr Dr Michael O'Riordan, insisting that he ignore anything he heard or read about canvassing taking place to secure his selection. While the Limerick clergy wanted O'Riordan as bishop they did so only, Cregan assured him 'if it were God's will. We would not stoop to ways that would not be God's ways in such an important spiritual matter'.[1] In fact, Cregan was being quite disingenuous as canvassing and lobbying for various candidates in the selection of a new bishop were common elements in the Diocese of Limerick in the nineteenth and the early twentieth centuries.

The procedure for the appointment of a new bishop was as follows. The day after the late bishop's month's mind mass, the parish priests of the diocese would meet at St John's Cathedral and nominate three candidates whom they believed had the requisite qualities to become bishop. The candidates that received the most votes in this ballot were ranked as *dignissimus* (most worthy), *dignior* (more worthy) and *dignus* (worthy). In the next stage of the selection process, the bishops of the Province of Cashel would meet to discuss the three candidates on the list or *terna* and give their views on the candidates. The *terna* was then sent to the College of Propaganda in Rome where the final decision on a successor was made. In the case of the election of a coadjutor bishop, the parish priests were summoned by the bishop to select three priests who would be considered suitable to fill the position. Therefore the use of the terms 'elect' and 'votes' throughout this paper has to be qualified by the system that was used in this selection process.

In 1825 Bishop John Ryan had been elected as coadjutor bishop of Limerick to Bishop Charles Tuohy. The title of coadjutor was given to a bishop chosen to support the present bishop who needed assistance or wished to step down due to ill health, as was the case with Tuohy. The coadjutor would normally succeed the bishop on his

[1] Irish College Rome, Papers of Mgr O'Riordan, Rev James M. Cregan to Mgr Michael O'Riordan, 12 September 1917, no.182.

death. Ryan was the parish priest of Mullinahone in Tipperary, part of the Archdiocese of Cashel & Emly. This election had proved to be problematic and the historian of the diocese, Begley, explained that due to the intense feeling amongst the priests over the matter, it was decided to bring in a bishop who was from outside the diocese.[2]

In 1860, after thirty-two years as bishop, Bishop Ryan was suffering from both ill health and old age and it was decided to appoint a coadjutor. Ryan worked strenuously to obtain the position for his Dean, the Rev George Butler, parish priest of St Mary's who received enough votes to be deemed *dignissimus* after the election, while Dr Edmund O'Reilly, the Professor of Dogmatic Theology at the Catholic University was selected as *dignior*. Both Rome and the bishops of the province saw the third name on the *terna*, Rev Robert Cussen, as too old for the position. Dean Butler received the support of the bishops of the province for two reasons. Firstly he was the choice of the clergy in Limerick and secondly as Dr O'Reilly was a Jesuit, they felt that Pope Pius XI would be reluctant to promote him.

However Cardinal Paul Cullen of Dublin, in a letter to Dr Tobias Kirby, the Rector of the Irish College in Rome, insisted that while O'Reilly was the best candidate for the position, he was resigned to the fact that O'Reilly would never become coadjutor, as Butler was a friend of Dr Leahy, the Archbishop of Cashel and a native of the archdiocese. These factors combined with Ryan's insistence that Butler was the only coadjutor he would accept and O'Reilly's handicap as a Jesuit made it a certainty that Butler would become coadjutor. Cullen forwarded a letter to Kirby that he had received anonymously from a priest of the diocese dated 12 May 1860 concerning the selection of the new bishop. The letter stated that the priests in the diocese were divided on Butler's appointment and that some of Butler's parishioners disliked him greatly and remarked that they would rather die without the Sacraments then to receive them from Butler.

The priests of Limerick were divided into two camps on what seem like political lines and Butler's conduct during the recent parliamentary elections had led to an escort of dragoons being required to enable him to reach his house. In the unknown priest's view it would be unwise to nominate Butler as coadjutor bishop as the diocese required someone who would 'be independent of both parties' and be able to unite the

[2] John Begley, *The Diocese of Limerick: From 1691 to the Present Time, Vol. III*, Reprint (Limerick, 1993), p.476.

priests. The writer hoped that either Dr O'Reilly or Dr Kirby would become the new Bishop of Limerick, adding that Butler was a priest who had a great love of dinner parties and was a known huntsman and that the churches of the diocese were in a dilapidated state. Thus someone like Butler would not improve the situation, as the diocese required an energetic and hard working bishop.[3]

Another letter dated 25 May details the same reasons for Butler's non-selection as coadjutor. The letter was sent from an unnamed parish priest in the diocese to the authorities in Propaganda. The priest felt that he had to inform the authorities that Butler was unfit to become Bishop as he had never built a church or school in any of his parishes and did not possess any of the necessary qualifications required in a Bishop. The writer further remarked that canvassing was taking place for Butler's election with the promise of promotion for those who would vote for Butler.[4] It seems almost certain that these two letters were written by the same hand in an effort to ruin Butler's chances of becoming the new Bishop of the diocese. Whether the priest in question was writing from a personal grudge against Butler or genuinely had the diocese's best interests at heart is difficult to establish. Two points would suggest the writer's view was coloured by his dislike of Butler: these are the only letters that express any concern about Butler's suitability for election as coadjutor. Secondly, the Rev Denis Hallinan in his diary entry of 3 February 1886 (the date of Butler's death) described the late bishop as a great prelate who was a sound theologian and a man of solid piety.[5] In addition, the somewhat petty and vindictive nature of the complaints suggests some personal animosity. In that context, Cullen admitted in a letter to Cardinal Barnabo, the Prefect of Propaganda, that Butler was not greatly liked by Limerick people as he was from Cashel.

The College of Propaganda decided to postpone the election in September 1860, in the hope that Bishop Ryan would die within a few months and a full election could then be held. Ryan though lived on into 1861 and Barnabo wanted to install Butler as coadjutor but Cullen continued to stall in the hope of Ryan's death but by March, he had relented and asked Barnabo to choose a coadjutor.[6] Begley remarked that both

[3] Emmet Larkin, *The Consolidation of the Roman Catholic Church in Ireland, 1860-70* (Dublin, 1987), p.189-191.
[4] National Library of Ireland, *Sacra Congregazione di Propaganda Fide*, Vol. XXXIII, n.5331-41, p.5450, pp.1131-1132.
[5] Limerick Diocesan Archives, Papers of Dr Hallinan, diary of Rev Denis Hallinan 1883-1888, 3 February 1886.
[6] Larkin, *The consolidation of the Roman Catholic Church*, p.187-202.

priests and people alike received the announcement of Butler's appointment with great joy though not presumably the anonymous letter writer![7] Butler had to wait until June 1864 to become the Bishop of Limerick as Ryan exceeded everyone's expectations by living for another three years.

Lobbying also occurred after the death of Bishop Butler in February 1886. The early favourite to succeed Butler was the parish priest of Newcastlewest and the Vicar General of the diocese, Dr Thomas Hammond. Hammond had also spent twenty-seven years as Dean in Maynooth College and was therefore experienced in the administration and day-to-day affairs of both a college and a parish. According to Begley, public opinion favoured the Rev Edward Thomas O'Dwyer CC of St Michael's parish in the city. O'Dwyer was selected to give the oration at Butler's Month's Mind Mass on 3 March and his powerful sermon convinced his fellow clergy to vote for him in the election that afternoon. When the votes of the parish priests of the diocese had been counted, O'Dwyer had received twenty votes and became *dignissimus* while Hammond had received twelve votes to become *dignior*. The Rev Joseph Bourke administrator of Cratloe parish was deemed *dignus* after he received four votes.[8] After the views of the Limerick clergy had been determined, the bishops of the province met in Thurles and forwarded the *terna* to Rome.

The one stumbling block to O'Dwyer's appointment was that as a curate he had no experience of the administration of a parish. Begley noted that the appointment of a bishop who was a member of the lower order of the secular clergy was a rare occurrence.[9] It was believed by some priests that this inexperience would count against O'Dwyer.[10] Rev Cornelius Kenny, the parish priest of Fedamore, took it upon himself to assert that the Limerick clergy would not accept any other person but O'Dwyer. Kenny wrote to Dr Kirby in Rome in March 1886 eulogising the candidacy of O'Dwyer. In Kenny's opinion, O'Dwyer possessed all the qualities that a bishop required and that the majority of the parish priests wished for his election. The selection of O'Dwyer would also be a popular decision with the laity of the diocese as he was a priest that appealed to all classes and was without any faults. Kenny further mentioned that if Rome overlooked the diocese's choice it would be 'a great

[7] Begley, *The diocese of Limerick*, p. 539.
[8] Begley, *The diocese of Limerick*, p.561-2.
[9] Begley, *The diocese of Limerick*, p. 563.
[10] Liam Irwin, 'Begley's diocese of Limerick: A Review Article' in *North Munster Antiquarian Journal Vol. XXXV*, Etienne Rynne(ed) (1993-94), pp. 76-80.

calamity'. Finally Kenny stressed that his plea was 'solely, entirely absolutely in the interests of Religion in our great and important Diocese'.[11]

On 10 May, word reached Limerick that O'Dwyer's appointment had been confirmed by Rome. After the selection of O'Dwyer as bishop, the system for nominating future bishops was changed, as the poll of the parish priests was not made public in any of the subsequent elections. Rev Denis Hallinan a curate in Newcastlewest remarked in his diary on 25 February 1886 that canvassing was taking place concerning the election but believed that this was unnecessary as the Holy Ghost would 'take care of his own work' and was confident that prayer was the correct course of action as it was a matter of 'such supernatural & spiritual consequence!'[12]

It would be unfair to give the impression that the Diocese of Limerick was the only diocese where canvassing and lobbying took place during the selection of a bishop. Larkin noted that the month before the election in Kerry in 1889 of a successor to Bishop Andrew Higgins was 'a very brisk month of canvassing and caucusing' between the extreme nationalist candidate Lawler who became *dignissimus* and the Troy moderate Coffey who was deemed *dignior* after the voting had concluded.[13] However Coffey was appointed as bishop by Rome, a move that angered Archbishops Walsh and Croke, as Lawler was their preferred candidate for the position.[14] The Vice-Rector of the Irish College in Rome, Rev James Hasson wrote to Dr Kirby in the same year that the elderly parish priests 'don't allow the Holy Spirit much scope' in the election of a successor to Bishop Francis Kelly of Derry.[15]

Dr O'Dwyer's term as Bishop of Limerick lasted for thirty-one years during which time he achieved notoriety from his opposition to the Plan of Campaign to his support for the 1916 Rebellion. In early August 1917, O'Dwyer wrote to Mgr O'Riordan, to inform him that he was seriously ill with heart disease and had to be anointed while holidaying in Kilkee, Co. Clare.[16] Prior to his death, O'Dwyer had

[11] ICR, Papers of Dr Kirby, Rev Cornelius P. Kenny to Dr Tobias Kirby, 30 March 1886, no.164.
[12] LDA, Papers of Dr Hallinan, Dairy of Rev Denis Hallinan 1883-1888, 25 February 1886.
[13] Emmet Larkin, *The Roman Catholic Church in Ireland and the Fall of Parnell 1888-1891* (Liverpool, 1979), p.71.
[14] Larkin, *The Roman Catholic Church in Ireland and the fall of Parnell 1888-1891,* p. 77
[15] Larkin, *The Roman Catholic Church in Ireland and the fall of Parnell 1888-1891,* p. 84.
[16] ICR, Papers of Mgr O'Riordan, Dr E. T. O'Dwyer to Mgr Michael O'Riordan, 27 July 1917, no.124.

suffered for a number of years from a valvular disease of the heart.[17] O'Riordan comforted him in his reply by noting that due to his own poor health over the years, he had been anointed many times and 'it never kills; rather cures, even physically'.[18] This proved not to be the case in this instance and within a fortnight, the reign of Dr. O'Dwyer had ended.

From Mgr O'Riordan's papers in both the Irish College in Rome and the Limerick Diocesan Archives, it can be seen that the priests of the Diocese of Limerick exerted heavy pressure on O'Riordan to accept the vacancy. O'Riordan received letters from at least fourteen members of the Limerick clergy urging him to accept the nomination from the priests. During his tenure in Rome, O'Riordan had declined to let his name go forward for the vacant bishopric in Melbourne in 1908[19] and in 1913 he was seen as a possible candidate for the vacant bishopric in the Diocese of Elphin.[20] Two weeks before Dr O'Dwyer's death, O'Riordan suggested that O'Dwyer should look for an auxiliary bishop to help him with his workload in the diocese but O'Riordan did not wish to be considered for this post.[21] After O'Dwyer's death, O'Riordan wrote again, this time to an unnamed Monsignor in Limerick (probably Hallinan) to dissuade the priests of the diocese from recommending him as O'Dwyer's successor as he would oppose it. O'Riordan's reason for declining the office was that he did not consider his work in Rome to be completed.[22] O'Riordan's health was quite poor during his time in Rome and he had been gravely ill on a number of occasions but despite this, the priests of Limerick did not cede to O'Riordan's wishes. For example the Rev George Quain parish priest of Bulgaden wrote on three separate occasions to O'Riordan insisting that he should leave his fate in the hands of the Limerick clergy.[23]

Prior to the selection process, it was perceived that, at most, there were four candidates for the vacant position. O'Riordan, Mgr Dr Denis Hallinan parish priest of Newcastlewest and Vicar General of the diocese, Rev David Keane, President of St

[17] Richard Canon O'Kennedy, 'The Most Rev E. T. O'Dwyer DD (conclusion)' in *The Irish Monthly Vol. XLVI* January 1918 pp.21-32.
[18] LDA, Papers of Mgr O'Riordan 1887-1917, Mgr Michael O'Riordan to O'Dwyer, 5 August 1917.
[19] LDA, Papers of Mgr O'Riordan 1887-1917, Mgr Michael O'Riordan to O'Dwyer, 23 February 1912.
[20] ICR, Papers of Mgr O'Riordan, Bishop Peter Amigo of Southwark to Mgr Michael O'Riordan, 24 January 1913, no.19.
[21] LDA, Papers of Mgr O'Riordan 1887-1917, Mgr Michael O'Riordan to O'Dwyer, 5 August 1917.
[22] LDA, Papers of Mgr O'Riordan 1887-1917, Mgr Michael O'Riordan to Mgr, 22 August 1917.
[23] ICR, Papers of Mgr O'Riordan, Rev George Quain to Mgr Michael O'Riordan, 24 August 1917, no.152; 4 September 1917, no.164 & 9 September 1917, no.173.

Munchin's College in the diocese and Mgr John Hogan, President of St Patrick's College, Maynooth. As the election neared, it became apparent that Hogan's selection would be the least favoured option amongst the clergy as he was from outside the diocese. The Rev Timothy Curtin parish priest of Croom informed O'Riordan in October that Hogan's candidacy was an apparent red herring as the aforementioned diocesan historian, Rev John Begley disclosed his name as a possible candidate for a bit of fun to his fellow curate, the Rev William O'Dwyer, who was stationed in Rathkeale and then passed on the news to his parish priest, the Rev Michael O'Donnell.[24] Nonetheless the Limerick clergy believed that as Hogan was not a success in his role in Maynooth and was from the neighbouring diocese of Killaloe, the bishops of the province would look kindly on appointing him to Limerick. Rev James Cregan wrote to O'Riordan about the other candidates for the position. David Keane was unknown by the majority of parish priests as well as being inexperienced and predicted that they would not vote for him as he was a young man and 'is very delicate'. While Cregan described Denis Hallinan as an excellent priest, he believed that he would not be acceptable to Rome due to his age.[25] The rumour amongst the Limerick clergy was that Hallinan was over seventy years of age when in fact, he was sixty-seven.[26]

Despite repeated pleas to accept the post, O'Riordan remained steadfast in his resolve to stay in Rome, which left his supporters, like the Rev Michael O'Donnell in an awkward position. As parish priest of Rathkeale, O'Donnell was influential in the diocese and believed that O'Riordan was the only competent person in the running. After O'Dwyer's strict rule, the parish priests seemed fearful to nominate another known disciplinary like Hallinan. This may explain why they favoured Mgr O'Riordan's nomination. Even though he was a native of the diocese, O'Riordan had been removed from Limerick since 1905 to his position in Rome. It was widely known that his health was poor and he would not be able to exert strict control of a mainly rural diocese like his predecessor had.[27]

[24] ICR, Papers of Mgr O'Riordan, Rev Timothy Curtin to Mgr Michael O'Riordan, 2 October 1917, no.215.
[25] ICR, Papers of Mgr O'Riordan, Rev James M. Cregan to Mgr Michael O'Riordan, 12 September 1917, no.182.
[26] ICR, Papers of Mgr O'Riordan, Rev Timothy Curtin to Mgr Michael O'Riordan, 2 October 1917, no.215.
[27] ICR, Papers of Mgr O'Riordan, Rev Michael O'Donnell to Mgr Michael O'Riordan, 6 September 1917, no.169.

As the election approached, the parish priests seemed to split into two groups, one who would vote for O'Riordan regardless of his wishes and a second group who began to concentrate their minds on the other candidates. The priests who decided on the second option had to choose between an elderly priest in Hallinan, an inexperienced priest in Keane and an outsider in Hogan. The majority sided with Hallinan; perhaps in the belief that they were safer with someone they knew, however strict that he was known to be. By early September, O'Riordan learned of the canvassing for his election and wrote to Cregan to express his displeasure. Cregan replied that there was no truth in this rumour even though O'Riordan named the Rev Stephen Danaher, parish priest of Loughill and the Archdeacon James Roche of Glin as two priests who were canvassed to vote for him.

Rev John O'Connor PP of St Mary's parish wrote in reply to a letter he received from O'Riordan on 21 September; two days after the election countering the Monsignor's reasons for rejecting the post due to his ill health and the workload involved. O'Connor felt sure that if O'Riordan returned to Ireland his health would improve due to two reasons; the affection that the people of the diocese held him in and secondly that the loyal clergy of the diocese would remove any difficulties concerning the administration of the diocese for him.[28] This would suggest that the parish priests had voted for O'Riordan in sufficient numbers to make him *dignissimus*. Along with O'Riordan's name, Denis Hallinan's name almost certainly appeared on the *terna* sent to Rome. Those that participated in the selection process were bound by an oath that restrained any priest who was present at the voting to avoid discussing the events with anyone who was not. Hence the priests who wrote to O'Riordan could not discuss the matter of the votes cast for him.

The campaign to have O'Riordan as bishop seemed to have been mainly orchestrated by O'Donnell while Hallinan did not seem to run any concerted campaign, relying possibly on the Holy Ghost to assist his election. It looks likely that Hallinan only became a realistic candidate for the bishopric when word of O'Riordan's intention to decline the position was revealed. O'Donnell increased his efforts for O'Riordan when Hallinan was appointed as Vicar Capitular to run the diocese in a caretaker role after O'Dwyer's death, a move which angered O'Donnell. Curtin sarcastically noted that, as O'Donnell was 'so friendly' with Hallinan, he

[28] ICR, Papers of Mgr O'Riordan, Rev John O'Connor to Mgr Michael O'Riordan, 21 September 1917, no.204.

should inform Hallinan that he would be unsuitable for the position. Curtin remarked to O'Riordan that O'Donnell would receive, at most, two votes in the election. O'Donnell possibly realised that he stood little chance of becoming bishop himself as he was sixty four years of age and instead he worked to ensure O'Riordan's selection.

Curtin had received but declined an invitation from O'Donnell on the day of O'Dwyer's funeral to attend a meeting of priests. Rev Maurice Leahy the newly appointed parish priest of Askeaton (by Hallinan in his capacity as Vicar Capitular) was present at this meeting in Rathkeale and was astonished at O'Donnell's opposition to Hallinan.[29] The parish priests of the diocese conducted a number of informal meetings during the month of mourning for O'Dwyer, one of which was held at the Kilmallock Horse Show in early September, where most of those present wanted to vote for 'the Monsignor in Rome'.[30] Curtin commented further that a few of the elderly parish priests led by the Dean of the Diocese, Rev Charles McNamara of Bruff, only wanted a stopgap appointment during their own lives and that they hated Hallinan. The elderly priests would not elect a young bishop, as he would have had plans to reform the diocesan structures after O'Dwyer's spell as bishop. This again shows that some of the clergy voted more for selfish reasons than the welfare of the diocese as their primary concern. Additionally Curtin wrote that a few days before the vote, it was said that ten parish priests decided to support Hallinan, as they believed that he would reward them with a good parish.

Throughout the debate amongst the parish priests on the merits of the various candidates for the bishopric, the views of the junior clergy, the curates, were rarely considered. Mgr O'Riordan though had asked Curtin about their opinions on who should succeed O'Dwyer. The curates or 'non-voters' as O'Riordan called them wanted Keane as bishop due to the fact that a number of curates had endured a trying time in Newcastlewest under Hallinan's stewardship.[31] Even in mid December, two months after the meeting of parish priests the belief that O'Riordan would become the new bishop was further endorsed by letters from the Rev Michael Curran, the Secretary to Archbishop Walsh of Dublin and Archbishop Harty of Cashel & Emly

[29] ICR, Papers of Mgr O'Riordan, Rev Timothy Curtin to Mgr Michael O'Riordan, 2 October 1917, no.215.
[30] ICR, Papers of Mgr O'Riordan, Rev Patrick Lee to Unknown, 11 September 1917, no.179.
[31] ICR, Papers of Mgr O'Riordan, Rev Timothy Curtin to Mgr Michael O'Riordan, 2 October 1917, no.215.

when he appealed to O'Riordan not to 'turn a deaf ear to the recommendation of the priests'.[32]

The new bishop was not appointed until the early days of January 1918 when Denis Hallinan was announced as the new Bishop of Limerick. Michael O'Donnell wrote to congratulate his new bishop on his appointment and confessed that he had voted for O'Riordan but assured Hallinan that he would receive a welcome from all the priests of the diocese.[33] This appears to have been a shrewd move as six days later, O'Donnell wrote again to Hallinan to express his deep gratitude at being offered the post of Vicar General of the diocese. He referred again to the election and elaborated on his comments in his earlier letter. The parish priests were divided between O'Riordan and Hallinan to eliminate the threat of an outsider getting the bishopric, it was decided to concentrate their votes on one candidate namely O'Riordan. This decision brought an unforeseen problem when O'Riordan opposed the wishes of his fellow priests. O'Donnell however admitted to Hallinan that he had a plan to circumvent this problem by making sure that if O'Riordan got a large majority of the votes 'he would not and could not refuse'.[34] This was a strategy that O'Donnell had discussed with the Rev Jeremiah Murphy PP of Coolcappa.[35]

Despite O'Riordan's opposition to becoming bishop, by the end of 1917 he seems to have astonishingly changed his mind. O'Riordan wrote to O'Donnell saying that he had never really thought of refusing the post if it was offered to him. O'Riordan may have been referring to the fact that while he did not seek the position, if the authorities in Rome deemed that he was the correct candidate for the job, he would have accepted the post and put aside his own personal feelings for the betterment of the Church in Limerick. This letter must have angered O'Donnell, as his strategy to have O'Riordan elected as *dignissimus* had proven successful but the completion of his plan was stymied by Rome. O'Donnell surmised that the reason O'Riordan was passed over for the post was that he had backed O'Dwyer in the latter's stance during the Easter Rising and that he was perceived of having 'Sinn Fein tendencies'.[36] Unfortunately for both Hallinan and O'Riordan, their careers were

[32] ICR, Papers of Mgr O'Riordan, Archbishop J. W. Harty to Mgr Michael O'Riordan, 8 December 1917, no.283.
[33] LDA, Papers of Dr Hallinan, Rev Michael O'Donnell to Dr Hallinan, 12 January 1918.
[34] LDA, Papers of Dr Hallinan, Rev Michael O'Donnell to Dr Hallinan, 18 January 1918.
[35] ICR, Papers of Mgr O'Riordan, Rev Jeremiah Murphy to Mgr Michael O'Riordan, 6 September 1917, no. 170.
[36] LDA, Papers of Dr Hallinan, Rev Michael O'Donnell to Dr Hallinan, 18 January 1918.

relatively brief after the selection process had concluded. Mgr O'Riordan died in Rome on 27 August 1919 while Hallinan had a short-lived episcopacy and died in July 1923. The Rev David Keane who was parish priest of Glin since 1920 succeeded Hallinan to the See of Limerick in 1924 at the age of fifty two, a post he held until his death twenty one years later while the Rev Michael O'Donnell remained Vicar General of the diocese until his death in May 1937 at the age of eighty two.

Canvassing and lobbying were important tools in the promotion of a candidate amongst the parish priests, the voters in the preliminary stage of the process of the selection of a bishop. However as the field of suitable or willing appointees was usually quite limited, canvassing was restricted to contenders who would have in all probability appeared on the *terna* sent to Rome in any case. This was in any event merely the first stage of the process. As can be seen from Hallinan's election, canvassing was ineffectual if the authorities in Rome had a fixed opinion on who should succeed as bishop. Canvassing and lobbying by the priests of the diocese did not overtly influence the selection of a bishop in any of the cases looked at.

A history of seafood in Irish cuisine and culture

Máirtín Mac Con Iomaire

> One of the many paradoxes which bloom as freely as the shamrock in its native land is this; that the coasts of the emerald isle are rich in seafood, but that the Irish people have on the whole been shy of consuming it. One has only to imagine what would happen on these coasts, if the people of, say, Singapore were suddenly transplanted thither, to realise the extent of this shyness.[1]

Introduction

Fish is one of the most abundant wild foods available to a small island nation. Certain species of seafood have moved from being 'poor man's food' to 'luxury food' over time. It may be said that the Irish do not behave as island people since we have little or no history of exploiting the sea compared to our European partners. Ireland was late developing its fishing industry and now suffers reduced EU fish quotas, the unfortunate but necessary result of decades of over-fishing on European waters. This paper investigates the historical role seafood has played in Irish cuisine and culture – past and present. The aim is to dispel the myth that the Irish have no maritime food tradition and highlights that absence of evidence is not evidence of absence. Comparisons will be made between the consumption of seafood in Ireland and in other European countries. It will also attempt to identify the factors (political, economic, cultural and religious) that have influenced Irish consumers in their purchase and consumption of fish, and discovers what food the Irish prefer to fish.

Mythology

The wild Irish salmon features strongly in Irish mythology and until the introduction of the Euro graced some of the nation's coinage. The salmon also appears in topography particularly in the County Kildare town of Leixlip *Léim an Bhradáin* meaning literally 'Salmon's Leap'. 'Leixlip' derives from the Norse for salmon *lax*. A tale from the Fenian cycle of Irish mythology states that the River Boyne was home to a magical salmon that ate nuts from a hazel tree and was known as the salmon of knowledge. A druid had foretold that whoever first ate of the flesh of that magical salmon would have knowledge of all things. Demne's father was Cumhail Mac Art, a

[1] Alan Davidson, *North Atlantic seafood* (Totnes, 2003), p. 468.

warrior killed before his child was born. Fearing for her son's safety at the hands of her husband's killers, Demne's mother sent him away to be raised by a woman warrior and druidess. Unable to avoid pursuit by his father's enemies, Demne decided to become a poet. A poet's high status in Celtic society would shield him from harm. He studied with a poet named Finnéagas who lived near the River Boyne. Having watched the salmon for many years, Finnéagas finally caught it and told his apprentice Demne to cook the fish. While the salmon was cooking, Demne burnt his thumb. To ease the pain, he licked the burn thereby tasting the magic fish. Demne told Finnéagas what had happened and his mentor decreed that the young Demne was the one intended to eat the salmon and changed his name to Fionn. Henceforth known as Fionn Mac Cumhail, he received three gifts that would make him a great poet: magic, great insight, and the power of words.

History

Ireland's long and indented coastline extends to an impressive seven thousand kilometres, yet no place in the whole country is more that 100km from the coast. About seven thousand years ago the first inhabitants, who arrived by sea, set up home in the northeast of the island. From here they travelled the coastline from the northeast to the very southwest. Coastal areas supported many early settlers, as the interior parts of the country were heavily forested and inaccessible. The archaeological record shows that middens, huge heaps of shells and discarded bones, the remains of their fishing and hunting, mark the sites of their foraging.[2] It is believed that many of these sites were used seasonally.[3] The Mount Sandel site in County Derry was probably used during the summer to catch salmon, and eels during the autumn.[4] At Dunloughan Bay, near Ballyconneely in County Galway, shell middens, dating from the early Bronze Age to the tenth century A.D., are being exposed by erosion and over-grazing. These sites give a wonderful snapshot of history and contain rich deposits of oysters, cockles, limpets, winkles, dog whelks and razorfish interspersed with burnt stones and wickerwork reduced to charcoal. Oysters seem to dominate the earlier Bronze Age sites, winkles and limpets the later ones.[5]

[2] Nöel P. Wilkens, *Alive Alive O: The shellfish and shellfisheries of Ireland* (Kinvara, 2004), p.8.
[3] M. O Kelly, *Early Ireland – A introduction to Irish prehistory* (Cambridge, 1995), p.27.
[4] P. Harbison, *Pre-Christian Ireland* (London, 1994), p.22.
[5] Wilkens, *Alive alive O,* p.8.

Christianity arrived in Ireland in the fifth century with Saint Patrick and established a foothold quickly, embracing many of the old customs and rituals of druidism. Monasteries became centres of learning and many of the larger archaeological remains of fish traps and complex wattle fences and woven baskets used for catching salmon and eels have been found at monastic sites, particularly in the Shannon Estuary.[6] It is suggested that Ireland saved western civilisation after the Visigoths sacked Rome and Europe was plunged into the 'Dark Ages'.[7] Irish monks preserved and copied many of the Greek and Roman texts and Ireland's Monasteries became safe havens and intellectual centres for Europe's learned classes. Along with Christianity came the custom of abstaining from meat on Fridays, on fast days and during Lent. Although abstinence from meat did not automatically mean the consumption of fish, as eggs were also a common source of protein, there was a clear correlation between the increased consumption of fish and days of fast and abstinence. For many inland areas these were the only times when fish was available. 'Cadgers' or salesmen travelled through the district in horse drawn carts, selling fish to locals, travelling many miles until their load was sold.[8]

The salmon was regarded as the 'king of fish'. Gaelic chiefs saved the prized position at their feasts for the salmon, which they roasted whole over an open spit and basted with wine, honey and herbs. There is evidence of an export trade in salmon. Indeed, between 1400-1416 almost thirty licences were issued to Bristol merchants who were permitted to import old wine, salt and cloth and afterwards return home with salmon and Irish goods. By 1540 Irish ship-owners were credited with having very up-to-date ships and Irish seamen were quick to take advantage of the great north Atlantic fisheries that were then opened. The Tudor conquest from the sixteenth century severely restricted the further development of native-owned shipping. Hugh O' Neill saw the importance of Irish commercial and fishing fleets and considered the possibility of an Irish navy, but his military failure after the Battle of Kinsale (1601) led to centuries where the Irish plied their seafaring skills in foreign navies.[9] During the eighteenth century large quantities of salted salmon were exported to Italy and France. Foreign trawlers fishing in Irish waters are not a new phenomenon either.

[6] A. O' Sullivan, *Foragers, farmers and fishers – An intertidal archaeological survey of the Shannon Estuary* (Dublin, 2001), p.143.
[7] Thomas Cahill, *How the Irish Saved Civilisation* (London, 1995).
[8] J. Mc Gowan, *Echoes of a savage land* (Dublin, 2001), p.94.
[9] John de Courcy, 'Ireland, maritime history' *The encyclopaedia of Ireland.* (Dublin, 2003), pp.694-695.

French fishing fleets, particularly off the south-western coast, fished Irish mackerel shoals intensively. In 1757, a Cork City newspaper reported the presence of fifty French mackerel fishing vessels fishing near Bantry Bay in County Cork 'without interruption from revenue cutters'.[10]

Fish was one of the principal elements of the modest diet of eighteenth century Dublin, and was consumed in large quantities.[11] This was both because of its relative cheapness and on account of the religious observances of the majority of the population. The variety of seafood and fresh water fish available was remarkable and included, as well as staples such as herring and oysters, hake, haddock, whiting, turbot, trout, eel and salmon. It is interesting to note that city residents seemed to favour bi-valve molluscs like oysters and mussels while country dwellers favoured gastropods like winkles. The more prosperous members of society, who ate seafood from choice rather than necessity, consumed other shellfish such as crab, shrimp, lobster and scallops. The strand at Irishtown was renowned for the large quantities of shrimps caught there until the great frost of 1740 destroyed them, as a result the shrimp fishery there never recovered.[12] Isolated food items do not make an ethnic diet; the Irish have a long history of dairy products or 'white meats' as they were called, not to mention both the humble pig and the potato. The painter, Hugh Douglas Hamilton captured itinerant hawkers and sellers during the late eighteenth century in his 'Cries of Dublin'.[13] These illustrations include, along with many food peddlers, vendors in the fish and shellfish trade, particularly oyster and herring sellers. Oysters were transported to Dublin from Carlingford Lough, some 70km away and were sold throughout the city mostly for immediate consumption. There was such a large demand for oysters that artificial oyster beds were located north of the city near Clontarf, Howth and Malahide to ensure a steady supply.[14]

[10] Cathal Cowan and Regina Sexton, *Ireland's traditional foods: An exploration of Irish local and typical foods and drinks* (Dublin, 1997), p.54.
[11] L.A. Clarkson and E.M. Crawford, *Feast and famine, food and nutrition in Ireland 1500-1900* (Oxford, 2001), p.45.
[12] Jim Cooke, (The rise and fall of Ringsend oyster beds) *A maritime history of Ringsend* (Dublin, 2000), p.61.
[13] William Laffan (Ed), *The cries of Dublin* (Dublin, 2003).
[14] Cooke, *A maritime history of Ringsend*, p.60.
Laffan (Ed), *The cries of Dublin*, p.62
J. Rutty, *An essay towards a natural history of the County of Dublin*, (Dublin, 1772), Vol.1, pp.376-7.

Herrings were an important part of the Irish diet as they could be eaten fresh or preserved for the winter months. They featured strongly on fast days, so much so that following Lent, butchers led 'Herring Funerals' to celebrate their customers' return to meat, where a herring was beaten through the town on Easter Sunday, thrown into the water and a quarter of lamb dressed with ribbons was hung up in its place.[15] During great runs of herring the fish was sold cheaply, and many housewives preserved their own in barrels. Jonathan Swift, ever opinionated, maintained that the finest herrings came from Malahide. His fictional cry reads;

> Be not caring, Leave of swearing.
> Buy my herrings, Fresh from Malahide,
> Better never was tried.
> Come, eat them with pure fresh butter and mustard,
> Their bellies are soft, and as white as custard.
> Come, sixpence a dozen, to get me some bread,
> Or, like my own herrings, I shall soon be dead.[16]

The Dublin Fishery Company was established in 1818 to supply the Dublin Fish market with a better supply of fresh fish. Trawling was unknown or practically non-existent before this time and when the company purchased eight trawlers, English captains and seamen were brought over to operate them out of Ringsend.[17] Severe competition drove the price of fish down to one penny a pound in 1820. The company was wound up in 1830 but achieved a lot in its time including the discovery of new fishing grounds in the Irish Sea. One of the skippers stepped in and purchased the fleet and to quote Brabazon Walloh 'thus the speculation that failed when ill managed under the amateur fishermen made this man's fortune'. The introduction of the technique of 'trawling' from Brixham, Devon to Ringsend led to the introduction of Sole and Turbot from the deep waters to the Dublin Market in large numbers.[18]

Bia Bocht (Poor Man's Food)

Whereas finfish need to be caught by hook, net or trap, certain shellfish can literally be picked up at low tide. Up until the nineteenth century it was mainly the poor who

[15] Cathal Cowan and Regina Sexton, *Ireland's traditional foods: An exploration of Irish local and typical foods and drinks*,(Dublin, 1997), p. 47.
[16] Laffan (Ed), The cries of Dublin, p.94.
[17] D. Bennett, (Dublin Fishery Company) *Encyclopaedia of Dublin* (Dublin, 1991) p.61.
[18] extracts from Brabazon Walloh, 'The deep sea and coast fisheries of Ireland (1848)' quoted in Cooke, *A maritime history of ringsend*, p.83.

gathered shellfish. Such fare, called *cnuasach mara* (sea pickings) was known as *bia bocht* or poor man's food. For this reason shellfish failed to appear in the written accounts of commerce (and Taxation!) leading some commentators to conclude that they were not eaten here at all.[19] Thereby arose the myth that the Irish have no maritime food tradition. Things that are common or ordinary tend to be overlooked in historical accounts and the gathering of simple seafood seems to leave no foothold on history's pages. But we know that absence of evidence is not evidence of absence and what information we do have from archaeological digs, ancient writings and travellers' accounts, confirms that good use was made of shellfish in Ireland particularly in times of hardship.[20] The common or blue mussel (*an diúilicín* in Irish) is one of the most abundant and versatile of the Irish shellfish. Often called the poor man's oyster, it was used as bait in long line fishing, used for food, and it was also spread on fields as fertiliser. Certain seafood were considered 'poor man's food' which is reflected in the seventeenth century poet Aogán Ó Rathaille's lament for the days of his youth before the Battle of the Boyne in 1690, after which his Jacobite patron's lands were confiscated and the poet and his family found themselves dispossessed.

> Is Fada Liom Oíche Fhírfhliuch
>
> Is fada liom oíche fhírfhliuch gan suan, gan srann,
> gan ceathra, gan maoin caoire ná buaibh na mbeann;
> anfa ar toinn taoibh liom do bhuair mo cheann,
> 's nár chleachtas im naíon fiogaigh ná ruacain abhann
>
> The drenching night drags on: no sleep or snore,
> no stock, no wealth of sheep, no horned cows.
> This storm on the waves nearby has harrowed my head
> -- I who ate no winkles or dogfish in my youth! [21]

This notion of equating shellfish with poor man's food may have been further enhanced by the evidence of the movement of starving people during the potato famine of the 1840s to the coast in search of food. Salted ling, often known as 'battleboard', was in widespread use for centuries, either as Friday food in inland areas and as a winter staple in southern and western coastal areas. Indeed Florence

[19] Wilkens, *Alive alive O,* p.16.
[20] Wilkens, *Alive alive O,* p.16.
[21] Seán Ó Tuama and Thomas Kinsella (Eds), *An Duanaire: An Irish anthology: 1600-1900: Poems of the dispossessed* (Philadelphia, 1981).

Irwin[22] includes a one-pot recipe for salted ling and potatoes in her publication. Stockfish (dried fish) kept up to ten years if properly dried, but was understandably often unpleasant to eat.

Ireland since 1922

There were 4,321 craft of all sizes involved in sea fishing in Ireland in 1916 with 15, 789 men and boys employed as crew.[23] However, many of these were vessels of smaller tonnage, principally involved in small-scale fishing within a few miles offshore. The Congested District Board (1890-1923) established by Arthur Balfour to alleviate poverty in the western seaboard counties, many of which also happened to be the areas in which the Irish language was still widely spoken, did much to encourage fishing by building boat slips and fishing piers. In 1922, when independence was achieved, Arthur Griffith was the only one of the Irish Free State's founders to declare that for real prosperity, Ireland must have a strong maritime economy. His successors during the twentieth century ignored this important observation; they and the great majority of the Irish intelligentsia have turned their backs on the sea and its huge possibilities.[24] Based on reports from 1910 – 1928,

> ... the number of steam trawlers on which reliance can be placed for the maintenance of regular supplies of white fish – engaged in landings in the Saorstát (Irish Free State) is seven only, an insignificant number having regard to the existing demand for this type of fish.[25]

The report also highlights the dichotomy of an island nation, whose surrounding seas are full of a varied stock of fish, being dependent for its supplies of fish largely on external sources. The Department of Lands and Fisheries was re-constituted in 1928, following the report of a commission appointed to advise on the measures necessary for the preservation of and for the economic betterment of the *Gaeltacht* (Irish-language speaking regions) along the western seaboard. Many of factors that led to the improvement of marine resource were tied up with the Irish language, and were the result of inspired individuals rather than to government policy. By 1932 fish

[22] Florence Irwin, *Irish country recipes* (Belfast, 1937).
[23] Alex Thom, *Thom's official directory of the United Kingdom of Great Britain and Ireland 1919* (Dublin, 1919), p.696.
[24] de Courcy, 'Ireland, maritime history' pp.694-695
[25] A. Ó Brolacháin, 'Fisheries', *Saorstát Éireann: Irish Free State official handbook* (Dublin, 1932), p.129.

gathered shellfish. Such fare, called *cnuasach mara* (sea pickings) was known as *bia bocht* or poor man's food. For this reason shellfish failed to appear in the written accounts of commerce (and Taxation!) leading some commentators to conclude that they were not eaten here at all.[19] Thereby arose the myth that the Irish have no maritime food tradition. Things that are common or ordinary tend to be overlooked in historical accounts and the gathering of simple seafood seems to leave no foothold on history's pages. But we know that absence of evidence is not evidence of absence and what information we do have from archaeological digs, ancient writings and travellers' accounts, confirms that good use was made of shellfish in Ireland particularly in times of hardship.[20] The common or blue mussel (*an diúilicín* in Irish) is one of the most abundant and versatile of the Irish shellfish. Often called the poor man's oyster, it was used as bait in long line fishing, used for food, and it was also spread on fields as fertiliser. Certain seafood were considered 'poor man's food' which is reflected in the seventeenth century poet Aogán Ó Rathaille's lament for the days of his youth before the Battle of the Boyne in 1690, after which his Jacobite patron's lands were confiscated and the poet and his family found themselves dispossessed.

> Is Fada Liom Oíche Fhírfhliuch
>
> Is fada liom oíche fhírfhliuch gan suan, gan srann,
> gan ceathra, gan maoin caoire ná buaibh na mbeann;
> anfa ar toinn taoibh liom do bhuair mo cheann,
> 's nár chleachtas im naíon fíogaigh ná ruacain abhann
>
> The drenching night drags on: no sleep or snore,
> no stock, no wealth of sheep, no horned cows.
> This storm on the waves nearby has harrowed my head
> -- I who ate no winkles or dogfish in my youth! [21]

This notion of equating shellfish with poor man's food may have been further enhanced by the evidence of the movement of starving people during the potato famine of the 1840s to the coast in search of food. Salted ling, often known as 'battleboard', was in widespread use for centuries, either as Friday food in inland areas and as a winter staple in southern and western coastal areas. Indeed Florence

[19] Wilkens, *Alive alive O,* p.16.
[20] Wilkens, *Alive alive O,* p.16.
[21] Seán Ó Tuama and Thomas Kinsella (Eds), *An Duanaire: An Irish anthology: 1600-1900: Poems of the dispossessed* (Philadelphia, 1981).

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consumption was estimated at approx 4.5 lbs per capita, compared with 32 lbs per capita in Great Britain at the same time.[26] Independence was followed by a bitter civil war, an economic war with England and the second world war. It was not until 1952, with the establishment of *Bord Iascaigh Mhara* (BIM), the Irish state agency responsible for developing the Irish Sea fishing and Aquaculture industries, that progress began. Alan Davidson [27]describes *Bord Iascaigh Mhara* as a fertile and inventive organisation, whose work in the field of fish cookery is unsurpassed by that of any sister organisations in larger countries. Other organisations involved in developing marine resources were *Gael Linn* (a charitable trust dedicated to promoting the Irish language), The National Science Council (NSC) and University College Galway. Key individuals in each organisation's love for the Irish language led to a rare cooperation between agencies.[28] Such cooperation was uncommon as J.J. Lee illustrates:

> In the modest but promising field of fish farming, for instance, the industry must liaise with no fewer than fifteen official bodies presumably reflecting the massive duplication of effort... between the many state agencies in agriculture and food'.[29]

In the 1950s and 1960s a Breton family, based in west Cork, dominated the shellfish trade. Knowledge of the biology, population structure and composition of the Irish shellfish stocks was poor at the time. Fishermen were glad to have any buyers at all for their catch and there was no strong indigenous seafood company in the west of Ireland with good connections to the continental markets.[30] The real catalyst for the rapid modern development was the entry of Ireland into the EU - then the Common Market - in 1972. That event was also to trigger the explosive exploitation of the wild shellfish stocks that occurred in the ensuing decade.

Commercialisation and exploitation

Transportation and refrigeration were key factors in the commercialisation of seafood. The Railways opened up inland markets for fresh fish, and it is argued that live shellfish exports only became economically viable with the advent of the roll on/roll

[26] Ó Brolacháin, ‚Fisheries', p.128.
[27] Davidson, *North Atlantic seafood*, p. 468.
[28] Wilkens, *Alive alive O,* p.139.
[29] J.J. Lee, *Ireland 1912 – 1985, politics and society* (Cambridge, 1989), p.635.
[30] Wilkens, *Alive alive O,* p.138.

off ferries. Until then live periwinkles were transported on open decks with instructions for the ship's captain to have them doused with seawater at regular intervals. Before refrigeration the most common method of preservation was salting and smoking. The exploitation of all marine resources can be categorised as moving through stages: The first is the gathering/harvesting stage where the animals are gathered for personal use within a family or among neighbours. This method usually made little demand on existing stocks. Once any species became a traded commodity it moved into the exploitation stage. With the entry of professional fishermen the fishery and control effectively passed to market forces. Without the vital stage of resource management, the inevitable outcome of exploitation is over-fishing, resulting in the eventual depletion of natural wild stocks. The logical commercial stage that follows over-exploitation is (artificial) cultivation or fish farming, a practice used for oysters by the Romans over two thousand years ago.

Oysters

A staggering amount of oysters were consumed once oysters became fashionable among city dwellers. They were the first real 'fast food' for the masses of the industrial revolution. An estimated one and half thousand million oysters were consumed each year in England in the 1860s.[31] Rule's Oysteria founded in 1798 by Thomas Rule, has a strong claim to be London's first restaurant.[32] Two of Dublin's most famous restaurants 'Jammet's' and 'The Red Bank' shared the oyster theme. In 1901 they were named 'Burlington Restaurant and Oyster Saloons' and the 'Red Bank Oyster Hotel' respectively.[33] The shell middens offer archaeological evidence of extensive oyster consumption from later Mesolithic period and written reports from the late seventeenth century illustrates their abundance and particularly the size of the native Irish oyster (*Ostrea edulis*). Throughout the nineteenth century the Irish oyster beds were continuously over-fished. The Government Oyster Commission reporting in 1870 recommended the utmost caution with respect to all attempts at artificial cultivation, but in 1903 the short-lived Ardfry Experimental Oyster Cultivation

[31] Wilkens, *Alive alive O,* p.100
[32] G.H. Bowden, *British gastronomy: The rise of great restaurants* (London, 1975), p.19.
[33] Thom, *Thom's official directory1919*, p.1958.
M. Mac Con Iomaire, Dublin restaurants 1922-2002: An oral history (Unpublished Progress Report for Doctoral Thesis), (Dublin, 2004), p.39.

Station was opened in County Galway.[34] To remedy the decline in oyster production the Pacific oyster *Crassostrea gigas* was introduced into Europe on a large scale in the late 1960s and into Ireland in the early 1970s; the reason being that it was easier and faster to cultivate than the native oyster and it was not prone to the disease *Bonamia ostrea*.[35] The native Oyster (*Ostrea edulis*) is seasonal, as it spawns during the summer months hence only available when there's an 'R' in the month. The Pacific (*gigas*) oyster doesn't spawn in the cold waters around Ireland so is available all year round.

One possible reason suggested for the lack of seafood consumption in Ireland is that Catholics associated fish with penance.[36] This argument seems to ignore fish consumption patterns in other European Catholic countries. It is fair to suggest that in inland counties, where the supply of fish was poor in both quality and quantity, a more negative opinion of fish prevailed than in the coastal counties where fresh seafood was more readily available. Smoked salmon is mentioned in the diary of Amhlaoibh Ó Súilleabháin from Callan in the inland County of Kilkenny. On St Patrick's Day (17 March) 1829 he records: 'we had for dinner... salt ling softened by steeping, smoke dried salmon and fresh trout', he also expresses the following sentiment in his diary entry on 2nd April 1832 'I do not like salt fish and fresh fish was not to be had, except too dear and seldom'.[37] When railways became operational in Ireland in the mid nineteenth century, they were used to transport large quantities of fish each year, from coastal ports to inland areas. In 1911 alone 25,590 tonnes of fish were conveyed inland from Irish ports.[38] Steam train drivers had a novel way of cooking herrings, by placing them on the coal shovel and held in the firebox for two minutes - Irish railwayman's breakfast.

After Vatican II in the late 1960s, Catholics were no longer forbidden to eat meat on a Friday. Oral evidence from Johnny Opperman,[39] a retired chef/entrepreneur now in his eighties evokes an earlier era:

[34] Wilkens, *Alive alive O,* p.102.
[35] M. Uí Chomáin, *Oyster cuisine*, (Dublin, 2004).
[36] Davidson, *North Atlantic seafood*, p. 468.
[37] M. Mc Grath (Ed), *Cinnlae Amhlaoibh Uí Shúilleabháin: The diary of Humphrey O' Sullivan parts 1-4*, (London, 1989).
[38] Thom, *Thom's official directory 1919*, p.696.
[39] Interviewed by the author at his home in Wicklow on 28 April 2004

> Fish! God when you come to think of it!, Jesus! you would commit bloody murder rather that eat a piece of meat on Friday,... when you come to think of it, the changes...

He goes on to describe his memories of Fridays whilst serving his apprenticeship in the Shelbourne Hotel in Dublin during the mid 1930s:

> Only one thing I remember about Fridays, if you were on garde on Friday there was a certain priest used to come in, always in the afternoon, and he'd have a bloody big steak, and the steak was to be made so it looked like a piece of grilled turbot...(laughter)

Seafood Festivals and Restaurants

In the 1950s, with the foundation of *Bord Fáilte*, the Irish Tourist Board, there was a concerted growth in tourism. Hospitality has been synonymous with Irish culture and was enshrined in ancient times in the Brehon Laws. Festivals were seen as excellent ways to increase tourism and generate much needed revenue for local communities. The most famous of the seafood festivals is the Clarinbridge Oyster Festival which has been part of Galway's social calendar since 1954. Other festivals include the Bundoran Lobster Festival, the Foyle Oyster Festival in Inishowen, the Waterford estuary Mussel Festival at Cheekpoint and the more recent Bantry Mussel Fair that was inaugurated in the late 1980s. Wexford also has a famous Mussel Festival and hosts a local Cockle Festival at Duncannon. One of Dublin's famous seafood restaurants 'Restaurant na Mara' originated from a seafood festival in Dun Laoghaire in 1971. The King Sitric restaurant was also opened in 1971 in Howth and has specialised in seafood ever since. Two other Dublin seafood restaurants, the Lord Edward and the Lobster Pot have not only preserved the classical fish dishes like *Sole Bonne Femme*, but are also the last bastions of the classical table arts in Dublin.

Much of today's consumption of fish is linked with fish and chip shops. Leo Burdock's opened in 1911, Eduardo Di Mascio, a carpenter from Valveri, Italy, arrived at the height of the Civil War in 1922 and opened his first Fish and Chip shop in Dublin's Marlborough Street. Also in 1922, Ivan Beshoff, a mutineer from the famous Russian battleship Potemkin, opened his first fish and chip shop in Usher's Island.[40] There are regional differences in the culinary terminology associated with

[40] *The Irish Times*, 10 September 2003. R.Doyle, 'Fresh fish and chips and no bones about it', pp.9-10.

fish. Lennox's is the name synonymous with chip shops in Cork City, where fish and chips are sometimes known as 'a bag of blocks and a swimmer'. In Dublin the vernacular describes fish and chips as a 'One and One', 'Blossom' is the term for black Pollock, and 'Rock Salmon' is dogfish fried in batter. Dogfish has recently been re-branded as 'cape shark'. Ray and particularly long ray is very popular in Dublin, so much so that Ringsend, a south city suburb, is commonly known as 'Raytown'. The term 'pissy ray' refers to the strong ammonia smell that can emanate from these cartilaginous fish if they are not absolutely fresh. One of Dublin's most famous chippers is Leo Burdock's and as a sign of the times we live in, they now have 'Hoki' fish from New Zealand on the menu as an alternative to the endangered cod.

Changing Consumption Patterns

Alan Davidson[41] attributed the preservation of Ireland from the invasion of foreign dishes and restaurants to a streak of conservatism running through the Irish character. Today's Ireland is the destination of not only New Zealand's Hoki fish but many of her young population. Ireland has recently become a truly multi-cultural country and the new ethnic mix is creating demands for food provision to reflect the increased pluralist cultural values. The consumption of fish has become fashionable particularly due to the associated nutritional benefits. Fish was once a cheap source of food, but many species now are equally or more expensive than prime cuts of meat.

Particular species of fish have gone through cycles of being in vogue at specific times in history. The eel is amongst the oldest of Ireland's traditional foodstuffs yet the consumption of eels declined steadily in the post famine (1850s onwards) period. Today eels are mostly exported, and those that are consumed are mostly in smoked form as part of seafood platters. Monkfish, although popular today, was once used to bait lobster pots. I recall an anecdote told to me by a lecture of mine, P.J. Dunne, recalling how he, as larder chef in Jammet's restaurant coped with shortages during the 'Emergency' (WW2), and how he became an alchemist, transforming monkfish, not a popular fish at the time, into collops of lobster, scallops and scampi. One satisfied customer summed up the fabulous fare in Jammet's during the years of the Second World War as 'the finest French cooking between the fall of

[41] Davidson, *North Atlantic seafood*, p. 468

France and the Liberation of Paris'.[42] Scallops were clearly common enough in the 1930s according to the story of a County Limerick housewife who was apologising profusely to a German engineer working on the Ard na Crusha power station that all she had for his dinner were scallops! Whelks are fished mainly in Counties Wicklow and Wexford and are seldom sold in Ireland but exported mostly to the lucrative Asian market. A speciality of Connemara and the Aran Islands is *Ballach Buí*, a salted *Ballan Wrasse* but its popularity has been waning over the last two decades. Tuna fish, once only known in its tinned variety, is now on restaurant menus as '*Carpaccio*', '*Ceviche*' or 'Char-Grilled'. Irish fishermen are now hunting deep-water species, which are not affected by quotas. They include grenadier, orange roughey, rabbit fish, *mora-mora* (deepwater cod) and red fish. This raises ethical issues since some of these fish take up to seventy years to mature and replenish. Wild Irish salmon to this day is highly prized although stocks are rapidly being depleted. Farmed salmon is now so widely available that it has become one of the cheapest fish on sale today.

The Portuguese are Europe's highest consumers of fish averaging 58.5 kg per capita in 1999 compared with Ireland's 20.1kg. Ireland was incidentally slightly ahead of England at 20kg, Germany 15.6kg and the Netherlands at 14.5kg.[43] On the other hand the Irish consumed a total of 96.8kg of meat per capita in the year 2000, most of which was pig meat (38kg) and poultry (32.4kg) respectively. Over half of all seafood eaten in Ireland is consumed in food service outlets rather than in domestic settings. This contrasts with European countries like France, Italy, Spain and Greece where seventy five per cent of all seafood is consumed in the home.[44]

Analysis

Ireland's geographical location, on the edge of the continental shelf, surrounded by the Atlantic Ocean and Irish Sea, favours us with a vast array of seafood. The island's numerous lakes, rivers and streams and canals are an angler's paradise. Yet in spite of this Ireland lags behind most of Europe in terms of seafood consumption. Irish coastal waters appear to be sufficiently favoured by fish to make it worthwhile for foreign

[42] *The Irish Times*, 11 April 1987. John Ryan, 'There will never be another Jammets' p.3, (weekend section).
[43] Bord Iascaigh Mhara, *Realising the market potential for Irish seafood, BIM's Marketing strategy 2001-2006* (Dublin, 2000), p.24.
[44] Ian Mannix, Seafood in Irish cuisine and culture, Past, present and future (Unpublished undergraduate Thesis), (DIT, 2004), p.63.

fishermen to come here. Lee[45] argued that if Irish fishermen cannot compete with them, it is not because the fish have chosen to boycott them. This belies the real politic; there is no such thing today as Irish fish, only EU fish in Irish waters. Countries like the UK, France, Belgium and Holland had established a tradition of fishing near our coasts for years before the Irish fishing industry became properly organised, and on this basis received quotas for certain species which are multiples of those allocated to Irish fishermen.[46] Tim Pat Coogan[47] recalled an interview he conducted in 1965 with Brian Lenihan, who was at the time the junior minister responsible for fisheries, about the governments plans to develop the fishing industry (Ireland having probably the richest fishing grounds in western Europe at the time). The answer took the form of two questions relating to the number of both farmers and fishermen in the country. The number of fishermen at that time (approx. 8,000) according to Lenihan 'wouldn't elect one Fianna Fáil TD on the first count in a five-seat constituency'. In the political calculations of the day, the farmers' numbers, not the long-term potential of the fertile sea, was the prime concern. Fishing rights were bartered away to other EEC members in return for concessions to the powerful farm lobby.[48]

The total value of the Irish seafood industry in 2003 was €665 million, with nearly sixty per cent of that coming from exports. Within the EU, France (€91 million) remains the premier market for Irish seafood followed by Spain (€58 million) and Great Britain (€54 million) and the most important markets outside the EU were Japan (€19 million) and South Korea (€14 million).[49] From a culinarians point of view the biggest disappointment concerning fish in Ireland is that the best of the Irish catch never sees the Irish table.

The lack of exploitation of the sea by the Irish, compared to their European neighbours, may be understood if one studies the geographic location and the nature of the coastline. In Ireland such was the abundance of the shore and inland waters that the early Irish had no reason or need to seek sustenance or resource from the deep ocean. To sail out into the Atlantic was not something that would be undertaken

[45] Lee, *Ireland 1912-1985*, p.523.
[46] Frank Corr, (Conservation and politics spur seafood prices) *Hotel & Catering Review*, (Dublin, February 2004), pp. 31-33.
[47] Tim Pat Coogan, *Ireland in the twentieth century*, (London, 2003), pp.455-456.
[48] Coogan, *Ireland*, p.456.
[49] B.I.M., Fall off in seafood exports but investment at record levels (BIM Press Release), (Dublin, 2004), www.bim.ie

lightly. The Atlantic was so dangerous that the great maritime expansion to the west did not take place until the fifteenth century. There are always exceptions. Ireland's Saint Brendan the navigator is purported to have reached America in the sixth century, and according to Mark Kurlansky,[50] the Basques were supplying a vast international market in cod by the year 1000, based on their fishing fleet's surreptitious voyages across the Atlantic to North America's fishing banks.

The abundance of other foodstuffs clearly had a bearing on Ireland's historically low level of seafood consumption when compared to some of it's European neighbours. The key as to what was not consumed may lie in what was. Masons employed on Christ Church Cathedral in 1565 were fed 2lbs of salted meat, 2lbs of wheaten bread and eight pints of largely oaten ale daily. In 1577 the diet of an English soldier in Dublin on fish days was 8oz butter or 1lb of cheese, or eight herrings. The Franciscan community of Cork city in the 1760s and 1770s, whose per capita income would have been half the wages of an artisan in regular employment, consumed an average of 38lbs meat, 10-20lbs butter and an estimated 24lbs fish per annum, in addition to bread and potatoes.[51] Although pigs were always popular in Ireland, the emergence of the potato resulted in increasing both human and pig populations. The Irish were the first Europeans to seriously consider the potato as a staple food. By 1663 it was widely accepted in Ireland as an important food plant and by 1770 it was known as the Irish Potato.[52] The Potato transformed Ireland from an under populated island of 1 million in the 1590s to 8.2 million in 1840, making it the most densely populated country in Europe.[53]

Conclusions

Modern Ireland has a vibrant fishing industry, although fishing rights conceded during early membership of the European Union leave our fishermen with restricted quotas. More than half of the landed catch is exported and much of the fish consumed today is farmed. Over half the fish consumed today is in foodservice outlets, as the Irish seem less confident than their European neighbours in handling fish in a domestic setting.

[50] Mark Kurlansky, *Cod: A biography of the fish that changed the world* (New York, 1997),p.22.
[51] L.M. Cullen, (Comparative aspects of Irish diet, 1550-1850) *European food history: A Research Review* (Leicester, 1992), p.50.
[52] Máirtín Mac Con Iomaire, (The pig in Irish cuisine and culture, past and present) *The Fat of the Land: Proceedings from the Oxford symposium on food and cookery 2002* (Bristol, 2003), p.209.
[53] R. Phillips and M. Rix, *The potato in Irish history*, (Dublin, 1995).

BIM are actively campaigning to promote seafood consumption both domestically, by marketing fish as a convenience product for the cash rich/time poor generation, and also in the food service sector through schemes such as the 'seafood circle' and *féile bia* programmes promoting the use of indigenous foods. We have seen how Irish dietary patterns have changed over time and today, fish and fasting on Fridays is a distant memory among the Celtic Tiger's young cubs. Most inland counties would have rarely seen fresh fish and interestingly, smoked fish sales are greater even today in the midlands than in the coastal parts of Ireland.[54] Once considered *bia bocht* or poor man's food, fresh wild seafood is now a luxury food whose market share within Irish food consumption is challenged by numerous cheaper alternatives. Irish society has been radically transformed over the last twenty years from a land of emigrants to one of rising immigration. The growing Asian community now keeps in business Dublin's famous Moore Street fishmongers, whose best customers used to be the denizens of 'Raytown'. Perhaps Alan Davidson's reflections were indeed prophetic.

[54] Mannix, Seafood in Irish cuisine, p.10

Internment, the IRA and the Lawless Case in Ireland 1957-61

John Maguire

The use of detention without trial, or internment, as an ethical and effective instrument in dealing with the activities of subversive organisations, within the context of a constitutionally bound democratic state, has always been a vexed question. Is it right to violate the personal freedoms of a select number of citizens, by arresting and imprisoning them without recourse to the normal processes of the law, in order to protect the democratic liberties of the populace as a whole? In the Republic of Ireland, this has been a particularly problematic dilemma, given the danger posed by the IRA (Irish Republican Army) to the legitimacy of the state. Owing to its secret military character and the fear it was to engender among the population, prosecuting members of the IRA before the ordinary courts has proved to be a thorny endeavour. As a consequence internment, long considered an effective counter insurgency device has, on several occasions, been favoured in deference to the regular processes of the law, in order to restrain the IRA. During the civil war period, the Free State government, acting initially under martial law powers and laterally under the Public Safety Acts of 1923 and 1924, detained 11,480 people, while the Emergency Powers Act of 1939 and the Offences Against the State (Amendment) Act of 1940, was used to intern over 500 republicans for the duration of the Second World War.[1] The outbreak of the IRA's border campaign of 1956-62, was to be the final instance in which 'preventative detention', as it was termed by the government, was to be used within the twenty six counties. One of the internees of this affair, 21 year old Gerard Lawless, together with his barrister, the formidable Sean MacBride, was to make history, when he challenged his imprisonment before the Irish courts, eventually litigating his case the whole way to the European Court of Human Rights in 1961.

The Lawless Case, as it became known, was to emerge within the context of an intensely conservative and parochial polity, characterised by an intense economic and cultural malaise and dominated by the powerful nationalist rhetoric of 1916 and *Hibernia Irredenta*.[2] This legal action was also to confound a government that was ardently attempting to portray itself as a solid democracy and an advocate of the

[1] S. J. Connolly (ed), *The oxford companion to Irish history* (Oxford, 2002), p.273.
[2] R.F. Foster, *Modern Ireland 1600-1972* (London, 1989), p.571.

personal rights and freedoms of its citizens, in an ideologically polarised international domain. The case, though ultimately unsuccessful, determined important legal precedents which restricted the executive's right to use internment in the future thereby fundamentally altering the way in which the government sought to combat the IRA. Within the broader realm of international human rights law, the Lawless Case was the first to be heard by the newly established European Court of Human Rights and was the first occasion in history when an individual citizen took legal proceedings against a state. Accordingly, it is the focus of this article to present a brief analysis of the Lawless Case and the factors leading to the introduction of internment during this period. The impact of the Lawless Case in relation to the construction and application of the European Convention of Human Rights will be assessed. Finally, within the domestic arena, this article will also consider the impact of Lawless's action on governmental policy towards contemporary republican violence.

The introduction of internment

On the night of 11/12 December 1956, IRA volunteers, operating from the Republic of Ireland, launched a series of attacks against 'military, police and radio instillations, and... a court house and two bridges'.[3] This was the launch of the IRA's border campaign, a campaign that was to be characterised by a republican eschewal of military action south of the border.[4] Nevertheless, IRA attacks were staged and mounted from the Republic and curiously, in the belief that an informer had infiltrated its ranks in the city, there were no IRA operations within Belfast during this period.[5] The border campaign, predicated on the traditional and dogmatic aim of 'an independent, united democratic Irish Republic',[6] represented the product of a sustained republican revival, which had been underway since the late 1940s. During this resurgence, the republican movement enjoyed a significant increase in support on both sides of the border,[7] especially following a series of high profile arms raids in Northern Ireland and mainland Britain in the early 1950s. This quickly translated into an increase in political activity. *The United Irishman,* which had been launched in

[3] *The Irish Times,* 13 December, 1956.
[4] Brian Feeney, *Sinn Fein: A hundred turbulent years* (Dublin, 2002), p.195.
[5] Brendan Anderson, *Joe Cahill: A life in the IRA* (Dublin, 2002), p.129.
[6] Irish Republican Army Campaign Manifesto, 12 December 1956.
[7] Joseph Bowyer Bell, *The secret army: the IRA* (Dublin, 1998), p.239.

1948, reached a circulation of 139,000 copies a month in 1954,[8] while Sinn Fein managed to enjoy considerable electoral success in the British general election of May 1955. In response to this outbreak of violence, Stormont mobilised the RUC on an emergency basis, but standing at 2,800 strong, the force was below establishment and a further 215 'B' Specials had to be activated on a full time basis to make up the numbers.[9] The reminder of the force, which consisted of 11,600, mainly Protestant recruits, was called in to supplement RUC patrols and check points.[10] In an effort to quell unionist outrage, the Northern Premier, Lord Basil Brookeborough, cautioned against any efforts to meet 'force with force' and insisted that the defence of Northern Ireland must rest with the government.[11]

South of the border, the position of the contemporary Irish government during this republican renaissance was particularly difficult, as it was a coalition that tenuously clung to power due to the parliamentary support of Sean MacBride's *Clann na Poblachta*, a party which harboured a strange mix of 'republicanism allied to social reform'.[12] As a result, the Fine Gael Taoiseach, John A. Costello, could not risk taking decisive action against the IRA, as it would alienate the hard-line republican faction within MacBride's party and risk collapsing the government. The position of this administration was further undermined by the activities of various IRA splinter groups, which undertook a series of attacks on British targets in Ireland, including the attempted bombing of the British Embassy in Dublin in January 1951.[13] The most well known of these groups was *Saor Uladh* (Free Ulster), formed by local Tyrone republican Liam Kelly in 1953. Kelly was dismissed from the IRA in 1951 for planning an operation without the consent of the army council and in 1954 Sean MacBride managed to compound the discomfiture of the government by securing Kelly's election to the Seanad. This group gradually disappeared but during its brief existence it was involved in an attack on an RUC barracks in Roslea, Co. Fermanagh, in 1955 and in blowing up the canal lock in Newry in May 1957.[14] Coupled with this resurgence in violence, the ambivalent attitude within Irish society as to the use of

[8] Sean Edmonds, *The Gun, the law and the Irish people: From 1912 to the aftermath of the arms trial 1970* (Tralee, 1971), p.186.
[9] Sir Arthur Hezlet, *The 'B' Specials: A history of the Ulster special constabulary* (Belfast, 1997), p.163
[10] Hezlet, *The 'B' Specials*, p.163.
[11] Tim Pat Coogan, *The IRA*, London, 2000 p.307.
[12] Eithne MacDermott, *Clann na Poblachta* (Cork, 1998), p.13.
[13] *The Irish Times*, 24 January 1951.
[14] Bowyer Bell, *The Secret Army,* p.246.

force by republicans to further the 'national aim' of unity was to further complicate the situation for Costello's administration.

The deaths of IRA volunteers, Sean South and Fergal O'Hanlon, during an attack on Brookeborough RUC barracks in January 1957, threatened to ignite nascent IRA sympathies and was to demonstrate just how strong the allure of self styled republicanism was south of the border in the 1950s. As Keogh states:

> Both men enjoyed the status of popular martyrs and were viewed by many as being part of the purer, unsullied 'republican' tradition which was contrasted with politicians caught up in the materialist world of Yeats's 'greasy till.'[15]

It was broadly felt, within the public mind, that successive Irish governments, since 1932, had given mere lip service to the attainment of a thirty two county Republic; an aspiration that was to be relegated to an unfulfilled ideal, in preference for safeguarding the status quo. The deaths of South and O'Hanlon were to capture the public imagination, with thousands lining the streets of Dublin and Limerick to pay their last respects, in a massive public demonstration of a sentimental attachment to romantic republicanism. Within this hotbed of nationalist fervour, Irish society was also to exhibit its proclivity for sectarianism, when the inhabitants of Fethard-on-Sea County Wexford, initiated a boycott of the Protestant minority within the town. In 1949, Sean Cloney, a local Catholic farmer, married Shelia Kelly, a Protestant. Insisting that the children of their union be educated in a Protestant school, despite the *Ne Temere* decree of 1908, Mrs Cloney and her two children disappeared from the town on 27 April 1957. Following her appearance in Northern Ireland several days later, the local parish priest, James Stafford, ordered a boycott of all Protestant businesses in the area, pronouncing them collectively guilty of the 'kidnapping' of the Cloney children. Allied to the debacle surrounding clerical opposition to proposals for free ante- and post-natal care for mothers in 1951,[16] (the so-called Mother and Child Scheme) this ugly episode, which gradually faded out, did much to exacerbate relations between Catholics and Protestants, in a state that habitually contrasted its

[15] Dermot Keogh, *Twentieth century Ireland: nation and state* (Dublin, 1994), p. 229.
[16] For a full account of the circumstances surrounding the mother and child scheme see: J.J. Lee, *Ireland 1912-1985: politics and society* (Cambridge, 1989), pp. 313-319, Keogh, *Ireland: Nation and State*, pp.210-213 and MacDermott, *Clann na Poblachta*, pp.156-161.

much-vaunted 'religious liberty,' with the bugbear of Orange intolerance in the north.[17]

Within this volatile atmosphere, Costello's government was finally induced to take decisive action against the IRA and ordered a series of arrests against known activists. [18] In response, MacBride, under pressure from the republican faction within his party to penalise the administration, proposed a vote of no confidence in the government on 28 January 1957, ostensibly on economic grounds. The ensuing collapse of the coalition, following MacBride's withdrawal of support, was to return a strong Fianna Fáil administration to power, that had no qualms about getting to grips with the IRA. Since its foundation in 1926, Fianna Fáil proved to be the main rival of the IRA in the struggle to claim the inheritance of the Irish revolutionary tradition[19] and its leader, Eamon de Valera, had already demonstrated his resolve in dealing with that organisation. In 1939, his government outlawed the IRA and during the war years had six IRA men executed for murder, allowed three to die on hunger strike, had 500 interned and had another 600 committed under the Offences Against the State Act of 1939.[20] In the immediate aftermath of the 1957 election, de Valera, in his final term as Taoiseach, quickly made his feelings clear when asked about the government's position on the IRA, he replied: 'Private armies cannot be tolerated. That would lead to anarchy.'[21]

De Valera's first test was to come on 4 July 1957, when an IRA ambush of an RUC patrol outside of Forkhill, County Armagh, resulted in the death of Constable Cecil Gregg, and the serious wounding of his colleague, Constable Robert J. Halligan. Within hours of this incident, Brookeborough was to make representations to Westminster, in order to impress upon the Irish government the need to act.[22] This episode was particularly embarrassing, as the ambush site was a few miles from the border and on the following day the tracks of the raiders were clearly visible leading back towards the Republic.[23] In the wake of mounting diplomatic pressure from London, de Valera promptly took the step of introducing internment in an attempt to

[17] Marcus Tanner, *Ireland's holy wars: The struggle for a nation's soul 1500-2000* (London, 2001), pp.339-341.
[18] Joe McGarrity (pseudonym), *Resistance: The story of the struggle in British occupied Ireland* (Dublin, 1957), p.35.
[19] Brian Hanley, *The IRA; 1926-36* (Dublin, 2002) p.144.
[20] Lee, *Ireland 1912-1985,* p.223.
[21] *The Irish Times*, 9 March 1957.
[22] *The Irish Times,* 5 July 1957.
[23] *The Irish Times*, 8 July 1957.

curb the activities of the IRA. Accordingly, over the next two days, sixty-three well known members of Sinn Fein were arrested in a series of raids throughout the country.[24] Many were leading members of the IRA army council, including Thomas MacCurtain, who was arrested in Cork[25] and the Sinn Fein President, Patrick MacLogan.[26] Within days, most had been transferred to the Curragh Internment Camp in County Kildare, which housed a total of one hundred and thirty one republicans by March 1957.[27]

The legislative basis for internment was contained in the Offences Against the State (Amendment) Act, 1940 and this statute gave the government powers of arrest and detention without trial, which could be used:

> Whenever a Minister of State is of opinion that any particular person is engaged in activities, which, in his opinion are prejudicial to the preservation of public peace and order or to the security of the state.[28]

Enacted following a constitutional challenge to the powers of detention originally vested in the Offences Against the State Act, 1939, this piece of amending legislation authorised a Minister of State, upon signature of a warrant, to detain suspects indefinitely. However, the government was also obliged to establish a 'Detention Commission' empowered to investigate the circumstances of a detainee's imprisonment and if necessary, produce a report compelling the government to release the internee in question.[29] Coupled with this apparent safeguard, the act also incorporated a supervisory role for Parliament, as the government was also required to furnish the Houses of the Oireachtas with particulars of detentions every six months.[30] Nonetheless, when compared with the provisions contained in the Special Powers Act of Northern Ireland, these counter insurgency measures appeared to be relatively moderate. Officially the Civil Authorities (Special Powers) Act, this wide-ranging emergency law replaced Westminster's Restoration of Order in Ireland Act and was made permanent in 1933. This act gave remarkably comprehensive powers of arrest and detention to the RUC, and enabled the Minister for Home Affairs to proscribe

[24] *The Irish Times*, 8 July 1957.
[25] Bowyer Bell, *The Secret Army*, p.305.
[26] *The Irish Times*, 8 July 1957.
[27] Coogan, *The IRA*, p. 319.
[28] The offences against the state (amendment) act, 1940, No. 2 of 1940, Section 4 (1).
[29] The offences against the state (amendment) act, 1940, No. 2 of 1940, Section 8 (1), (2) & (3).
[30] Brian Doolan, *Lawless V Ireland (1957-61): The first case before the European court of human rights, an international miscarriage of justice?* (Dartmouth, 2001), p.20.

organisations and ban or reroute parades.[31] The act also empowered the Minister to introduce curfews within a specified area, to take possession or destroy buildings and other properties, and in special cases:

> Where after trial by any court a person is convicted of any crime... the court may in addition to any other punishment which may be lawfully imposed, order such person, if a male, to be once privately whipped.[32]

The introduction of the Flags and Emblems (Display) Act of 1954, within this repressive legislative context, which effectively banned the flying of the Irish tricolour,[33] was to further sully relations between the Stormont government and an increasingly disgruntled nationalist minority. This apparently trivial matter, which played into the hands of nationalist and unionist extremists, was to be skilfully exploited over the coming years to illustrate the lack of parity of esteem between the two communities.

The application of Gerard Lawless to the European Court of Human Rights came against this backdrop and was made at a time when official disquiet with the use of internment was beginning to manifest itself in the Republic. Several county councils and various public bodies inundated the government with resolutions seeking an end to internment, while on at least one occasion, members of the Catholic hierarchy wrote personally to de Valera expressing concern at 'the continuance... of a policy of internment without trial'.[34] Indeed, hints of this anxiety may be adduced from the decision announced by the government, despite the fact that there were no statutory provisions for such a measure, that if internees agreed to give an undertaking to respect the laws and constitution of Ireland, they would be released.[35] In addition, representations from various Irish-American groups and societies flooded the Department of the Taoiseach, in an effort to compel the government to halt the internment of IRA volunteers. This in turn necessitated the publication of a statement by the government that was to be distributed among Irish American circles and

[31] Connolly, *The oxford companion to Irish history*, p.552.
[32] Civil authorities (special powers) act (Northern Ireland), 1922, Section (5).
[33] Coogan, *The IRA*, p.384.
[34] National Archives of Ireland [herein NAI], Department of an Taoiseach [herein DT], S 13710 B, Letter to Eamon de Valera from Rev. Edward Hegarty, D.D., M.A., 3 September, 1958.
[35] NAI, 8th Government Cabinet Minutes Volume I, GC8/36, 6 August 1957. The required undertaking read: 'I, _____, undertake to respect the Constitution of Ireland and the laws, and I declare that from this day forth I will not be a member of, or assist, any unlawful organisation.' See: NAI, DT, 98/6/360, memo from Department of Justice.

members of Congress, through the Irish Embassy and Consulates in New York, Boston, Chicago and San Francisco, in an effort to make the case for internment.[36]

Within an international sphere, plagued by Cold War ideological divisions, the use of internment, within democratic and capitalist Ireland, was also proving to be an embarrassment. Ireland joined the United Nations in 1955, when a 'package deal,' which admitted a balanced group of states from east and west, persuaded the Soviet Union to remove a long-standing veto. In 1957, the government, lead by the External Affairs Minister, Frank Aiken, embarked on a campaign of activism in an attempt to place Ireland firmly among the diplomatically forward looking 'middle powers,' such as Sweden, Norway and Canada.[37] Consequently, the introduction of detention without trial was at variance with the projected image of Ireland as a democratic, libertarian and non-aligned regime. Ireland's membership of the Council of Europe and position as a signatory of the European Convention of Human Rights further undermined this position. Under Articles 5 and 6 of the Convention, which guaranteed to individuals the fundamental rights to liberty and fair trial, arbitrary imprisonment of this nature was prohibited. However, under article 15, it was open to signatory governments to derogate temporarily from the rigours of the convention 'in time of war or other public emergency',[38] provided that the measures taken 'were to the extent strictly required by the exigencies of the situation'.[39] In order to avail of this clause, the government was obliged to send a notice of derogation to the Secretary General of the Council of Europe, informing him of the nature of the emergency involved and the means taken to contend with this threat to the life of the nation. Conscious of potential domestic hostility to the introduction of internment and wary of unwanted international attention in relation to this matter, the government chose to adopt an ambiguous position.

As obligated by Article 15, a letter was dispatched to the Secretary General on 20 July 1957, informing him that part II of the Offences Against the State (Amendment) Act had been activated by the government. He was notified that this measure was taken in order 'to prevent the commission of offences against public

[36] NAI, DT, S 16209 A, Department of External Affairs minute from Washington Embassy.
[37] Connolly, *The oxford companion to Irish history*, pp.589-599.
[38] The European convention for the protection of human rights and fundamental freedoms, 1950, Article 15 (1).
[39] The European convention for the protection of human rights and fundamental freedoms, 1950, Article 15 (1).

peace and order, including the maintaining of an illegal military force'.[40] In spite of this, the government, through a formula devised in the Department of External Affairs, attempted to fudge the issue. The wording of the letter was designed so as not to specifically admit of a derogation on the government's behalf, unless the European Commission of Human Rights decided that the measures it had taken had actually breached the Convention. In effect, the government was trying to have it both ways by using internment and attempting to sidestep the derogation issue, if it could be avoided.[41] The paragraph in question was to read:

> In so far as the bringing into operation of Part II of the [Offences Against the State (Amendment)] Act... involves a derogation in certain respects from the obligations imposed by the Convention... I have the honour to request that you be good enough to regard this letter as informing you of derogation in accordance with the terms of Article 15(3) of the Convention.[42]

An opposition question in the Dáil, designed to exploit this imprecision, asked Aiken if the introduction of interment involved a violation of article 5 of the Convention. Aiken denied this was the case, [43] and was technically correct, at the time, (as the European Commission had not actually decided if the use of interment had breached the Convention) when he asserted that the government had not reported a derogation on Ireland's behalf.[44]

The coincident introduction of internment in the North, in 1957, with the detention of 150 republicans in Crumlin road prison, was to ensure that the Irish government would not take a lone stance on the Lawless Case. Informal discussions between the two governments regarding security arrangements had been ongoing for some time and internment on both sides of the border was now bound to hamper the IRA. The British were to assume a keen interest in the progression of the Lawless Case, as any adverse decision by the European Commission of Human Rights would have had direct implications for the use of internment in Northern Ireland. In a conversation with de Valera, a British embassy official reported:

[40] NAI, DT, S 14921 C, Letter to the secretary general, Council of Europe, 20 July 1957.
[41] Brian Doolan, *Lawless V Ireland*, p. 41.
[42] NAI, DT, S 14921 C, Letter to the secretary general, Council of Europe, 20 July 1957.
[43] NAI, DT, S 14921 C, Parliamentary Question No. 41 to the Minister for External Affairs, 23 October 1957.
[44] Doolan, *Lawless V Ireland*, p.40.

> It would be politically most undesirable were there to be a decision at Strasbourg which would place the Republic in a position that they might have to release all those now in detention. This would give a tremendous boost to the IRA and might well result in a widespread increase in acts of terrorism on the border of Northern Ireland.[45]

Consequently, the British government stood ready to assist the Irish behind the scenes, throughout the duration of the case, in order to ensure that Lawless's action was unsuccessful.

Lawless's application

Gerard Lawless was well known to the Gardai, and first came to the attention of the authorities in 1953 when he was convicted in the Children's Court of malicious damage to a plate glass window bearing an image of Queen Elizabeth II.[46] He joined the IRA in 1955 and was considered by many within that organisation to be a 'tough, violent and undisciplined agitator',[47] a dangerous individual, skilled in the use of firearms and explosives.[48] Indeed, he also had a problematic relationship with the IRA army council and became involved in a split within that organisation lead by Joseph Christle. This fracture was triggered following the expulsion of Christle from the IRA under acrimonious circumstances, owing to his proclivity for conducting unauthorised operations that attracted much unwanted publicity to the IRA. Unfortunately, Christle's popularity among the rank and file of the Dublin unit meant that his discharge was not taken lightly and he immediately established his own faction, which became a lure to other republicans, including Lawless, dissatisfied with the perceived conservatism of the IRA army council.[49] This group took no specific name and incensed the mainstream IRA when it linked up with Kelly's *Saor Uladh* and engaged in a series of armed robberies in the Republic.[50] The arrest of Sean Geraghty, a member of this group, following a raid for explosives on Wolfhill Quarries in Co. Laois, in May 1957, strengthened the government's hand in asserting

[45] Doolan, *Lawless V Ireland*, p.96.
[46] NAI, Department of External Affairs, [herein DEA], 98/3/127 Part IV, Miscellaneous Papers, Garda memorandum, 15 December 1958.
[47] Bowyer Bell, *The Secret Army*, p.279.
[48] NAI, DEA, 98/3/127 Part IV, Miscellaneous Papers, Garda memorandum, 15 December 1958.
[49] Edmonds, *The Gun the law and the Irish people*, p.190.
[50] Edmonds, *The gun the law and the Irish people*, p.190.

that internment was necessary, owing to the intimidation of witnesses at Geraghty's trial.[51]

In September 1956, Lawless and three others from this splinter group were arrested in Keschcarrigan, Co. Leitrim, when found in possession of a quantity of arms, following their return from Ballintra, Co. Donegal, after an aborted bank raid.[52] They were all charged with possession of the weapons without being authorised by firearms certificates granted under the Firearms Act 1925 and appeared before the Dublin Circuit Criminal Court in November 1956. However, without the oral testimony in Court of the Superintendent of every police district in the country, as well as the Minister for Justice and the Minister for Defence, they were all acquitted on a technicality, as the state could not prove conclusively that Lawless and his companions had not been issued with a firearms certificate.[53] Lawless was again arrested on 14 May 1957, after the discovery of seditious documents in his home. He was charged in the Dublin District Court with possession of these documents and membership of an illegal organisation and during his trial he made unsubstantiated allegations that he had been beaten by members of the Gardai in the Bridewell Garda station. He was ultimately convicted on the charge of possessing the documents and received one month's prison sentence.[54] It comes as no surprise then, that Lawless's association with Christle's splinter group, combined with his previous history and his continuing illegal activities, was to ensure that he was earmarked for internment as soon as it was introduced in July 1957.

The circumstances leading to Lawless's internment are as follows. Following his release from prison, efforts were made by the Special Branch of the Gardai to follow Lawless, but he could not be located. On 11 July 1957, information was received by the Special Branch that Lawless was planning to travel to Britain in an effort to avoid internment. That evening, Detective Officer Daniel Connor, arrested him under section 30 of the Offences Against the State Act 1939, as he was about to board the mail boat in Dun Laoghaire.[55] During the course of his interrogation in the

[51] NAI, DEA, 98/3/127 Part IV, Miscellaneous Papers, Garda memorandum, 18 December 1958.
[52] NAI, DEA, 98/3/127 Part IV, Miscellaneous Papers, Garda memorandum, 18 December 1958.
[53] NAI, DEA, 98/3/127 Part IV, Folder No. 4, observations of the Irish Government on the reply of Gerard Lawless, 25 March, 1958.
[54] NAI, DEA, 98/3/127 Part IV, Folder No. 1 statement of complaint and claim, schedule No. 8 affidavit of Gerard Lawless, 10 December 1957.

[55] NAI, DEA, 98/3/127 Part IV, Miscellaneous Papers, Garda memorandum, 15, December 1958.

Bridewell, Lawless alleged that Detective Inspector Philip MacMahon offered him employment and pay if he agreed to become a Garda agent. According to Lawless, he declined the offer and told the Detective Inspector that he 'greatly resented' being considered a potential informer. The following day, Lawless was notified that he was being detained for a further twenty-four hours pursuant to section 30 of the Offences Against the State Act and on the morning of 13 July, Lawless was transferred to the Curragh Camp in Co. Kildare. Upon his arrival in the Curragh, Lawless was presented with a warrant signed by the Minister for Justice, Oscar Traynor, ordering his arrest and indefinite detention under section 4 of the Offences Against the State (Amendment) Act. He was then lodged in the military detention barracks in the Curragh, colloquially known as 'the Glass House,' before being conveyed to the internment camp proper several days later.[56] Following his arrival in the camp, the IRA camp O/C (Officer Commanding), Thomas MacCurtain, stated to the Camp Commandant, Carl O'Sullivan, that as Lawless was not a member of the mainstream IRA, he had no authority over him and pointed out the risk of friction between Lawless and the other republican prisoners. He asked that separate accommodation be provided for him and Lawless, who was actively ostracised by the other detainees, was given a hut to himself, where he remained until his release in December 1957.[57]

As an internee, there were two routes open to Lawless if he wished to be released. The first and most effective way of securing his liberty was to give the undertaking to respect the Constitution required by the government. Paradoxically, few republicans availed themselves of this option, as it was felt that 'signing out' was unprincipled.[58] Unsurprisingly, Lawless refused to take this alternative, opting for the second route, which was to apply to the Detention Commission to have his case reviewed. The Detention Commission, consisting of a Judge of the Circuit Court, a Colonel in the Defences Forces and a District Justice, sat for the first time in the history of the state on 17 September 1957, in the Courts Martial room of Connolly Barracks in the Curragh Camp.[59] Since it was the first ever sitting of the Commission, there was some confusion as to its legal status and its members were in doubt as to whether it had the power to administer an oath to witnesses and if it had discretion to

[56] NAI, DEA, 98/3/127 Part IV, Folder No. 1 statement of complaint and claim, schedule No. 1 affidavit of Gerard Lawless, 18, September 1957.
[57] Edmonds, *The Gun, the law and the Irish people*, p. 204.
[58] Brendan Anderson, *Joe Cahill* p. 144.
[59] NAI, DEA, 98/3/127 Part IV, Folder No. 1, statement of complaint and claim, 8 November, 1957.

sit *in camera*.[60] Lawless's legal team, comprised of MacBride and the eminent republican barrister Seamus Sorahan, sought to exploit this uncertainty in an effort to secure his release. MacBride hoped that they could manoeuvre the Commission into acting in a judicial manner, where Lawless would be accorded all the 'usual rights and privileges'[61] of a court of law including 'rights regarding the production of documents, the right to cross examine State witnesses [and] the right to *sub-poena* witnesses'.[62] As a result, MacBride stated that his client was anxious for the proceedings to be held in public and argued that the Commission fell under the provisions of Article 37 of the Constitution, obliging it to act in a judicial manner by administering an oath.[63] After deliberating on these issues the Commission disagreed and decided that it had the power to conduct the proceedings *in camera*, but it could not administer an oath to witnesses.[64]

The remainder of the hearing was held in private, where it was revealed that the government had already divulged an undated and unsigned file marked 'secret and confidential' to the Commission, as justification for Lawless internment. Unfortunately, the Commission ruled that it was not bound by the rules of evidence and 'reserved the right to hear and receive evidence and documents, without disclosing such evidence or the contents of such documents to the applicant or his legal advisors.'[65] MacBride, clearly aghast that the government had tendered this report in such a furtive manner, argued that Lawless's interests had been gravely prejudiced by these rulings. Nevertheless, the Commission indicated that in all probability it would read the file and adjourned until 19 September.[66] The following day, 18 September, MacBride applied to the High Court seeking an order of *habeas corpus*, claiming that the Detention Commission had made erroneous rulings, making it impossible for him and his team to discharge their duty.[67] The Judge hearing the

[60] NAI, DEA, 98/3/127 Part IV, Folder No. 1, statement of complaint and claim, schedule No. 1, 8 November, 1957.
[61] NAI, DEA, 98/3/127 Part IV, affidavits (and exhibits therein referred to) orders and judgement of the High Court of Ireland and notice of appeal to the Supreme Court of Ireland, Schedule No. 1, copy of letter dated 9th September 1957 from P.C. Moore solicitor to the secretary of the Government.
[62] NAI, DEA, 98/3/127 Part IV, affidavits (and exhibits therein referred to) orders and judgement of the High Court of Ireland and notice of appeal to the Supreme Court of Ireland, schedule No. 1, copy of letter dated 9th September 1957 from P.C. Moore solicitor to the secretary of the Government.
[63] NAI, DEA, 98/3/127 Part IV, folder No. 1, statement of complaint and claim, schedule No. 1, summary of arguments advanced in the Irish High Court and Supreme Court, 8 November, 1957.
[64] *The Irish Times*, 18 September, 1957.
[65] *The Irish Times*, 19 September, 1957.
[66] *The Irish Times*, 19 September, 1957.
[67] *The Irish Times*, 19 September, 1957.

application, Mr. Justice Teevan, granted a conditional order of *habeas corpus*; however MacBride requested that the order be made absolute and opened a full hearing in the High Court on 8 October 1957. In the interim, the Detention Commission sat as arranged on 19 September and adjourned pending the outcome of the *habeas corpus* proceedings.[68] In the High Court, MacBride gave an early indication of the approach he was intending to use when he invoked the European Convention of Human Rights. As the state had ratified the Convention in 1953, MacBride asserted that it was no longer open to the government to rely in powers that were in contravention of that agreement.[69] The court refused to accept this, citing articles of the Constitution, which meant that while the state was a party to the Convention, it 'could not of itself in any way qualify or affect domestic legislation'.[70]

As a consequence of this adverse judgement, MacBride, now with the intent of pursuing the case through the European Commission of Human Rights opened an appeal in the Supreme Court on 21 October. While there was little possibility that Lawless would receive satisfaction from such a manoeuvre, he was obligated under the European Convention to consider all domestic legal remedies, before he was eligible to have his case heard by the European Commission. As the Offences Against the State (Amendment) Bill had been referred to the Supreme Court by the President, prior to signing it into law in 1940, it was not open to Lawless to challenge the constitutionality of his imprisonment. Subsequently, MacBride again sought to argue his case in terms of the Convention of Human Rights and submitted that it conferred enforceable rights on Irish citizens.[71] Rejecting Lawless's appeal, the Supreme Court, in its reserve judgement of 4 December, did not accept MacBride's contention, upholding the findings of the High Court that Article 29 of the Constitution was an insuperable obstacle to importing the provisions of the Convention into the domestic law of Ireland.[72] Following the failure of this appeal, MacBride lodged his anticipated complaint with the European Commission of Human Rights, on 8 November 1957, alleging a breach of article 5 of the Convention and seeking financial recompense for Lawless.[73] The focus of attention then turned back to the internment commission that had adjourned its sitting the previous September. At the resumed session in

[68] *The Irish Times*, 8 November 1957.
[69] *The Irish Times*, 9 October, 1957.
[70] *The Irish Times*, 17 October, 1957.
[71] *The Irish Times*, 22 October, 1957.
[72] *The Irish Times*, 4 December 1957.
[73] NAI, DEA, 98/3/127 Part IV, folder No. 1, statement of complaint and claim, 8 November, 1957.

December, Lawless finally secured his release from custody when a compromise in relation to the government's constitutional undertaking was reached with the Attorney General, Andriais O'Caoimh. Lawless, who stated that he could not respect the Constitution owing to religious objections,[74] consented to give a revised form of the undertaking, where he agreed to 'obey' as opposed to 'respect' the Constitution. The Attorney General then recommended his release to the government, and Lawless was freed on 11 December 1957.[75]

Succeeding Lawless's release, MacBride embarked upon the lengthy and complex process of prosecuting the case through the machinery of the European Commission of Human Rights. MacBride, who had made his name as a barrister representing republicans for free in the 1930s, was ably qualified and experienced to promote Lawless's interests in this forum. Throughout his public career MacBride had taken a keen interest in international human rights and as Minister for External Affairs, was involved in drafting the European Convention. Certainly throughout his colourful tenure as External Affairs Minister, MacBride was to have a considerable impact on Irish foreign policy and greatly increased the country's diplomatic representation abroad through membership of organisations such as the Council of Europe and the Organisation for European Economic Co-operation (OEEC).[76] The first stage of Lawless's application was written as both sides filed various observations and memorials as the European Commission considered the admissibility of the case. In its defence, the government contended that Lawless's application was politically inspired and made for the purposes of propaganda and sought to deny the admissibility of the case under Article 17 of the Convention, alleging that Lawless was a member of the IRA, or one of its splinter groups, at the time of his arrest in July 1957.[77] It had previously been laid down by the European Commission, in the German Communist Party Case, that under Article 17, anyone involved in an organisation that was trying to supplant the freedoms set out in the

[74] In fact Lawless objected to Article 44 of the Constitution, (which was deleted from the Constitution in 1972) which recognised the special position of the Catholic Church in Irish society, but also recognised the position of other churches including the Protestant denominations and the Jewish faith. Lawless's objection stemmed from the fact that this article did not put the Catholic Church in a state of pre-eminence over all the other religions present in Ireland.
[75] NAI, DEA, 98/3/127 Part IV, folder No. 3, reply of complainant to the submissions made by the respondent Government, affidavit of Ciaran MacAnally, 21 February, 1958.
[76] MacDermott, *Clann na Poblachta*, pp.134-135.
[77] NAI, DEA, 98/3/127 Part IV, folder No. 7, decision of the commission as to the admissibility of application no. 332/57, 30 August 1958.

Convention, were barred from invoking it in their favour. Not surprisingly, Lawless refuted these allegations and stated that he had disassociated himself from the splinter group 'sometime towards the end of 1956.'[78] This phase of proceedings eventually culminated with the convening an oral admissibility hearing before the European Commission, held in Strasbourg on 19 and 20 June 1958, where it was ultimately decided to permit Lawless's application.[79]

In considering the merits of the case, responsibility now fell on the members of the European Commission of Human Rights to draw up a secret report containing an opinion as to whether the facts of the case disclosed a breach of the Convention. This report, in ordinary circumstances, was then to be transmitted to the Council of Europe, where the case would be finally decided.[80] To do this, the Commission was required to conduct an investigation with a view to ascertaining the facts of the case. The Commission, which consisted of a representative from each of the member states of the Council of Europe, was obliged to establish a Sub-Commission, consisting of seven of its members, five of which were chosen by lot and one each appointed by the parties, in order to discharge this duty.[81] Naturally, the government appointed the Irish member of the Commission, James Crosbie, to represent its interests in the case. Unfortunately for Lawless, MacBride committed a major blunder when he selected the British representative and president of the European Commission, C.H.M. Waldock, to be his man in the Sub-Commission. The rationale behind this decision lay in the fact that MacBride, by appointing the British representative to the Sub-Commission, wished to emphasise that Lawless's actions were not anti-British, nor aimed at the British people. However, having regard to Waldock's nationality and his influential position within the Commission, this was a strategy that was fraught with danger.

While the complaint was made against the Irish government it did concern actions within Northern Ireland, which was, *de facto,* a part of the United Kingdom. The governments of Britain, Northern Ireland and the Republic of Ireland were

[78] NAI, DEA, 98/3/127 Part IV, folder No. 5, reply of the complainant to the observations of the respondent Government 25 March, 1958.
[79] NAI, Office of the Attorney General [herein OAG], Shelf No. 1, 304, Box No. 1, decision of the commission as to the admissibility of application no. 332/57, 30 August 1958 submitted by Gerard Richard Lawless against the Republic of Ireland.
[80] Vincent Beger, *1960-1987, Case law of the European Court of Human Rights* (Dublin, 1989), p.2.
[81] Doolan, *Lawless V Ireland*, p. 92.

grappling with the same IRA threat and had responded in the same way with the introduction of internment. Therefore, it was reasonable to assume that Waldock would be very loath to condemn the actions of the Irish government, as it would also be construed as a direct attack on the actions of the British government. Waldock, like Crosbie, had a detailed knowledge of the Irish situation and had already proven himself to be sympathetic to his own government's position, when he originally opposed admitting Lawless's case. Allied to this, Waldock was also in a peculiar position of influence as President of the Commission. The continental members of the Commission would have been aware of the commonality of language and legal systems between Britain and Ireland which sprung from a common political, constitutional and legal history and would have had a natural inclination to rely on the opinions of Waldock on these issues.[82] In deference to MacBride, this was a subtle and clever attempt to neutralise one of the most potent members of the commission, as Waldock, who was required to act in an impartial capacity, now had a clear conflict of interest. It was hoped that Waldock, in an attempt to resolve this conflict, would put his impartiality to the Commission above his loyalty to his country. Regrettably, this was a failed tactic, as Waldock consistently argued against Lawless during the deliberations of the Sub-Commission.

Following a lengthy investigation of the facts by the Sub-Commission, which included a personal appearance by Lawless in April 1959,[83] its members formed the opinion that there was no violation of the Convention by the Irish government. This view was then transmitted to the plenary Commission which adopted its report based on these findings. Nevertheless, it was predicted in the contemporary press, owing to the gravity of Lawless's allegations, that the Commission would circumvent the Council of Europe and make the landmark recommendation that the case be referred to the newly established European Court of Human Rights for final adjudication.[84] This court, which was originally envisaged under the terms of the European Convention of Human Rights, had not actually been set up until 1959. Therefore, as a result of the Commission's anticipated referral on 4 April 1960, Lawless's action not only became the first case to be heard by this body, but also turned out to be the first

[82] Doolan, *Lawless V Ireland*, pp. 92-94.
[83] NAI, OAG, Shelf No. 1, 301, Box No.1, Verbatim record of the hearings held by the Sub-Commission on 17, 18 and 19 April, 1959.
[84] *The Irish Independent,* 2 January, 1960.

time an individual contested a lawsuit against a state.[85] Unfortunately, under the rules of procedure, Lawless or his Counsel were now prevented from litigating his claim to final judgment in this arena, as he was not allowed to appear as a party before the Court.

The hearing of the case took place over a protracted period between October 1960 and July 1961, during which the Court issued three separate judgments, establishing much of its early case law. The Commission, appearing in its appointed capacity as defender of the public interest, in the preliminary stages of the proceedings, despite opposition from the Irish government, attempted to afford Lawless some standing before the court. Consequently, the first two of these judgments were concerned with the rights of the applicant and the Commission vis-à-vis the Court. Under Article 31 of the Convention, the report adopted by the Commission the previous year was to be transmitted only to the Council of Europe and the government of Ireland, who were not at liberty to publish it. Despite this, the Commission had also sent a copy of the report to Lawless, in order to obtain the observations of his Counsel on the issues raised by the document. In its first judgment on 14 November 1960, the Court considered that as soon as a case had been referred to it, the proceedings took on a judicial character and hence were public, taking place in the presence of all parties. The Court therefore ruled that the Commission had not exceeded its powers in transmitting the report to Lawless, and was entitled to receive his written submissions, as it was in the interests of the proper administration of justice that the Court should have knowledge of and if need be, take into consideration the applicant's point of view.[86] In its second judgment, handed down on 7 April 1961, the Court also ruled that the Commission, when it considered it desirable to do so, had the right to invite the applicant to place some person at the disposal of the delegates of the Commission,[87] usually the Senior Counsel of the applicant, as is the practice today.

Following these procedural questions, the Court released its judgment on the merits of the case on 1 July 1961.[88] The fundamental principles raised by the Lawless case related to whether or not a person could be imprisoned by Ministerial order

[85] *The Irish Times*, 5 April, 1960.
[86] Beger, *1960-1987 Case law of the European Court of Human Rights*, p.3.
[87] Beger, *1960-1987 Case law of the European Court of Human Rights*, p.3.
[88] European Court of Human Rights (ECHR), Lawless V Ireland (1961) [online document] http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=332/57&sessionid=250357&skin=hudoc-en accessed 14/9/2004.

without charge or trial and under what circumstances a state could suspend the operation of the Convention.[89] Throughout the course of the hearing, the Irish government persisted with its assertion that Lawless was deprived of the protections of the Convention under Article 17. It also contended that owing to the continuation of the IRA's border campaign, the government was entitled to derogate from the Convention under Article 15. After deliberating on these issues, the Court considered that the government's arguments under Article 17 were flawed, as it ruled that Article 17 was negative in scope. Essentially, Article 17 was solely designed to prevent anyone justifying, by implication from the language of the Convention, the right to engage in certain activities. In its ruling the court stated that:

> 'this provision...cannot be construed *a contrario* as depriving a physical person of the fundamental individual rights guaranteed by articles 5 and 6 of the Convention; whereas in the present instance G.R. Lawless has not relied on the Convention in order to justify or perform acts contrary to the rights and freedoms recognised therein.'[90]

The Court also ruled that internment conflicted with the government's obligations under Article 5, as Lawless was not charged with any crime, nor brought before a judge for the purpose of trial. It added:

> if the construction placed by the court on the aforementioned articles [article 5] is not correct, anyone suspected of harbouring an intent to commit an offence could be arrested and detained for an unlimited period on the strength merely of an executive decision.[91]

In spite of these findings, the decision in the case turned on the Courts ruling relative to the governments arguments concerning article 15 of the Convention. Throughout the proceedings, initially before the European Commission of Human Rights and laterally before the European Court, the Irish government attempted to argue that the ambiguous letter sent to the Secretary General, on 20 July 1957, did in fact amount to a notice of derogation. The Court ultimately accepted this contention and set about determining whether there was actually a 'public emergency threatening the life of the nation'[92] in existence in the Republic of Ireland at the time internment was introduced. The Court, setting a precedent by inquiring into this matter, laid the

[89] *The Irish Independent*, 2 January, 1960.
[90] European Court of Human Rights (ECHR), Lawless V Ireland (1961) [online document], p.19.
[91] European Court of Human Rights (ECHR), Lawless V Ireland (1961) [online document], p.25.
[92] The European convention of human rights and fundamental freedoms, 1950, Article 15(1).

burden of responsibility to prove that such an emergency did exist, firmly at the feet of the respondent government. Subsequently, the state's defence in this matter was based on three premises. Firstly, there was in existence in the Republic of Ireland 'a secret army, engaged in unconstitutional activities and using violence to attain its purposes,' secondly, the fact that 'this army was... operating outside the territory of the state' jeopardising the relations of the Republic of Ireland with Northern Ireland, and thirdly, that there was 'a steady and alarming increase in terrorist activities from the autumn of 1956 and throughout the first half of 1957.'[93] The court agreed asserting that:

> the application of the ordinary law had proved unable to check the growing danger..., whereas the sealing of the border would have had extremely serious repercussions...beyond the extent strictly required by the exigencies of the situation...therefore the administrative detention instituted under the act...of 1940... appeared, despite its gravity, to be a measure required by the circumstances.[94]

This finding was crucially important for a relieved Irish government. As the court established that the government was entitled to derogate from the Convention under article 15, it ruled in the government's favour and held that it had not breached the Convention when it interned Gerard Lawless in July 1957. [95]

The Special Criminal Court

The release of this judgment and the conclusions it had reached were of little practical consequence in the immediate short term, owing to the fact that the government had decided to discontinue the use of internment in February 1959.[96] In spite of this, coupled with declining IRA activity, it can be reasonably assumed that the progression of the Lawless Case played a substantial part in facilitating the government's decision. Nevertheless, Lawless's action was to have an unforeseen corollary for the IRA. The IRA emerged from the internment episode a demoralised and feuding organisation and between 1959 and 1961 the number of incidents along the border had declined steadily. The extent of the decay in republican fortunes became apparent in the 1961 general election in the Republic, when Sinn Féin

[93] European Court of Human Rights (ECHR), Lawless V Ireland (1961) [online document], p.29.
[94] European Court of Human Rights (ECHR), Lawless V Ireland (1961) [online document], p.30.
[95] Beger, *1960-1987 Case law of the European Court of Human Rights,* pp.8-9.
[96] NAI, 8th Government Cabinet Minutes Volume II, offences against the state (amendment) act, 1940: release of detained persons, 17 February, 1959.

garnered just three percent of the vote.[97] In this atmosphere, the government in Dublin was content to alleviate some security measures in the belief that the campaign was fading out. Ultimately, this was not to be the case, as the IRA sought to reassert itself in the early 1960s. On January 27 1961, an IRA unit gunned down RUC Constable Norman Andersen a few yards from the border near Roslea Co. Fermanagh.[98] This was a particularly callous attack, as a republican press release accused Constable Anderson of spying on the IRA in the Republic, while local rumour had it that Anderson was crossing the border to see a girl.[99] As *The Irish Times* noted:

> The assassination of Constable Anderson has given the government the most serious setback... The government now will be faced inevitably with the choice of an even more rigorous use of its emergency measures or the danger that new incidents may recur. [100]

This proved to be an accurate observation. Throughout March and April 1961, the number of IRA incidents in Northern Ireland again began to rise; for example, on March 28 Glassdrummond Bridge in Co. Derry was destroyed and an RUC patrol was ambushed. The following November, a similar IRA ambush of an RUC patrol at Flurrybridge on the Armagh/Louth border, resulted in the death of another RUC Constable, W.J. Hunter.[101] The British government, horrified at this attack, tendered a note to the Taoiseach expressing 'gravest concern at the murder of an RUC Constable on the border'.[102] However, the release of the judgement in the Lawless case now seriously constrained the government if it wished to reinstate detention without trial. Resort to such measures exposed the government to the future possibility of another indictment before the European Court of Human Rights, where it would again have to justify and prove its actions in terms of a public emergency.[103] Therefore, endeavouring to end this campaign once and for all, the government opted to revive the Special Criminal Court.

Under the Offences Against the State Act 1939, the government was entitled to establish special courts consisting of army officers to try members of illegal organisations, if it was satisfied 'that the ordinary courts are inadequate to secure the

[97] Bowyer Bell, *The secret army*, p. 332.
[98] *The Irish Times*, 28 January 1961.
[99] Bowyer, Bell, *The secret army*, p.331.
[100] *The Irish Times*, 28 January 1961.
[101] *The Irish Times*, 13 November 1961.
[102] *The Irish Times*, 15 November 1961.
[103] Doolan, *Lawless V Ireland*, p.239.

effective administration of justice and the preservation of public peace'.[104] These courts differed from standard courts by virtue of the fact that the judiciary were to be army officers, with greater powers in relation to sentencing than ordinary judges. In addition, persons charged with serious offences before the Special Criminal Court would not have the safeguard of a jury.[105] In theory, the Special Criminal Court was designed for use during exceptional circumstances, to be disbanded when it was no longer needed. However, to counter the IRA threat during the Second World War, one such court was established in 1939 and over time was allowed to descend into an administrative limbo. As the IRA menace diminished, some of the court's members retired, with its last sitting held in 1946.[106] As a result, when resorting to the use of the Special Criminal Court in November 1961, the government simply appointed three new officers, Colonel James H. Byrne, Lieutenant-Colonel Joseph Adams and Lieutenant-Colonel William Rea, to fill the vacancies caused by retirement in a court that technically had never been out of existence.[107] The Special Criminal Court proved to be a much more effective instrument than internment, imposing sentences of up to eight years on republicans. By the end of December 1961, twenty-five men had been sentenced, leaving *The United Irishman* to complain 'that these military courts are used to maintain British rule'.[108] The IRA army council, faced with these unsustainable losses in manpower, finally terminated the border campaign on 26 February 1962, citing lack of public support.[109]

Conclusion

In summation, the Lawless Case was a ground breaking lawsuit that had implications for the application of the European Convention of Human Rights, Irish counter insurgency policy and the activities of the IRA. The most obvious consequence revolved around the government's ability to use internment in the future, by fundamentally encroaching on the government's right of recourse to Article 15 of the Convention. By reviewing the factors which compelled the government to introduce internment and confirming the government's assertion that a public emergency existed within the state, the European Court enshrined a vital new principle. By

[104] The offences against the state act, 1939, Section 35 (1).
[105] *The Irish Times*, 23 November 1961.
[106] NAI, DT, S 11837 B, Department of Defence memo, 3 November 1951.
[107] *The Irish Times*, 23 November 1961.
[108] *The United Irishman*, December 1961.
[109] Bowyer Bell, *The secret army*, p.334.

determining for itself that conditions existed to justify derogation from the Convention, the Court could decide if the circumstances in a state warranted recourse to derogate, taking this contention out of the hands of signatory governments.[110] Allied to these constraints, political concerns were also to play their part in the ultimate abandonment of internment by the government, despite subsequent events in the 1970s, which arguably might have justified its reintroduction. Over the years, Ireland has attempted to carve out a niche for itself as a moral and neutral voice in international affairs. Through its membership of the United Nations, Ireland has played an important role as an international peacekeeper. The employment of internment would undoubtedly have damaged this reputation.[111] The presence of Irish troops on their first peacekeeping mission in the Congo during the 1960s, together with the findings of the European Court of Human Rights, must have weighed heavily in the governments decision to reactivate the Special Criminal Court in 1961.[112]

Within the broader context of international human rights law, the European Convention of Human Rights was the first international treaty to impose fully enforceable rights on individuals. The Lawless Case, while it is notable as the first lawsuit taken by a private citizen against a state, also brought into operation for the first time, the full provisions of the Convention in the shape of the European Court of Human Rights. This body has evolved, together with other supra-national judicial entities, such as the European Court of Justice, to become indispensable in the application and construction of international law. Lawless's action was also to determine the preliminary case law of the European Court of Human Rights and laid the precedent that it was open to the European Commission to receive the written submissions of the applicant, despite the fact that an individual was not allowed to appear as a party before the Court. In addition, the Lawless Case highlighted the potential influence that international agreements could have on Irish domestic legislation, despite the bar placed by Article 29 of the Constitution on the importation of international law into Irish municipal law. On a political level, the Lawless case revived official awareness as to the uses of the Convention against Northern Ireland. In February 1960, the Belfast Council for Civil Liberties wrote to the government requesting that it take an action to the European Court, against the British and the

[110] Anthony J. Jordan, *Sean MacBride: A biography*, Dublin, 1993 p. 157.
[111] Doolan, *Lawless V Ireland*, pp.238-239.
[112] *The Irish Times*, 23 November 1961.

Northern administrations, in an effort to challenge them to justify the continued use of internment within Northern Ireland.[113] While no official action was taken, discreet enquiries were made as to the government's rights if it wished to take a case in this regard.[114]

Finally, for the republican movement, riveted by division following bitter feuding in the internment camp, Lawless's application was to have critical importance. The reconstituted Special Criminal Court was used ruthlessly against the IRA, imposing harsh sentences that represented an unsustainable drain on manpower. The IRA's safe haven in the Republic was compromised and coupled with a drastic collapse in public support when it became apparent that the campaign was heading towards a dead end, the IRA halted its military activities in February 1962. Tim Pat Coogan and Joseph Bowyer Bell both argue that in the face of public hostility it was the reintroduction of the Special Criminal Court which was to prove the final undoing of the campaign.[115] In his work on the 'B' Specials, Sir Arthur Hezlet concurs and attributes this failure to the outright opposition of the Irish government and the establishment of the Special Criminal Court.[116] If this is the case, Lawless's application, which encouraged the government to resort to this measure, could ironically and indirectly have facilitated the failure of the IRA border campaign.

[113] NAI, DT, S 14921 C, Letter of Belfast council for civil liberties, 5 February 1960.
[114] NAI, DT, S 14921 C, Memo to DEA, 9 February, 1960.
[115] See Coogan, *The IRA*, p.329 and Bowyer Bell, *The secret army*, pp.333-334.
[116] Hezlet, *The 'B' Specials*, pp.185-186.

Conquered lands: The manifestation of MacNamaras' Clare c 1250 – c1500

Lorna Moloney

This article considers the rise of the MacNamaras from the thirteenth to the sixteenth century. It traces the genealogical appearance of this sept and investigates how they came to solely control a territory almost twenty miles long and eighteen miles wide east of the river Fergus in County Clare. Tumultuous events in Thomond in the thirteenth century culminated in the expulsion of the Anglo-Norman DeClare overlords. This expulsion and the relationship with their Gaelic overlords, the O'Brien's, will be explored. This leads to an evaluation of the resourceful dealings of the clan in relation to the MacNamara rental, and who at their peak, came to dominate the landscape with fifty towerhouses, thus giving rise to the region becoming known as MacNamara's Clare.

The year 1260 provides a convenient starting point for the accelerated upward mobility of the MacNamaras which began with determined efforts to exaggerate, indeed fabricate, their pedigree. O'Harts nineteenth century *Irish Pedigree* expounded the genealogy of:

> MacConmara or MacNamara (warrior of Sea) was chief of this territory of Clan Cais. The Mac Namaras were also... styled chiefs of Clan Cuilean... Derived from... one of their chiefs in the Eighth century. This ancient family held Office of hereditary marshals of Thomond.[1]

The name derived from *Cú Mara,* 'Hound of the sea', but the progenitor was apparently Cuilein, who lived in the eighth century. Yet the emergence of the title, Lord of *Clan Chuilean,* could have been an indispensable later ideological construction meeting several requirements. Prior to the consideration of the territorial issue it is necessary to examine the origin of the clan.

The Dalcassian tribe conquered Thomond in the fifth century and subsequently the sons of Cas received lands according to their seniority. Caisin, the MacNamara ancestor, was given tribal lands between the river Fergus and the river Shannon,

[1] O'Hart-'Irish Pedigrees (1876): The territories of the Ancient Irish Families in Limerick and Clare' in http://www.clarelibrary.ie/eolas/coclare/genealogy/territory.htm [Accessed on 9/10/03]

known as *UiCaisin*,[2] which covered an area of seventeen miles stretching from north to south and sixteen miles from east to west.[3] Its boundaries were elastic reflecting this Gaelic clans spatiality of the *tuath* system within an unremitting altering political arena. *UiCaisin* was not a sole MacNamara preserve and many other clans such as the O'Gradys and O'Kennedys shared *UiCaisin* at this early stage.

Genealogically the MacNamaras shared a putative common ancestor with their overlords the O'Briens, who was the eldest son of Cas. As the MacNamaras descended from the second son of Cas, they could be considered the next most senior sept to the O'Briens. They spliced their genealogy to the O'Briens in the late tenth or eleventh centuries, strengthening this blood relationship. This coincided with the MacNamara's first known territorial expansion, resulting in genealogical and impermanent territorial advances. The fourteenth century was marked by another MacNamara territorial expansion, which resulted in the instant upgrading of the pedigree of Mac Con MacConmara (d.1328). This is evidenced by the writing of the pedigree in the oldest surviving manuscript, *Lebor na hUidre*.[4] Of all the vassal clans of *Dál gCais*, they were the only ones to do so. Other clans, such as the UíGhráda, (O'Grady) and the UíSheanacháin (Shanahans) of the *Dal gCais* did not modify their pedigrees until much later and largely do so through the *Books of Ballymote* and *Leabhair Uí Mháine*.[5]

As the MacNamaras expanded, they deliberately modified their genealogical records, in order to retrospectively invent a tradition, thus winning acceptance as a venerable political identity. Subterfuge such as this echoed trends within the royal dynasties of England and Scotland.[6] Georges Duby describes this as 'a psychological

[2] James Frost, *The history and topography of the County of Clare, from the earliest times to the beginning of the eighteenth century* (Shannon, 1973), p.35.
[3] Martin Breen, *The origin and history of the MacNamaras* (Dublin, 1999), p.70.
[4] This manuscript is MS 23E25 (1129) *Lebor na hUidre*; the document is TCD, MS H 2.7. (No. 1298), fol. 42v, left-hand margin to be found in Aoife NicGhiollamhaith, 'Kings and vassals in later medieval Ireland: the Ui Bhriain and the MicConmara in the fourteenth century' in T.B. Barry & Robin Frame & Katherine Simms, (eds) *Colony and frontier in medieval Ireland* (London, 1995), p.204. Interestingly there are a lot of 'glosses' in this manuscript, this is where text is fully worked over, sometimes in another language or heavily annotated. The book *Lebor na hUidre* was supposedly made of the hide of St. Ciaran of Clonmacnoise's pet cow. *Tain Bo Cuailnge* has been noticeably reworked in this manuscript. Daibhi O'Croinin. 'Writing' in Wendy Davies, (ed.) *From the Vikings to the Normans* (Oxford, 2003), p.195.
[5] NicGhiollamhaith, 'Kings and vassals in later medieval Ireland', p.204.
[6] R.R. Davies, *The First English Empire: Power and Identities in the British Isles, 1093-1343* (Oxford, 2000), p.99.

complex formed... by warriors into a formation of a new elite'.[7] Genealogy was always important as it made way for the creation of a dynasty and such 'political cultures ground social customs and mental attitudes' in medieval times.[8] *UiCaisin*, the original territory of the McNamaras and other clans of the *Dal gCais* was one of the nine *Triocha Cets* of Thomond. The latter denoted the 'mustering of thirty hundred fighting men' and was coterminous with the territory supplying this number of men.[9] Curiously, when the Tudor administration was developing the baronial system in County Clare centuries later, it was claimed that they employed the boundaries of the *Triocha Cets*.[10] However, as *UiCaisin* was obviously not the sole territory of the MacNamaras in early centuries, the claim of correspondence in territory must be false as research indicates that the baronies of Tulla and Bunratty in east Clare were encompassed within the territory controlled by the MacNamaras in the fourteenth century.[11] In any event, the original territory of *UiCaisin* is much smaller than the baronies of Tulla and Bunratty,[12] thus proving that the MacNamara territory grew. As Tudor land divisions relied on permanent delineations this indicates that MacNamara territorial boundaries must have become fixed by the fourteenth century, contrary to supposed Gaelic land practice of the time. They were thus exhibiting all the characteristics of a 'territorial lordship'.[13]

So not only were the MacNamaras able to implement 'traditional' pedigrees but also they became sufficiently established in Tudor time to convince the new political administration of their traditional rights concerning fixed territorial boundaries. An early ecclesiastical delineation with the Deanery of Ogashin could also have been a means of converting fluid boundary lines into permanent fixtures based on changing land tenure. Tudor administrative practice highlighted strong local political influence. A predominant characteristic in common with Gaelic practice was control over men. In Tudor times, leaders of men were still 'captains of their nations'[14]. The reason for this was probably the importance of a population due to scarcity of people in Gaelic

[7] Georges Duby, 'La feodalite? Une mentalite medievale' in *Annals: Economies, Societies, Civilisation*, 13, (1958), p.766.
[8] Davies, *The first English empire*', p.101.
[9] Michael MacMahon, '*The Triocha Cets*' in http://www.clarelibrary.ie/eolas/coclare/history/territial_div.../counties_and_Baronies.htm, [Accessed 10/9/03]
[10] MacMahon. '*The Triocha Cets*'.
[11] Lorna Moloney, *Current research for MA Thesis*, (2004).
[12] John O'Donovan & Eugene Curry, *The antiquities of County Clare*, (Ennis, 1997), p.296.
[13] Davies, *The First English Empire*, p.105.
[14] Kenneth Nicholls, *Gaelic and Gaelicised Ireland* (Dublin, 1972), p.19.

Ireland.[15] However, questions arise concerning the origins of the MacNamara lordship. If lordship was primarily over people, then actual fixed boundaries should not exist, however they did in MacNamara's Clare. Another area to note is the transformation of the MacNamaras where titles were concerned. The *Annals of the Four Masters* and the *Annals of Innisfallen* report in the eleventh century that 'Meanma, the son of the Lord of *UiCaisin* died.'[16] In the fourteenth century, they rapidly became the Lords of Clancuilein. 'A recasting of the feudal template, taking in the social and economic structure'[17] occurred.

Medieval chieftains' did not just have an economic role, indeed the word itself carried certain expectations,

> To be a lord was not simply an intrinsic quality of birth and blood,however much the lord wanted observers to believe this. It wasa range of social roles...played out each day in ceremonial,ranging from the everyday and apparently trivial to thehighly charged annual or life-changing ceremonies.[18]

Medieval Ireland embraced this in addition to an emphasis on 'clan' based kinship. In such a society, the connection between lineage and genealogy was the cornerstone of success. For medieval Ireland, the legal rights concerning the property of a clan member were well known and this is why the MacNamaras were determined to augment their pedigree and expand their territory in any way possible to secure their elevation.[19] As late as the twelfth and thirteenth centuries, the MacNamara's were subordinate followers of the O'Brien overlords, which were groups consisting of between six to twelve noble families. Evidently not considered the most important *uirrithe*, they did not occurr at the top of the witness lists of O'Brien Charters in the twelfth and thirteenth centuries.[20] They were always written below the O'Grady's. However, the MacNamara fortunes changed in the fourteenth century, partly due to the following events.

A character introduced into Thomond in the thirteenth century, the Anglo-Norman Thomas DeClare, assisted MacNamara growth. In 1276 he obtained a grant of Thomond from King Edward II, which was to have large scale consequences for

[15] Davies, *The First English empire,* p. 105.
[16] *Annals of the Four Masters*, 1014; and *Annals of Innisfallen.*
[17] Davies, *The first English empire'*, p. 104.
[18] Matthew Johnson, *Behind the castle gate: from medieval to renaissance* (London, 2002), p.14.
[19] Nicholls, *Gaelic and Gaelicised Ireland,* p.9.
[20] NicGhiollamhaith. 'Kings and vassals in later medieval Ireland', p.204.

the MacNamaras. Firstly, the appearance of a strong foreign magnate weakened their overlords; the O'Briens who were fragile as a result of a dynastic struggle following the death of a strong ruler called Tadhg Uisce in 1260.[21] The O'Briens new subservient status of tenant at will incurred the payment of an annual rent and forced provision of a military service to DeClare. DeClare built Bunratty his 'first castle of dressed stone... strengthened it with a broad-based high-crested rampart, with ditch running from the stream, [the river Raite] to the sea' in the year. [22] He manipulated the existing blood feud within the O'Brien clan, taking the side of Brian Ruadh. The MacNamaras took the side of the rival faction, headed by Ruadh's nephew Turlough O'Brien. As a result of this, Brian Ruadh promised DeClare the land in Ardsollus, situated between Quin and Limerick.[23] Quin was situated in a central fertile heartland of the MacNamara territory of *UiCaisin.* Quin and Bunratty were situated on a traditional overland route between Connaught to the north and County Limerick to the south. This pivotal position ensured that these lands had a strategic value to any new ruler.[24] The allied forces of DeClare and Brian Ruadh regained control of Clonroad in Ennis, a recently erected 'permanent stronghold'.[25] While Turlough managed to get the support of the DeBurghs, powerful Anglo-Norman rulers with lands in Connaught and Limerick. He in turn was also supported the MacNamaras and his foster family the O'Deas. The DeBurghs and the MacNamaras both had financial interests in supporting this O'Brien candidate. For their part, the DeBurghs needed to stabilise the overland route in order to maintain the integrity of their territory which would have been potentially jeopardised by Norman influence. For the MacNamaras, a permanent loss of Quin would signal a severe blow to their emerging territorial ambitions.

DeClare blamed Brian Ruadh for the subsequent failure in the battle at Moygressan in which 'special...slaughter was made of DeClare's new English' in which Patrick Fitzmaurice, his brother-in-law, was killed.[26] Afterwards Brian Ruadh

[21] See *Annals of Innisfallen.*
[22] Bernard Share, *Bunratty: The rebirth of a castle* (Kerry, 1995), p.23.
[23] Joe Power, 'The Normans in Thomond' in http://www.clarelibrary.ie/eolas/coclare/history/norman.htm [Accessed 7/06/03]
[24] Personal Communication, 'Conversation with archaeologist, Conor Riordan based on his study of the River Rine in East Clare' 23 November, 2003.
[25] John Mac Rory Magrath, *The triumphs of Turlough,* translated by Standish Hayes O'Grady (London, 1925), p.4.
[26] N.C. MacNamara. *The story of an Irish sept: the origin and history of the MacNamara* (1896) in Martin Breen (ed),(Dublin, reprinted 1999) p.38; Magrath, *The triumphs of Turlough,* p.8.

was invited as an 'honoured guest' to a banquet in Bunratty. Subsequently, 'after they had exchanged mutual vows by the relics, bells and crosiers of Munster'; DeClare,

> ... suddenly tore him from the table and the feast...caused Brian to be drawn asunder between strong steeds until death released him...and having cut off his head, had his headless corpse hung by the feet from a beam.

After this act of 'Utmost Perfidy'[27], DeClare partitioned Thomond, the west going to Donough O'Brien, the 'fertile populous' east to Turlough.[28] However, the position of the MacNamaras remained hostile to DeClare due to threats to their Quin territory, not helped by the fact that in 1280 DeClare commenced a castle at Quin. The annals claim the MacNamaras attacked him, he escaped to Bunratty his entire army including 'barons, knights and warriors was slain'.[29] At this stage the MacNamaras began to appear out of the shadow of their overlords, the O'Briens. Presumably, they did not recognise Turlough O'Brien's overlordship and displayed a strength, which increased from this point on and throughout the fourteenth century. Another text embellished Cumea More McConmara's act of storming Quin castle until '... the whole became a black vaulted hideous cavern'.[30] DeClare died in 1287 and this helped Gaelic chieftains in Thomond to regain resources, as they were subsequently free to rule without strong Norman opposition.[31] During the period 1260 to 1287 the MacNamaras gained much politically, together with the O'Deas and the DeBurghs, they supported the winning faction of Turlough O'Brien. Donough O'Brien was drowned shortly after DeClare's partition, and Turlough;s resultant long rule consolidated their strong position.

Richard DeClare, son of Thomas, an infant on his father's death returned in 1311 for his inheritance. It was now clear that the MacNamaras were a severe threat to DeClare as the territory of *UiCaisin* was now directly under MacNamara control, with the 'O'Shanahans reduced to peace' and the 'O'Kennedys put to rights'.[32] Though 'many a time attempts were made to gain access... but never once did any

[27] Share, *The rebirth of a castle*, p. 12.
[28] Magrath, *The triumphs of Turlough*, p.18.
[29] Sean Mac Airt (ed), *The Annals of Inisfallen, A.D.1280*, (Dublin, 1988).
[30] Standish O'Grady (ed), *Caithreim Thoirdhealbhaigh* (London, 1929), p. 19.
[31] Joe Power, 'The Normans in Thomond' in http://www.clarelibrary.ie/eolas/coclare/history/norman.htm [Accessed 7/06/03]
[32] O'Grady, *Caithreim Thoirdhealbhaigh*, p.71.

captain...return, unless altogether penitent'.[33] Treacherously DeClare had Lochlain MacNamara and his nephew taken 'in iron fetters' to Loch Coolmeen in east Clare. With the help of the resentful *Hy-Bloid*, the O'Kennedy's, and the O'Shanahans executed them by 'hewing his head from his body and then sinking it'. His nephew suffered the same fate and an attempt was made to conceal the execution, with the bodies and heads dumped separately.[34] DeClare repartitioned Thomond and being no ally of the MacNamaras, hanged three MacNamara hostages in Bunratty as an act of reprisal who were the eldest son of MacCon previously mentioned in the updated pedigree, and the two sons of Lochlainn. A fourth captive, a son of Cumhedha Mor, was spared due to intervention by clergy and a payment of ninety marks.[35] Following DeClare's return to England, the MacNamaras burnt Bunratty castle in 1315.[36] Direct conflict resulted between DeClare and DeBurgh as the DeBurghs needed to select a pliable O'Brien leader as communication difficulties directly affected their routes to lands in Limerick.[37] The DeBurghs departed from this alliance when it emerged that they were not able to maintain control over the MacNamaras. Their expansionist tendencies were observed and became a cause of resentment amongst the other clans. Richard DeClare's death in the battle of Dysert O'Dea marked an end for the DeClares but did not mark the end of the dynastic conflict within the O'Brien dynasty. As a direct conflict of DeClare's death; a power vacuum existed which was fully exploited by the MacNamaras. From the fourteenth century they constantly switched sides between the O'Brien factions, always managing to emerge allied to the victorious grouping. The MacNamaras tried to overrun DeClare lands even though in 1321, these were supposedly 'waste and out of cultivation'.[38] This is a strange descriptions as it was clearly inhabited in 1319 as 'Edmund Hakelut, Escheator of Ireland paid out £35 12s. 6d to five men at arms with five caparisoned horses, twelve hobelars and seventy-eight foot soldiers as ways' in order to garrison Bunratty.

Caithreim Thoirdhealbhaigh, a text covering the years 1276 to 1318 focused strongly on the MacNamaras[39] and advocated their depiction of the victorious side in

[33] MacNamara, *The story of an Irish sept*, p.116.
[34] O'Grady, *Caithreim Thoirdhealbhaigh*, p. 56.
[35] O'Grady, *Caithreim Thoirdhealbhaigh*, p.67.
[36] Share, *The rebirth of a castle*, p.25.
[37] Katherine Simms, 'The Battle of Dysert O'Dea and the Gaelic Resurgence in Thomond' in the *Dal gCais* (1979), p.59
[38] Share, *The rebirth of a castle*, p.27.
[39] Brian Hodkinson, 'Was Quin Castle completed?' Working paper in progress, November, 2003.

the O'Brien kingship. This in turn, elevated the MacNamaras role in the struggle to position of centrality. In this document the composition of leading families is broken down by individual name and for the purpose of this article it is useful to replicate at this stage. The O'Brien clan members are mentioned forty two times; the MacNamaras on thirty four instances; eleven mentions of the O'Deas and MacMahons; four mentions of the O'Loughlins; and finally three mentions each of the O'Gradys, the O'Connors of Corcu Mruad, the O'Hehirs, the O'Shanahans and the O'Liddys.[40] By establishing the status quo in such a quantitative hierarchical fashion, the MacNamaras create a desired political identity. Their exploitation of political ideology clearly worked, due to the fact that their elevated position at the end of the fourteenth century became undisputed.

At some point the MacNamaras were noticeably on an equal par with the O'Briens, as significant stresses were highlighted where the relationship between the O'Briens and the MacNamaras are concerned.[41] The O'Shanahans, members of the *UiBloid* tribe, tried to come between the O'Brien's and the MacNamaras, *Caithreim* noted that the O'Brien's regretted this as they were aware 'that his other vassals could not do as much as MacConmara either to shield or to damage him'.[42] Of more concern was the increasing importance of alliances belonging to the MacNamaras. They made marriage alliances with the MacCarthaighs, and military arrangements with the Fitz Maurices. A note in an Anglo-Irish chronicle even referred to the MacNamaras as the kings of Thomond.[43] The weakness of the O'Briens was often blamed, but it should also be noted that the ambitious MacNamaras were perpetually seeking political power. By the 1330s, the MacNamaras were recognisably powerful. Clancuilein was stretched to cover the territory between the rivers Fergus and the river Shannon.[44] They acquired rentals just like the O'Briens. Othway-Ruthven notes how the face of Irish politics was dramatically changed in this period. Constant feuding between the Anglo-Irish barons, widespread warfare on the east with the Irish, and constant government expeditions all lent to an atmosphere of upheaval. At the time of the revolution in England it is important to remember that such a social world shaped the

[40] NicGhiollamhaith, 'Kings and vassals in later medieval Ireland', p.204.
[41] NicGhiollamhaith, 'Kings and vassals in later medieval Ireland', p.203.
[42] NicGhiollamhaith, 'Kings and vassals in later medieval Ireland', p.206.
[43] NicGhiollamhaith, 'Kings and vassals in later medieval Ireland', p.204.
[44] MacNamara, *The story of an Irish sept'*, p.133.

MacNamaras. 'We cannot suppose that the Irish magnates were either unaware of or indifferent to the revolution which had taken place in England'.[45]

Vast 'territorial ambitions' show what constituted success at this time and what influenced the MacNamaras.[46] While the political world of the MacNamaras seems only important now at a local setting, it was not perceived that way in the period covering 1320 to 1420. The consequences of visible conflict were obviously many. The ties between the O'Briens and the MacNamaras were supposedly strong yet the MacNamaras became extraordinarily powerful. Royal Ordnances meant landowners had to provide defence of their lands, irrespective of location.[47] From the fourteenth century, the MacNamaras certainly adopted permanent architectural markers, namely towerhouses. Loeber dates Danganiviggan in West Clancuilein to 1380 and others noted that many MacNamara towerhouses were not as late as the fifteenth century as has been commonly supposed.[48] It is also important to look at developments in other provincial theatres to take into account events that may have influenced the MacNamaras. In Ulster, consolidation of the O'Donnell lordship occurs due to gallowglass support.[49] The MacNamaras differed as they fulfilled their ambitions by gaining lands from clients or conquering the land of their enemies. Connaught exhibits continual political ruin in the late fourteenth century, largely because of internal dissention due to the splintering of clans into rival lines. The O'Connor divides into the branches of Donn and Ruadh;[50] with the MacNamaras following a similar pattern.

Munster appears strong, the effects of the Desmond - Ormond rivalry impacted on local events only but have little influence outside it. Munster differed from other provinces because it was geographically self-contained. Large dominions in this province reflect this pattern.[51] Could the large territory controlled by the MacNamaras in the fourteenth century be an emulation of the Desmond lordship? The MacNamaras had strong alliances with the Desmonds, references in the *Ormond Deeds* highlight some of these influential relationships.[52] The social groups inhabiting Ireland had

[45] A.J. Ruthven, *A history of medieval Ireland* (London, 1980), p.247.
[46] Ruthven, *A history of medieval Ireland,* p.243.
[47] Ruthven, *A history of medieval Ireland,* p.243.
[48] See Rolf Loeber, *A biographical dictionary of architects in Ireland 1600 – 1720* (London, 1981)
[49] D.B.Quinn, 'Irish' Ireland and 'English'Ireland' in Art Cosgrove, (ed), *A new history of Ireland II; medieval Ireland 1169-1534* (Oxford, 1987), p.627.
[50] Mary O'Dowd, *Power, politics and land: early modern Sligo 1568-1688* (Belfast, 1991), p.60.
[51] Quinn, 'Irish' Ireland and 'English' Ireland', p.627.
[52] Ruthven, *A history of medieval Ireland,* p.137.

different dynamics and exhibited cultural differences and tendencies. There was a marked expansion of Anglo-Irish groups as well as the groupings controlled by the Gaelic chieftains. A few maintained their Englishness, others became Gaelicised and some managed to mix 'cultural and legal prescriptions as suited local, family or personal agendas'. The MacNamara actions in the fourteenth century adopt many of these tactics.

As the MacNamara resources are directly related to the MacNamara rental, or the *Suim Tigernais Meic Na Mara*, it becomes necessary to explore this document as it relates to their consolidation of territorial holdings. Lying within the range of years, 1340 to 1380 each section of the rental is delineated by the fluid boundaries of the *tuath* of which eight pay tribute. By looking at the findings it is clear that it is the known newer acquisitions, *Tuath na Haman, Tuath O'Floinn, Tuath Gleanomra, Tuath UiConghaile, Tuath UiRonghaile and Tuath Eachtaoi* which pay the majority of the tribute. The total rental equals approximately 885 ounces of silver. Food rights are included for some of the *tuaths* on the free lands of the territory. The *tuath* paying most is *Tuath Eachtaoi*; this is modern day Feakle and what was known as O'Shanahan country, who were one of the main rivals of the MacNamaras. Of all the *tuaths*, this is the one with the least known resources where land quality is concerned, yet it paid almost 16% of the total rental. The O'Shanahans leave this area in the fourteenth century, probably because of the high tolls extracted by the rental. The document also provides simplistic English observations cited in *The State Papers of Henry VIII* that 'all that is owed for land to chief captain is service and certain customs in meat and drink at Christmas and Easter'.[53] The rental mentions such services but also itemises a list of separate costs owed, and is clearly a representation of a 'tightly regimented, political landscape'.[54]

Analysis of the MacNamara expansion and direction of their rental resources becomes important as the annexed territory show why the MacNamaras needed such legitimating processes. The O'Shanahans, who were part of the *UiBloid* and vassals of the O'Briens, had sizeable land rights in Feakle and other areas before 1318. Sometime after their departure, the MacNamaras extend their territory to encompass O'Shanahan tribal lands. Could the divisive actions of the O'Shanahans have led to this? The O'Shanahans were not the only clan to suffer as many of their own kinship

[53] *State Papers,* Henry VIII. II.5.
[54] Davies, *The first English empire,* p.40.

groups were downwardly displaced as a result of the MacNamara annexations. The following examination of two Dalcassian clans, namely the O'Gradys and the O'Kennedys bears this out. The O'Gradys were also descendants of the *UiCaisin* branch of the *Dal gCais* and much of their original territory lay in the barony of Tullagh lower. However, another source mentions that a Hugh O'Grady left County Clare in the beginning of the fourteenth century to settle at Killballyowen near Bruff in County Limerick, where through judicious marriage alliances, he managed to a acquire a considerable amount of property. In an advantageous marriage, Hugh's son William, married a daughter of the Knight of Glin.[55] As Nicholls notes many of the other O'Gradys turn into the 'best of ecclesiastical families, as is the Irish fashion'.[56] However, a description of an attack on the O'Grady's by the MacNamaras in the *Caithreim Thoirdhealbhaigh,* gives one of the reasons they could have been glad to avoid such a militaristic lifestyle near MacNamaras Clare.

> Now therefore they stormed the Dunalachs' strong boolies, and on that clan did grievous killing that played havoc with them: women and boys and (whole) families included; whereby that murderous far-secluded area became a mere heap of carnage thickly stacked. There in abundance they had young men lying on their faces, women in lamentation, kine that bellowed deafeningly; and by this red raid Clancuilein effectively relieved Kineldunal of all care in respect to their cattle and young people.[57]

Some of the transplanted O'Gradys became linked to Tuamgraney in east Clare, while others went to Limerick. The O'Kennedys, who were not referred to in the list of mentions in the *Caithreim Thoirdhealbhaigh,* were part of the *UiBloid,* and of the same lineage as the O'Briens of the fifth century. They were expelled to north Tipperary, to former *UiBloid* lands, where they subsequently carved out a successful lordship in new a territory.[58] The O' Kennedys were bound to the MacNamara rental and like the O'Shanahans paid a high fraction of the total tribute which was approximately 14%. This could be the reason they left east Clare in the fourteenth century to carve out a new lordship in north Tipperary. Their old territory was quickly forgotten but a parish in east Clare still bears the name Killokennedy. Shortly afterwards there was an attempt made to include the O'Kennedys in the feudal network centred on Nenagh in north County Tipperary, showing how rapid the

[55] 'O'Grady', in http://www.clarelibrary.ie/eolas/coclare/genealogy/ogrady_family.htm [accessed 10/9/03]
[56] NicGhiollamhaith, 'Kings and vassals in later medieval Ireland', p.206.
[57] Simms, 'The battle of Dysert O'Dea and the Gaelic resurgence in Thomond', p.59.
[58] Ruthven, *A history of medieval Ireland,* p.243.

implementation of instituting the Gaelic lordships could be.[59] Anglo-Irish lords established 'indentured retainers' resulting in new ties being created between the Anglo-Irish and the Irish in the fourteenth century. Mahon O'Kennedy, probably an expelled chieftain, was known to have

> ... made his retinue with the earl for all of his life, to serve him in all matters against all whomsoever, for his life, and at his own costs in the marches of Ormond and Ely and elsewhere at the earls cost.[60]

To seal the agreement, he would receive lifetime grant of lands and the lands of his father would revert to him as well.

In 1356, Donough MacNamara agreed to 'his own cost in his marches where he can return home and elsewhere in Ireland at the earls cost', and is granted the return of lands. The MacNamaras quickly learned to adapt when acquiring territories and this may be how they obtained Tradaree and Bunratty. The MacNamaras, loyal to those in power, knew how to manipulate the status quo to realise their ambitions. Content to forget previous enmity the MacNamaras signed a similar agreement the same year. This meant that they could be fighting under the same standard as the O'Kennedys. Such a practical mentality is largely ignored when dealing with internecine warfare, usually seen as chaotic and disorganised. It was not always so, and the MacNamaras were practical if the clans in question were no threat. While other sources maintain that clans like the O'Gradys and O'Kennedys often disappeared into obscurity,[61] the story could be one of relocation. By the end of the fourteenth century, taking all the MacNamara acquisitions into account, the Clanchuilein territory covers all of east Clare. The territory had almost doubled. Far from being just mere dues and 'tributes of recognition, support and hospitality and rents',[62] the rental indicated highly complex mechanisms of commercialisation, blackmail in some cases, and evidence of consolidation of victories and expansion of territories by the MacNamaras.

The economic changes, wrought by the rental, show that the document established tribute before the division of Clanchuilein into west and east, headed by

[59] Davies, *The First English Empire,* p.105.
[60] *Ormond Deeds* HMC Series.
[61] Nicholls, *Gaelic & Gaelicised Ireland* (Dublin, 1972), p.12.
[62] Davies, *The first English empire'*, p.107.

MacNamara Reagh and MacNamara Fionn, an arrangement that was to last until the seventeenth century. Contrary to the O'Brien rental where

> There would appear to have been a relationship between the economic potential of a land unit and the amount of tribute levy, interior upland land denominations paid less tribute than their more fertile lowland counterparts.[63]

The O'Brien rental had no tributes from annexed territories and appeared as a document produced by 'a less intrusive non-resident overlord who exerted control through allied clans and stewards instead of kinsman'.[64] On looking at how the MacNamaras gain elevated positions as kingmakers to the O'Briens, feudalism is clearly shown and as Doghshon exemplifies in 'Pretense of Blude' that 'functions...carried out by allied clans whose kinship ties to the leader were at best distant or frequently fake' become one of the building units of it.[65]

On analysis, the rental is a camouflaged document, a mechanism that the MacNamaras manufactured and employed to rid themselves of neighbours they no longer wanted and a means of gaining much needed resources to consolidate their position. The O'Gradys were part of the *UiCaisin* too, yet they were expelled. Such expansionist realisations were probably greatly resented, and in 1353 at Bunratty, a rare case of 'ecclesiastical discipline' occurred. Two MacNamaras 'rejected the authority of the Holy See', and were burnt as heretics at Bunratty by order of the Bishop of Waterford,[66] Richard Craddock. By the early 1370s, Clanchuilein was divided. In any event, it did not solve the problem and in 1378, as fratricide occurred. Hugh, chieftain of east Clanchuilein, allied with the English killed Teige, his half-brother, and chieftain of west Clanchuilein.[67] This was largely due to manipulations of Sir William Windsor, an English fourteenth century ruler,[68] as a MacNamara threat was evidently observed within royal circles. With this division, the titles east and west Clanchuilein subjugated the *UiCaisin* name[69] by erased other tribal influences and protected newly created claims. Their building programme commenced and

[63] Pat Nugent, 'The dynamics of the clan system in fourteenth century east Clare' in Ciaran O'Murchadha (ed), *County Clare studies: essays in memory of Gerald O'Connell, Sean O'Murchadha, Thomas Coffey and Pat Flynn* (Ennis, 2000), p.56.
[64] Nugent, 'The dynamics of the clan system in fourteenth century east Clare', p.56.
[65] Nugent, 'The dynamics of the clan system in fourteenth century east Clare', p.56.
[66] Breen, *The story of an Irish sept,* p.133.
[67] *Annals of the Four Masters,* entry 1378.
[68] Breen, *The story of an Irish sept,* p.139.
[69] Frost, *The history and topography of the County of Clare,* p.36.

proceeded uninterrupted until the sixteenth century. These castles strengthened both factions and reflected newfound wealth and were strong enough to take on any rivals and equal to internal threats. They ultimately built fifty in Clanchuilein.

The first half of the fifteenth century was noticeably calm for the MacNamaras. However as the O'Brien's were making successive marriage alliances with the Clanrickard and the House of Desmond,[70] there was little to suggest that the MacNamaras were doing the same. While later marriage alliances were conservatively within Thomond and Connaught, earlier alliances indicated that McNamaras were well equipped to cope with change, showing that Gaelic clans such as the McNamaras were not nearly as 'conservative, hierarchical and autocratic'[71] as English discourses would have us believe. The production of the innovative MacNamara rental in the fourteenth century was copied by the English administration in the sixteenth century. Bingham, with the Composition of Connaught of 1585 advocated that '... quarters of land... should be enrolled and laid down in way of a rental'.[72] Nicholls identified a lordship as 'a complex of rights, tributes and authority'. The elevation of the MacNamaras due to their political manoeuvring in the thirteenth century led them to capitalise in the following century. Such mechanisms involved, were complex and do not belong in simplistic internecine warfare accounts.

To conclude, the MacNamara elevation resulted in a vastly superior pedigree matched in their annexation of other tribal lands. They skilfully manipulated the power vacuum left by the DeClares in the early fourteenth century. The key characteristic of the MacNamaras was the invention of the territorial lordship, first as Clanchuilein, and later as west and east Clanchuilein and led to their rise to power in the Gaelic political world. Indeed, it was this ability in the fourteenth century, which fulfilled the MacNamara ambitions. They emerged from the shadow of the O'Briens to successfully eradicate any other competition. They gain power within the parameters of a Gaelic world and indeed become 'masters of their own world'. The O'Shanahans, O'Gradys and O'Kennedys all lose vast rights and territories to the MacNamaras and are expelled to other localities and to other routes. By the fifteenth

[70] Breen, *The Story of an Irish Sept,* p.145.
[71] Stephen. G. Ellis, 'The collapse of the Gaelic world, 1450-1650' in *Irish Historical Studies,* XXXI, (November, 1999), p. 454.
[72] Bernadette Cunningham. 'The composition of Connaught in the Lordships of Clanrickard and Thomond, 1577-1641', in *Irish Historical Studies,* XXIV, 93, (May, 1994), p.3.

century, the MacNamaras traditionalised their entire territorial claim. The resources from the rental gave the MacNamaras the political power and economic resources needed to carve out a lordship instead of an unstable tribal land. Their territorial world later neatly fitted into the new barony system adopted by the Tudor state. Though the world of rights, tributes and authority would be transformed into a world of statecraft, the MacNamaras elevation to power as a Gaelic clan exhibits the dynamic of a Gaelic world which would rapidly disappear in the sixteenth century.

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