Ireland's Penal Laws

For five-and-a-half centuries after the foundation of the Monastic University of Clonmacnois in 548 A.D., Ireland was by far the cultural leader of Europe, not only for her immediate neighbors, the English, but for continental Europe as well; and for a period, it was customary for great families to send their scholar-sons to Ireland for an education.

But as it turned out there were many others besides scholars who went to Ireland. She seemed to have developed a fatal attraction for visitors (mostly armed) whether they were Norsemen, Normans, or English. And it started early—in the first half of the 9th century—as if intended to provide the Irish with a long experience for their later dealings with the English. Rebellion as a normal reaction was early planted in the Irish character, and succeeding generations of invaders always found the Irish to be exactly what history had trained them to be—a thorn in the side. Henry VIII, a specialist in thorns, saved for Ireland, in his attempt to Anglicize her, his heaviest and bloodiest hand put forth a new and alien Protestant religion, which challenged the integrity of an ancient Catholic faith. Queen Elizabeth's deputies continued the cruel game, massacring whole families in Ireland who were considered politically dangerous, and after her, James I considered outright colonization to be the only and best means for subjugating the Irish.

Soon after, the religious lines became clearly drawn as terrible wars developed between the new settlers and the Roman Catholic Anglo-Irish. When, in 1649, Oliver Cromwell arrived to reconquer the Irish, he too used a frightful military intimidation as his chief means for doing so. In the 1652 Act of Settlement, over ten million acres of estates owned by Catholics were confiscated and transferred to English owners. These were never returned, even after the Restoration, when a somewhat easier tone was taken, and the Catholics of Ireland became a dispossessed, persecuted people.

If the words "persecution" or "subjugation" seem strong, consider the terrible penal laws which were promulgated around the beginning of the 18th century. Under this penal code (which victimized about three-fourths of the nation) the Catholics in Ireland had no suffrage (no right to vote in political elections); they were barred from corporations, the magistracy (a civil officer or judge who administers law); the bar; the bench, grand juries, vestries (no right to practice the Catholic religion); and they could not be sheriffs, gamekeepers, constables. They were forbidden to possess arms, or to own a horse of the value of more than 5 pounds, and any Protestant, upon payment of the 5 pounds, could appropriate the horse of his Catholic neighbor. Catholic education was absolutely prohibited; no Catholic could buy land, or inherit it, or even receive it as a gift from a Protestant. All Catholic archbishops, bishops, deans and vicars-general were ordered to leave the country by a specific date. If after that date they were discovered, they were to be first imprisoned and then banished, and if they were ever to return, they were guilty of high treason and hanged, disemboweled, and quartered. There was a reward of 50 pounds to anyone securing the conviction of any Catholic archbishop, bishop, dean, or vicar-general. Such provisions-relegating Catholics to a persecuted, secondary citizenship divided the Irish on religious lines (although in the century that followed Scotch and Irish Presbyterians were also to experience intolerance at the hands of the Established Church of Ireland, or England).

Little wonder that many Irish emigrated to America. By 1790, nearly ten percent of the white population were of Irish origin. The Irish quickly identified themselves with the American Revolution, and one contemporary English estimate had it that half of the American army was from Ireland.

One need hardly mention the dreadful potato famine of the mid-19th century-which, in its combination of death by starvation and disease and further mass emigration to the United States that followed, reduced the population of Ireland by nearly two million people in the space of six years. Nor—as was brutally clear at least to the Irish themselves—was the famine an act of God, but rather of an administration that left people to live or die by the potato in a land where grain and beef were growing in abundance. But that policy was ultimately to reap its own reward. For the attempted separation of Irish society into the landlords and serfs inevitably resulted in the imbalance which made most of those who remained in Ireland Irishman before anything else. Thus the first stirring of Irish republicanism and Irish nationalism were deeply participated in by Protestants and Anglo-Irish, and indeed, a good deal of the national leadership sprang from these groups. This is the only one of the strange, contradictory aspects of Irish history. But as the idea of republicanism began to crystalize, it was bound to collect to itself men from all different backgrounds; the central issue of Irish independence was too important to tolerate any division based on other prejudices.