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Honors Thesis

“‘THE PATERNAL CARE OF A PATRIOT LEGISLATURE’: LEGISLATIVE INSTRUCTIONS, RHETORICS OF REPRESENTATION, AND THE CONTESTED BOUNDARIES OF THE POLITICAL NATION IN REVOLUTIONARY WAR-ERA IRELAND, 1779-1785”

by
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ABSTRACT

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This paper revisits a long-neglected controversy over the use of legislative instructions during the Irish Free Trade crisis and explores its impact on the debate over Parliamentary reform in the first years of Grattan's Parliament. I argue that the episode exposed significant tension between the Parliamentary and popular wings of the Patriot movement—one that most accounts of this era fail to note—while also leading to a major rethinking of traditional notions of representation. Importantly, Irish constituents went beyond defending their simple right to author instructions (as their American and English counterparts had done before), instead advancing them as a novel instrument through which to measure and express the national will—and thus to direct policy in a more "democratic" direction. As such, this controversy not only contributes to our understanding of the emergence of public opinion as a political force, but also suggests that the Patriots' rhetorical embrace of popular sovereignty was taken rather more seriously than intended, as well as provides an important additional context for the divisive Dungannon Conventions that would follow. The paper builds on the work of Padraig Higgins in restoring political agency to non-elite actors during the Revolutionary War era, while furthering it by putting the issues advanced by those actors in dialogue with "high political" developments.

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Introduction

Among the many unintended consequences of the American Revolution, the radical transformation of the Irish political system surely ranks as one of the most profound. In the space of a few short years, Britain granted unprecedented economic and constitutional concessions to its quasi-colonial dependency, as goals long sought by the reformist Patriot movement were realized in quick succession. Not everyone, however, was happy with the apparent price of achieving such rapid change: the large-scale involvement of the lower and middle orders in politics. From non-importation agreements to legislative instructions, a newly active citizenry, led by volunteer militia companies, employed novel methods of political expression to pressure a recalcitrant British government. Even once their immediate ends had been achieved, however, they refused to abandon their new place in the public sphere. This worried many of the same elites who had once welcomed their efforts. Patriot MPs in particular were divided by the extent of popular involvement. While some, such as party leader Henry Grattan and Cork MP John Hely-Hutchinson, thought the demonstrations of popular support lent necessary momentum to their stalled policy agenda, others, like Hely-Hutchinson's fellow Corkite MP Richard Longfield, feared the people had arrogated too much power to themselves to determine the movement's strategy and direction.

These clashing viewpoints came to a head in the so-called "free trade" crisis of 1779, an economic contraction caused by the war-disrupted Irish export industry. After Lord North's government refused to lift any trade restrictions, many in the Patriot movement coalesced around the idea of having the Dublin Parliament pass a "short money" funding bill in an attempt to force its Westminster counterpart's hand. The bill,

an eighteenth-century version of a government shutdown, would allocate only six months' worth of funding (rather than the traditional two years') to the Lord Lieutenant's administration based in Dublin Castle. Such a move during wartime would worry the British, as it would leave the country even less able to defend itself from a French invasion. Beginning in October, freeholders from twenty different Irish constituencies convened to draft instructions to their MPs in Dublin in support of the bill. The drastic means proposed, delivered through the traditionally contentious medium of instructions, provoked a mixed reaction from Patriot MPs, all of whom supported a free trade in theory. Their responses, printed alongside the instructions themselves in the *Dublin Evening Post*, provide an important site for investigating the articulation of elite anxiety in Irish politics due to the unique position of legislative instructions in eighteenth-century politics.

By this time, legislative instructions had a long history in the Atlantic Isles, although they became especially important in the second half of the eighteenth century. Instructions, like petitions, were written and signed by groups of freeholding voters to address a specific purpose. Unlike petitions, they originated from a single constituency, were addressed to that constituency's parliamentary representative(s), and usually addressed issues of local, rather than national, significance (or at most, national issues as they had an impact on local interests). There were also important differences in how these two instruments of citizen participation were received. Petitions, if they gathered enough signatures, were considered by the full Parliament, whereas instructions were meant only for the addressed MPs. Finally, instructions were widely seen to come with a claim of

binding authority, obligating a representative to vote a particular way.[1] Because of this, representatives generally felt compelled to respond—and to justify themselves in the event they decided to disobey.

It is also useful to see instructions within the broader panorama of popular politics in the eighteenth century. Parades, processions, and even novel consumption practices (such as non-importation agreements used in Ireland and America or the sugar boycotts of the anti-slavery movement) served to manifest the general desires of the political nation in an era of changing ideas about the importance, and measurability, of public opinion. None, however, allowed for the same level of specific policy intervention as instructions. Equally, none left as extensive a trail of systematized reflections on the nature of representation and the role of the citizen.

Of the two books on American Revolution-era Ireland that mention the Irish instructions episode at all, both do so in a cursory manner. Instead, each assigns greater weight to other forms of extra-parliamentary political activity within the Patriot movement. Maurice O'Connell, in a now-classic account, highlights the role of parades and processions, stressing the importance of the (armed) Volunteer companies in provoking elite action. He correctly notes that the instructions were an "embarrassment" to (some) MPs without recognizing their variety or significance.[2] This cursory treatment clashes with the obvious importance of instructions to contemporaries, which this paper will help demonstrate.[3] Padraig Higgins, in his account of popular politicization during

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[1] Christopher Terranova, "The Constitutional Life of Legislative Instructions in America," *NYU Law Review* 84, no. 5, 1333-5.

[2] See Maurice O'Connell, *Irish Politics and Social Conflict in the Age of the American Revolution* (Westport: Greenwood Press, 1976), 175-180.

[3] See, for example, Anon., *A Candid Display, of the Reciprocal Conduct of Great Britain and her Colonies: From the Origins of the Present Contest, to the Claim of Independency*, in Harry T. Dickinson, ed., *Ireland in the Age of Revolution, 1760-1805*, (London: Pickering and Chatto, 2013), vol. 2.

this period, considers a far broader range of political and semi-political activities than O'Connell, including instructions, but does so in a way that emphasizes the agency of non-elites, rather than the dynamic and complex interaction and interdependence between popular and Parliamentary forms of Patriotism.[4] This paper attempts to remedy this deficit in the literature through a comprehensive examination of the Patriot responses to the instructions of the free trade crisis, arguing that they reflect nothing less than the opening skirmish in an ongoing war among the elite as to whether and how far to accept the new, democratic politics they themselves had unleashed. The paper then reevaluate key conflicts over parliamentary reform in the 1780s, showing how the categories pioneered in 1779 persisted and were creatively repurposed to fit a surprisingly broad spectrum of positions.

The Political and Economic Context of Revolution-Era Ireland

The eighteenth-century Irish Parliament labored under two basic restrictions imposed by England. The first, dating from Poyning's Law of 1494, stipulated that all bills needed the authorization of the English Privy Council in order to become law. In practice, this meant that bills would be drawn up and debated in Dublin, and then passed on to Westminster for approval. If approved, they became law; if not, Westminster sent a revised version back to Dublin for passage.[5] The second restriction was the Declaratory Act of 1720, which asserted British legislative sovereignty over the Irish parliament.

Ireland also suffered economically from its relationship with imperial Britain. Its economy was already small and stagnant, but the British system of trade restrictions,

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[4] See Padraig Higgins, *A Nation of Politicians: Gender, Patriotism, and Political Culture in Late Eighteenth Century Ireland* (Madison: University of Wisconsin Press, 2010), 118-122.
[5] O'Connell, 18-19.

known collectively as the Navigation Acts, exacerbated the situation. Inspired by the economic philosophy of mercantilism, the Acts severely limited the trade of every constituent part of the empire in favor of England itself.[6] Ireland could not trade at all with Britain's Asian possessions—and with the American colonies only if the goods were routed through English ports first. Various quotas and restrictions were placed on most goods shipped from Ireland to Continental Europe, including wool, the most important Irish export.[7] In peacetime, Irish merchants had often been able to get around the restrictions through smuggling.[8] But when the Revolutionary War broke out, the British navy began to enforce the laws more stringently, and Ireland began to feel the full brunt of its disadvantaged position within the empire.

In the decades prior to the American Revolution, opposition surfaced periodically in parliament to both the constitutional and economic restrictions placed on Ireland under the loose heading of the "Patriot party." However, the Patriots were not a party in the sense of the Whigs and Tories of contemporary Westminster politics. Their agenda was clear, but revolved around only a few issues; even more importantly, the large majority of MPs never made their allegiance quite clear. They often liked to style themselves as the incorruptible opposition, able to vote in the national interest because immune to court patronage. However, this was not really much truth to this self-portrayal: "It was a common thing for paid servants of the Crown, while in general supporting the Government, to go on particular [generally constitutional] questions into violent opposition, and for men, who had on particular questions been the most active opponents

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[6] Larry Sawers, "The Navigation Acts revisited," *Economic History Review*, 262-284.
[7] *Speeches of the Right Hon. Henry Grattan* (New York: Eastburn, Kirk, and Co., 1813), xlix.
[8] O'Connell, 37-39.

of Government, to pass suddenly into its ranks."[9] For the purposes of this study, all MPs who responded to their constituents' instructions will be considered "Patriots," as it is extremely unlikely that they would have denied the label, given its overwhelming popularity during the war and the banally nationalist connotations it had taken on.[10]

By the time France entered the war against Britain in 1778, Ireland's poverty was so extreme that its government could not afford to outfit an army. To be ready in case of French invasion, Parliament and the Lord-Lieutenant of Ireland reluctantly authorized groups of citizens around the country to form militia units known as Volunteer companies. Although the Volunteers saw action fought only once (the threat of invasion never materialized), they remained in the public eye through frequent military parades.[11] The companies were composed almost entirely of propertied Protestants, as Catholics of any means were forbidden to bear arms. Nevertheless, the Volunteer companies were immensely popular with Catholic and Protestant landowners alike.[12] They increased so rapidly in size—totaling about 40,000 members by 1780—that they became a cause of alarm to the British Lord-Lieutenant, as he could not be sure of their loyalty.[13]

The middling sorts, especially merchants and shop owners, who formed the core of the Volunteers generally supported the agenda of the Patriot party, including their demand for a "free trade"—meaning in practice a repeal of the Navigation Acts insofar as they applied to Ireland.[14] The Patriots only began to have success in the charged

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[9] Lecky, 144.
[10] When an MP is known to have been an active and enthusiastic leader of the movement, this will be noted.
[11] In 1779, the Larne Company forced a French privateer wandering off the coast to strike its colors. See R. B. McDowell, *Ireland in the Age of Imperialism and Revolution* (New York: Oxford UP, 1979), 258-60.
[12] As evidenced by public subscriptions by Catholics and Protestants to pay the Volunteers' expenses. See Alfred E. Zimmern, *Henry Grattan, the Stanhope Essay* (Oxford: Oxford UP, 1902), 22.
[13] McDowell, 261-262; Zimmern 23.
[14] O'Connell, 20, 22-23.

environment of the American War for Independence. As Ireland's economic depredation grew visibly worse, they, in collaboration with the Volunteers, adopted some of the radical methods of the American colonists. Early in 1779, for example, committees around the country instigated non-importation agreements, refusing to buy goods of British make until their own producers were free to export without restriction. Toward the end of the same year, the Dublin regiment of Volunteers paraded on William III's birthday (November 4), a traditionally Protestant holiday, carrying signs like "A Free Trade—Or Else" and "Relief to Ireland."[15]

Because the Volunteer companies provided a visible manifestation of popular support for Patriot positions, most opposition MPs actively courted their favor, at least initially. (Indeed, many MPs served as the honorary captains of their local Volunteer companies.[16]) By the time some began to sour on the Volunteers' "politics of association" as a result of the instructions episode, it was in many ways too late: the militia companies had come to symbolize the Patriot movement itself. As Padraig Higgins has shown, many Irish newspapers participated in this mythologizing process, actively positioning themselves as champions and spokesmen of the "brave, determined Volunteers."[17] Local businesses advertised such wares as stirrups and uniforms for the companies on the front pages of the papers. "Gentleman" Catholics underwrote many of their expenses through subscriptions.[18] Alehouses and company meetings provided a forum for Volunteers (and others) to discuss politics, helping to further politicize the movement. Opposing the visceral Patriotism they embodied with abstract considerations of political economy, as

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[15] O'Connell, 174-175; McDowell, 267.
[16] See "*To* Luke Gardiner, Captain of Castleknock Volunteers," *Dublin Evening Post*, November 16, 1779.
[17] Higgins, *A Nation of Politicians*, 42-44.
[18] *Dublin Evening Post,* November 25, 1779; on Catholics, see again Zimmern, 22.

many MPs felt obligated to do in their responses to the short money bill instructions, would prove difficult.

The Instructions

As Ireland's situation grew worse and the Patriot movement grew stronger, Britain remained complacent. Early in 1779, Parliament rejected a limited proposal for the relief of Irish trade. Sometime later, the Dublin Parliament, spurred on by its Patriot MPs, unanimously approved a resolution informing King George III that "no temporizing expedient, but a FREE and UNLIMITED TRADE to all its ports, could save this nation from destruction."[19] This declaration, however promising, was not deemed sufficient by the Patriot movement at large; it had seized upon a more radical tactic. To force the hand of the obstinate "Pimlico Parliament," pamphleteers and more radical MPs began to advocate the passage of a short money bill.

In the run-up to the King William's Day parade, a call appeared in the *Dublin Evening Post* for the freeholders of the Irish counties to prepare "to instruct their representatives, relative to their parliamentary conduct."[20] Although their authors took the occasion to address a number of contemporary issues, such as relief for Catholics and/or dissenting Protestants, the instructions were written primarily to secure votes for the short-money bill. For the most part, their tone was mild, almost plaintive; despite the oppositional rhetoric used in some pamphlets and newspapers, the instructions' authors did not see themselves as acting against their representatives, but rather in collaboration with them. More reasons for this will be considered below, but it seems likely that the instructions' process of origination screened against self-consciously radical opinions: the

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[19] *Dublin Evening Post,* November 25. 1779.
[20] *Dublin Evening Post*, October 21, 1779.

freeholders' meetings were generally convened by the local High Sheriff, rendering them a fundamentally respectable affair.

The general symbiosis between a local elite and their more middling constituents can be seen in the case of one important exception: the Dublin University (Trinity College Dublin) constituency. As the month to draft instructions wore on, some of the University's scholars accused the provost (who in this case held the convening power of a High Sheriff), John Hely-Hutchinson, of deliberately refusing to call the meeting, allegedly in order to "deprive [the University's MPs] of the merit of complying with instructions." The reasoning of the accusers was that Hely-Hutchinson thought to secure one of the University of Dublin seats for a personal friend by making the MPs appear out of step with the national cause. An anonymous "Scholar of the House" insisted in a reply there was some misunderstanding, and that the provost would surely call a meeting if properly requested—if not, however, "any elector" had the power to do so in his stead.[21] Nevertheless, there is no evidence that any constituency circumvented the normal process. In fact, most proudly named the high sheriff that had presided at the meeting in the preface to their instructions—a detail MPs, in turn, frequently noted in their responses.

If they saw themselves as operating with an established political order, however, the freeholders were under no illusions that this order was perfect. Throughout the instructions, a general distrust of court patronage emanates. Eighteenth-century radical Whig tropes—accusations of budget waste, cries of "placemen and pensioners" corroding national virtue—are used to stand in for anxiety that MPs might be bribed by the

[21] *Dublin Evening Post*, November 16, 1779.

government at Dublin Castle to vote against the short-money bill. An open letter to Parliament from "Hibernicus" that accompanied the *Post's* call for instructions on October 23 urged MPs to stand strong against the "syren [*sic*] call" of court patronage. While basking in the assured "paternal care of a patriot Legislature," "Hibernicus" warned that sinecures would be offered to dissuade Hibernia's noble representatives assembled in "the Irish senate."[22] Thus the confidence expressed by the letter's flourishing Classical rhetoric is rather undermined by its specific admonitions and the fact of its existence. In attempt to get around seeming disingenuous, instructions often employed a dual strategy, expressing confidence in their *particular* MPs to act independent of crown influence while voicing concerns about the overall integrity of the legislative body. The constituents of Tyrone expressed their loathing of patronage in quite universal terms, urging their MPs to abolish "all unnecessary pensions and employments," striking at the root of the system that gave the Crown untoward influence over the decisions of the people's body.[23]

Astonishingly, their request to end one of the bases of eighteenth-century government was not even the most forward part of the Tyrone instructions: they enumerated, in some detail, other woes facing the kingdom, from an increasing national debt to a recent rise in the number of pensions, grounding their principal request (to vote for a short-money bill) as the inevitable conclusion of incontrovertible—and universally held—facts. Like other counties, the freeholders in Tyrone saw themselves as full participants in a national drama and framed their instructions accordingly. Co. Dublin

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[22] October 23, 1779. The use of "senate" is only one example of Patriot writers' invocation of classical rhetoric. The Irish Parliament was, like that of the British, divided into houses of Commons and Lords.
[23] *Dublin Evening Post,* 25 November 1779.

suggested an audit of public finances, while Wexford more baldly attributed elements of the crisis to the "rapacity of ministers" and the "pensioners imposed upon us."[24] They were so bold, not because they thought their representatives did not know better, but precisely because they believed that all within the Patriot movement shared general beliefs and had access to the same knowledge. As the constituents of Cork wrote, the problems of Irish trade were "too well-known to need being described."[25] Caught between the influence of Hibernicus and more radical writers, like an "old hearty lover of the people" from Galway who asserted that only the appearance of the Volunteers had rejuvenated "the flagging nerves of our once pusillanimous, if not venal P----s [Patriots]," it seems the country's freeholders saw themselves, to varying degrees, as co-equal to their MPs—and thus, equally competent to weigh in on national affairs.[26] This was a marked subversion of the normal pattern of instructions, in which constituents spoke of how their *particular* interests might be affected by proposed legislation, a matter of which they were more likely to have knowledge, rather than attempting to speak of the national interest.[27]

For all their boldness in rhetorical style and subject matter, few of the instructions expressed the binding language typical to traditional instructions, and many explicitly renounced the title "instructions." Maurice O'Connell has written of these instructions that, though some avoided words like "instruct," or "insist," all "impl[ied] a degree of compulsion in addressing their representatives."[28] This is clearly contradicted by, to take

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[24] *Dublin Evening Post,* 4, 16 November 1779.
[25] *Dublin Evening Post,* 25 November 1779.
[26] *Dublin Evening Post,* 25 November 1779.
[27] For examples of specific, locally oriented instructions, see Richard Bourke, *Empire and Revolution: The Political Life of Edmund Burke* (Princeton: Princeton UP, 2015), 376-385.
[28] O'Connell, 178.

one example, the city of Dublin, which, professing trust in the "honourable, upright, and disinterested" character of their MPs, wrote that they "should not think of conveying any instructions to [them]." Rather, the dire circumstances compelled them only to make their "sentiments" known.[29] The sheriff of Co. Wexford used similar language in the address he authored on behalf of freeholders there: somewhat amusingly, he insisted to Wexford's MPs that his sole intent had been "to make known to you the unanimous voice of your constituents"; what they did with that knowledge of popular opinion was apparently up to them.[30]

The confusing reticence displayed by some constituents seems to have its roots in a perception that their role was essentially plebiscitary, confirming the decisions of Parliamentary leadership. In this way, the instructions served to provide cover for representatives worried about justifying their potentially irresponsible vote on the money bill, allowing them to point to overwhelming public pressure. Co. Tyrone winked at this understanding, clarifying that their MPs should consider their address "not as a direction to your conduct, so much as a means to add weight to your exertions in the public cause."[31] In this way, the authors of the instructions, by and large, were not so much concerned with compelling obedience, but with fulfilling a ceremonial role in a new and exciting pageant of national politics. When they discovered that some MPs were less than enthusiastic about the money bill (or worse: less than enthusiastic about being instructed on something they nevertheless fully intended on voting for), there was a widespread

[29] *Dublin Evening Post*, 4 Nov. 1779.
[30] *Dublin Evening Post,* 16 Nov. 1779.
[31] *Dublin Evening Post*, 25 November 1779.

sense that the "social compact" guiding the movement had been broken—a reaction this paper will discuss only briefly, below.[32]

Many of the instructions were quite explicit about the new conception of citizenship guiding their actions. The freeholders of Co. Tyrone, for example, declared that "we should hold ourselves unworthy of being members of a free state, did we remain silent spectators." Voters from the County of Dublin (assembled separately from the City) stated "we should hold ourselves wanting in duty … if we did not communicate to you the voice of the people."[33] Armagh was slightly more oblique, declaring only that it was "a Matter of the highest Importance" for the counties to make known "the Sentiments of every body of Electors, at this critical Junction," without connecting this newfound duty to manifest public opinion with any explicit notion of citizenship.[34] What is clear is that, regardless of how it was understood, many throughout the popular Patriot movement felt an obligation and an expectation to intervene in the Parliamentary process in favor of a very particular solution to the free trade crisis.

What is also clear is that many were uncertain of how to reconcile this unprecedentedly large-scale, coordinated effort with the older tradition of legislative instructions. We have already seen one possible response: to write with extreme deference, defining a new role for their enterprise as merely register of public sentiment. Another group staked out a position somewhere between advice and instruction. This was typified by Co. Armagh, which used more or less forceful phrases for the various items on its long list of policy preferences. Using the rather soft word "recommend" for the

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[32] See "Discoveries Extraordinary in the Year 1779," 25 Nov. 1779.
[33] *Dublin Evening Post*, 4 November 1779.
[34] *Dublin Evening Post*, 16 November 1779.

short-money bill, the citizens of Armagh nevertheless "recommend[ed]" that their MPs worked for its passage "with all [their] power," implying that, though they did not want to come across as impudent, they fully expected to be obeyed. In other places, they recommended without qualification. When it came to the shakier idea of assembling a committee to examine the national debt, Armagh chose to "propose [their idea] for … consideration" only.[35] Other counties used even more ambivalent phrases, like "hope and expect," or "desire and expect."[36] In doing so, they were careful not to signal distrust of their representatives and, like their even more mildly phrased counterparts, did not seem to think instructions were necessary to secure the short-money bill.

Finally, there were some counties, such as Cork and Louth, that used the type of assertive language corresponding with O'Connell's characterization of the instructions. Cork's freeholders made clear that they were writing "to recommend to, and *instruct*" their MPs, Patriots Richard Longfield and John Hely-Hutchinson. They also highlighted the electoral consequences of disobedience on such an important matter, reminding Longfield and Hely-Hutchinson to act, not only "for the approbation of [their] country," but for the "future support … of [their] constituents as well."[37] Louth voters were only slightly less direct, making clear that they viewed a six-month money bill was the only "sure and efficacious" method to securing a free trade, yet conceding that the choice to pull the proverbial lever "remain[ed] with the Representatives of the people."[38]

The wide range of approaches exhibited by the instructions shows just how novel and unprecedented this moment really was. Most constituents acted as though the call for

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[35] *Dublin Evening Post*, 16 November 1779.
[36] *Dublin Evening Post*, 4 November 1779.
[37] *Dublin Evening Post*, 25 November 1779.
[38] *Dublin Evening Post*, 11 November 1779.

instructions were a carefully coordinated stunt orchestrated by Patriot leadership to mobilize pressure—no different, in principle, from the parades that marched through Dublin on King William's Day. As such, they drafted statements that were closer to a declaration of sentiments than a legislative instruction as traditionally understood. Other groups shied away from the language of instruction as well, while making it clear that they understood how the vote was supposed to go. This style of wording—to "hope & expect"—reflects a similar lack of agency, an implied unity of purpose between Parliament and the people, with Parliament leading forth and the people merely lending their voice, perhaps in part to drown out any temptation to defect for an offer of royal patronage. Only a few groups were bold enough to fulfill the logical implications of the exercise and explicitly extend the domain of legislative instructions to include items of national, not solely local, concern. Regardless of the wording of their own instructions, many MPs were so affronted by the coordinated campaign that they spoke of all of them as if in the last category.

The Parliamentary Response

On November 9, as the instructions began to pour in to Dublin, a fierce debate about them broke out in the Irish Commons during debate on a seemingly unrelated subject. A member had proposed the repeal of the hearth tax, speaking eloquently of its inefficiency and disproportionate impact on the poor. The proposal seemed destined to pass, but then three MPs spoke against it. The first two speakers' criticisms were pedantic, primarily disputing the facts undergirding the proposal. Then Henry Grattan rose to speak. Disclaiming any objective to cast doubt on the "humane intentions" behind the measure, the Patriot leader alleged that it might, if passed, get in the way of the

country's most pressing priority, a free trade. If Parliament eliminated a tax in the midst of a budgetary crisis, it would inevitably have to introduce a new tax to compensate, and quite potentially overcompensate, for the lost revenue. Not only would any attempt to stabilize the budget in this way undermine the urgency of the case for free trade, but it would, more importantly for Grattan, risk crossing the constituent "Associations" which had formed across the country.

William Brownlow, MP for Armagh, rose to second Grattan's opposition to repeal of the tax, agreeing that it would only "exasperate" the people, yet he eviscerated him for his avowed support of instructions. That associations had formed to pressure members of Parliament "to vote contrary to their judgments" was something Brownlow found both "extraordinary" and unacceptable. In response, Grattan launched into a full-throated defense of the instructions. Claiming he "considered a member of Parliament but as the servant of his constituents," he defended freeholders' right to hold their representatives accountable through instructions. Brownlow clarified that he believed in the right of the people to advise their representatives but maintained that they could never compel them.

Other MPs took up Brownlow's arguments. The Attorney General called, perhaps hyperbolically, for the disfranchisement of the authors of the instructions, which he called "a new and unconstitutional mode of dictating to Parliament." An astonished Grattan reminded the assembly of the importance of associational politics in the country's recent success at securing serious attention from Westminster; further, the Volunteers had single-handedly prodded awake the Dublin Parliament from its pre-Revolutionary state of "stupefaction." Brownlow, backpedaling from the Attorney General's extreme rhetoric,

provided the clearest statement of principled Patriot opposition to the instructions: associations were wonderful, he owned, but voters had overstepped their bounds in trying to influence the direction or parliamentary debate, or to tie MPs down in ways that interfered with their responsibility to make independent judgments.

Sir Henry Cavendish, MP for Lismore, provided a complex account of the rise of the Patriot movement that provides a clue to how many in the Irish elite saw the free trade instructions in particular as a violation of the former boundaries of popular politics. "Associations," Cavendish said—referring in this case strictly to the Volunteer companies—had "perhaps" prevented a French invasion, it was true, and could conceivably be "productive of further good" going forward. Precluding accusations that the Volunteers and their supporters were a dangerous rabble, Cavendish even acknowledged that their members were "some of the greatest and the best men in the nation." It was also true, however, that their political opinions had been "tampered with" by a rabid, even "seditious" press, rendering the content of their instructions suspect. Worse, the press had led some of them to believe they had the right to bind their MPs through instructions. He urged his fellows against "follow[ing] the advice of their constituents against their own reason" and reiterated the doctrine that "constituents may advise, but cannot compel" their representatives.[39] Flipping on its head the trope of attributing a king's wrongheaded decisions to his advisors, Cavendish defended the integrity of "the people" while simultaneously impugning their "advisors," the press; as with the original trope, the circumlocution served to sideline the acknowledged source of

[39] *Dublin Evening Post*, 10 November 1779.

the nation's sovereignty without criticizing it directly.[40] More narrowly, Cavendish reflected a sense that the Patriot elite had lost control of the popular movement and would now have to keep them in check.

MPs used more care in their formal responses to the instructions than they did on the floor of Parliament (although the report of this debate was published in the press at the time). Those who did feel reluctant to embrace free trade instructions, either in principle of in substance, were as eager not to upset the new popular machine as Grattan was to exploit it. Their responses can be roughly divided into two categories. On the first level, MPs danced around the question of how they intended to vote on the short-money bill; in this way they hoped to avoid the larger question of whether they were obligated to do so. A more common approach was to differentiate between the ends (in most cases, a free trade, though encompassing other proposals) and the means (a short-money bill, an audit of state finances, etc.) proposed in the instructions. MPs in this camp emphasized their support for the former, while forthrightly confessing their reservations about the latter. Importantly, none outright rejected their constituents' right to send the instructions. Undoubtedly, they feared the political consequences (of which Grattan had so forcefully warned), yet on a deeper level they seem unsure of how to proceed in the new political context the instructions had created.

Ironically, William Brownlow, one of the foremost Patriot skeptics of instructions during the debate in Parliament, wrote one of the most non-committal responses. Carefully sifting the views he had expressed to his colleagues so forcefully only days prior to writing, he claimed that he was honored to receive the people's advice "upon

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[40] For a contemporary Irish example of blaming the king's ministers for his government's bad policies, see W. W. Seward, "The Rights of the People Asserted," in Dickinson, ed., vol. 3, 98-101.

every Subject that you shall think deserving of your Attention" (by itself a cool reception for freeholders who had just breathlessly announced their conviction that the national crisis called for *their* voice). He would be doubly honored, he went on, if circumstances should permit him to act in accordance with their "Wishes." Driving the knife in further, Brownlow explained that he was, in fact, leaning toward supporting the short-money bill, as his constituents desired. But the fact he portrayed himself as at leisure to consider the proposed legislation for himself implicitly denied that thee instructions had binding power. In the end, Brownlow embraced a more traditional conception of representative politics, insisting he could only promise to promote what he determined to be the "public good," regardless of how this aligned with public opinion.[41]

Those MPs who differentiated between ends and means, by contrast, emphasized that they were obeying the instructions in intent, although they still did not acknowledge any obligation to do so. John Foster, MP for Louth, explained that a six-month money bill would damage public credit, but agreed on the critical importance of securing a free trade. To soften the blow of rejection, he clarified that the "hoped … to act agreeable to the *desire*" laid out in the instructions—as if that held the same value as honoring the substance of the request. Richard Longfield of Cork rather extravagantly professed to value nothing more than constituent approval. He boasted of the "well-connected and close union" he enjoyed with his voters, explaining it could only be the result of deep similarity of viewpoints and of "reciprocal … interests." He thanked the Cork freeholders for their advice, but refused to commit on the short-money bill, claiming he did not yet have enough information to determine whether it would be "effectual" in securing a free

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[41] This was the same view espoused by Edmund Burke in his *Speech to the Electors at Bristol* in 1774.

trade (implying that his constituents did not either).[42] Both Foster and Longfield hoped that by emphasizing their willingness to hear advice and their deep commitment to the Patriot goal of free trade, they would be absolved, respectively, of either committing to or carrying out the people's particular will.

Even some of the MPs who planned to support the short-money bill took care to step around the loaded theoretical issues raised by the instructions. They generally did this by emphasizing the independent process through which they had arrived at their conclusions. Armar Lowry Corry and James Stewart, authoring a rare joint response to the freeholders of Armagh, wrote that they were "happy to find that the sentiments of our constituents so perfectly agree with our own." Their statement precisely echoed the language of the instructions they had received, agreeing with each proposal, from pursuing legal relief for Protestant dissenters to opposing it for Catholics. When they did make an abstract statement about instructions, it closely paralleled the wording of the address they had received: "our endeavors in the public cause will receive considerable additional weight when seconded by the unanimous voice of our constituents."[43] Not only did this statement emphasize the essentially confirmatory role played by "the people" in Patriot strategy; it explicitly asserted the MPs' intellectual priority in deciding to pursue a short-money bill.

Of the responses, only that of John Hely-Hutchinson, Cork MP, expressed the type of strong enthusiasm for instructions exhibited by Grattan in Parliament. In his overstated support for the idea, Hely-Hutchinson seemed to be addressing his fellow MPs' reservations more than his constituents. When the latter chose to speak on any

[42] *Dublin Evening Post*, 25 November 1779.
[43] Ibid.

matter whatsoever, he opined, "their sentiments ought to be received with reverence … they truly are the Voice of the People." In an explicit jab at the likes of his fellow Cork MP Richard Longfield and John Foster of Louth, he insisted that there could be no distinction between ends and means. To agree with the nation's collective voice on the importance of a free trade was also to agree with the means they had deemed most likely to achieve that end. Astonishingly, Hely-Hutchinson went on to flip the traditional relationship of constituent and MP on its head, claiming that he was willing to trust their (wise, patriotic) judgment, abdicating all responsibility to make judgment himself on issues where "the people" saw fit to speak.[44]

The delicately worded responses of nearly all MPs, even Patriots, combined with the harsher rhetoric used in Parliamentary debate, reveals how deeply the ruling elite felt threatened by this popular intrusion. The premise of representation, as they saw it, did not imply that the one representing was in fact *representative* of his community, but that he was, almost by definition, superior—qualified to lead them, and to exercise the independent judgment that came with independent wealth. Presumably, that left gaps for issues of local economic importance that an MP might need reminding of (especially when few MPs in England or Ireland resided within their districts). If, however, the people felt competent to judge truly *national* issues, the foundation of rule by the "better sort" was shattered. It is ironic that in seeking a devolvement of powers to the Parliament of Ireland, many Patriot leaders were unwilling to devolve power to their voters. However, in order to achieve the changes they sought, the Patriots depended on popular political demonstrations. They, in turn, nodded to that reliance by employing rhetoric of

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[44] Ibid.

popular sovereignty. Generally, this arrangement worked; but the instructions exposed the limits beyond which some in the alliance were not willing to go.

An anonymous 1780 pamphlet expressed this superiority-based view more directly than any MPs dared, criticizing the authors of the instructions for falling into the "error … of dictating to [their] superiors, in a business which they do not understand."[45] The author wished that "the conduct of our affairs m[ight] be left free to the deliberations of our representatives … [for] they have virtue and spirit enough to do what is right in opposition to the resolves of arrogance and presumption."[46] More strident in its rhetoric than most, the author feared the philosophical implications of the instructions because they raised questions about who was fit to govern, and what set the governing elite apart from those they ruled (or at least, those who voted for them). It might be said that the instructions were made possible by rhetoric of popular sovereignty, and in turn they made that phrase something more than merely rhetorical.

Aftermath: The Parliamentary Reform Movement

The Patriot movement made two big policy pushes in the years following the loosening of the Navigation Acts. In each phase, associational politics remained an important feature, and some of the fundamental arguments about representation raised by the instructions carried over to these new contexts. The immediate goal after "free trade" was "legislative independence." This entailed setting Ireland on a constitutionally equal footing to England—rendering it an autonomous kingdom linked to its neighbor only through a common monarchy. In practice, this meant the repeal of the Declaratory Act

[45] Anon., *A Candid Display, of the Reciprocal Conduct of Great Britain and her Colonies: From the Origins of the Present Contest, to the Claim of Independency*, in Harry T. Dickinson, ed., *Ireland in the Age of Revolution, 1760-1805* (London: Pickering and Chatto, 2013), 56.
[46] Ibid., 34.

and Poynings' Law: the former asserted Westminster's theoretical sovereignty over Dublin, while the latter set up mechanisms to enforce it. As with the trade concessions, extra-parliamentary action proved decisive. In March of 1782, the Volunteers held a massive convention at Dungannon in Ulster County, which resolved "that the claim of any body of men, other than the King, Lords, and Commons of Ireland, to make laws to bind this kingdom, is unconstitutional, illegal and a grievance."[47] The following month, Parliament passed a "Declaration of Rights" (modelled after the famous English constitutional settlement of 1689) echoing the Volunteers' demands, to which Westminster soon acceded.

The Patriot leadership was happy to be led by the popular wing in this instance because they saw how effective armed companies of ordinary men had been in provoking British fears and in giving the imprimatur of "the people" to their own actions. Furthermore, as most of the resolutions debated and passed at Dungannon were drawn up by Parliamentary leaders Henry Grattan and Henry Flood, there was an important sense in which the elites remained in control.[48] Nevertheless, in an irony not lost on Grattan, the primacy of the Irish Parliament had been secured from outside it. In two speeches given in 1782, Grattan tried to reconcile this apparent contradiction to those who had found the calling of the convention "alarming." First, he questions how meaningful it would have been had Parliament voted for an increase to its own powers, "unsupported by the people." Some demonstration of popular support was necessary with the alteration of the constitution on the line. Drawing on the radical idea of an "anti-parliament" in circulation

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[47] In W. E. H. Lecky, *A History of Ireland in the Eighteenth Century* (Chicago: University of Chicago Press, Abr. Ed., 1972), 182.
[48] Lecky, 182-3.

at the time, Grattan termed the Dungannon meeting "an *original transaction*" on par with the grant of Magna Carta or even, more audaciously (and more confusingly), the founding of Christianity. "Necessity compelled" the sovereign people to assemble, through representatives, on behalf of their liberties. "[E]very man has a share in the government, and in order to act or speak they must confer" (185). Importantly, however, they "confer[red]" sovereignty onto temporary representatives whose object was to restore power to regular, constitutional representatives.[49]

Grattan showed considerable precision in delineating under precisely which conditions an extra-constitutional assembly might be afforded legitimacy. The Third Dungannon Convention, held 8 September 1783, which was followed by a Convention in Dublin that November, would violate nearly all of them. Volunteer leaders had, in correspondence with English radicals, decided that their next target would be parliamentary reform—the abolition of "rotten boroughs" in favor of a more representative scheme of election. By itself, this goal was likely to encounter stiff resistance from a host of MPs, a large majority of whom hailed from these types of districts. To make matters worse, by the time they met, the Treaty of Paris was freshly signed (just the week prior!), and many in Dublin and Westminster began to question why these paramilitary companies had not already been disbanded.

Opponents of the Conventions coalesced around two principal arguments, both of which drew heavily on the turbulent history of the late Roman republic. First, as a military organization, the Volunteers had no right to demand anything of the civil government. The coup-like optics of men in uniform attempting to dictate systemic

[49] Dickinson, ed., vol. 2: 185, 221-2.

change to an elected body, which had plagued the first convention, only became more concerning in a climate of international peace. This was, however, a problematic argument for Patriot MPs to make, as many had freely accepted the help of the first and second conventions. Then the Dublin assembly happened. The prospect of armed men descending on the capital to intimidate the constitutional representatives of the people recalled the days of Sulla and Caesar—or at least it did to MPs eager to resist reform.[50]

Aside from raising the specter of the government's violent overthrow, representatives developed a constitutional rationale for opposing the Volunteers. In doing so, they returned to Grattan's argument from the previous year that achieving legislative independence from Britain was the full extent of the required constitutional change. Parliament was now free to act for itself, they explained; thus, there was no need for any more "original transactions"—all matters, even as something as foundational as electoral reform, now had to be pursued through standard procedures. As the Provost of the House pointed out, it was to support "the constitution, and the privileges of Parliament associated with it," that "the nation" had risen up to begin with.[51] Ironically, then, and dangerously, a movement that had originally set itself up in support of Parliament now positioned itself against it. There was a historical element to this debate as well. The original structure of Ireland's free "Anglo-Saxon" constitution had been restored; any additional change could cross over into the territory of radicalism. John Toler, member for Tralee, reminded his colleagues that "innovation in the modes of receiving suffrages" always led to revolution, pointing to the example of the Roman Gracchi brothers. For all

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[50] *Parliamentary Register of Ireland*, vol. 2:222-264.
[51] *Parliamentary Register*, 2:258.

the vehemence of their opposition, Grattan insisted he wanted to "preserve perfect union between Parliament and the Volunteers."[52]

That many in Parliament were only able to view the Volunteers through the (recent) historical lense of the crises of the Revolutionary War shows how little they understood the impact of English (and American) radical opinion on the popular Patriots. Through their activism, the Anglo- and Scotch-Irish middling sorts—freeholders, shopkeepers, merchants—had taken on the role of "the People," and through this abstraction had come to wield a level of power they would not easily surrender. In fact, parliamentary reform was in many ways the natural next step in creating an Irish nation where the people, whether through instructions, petitions or the vote, could exercise their sovereignty more regularly. Yet, however logical within their political theory, the people's turn against Parliament marked a huge rupture in how the Patriot movement conceived of itself. The fictive "union" of sentiment so carefully propped up by both sides during the instructions episode was coming undone—but that did not stop some people from attempting to salvage it.

In Peter Tarsinnen's succinct phrasing, one dominant question in radical politics on both sides of the Irish Sea (and indeed, of the Atlantic) during the last decades of the eighteenth century was "whether the legislature or the people were the final arbiters of constitutional matters."[53] Peter Burrowes, a barrister based in Dublin, tried to thread the needle in his full-throated defense of the Dublin Convention, the somewhat-misleadingly titled 1784 pamphlet *Plain Arguments in Defence of the People's Absolute Dominion*

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[52] *Parliamentary Register*, 2:255-7.
[53] T. M. Parsinnen, "Association, Convention and Anti-Parliament in British Radical Politics, 1771-1848," *The English Historical Review* 88, no. 348 (1973), 509.

over the Constitution. Burrowes combined unambiguous support for a theoretical doctrine of popular sovereignty while shying away from the idea of an anti-parliament. In the pamphlet, he expresses surprise that many thinkers, including the "luminous and sagacious" John Locke, had found themselves in a dilemma on this point: "The people cannot reform the constitution [they believe], for any act of theirs would be a dissolution of government; nor can the legislature reform itself, for no power is competent to alter the constitution, but the society at large." For Burrowes, the solution was simple. The Convention did not have the authority to alter the constitution on its own, but by assembling it gave "the best possible collection of the sense of the community" to Parliament, which could then credibly claim to act on behalf of "the society at large" to remake the rules by which the state governed.[54]

Unfortunately for Burrowes, however "plain" he felt his arguments to be, many Patriot MPs disputed the conclusions he drew from the premise of popular sovereignty. While by this point almost universally acknowledged in rhetoric, the doctrine lent itself to a wide variety of purposes and positions. In response to Dungannon, Representative Daly simply fumed that "the People" thought they could "bully the House" into agreeing with them.[55] Most MPs, however, were far cleverer in their objections. Toler, for one, disagreed that the Volunteers had any claim to embody the national will, calling them "the offspring of neither Parliament nor the People."[56]

Representative Ogle forged an even more audacious position, one that popular writers had great difficulty refuting. He positioned himself as the true heir of the spirit of

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[54] In Dickinson, ed., vol. 3:146-7.
[55] *Parliamentary Register*, vol. 2:264.
[56] *Parliamentary Register*, vol. 2:255.

the free trade crisis, arguing that his own constituents were "the only authority on Earth that ha[d] any right to instruct" him.[57] If a supposedly national assembly's orders conflicted with the instructions of his particular constituents, what then? During the great flashpoints of the Revolutionary War-era in Ireland, instructions had been used to secure a free trade, whereas a Volunteer convention had been used to secure parliamentary independence. Thus, by 1783, those were the two great tools in the box of the movement. A military convention was an affront in peacetime, so Ogles challenged supporters to use instructions if they wanted to get their way. This was, however, an absurd request, as the whole parliamentary reform was premised on the current districts being structured in such a way that they would not reflect the national will. Nevertheless, hat made it so effective was the precedent of the 1779 episode. The Patriots who had spoken in favor of the rights of constituents then were among the most radical in the caucus. Now, of necessity, the Volunteers were advancing an expanded, and, to some, radically different theory of representation, which not all of their former allies were willing to embrace.

Beyond their historical and constitutional reasons for opposing the instrument of the convention, one might ask why so many parliamentary Patriots opposed reform. No doubt those from "rotten boroughs" were eager to maintain their seats, and probably felt they had done well representing the nation within that system. The earlier debates over instructions shed some light on this debate. Many who rejected the short-money bill instructions made clear that the quality they felt should be valued in representatives was not alignment with the people's will, or representative*ness*, but rather independence of judgment. In saying no to their constituents, they often simultaneously insisted that they

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[57] *Parliamentary Register*, vol. 2:244.

were not under the influence of "Castle patronage," as many instructions had alleged in thinly veiled terms. Many advocates of parliamentary reform made their case on the independence spectrum as well. One W. W. Seward, in *The Rights of the People Asserted*, insisted that in order for representatives to be "*free* and *uninfluenced*, they should be likewise *freely-elected*."[58] Reaching back to the treatises of Locke and the satires of Juvenal, Seward made the case for the Whiggish view that the sale of offices marked the end of liberty. However, representatives like General Cunningham could plausibly point out that representativeness often conflicted with independence. In a separate debate on an absentee land tax, held the same week as the session on the Dungannon and Dublin Conventions, Cunningham insisted to his interlocutor Newenham that his position was wholly unbiased: "I speak as an independent member, *neither* biased by a minister *nor* under the influence of a county."[59] Cunningham equated pressure by the Lord Lieutenant, a universally acknowledged source of corruption, with "county" instructions, firmly rebuking civil society's attempts to participate more actively in the governing process.

Conclusion

Although nothing was ever done about it, agitation for Parliamentary reform, including additional Volunteer conventions, continued throughout the first years of "Grattan's Parliament" (1782-1800). The discussions around it cannot be understood without the context of legislative instructions, including the commitment many MPs had developed to them. This is illustrated by a debate that broke out in the House in 1785 over trial by jury. Earlier that year, the Attorney General had prosecuted the County

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[58] In Dickinson, ed., vol. 3:91. Emphasis Seward's.
[59] *Parliamentary Register*, vol. 2:288. Emphasis added.

Sheriff of Dublin, Henry Steevens Rieley, for convening an assembly of freeholders to elect delegates for an upcoming reform convention on High Street in Dublin. The government alleged that Rieley had abused his "*posse comitatis [sic]*" authority—or the right to convene "the strength of the community" to combat an imminent security crisis—in support of "faction." Rieley appealed to Parliament.

The debate on his case turned on obscure jurisdictional questions many in the House admitted they were not trained to answer. However, the political motivation behind the decision to take up Rieley's cause was clear: many Patriots felt the Attorney General's "arbitrary mandates against one sheriff" were meant to quash all political assembly. After all, the instructions of the free trade crisis had been issued in meetings held under similar auspices, with the county sheriff presiding. Charles Westby, always a prominent supporter of legislative instructions, made the comparison explicit, asserting the inviolable right of "associating together, and appointing meetings in their different towns and counties, for the purpose of considering and giving such constitutional instructions to their representatives as they think may be for the advantage of this kingdom."[60] It is difficult to tell for certain, but it seems likely Westby meant to contrast the *constitutional* legislative instructions he endorsed, based on assemblies within the "different towns and counties" with the kind of nationwide Volunteer conventions that had caused so much disruption in the past few years (and for which declaring explicit support would elicit little sympathy from his audience). His point, in that case, was that, however worthy the cause, the shady legal tactics employed by the Attorney General—

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[60] *Parliamentary Register,* vol. 4:369-385. Westby's speech is found on 384-6.

which controversially included trying Rieley without a jury in the Court of the King's Bench—could end up being used to quash even legitimate political activity by the public.

More research is needed to understand the full complexities of 1780s Patriot politics. It is clear even from this review, however, that the gap between its Parliamentary leaders and their newly politicized base only widened, even as figures on both sides eagerly tried to mask their differences. It is also clear that, even as the frame of reference shifted, the arguments about the proper nature of representative government first articulated during the free trade crisis continued to have resonance. In fact, the refusal of MPs like Ogles to accept the instructions of anyone but their direct constituents shows the stickiness of the categories established during the height of the Revolution. Yet this did not stop various groups from trying to refashion them to their own ends, to better address escalating disputes about the nature of the Irish polity. Understanding the pivotal debates of 1779, when cracks first began to appear in the Patriot coalition, is the best way to understand the polarized politics of the years that followed.

In the general jubilee following the grant of legislative independence, Grattan, acknowledging none of these cracks, exulted in the cohesion of the Patriot movement. "The upper orders, the property and abilities of the country, formed with the volunteer; and the volunteer had sense enough to obey him" (in Dickinson, ed., 222). Partly, he was attempting to frame the constitutional revolution that had just occurred in a non-threatening way: *contra* its critics Parliamentary, not popular, sovereignty has been the goal. The movement was not radical, not American. Yet the illusion of control Grattan expressed was central to the alliances that held the Patriot movement together. Therefore, the fact that the elite struggled to maintain it when it was disputed from below is

historiographically significant. There were conflicts, of which the instructions are an important early example. The axis of discussion shifted later on, but the results of the earlier episode reverberated, determining the way arguments were framed and the way that politicians positioned themselves ideologically, and to their colleagues and constituents. Too much of the relevant historiography, whether its focus is on high or low politics, portrays the story of this era as one of Ireland versus the British Empire, or Dublin versus Westminster.[61] Recognizing the internecine disputes of the Patriots enriches not only our understanding of that movement's complexity but serves to illustrate the dialogical development of modern ideas about representation more generally.

The fact that these debates on representation occurred in highly stratified Ireland should also prompt us to reconsider several historiographical assumptions about national boundaries and the origins of modern politics. In his landmark work *The Creation of the American Republic, 1776-1787*, Gordon Wood anchors the American post-revolutionary boom in legislative instructions (and the controversy that accompanied them) firmly within colonial history and the developments of the Revolutionary War. Wood argues that the debates about the use of legislative instructions in the United States contributed to the development of a "uniquely American science of politics," in which representatives were expected to "bring home the bacon" to their districts.[62] Clearly this conclusion must be revised. America was not the only Anglophone country experiencing debates over instructions. While the rise in social and economic power of the middling sort probably

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[61] See for example Parsinnen, 511.
[62] Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill: University of North Carolina Press, 1969), 24-27.

contributed to “democratization” on both sides of the Atlantic, it is unlikely to account for everything either. Instead, it appears that the widespread introduction of the rhetoric of popular sovereignty, once unleashed, drove expectations for a style of governance that was more truly representative.

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