

CATHOLIC EMANCIPATION 1778-1928

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DURING the present year the Catholics of the British Isles are celebrating the centenary of the Emancipation Act of 1829 and we cannot doubt that their rejoicings will be shared by many of their fellows who, though dissenting from them in religion, have rejoiced that fair play and a decent sense of justice, however contemptuous, triumphed over bigotry. Yet there is much confusion in the minds of many as to the effects of that Act and this confusion is marked by the use of the phrase, "the Centenary of Catholic Emancipation." To be more precise, 1829 marks merely a single stage, though the most striking and, perhaps, the most important one, in a series of legislative enactments designed to ameliorate the position of Catholics, extending over a period of exactly one hundred and fifty years and culminating in the Catholic Relief Act of last year. Even so, as we shall point out later, there still remains a certain discrimination against Catholics, though slight and hardly felt, which will eventually call for a remedy.

It should be noted that this article is not intended to be in any way exhaustive, but should be read as supplementary to the current articles in the Catholic Press. It aims rather to present the background than the facts themselves, hence it will be well to keep the following dates in mind:

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| 1756. First Irish Catholic Association formed. | 1798. Suppression of Irish Rebellion. |
| 1774. Act to enable Irish Catholics to make profession of loyalty. | 1800. Irish Parliament suppressed by Act of Union. |
| 1778. First English Catholic Committee formed. | 1801. Pitt resigns because of Royal opposition to Emancipation. |
| Address of loyalty presented to King by English Catholics. | 1805. Beginning of "Veto" trouble. |
| English and Irish Relief Acts. | 1814. Quarantotti Rescript. |
| 1780. Gordon Riots. | 1817. Act for the relief of Catholic Officers in Army and Navy. |
| 1782. Irish Parliament gains legislative independence. | 1820. Accession of George IV. |
| 1789. Beginnings of trouble over the Oath of Allegiance. | 1823. O'Connell founds Catholic Association. |
| 1793. Irish Catholics given the franchise. | 1826. Waterford Election. |
| | 1828. Repeal of Test Act for Dissenters. |
| | Clare Election. |

1829. Catholic Emancipation Act passed.	Ecclesiastical Titles Act.
1833. Beginning of Oxford Movement.	1852. Achilli Trial.
1846. Conversion of Newman.	1908. Eucharistic Congress in London.
1850. Restoration of English Hierarchy under Wiseman.	1914. Irish Home Rule Bill passed.
	1922. Irish Peace Treaty.
	1928. Catholic Relief Act.

Emphasis must here be laid on the fact that 1829 represents the date of *civil* emancipation, for the beginnings of *religious* emancipation are to be sought in 1778. Again we must be careful to distinguish between the Irish and English agitations, without detracting from their interrelation and partial interdependence. In this connection we must keep in mind the importance of the Act of Union of 1800 which abolished the Irish Parliament and thus involved English and Irish Catholics in a common fate, with the result that the two became more hostile than ever. Thanks to Milner, what should have been a bond became a sword of division. It should be remembered that while English and Irish had the same object in view, their methods were as diverse as their leaders. The English Catholics were led by the ancient Catholic peerage and gentry who were claiming that their rights as Englishmen should not be abridged because of their religion, whereas the Irish were demanding that the Irish people should not be deprived of their rights for either religious or political reasons. Hence the Irish movement was essentially a national one and its leaders, not personally respected aristocrats of a despised and insignificant sect, but men who had the right to speak for a nation. This is the reason why O'Connell superseded the Irish peers as the effective head of the movement. Again, it should be kept in mind that though Emancipation in 1829 was the immediate result of the political situation in Ireland, the insistent demands of the English Catholic Committee had made the idea of Emancipation seem a possible and logical solution of the problem to men who, by precedent and tradition, were more inclined to resort to Force Bills than to attempted compromises. Therefore, while not diminishing the value of the work of O'Connell, it must be admitted that had it not been for the work of the English Catholics, the answer to Waterford and Clare would probably have been bullets and not ballots.

What was the position of Catholics subject to the British Crown prior to the Relief Act of 1778 and what alleviation was granted them by that Act? Merely to list the penal laws to which Catholics were exposed would be at once an over-state-

ment and an under-statement; an overstatement, because there was considerable difference between the letter of the law and its application, and this difference was in the favour of Catholics; an understatement, because legal disability always has as its concomitant some measure of social disability not specified in the bond. Further, since the Catholic peer in England was among his own people and occasionally related to those in high places, the rigor of the law was rarely his portion, and those of lower rank, who were frequently in the position of his feudal vassals, usually shared his immunity. On the other hand, the Irish Catholic was at the mercy of rulers as alien in blood as in religion, or, and then the case was worse, of those of their own race who preferred their ancestral estates or those of their kinsmen, with the friendship of the Protestant Ascendancy, to poverty and the Faith.

It will not be necessary to detail here the penalties to which Catholics were subjected *in odium fidei*,¹ but it should be noted that they fall into two categories, the first consisting of actual penalties for the practice of the Faith and for non-conformity to the Established Church, the second consisting of disabilities before the law. The latter knew no modification in practice, whereas the former had become, by 1778, obsolescent, as mentioned above. It was these penalties for the *observance* of the Catholic Faith which formed the subject matter of the Acts of 1778 whereas the disabilities for *being* a Catholic were the concern of the Irish Act of 1793 and the British Act of 1829 and subsequent acts down to 1928.²

Since, however, our object is not to tell the story of the struggle for Emancipation in detail, which, in any event, space would not permit, but rather to aid the reader to obtain a background for the many factual narratives now current in the Catholic Press, we need not specify the provisions of the Acts of 1778. It will be enough to say that as a result of them, a Catholic could legally practice his religion, subject to certain restrictions, more annoying than important. Also his estates were no longer at the mercy of apostatising kin, nor need he, as was

¹ vide Petre, *The Ninth Lord Petre*, pp. 86 et seqq. and Gwynn, *The Struggle for Catholic Emancipation*, pp. 1 et seqq.

² The act of 1928, of course applied merely to the territory then subject to the English Parliament. Final Emancipation, as far as Ireland is concerned, may be dated from the Peace Treaty and the foundation of the Irish Free State in 1922.

formerly required in Ireland, divide his estates between his children on his death.

The purpose of this last, which does not seem to Americans to be so very unjust, was to deprive Catholics of the landed gentry which is the concomitant of the law of entail, and which, especially in a rural country such as Ireland, is the source whence come the natural leaders of a people. It had this disadvantage, however, for the Protestant Ascendancy, that, in the words of a Protestant Bishop of Derry, it "so reduced the list of the Papist nobility that all the influence of the Popish people and gentry is thrown into the hands of the clergy."³ It is not improbable that this accounts, in great part, for the power and influence enjoyed by the Irish clergy, a power greater, perhaps, than anywhere else in the Catholic world.

These Acts, for there were two, an English and an Irish, were hardly a free gift. The English Catholics had shown an unflinching loyalty even at Tyburn. Blessed Edmund Campion's prayer for Elizabeth as he stood on the scaffold was no empty gesture. It represented the will of a body as loyal to Westminster as to Rome, as was proved during the dark days of the Armada. Yet this loyalty went for little. The growth of religious indifferentism counted for more. Religion was largely a convention and hence, even if the Catholic religion was "silly" it was "harmless." This is the real reason, though not the only one, for the English Act of 1778, apart from the numerical insignificance of the faithful. Yet, the English act owes its real importance to the fact that it was the entering wedge for the Irish Act which owes its passage to an even less worthy reason. If the writer were Mr. Chesterton, he would say that "the shot which was heard around the world" ended in killing the Irish Penal Laws. The act was passed as a means of pacifying a people which was expected to furnish much of the man power needed for the suppression of the rebellious colonies. Again, there was the possibility that the American Revolution might have a reaction in Ireland. It was not that the Irish were so greatly interested in the liberties of the colonies, but that the French training of many of the clergy had made that body more friendly to Catholic France than to Protestant England and there was always the possibility, after France had entered the war as

³ Gwynn, *op. cit.*, p. 34.

the ally of the colonies, that she might invade Ireland and be welcome.

This partial toleration was not legally granted to Scotland, where Presbyterian prejudice proved too strong. Its leader, the insane Lord George Gordon, flushed with his success there, was to found the Protestant Association and, two years later, give London its first and only thorough sample of mob rule.⁴ Though the power of the Association was greatly weakened by public resentment at the lawless means used and Gordon's conversion to Judaism, it was able to delay further concessions for a half century.

These riots, whose reaction was hardly felt in Ireland, were to be the partial cause of the troubles and dissension in the Catholic camp during the next fifty years. There resulted a threefold division. The English hierarchy, now that religious freedom had been secured, at least for the time being, were for a quiet acceptance of their present status for a few years, lest Protestant resentment should be aroused by further agitation and the Penal laws be revived. The English Catholic gentry, however, desired not only religious but political emancipation. They were only a small body, unable to make even a pretence at dictating terms, and so were willing to grant "securities" to mollify their Protestant fellow-countrymen. The Irish were interested, on the contrary, in emancipation not only as Catholics but as Irishmen. They represented a majority, and that a powerful one after the extension of the suffrage in 1793, and were in a position to demand consideration even without "securities." We do not need to discuss here the "Veto Question,"⁵ though it was to prove a source of that suspicion between the Catholics of the two countries which is only now on the wane and which, perhaps, had much to do with the failure of Newman's Catholic University. It had no practical bearing on the result and is better forgotten.

Space does not permit us to discuss the happenings between 1778 and 1829. The insistent petitions for relief on the part of the English Catholics had not been wholly without effect as is

⁴ A vivid description of the Gordon Riots is to be found in Charles Dickens's *Barnaby Rudge*.

⁵ There has been too much bitter writing upon this topic, especially on the part of certain Irish writers. Too many have taken Milner at face value. Hence we suggest a careful reading of Ward, *op. cit.*, vol. ii. *passim*. For the point of view of Milner's opponents we suggest Petre, *op. cit.*, *passim*.

shown in the passage of the Act of 1817 enabling Catholics to hold commissions in the Army and Navy,⁶ yet the major credit for the Act of 1829 undoubtedly belongs to O'Connell. He it was who grasped the fact that the Irish Catholic had a weapon of which his English coreligionists was deprived. Not only had he the vote, which the English Catholic had not, but with it he could control the Irish delegation to the British Parliament. Everyone knows the story of O'Connell and his two great victories at Waterford (for, though not the candidate, he was the driving force of the contest) and Clare. Wellington, the Prime Minister, had met his political Waterloo, and he knew it and capitulated. The result was the great Act which we are now celebrating. Yet so firmly entrenched was the Protestant Ascendancy that it could, to a very large extent, dictate terms. It demanded, as its price, the disfranchisement of a large section of the people of Ireland and secured it. It still barred Catholics from certain high offices under the Crown (for instance, though Ireland was Catholic, the Viceroy had to be a Protestant) and retained some of the more trivial of the Penal laws which, however, soon fell into obsolescence. The provisions of the Act need not be here discussed.⁷ It is enough to say that after three centuries of persecution, the Old Faith had vindicated its right to exist and, as subsequent events proved, was gathering new reserves for further triumphs.

Catholics had now won religious and political emancipation, but a third remained to be won. No people can live for centuries as a persecuted sect, legally non-existent, without becoming socially inferior. The third phase of the fight for emancipation had begun. Catholics must have social rights proportioned to their religious and political ones. Their newly-won rights were of some aid in this regard. They might now serve their country and thus win esteem for the Faith. This they largely did and with good results, but it seems to the writer that the chief cause of the social emancipation of Catholics is to be found in the Oxford movement. The doctrines of the Catholic Faith, even when partially distorted into Anglo-Catholicism, proved to have an attraction for men of intelligence, to the profound astonishment of a Protestantism which prided itself upon its intellectuality. Men of genius became Catholics. Men might sneer at the Faith when it was only that of a poor Irish ditch-digger.

⁶ Ward, *op. cit.*, ii. 246 et seq.

⁷ Vide Ward and Gwynn, *op. cit.*

It was far otherwise when the Mannings and Newmans knelt at the same altars and said the same prayers. They could not be despised and, therefore, neither could their faith. "No-popery," even though it could bring about the abortive "Ecclesiastical Titles Bill" in the resentment against the restoration of the hierarchy, could not win enough support to enforce it. The universal outcry against the decision in the "Achilli Trial" proved that the days of discrimination against Catholics were over. Even the perennial "Irish Question" took on a new complexion. The Liberal party, though largely Non-conformist and hence unfriendly to Catholics, as was proved by the prohibition of the outdoor Procession at the Eucharistic Congress in London, strove energetically for Irish Home Rule, eventually succeeding in 1914. With the subsequent fate of Ireland we are not here concerned. What does concern us is that it became, what it always should have been, a political and not a religious one.

This change of view is manifested in the public disapproval of the attempt to resurrect the Penal laws in Scotland a few years ago, as shown in the prohibition of an outdoor procession of the Blessed Sacrament. The only result was the passage, last year, of a relief act, which is the capstone of the temple of Catholic liberty in England. Yet some concession was made even then to Protestant fears. The king may not be a Catholic, nor may the Lord Chancellor who is, in theory, the keeper of the King's conscience. Otherwise a Catholic is, before the law, the equal of anyone else and, to a growing extent, is so even at the bar of public opinion, which is, perhaps, even more important. There can be but little doubt that, before long, even these, the last survivors of the most efficient penal code ever invented, will pass, with it, into a deserved and, a Protestant should hope, perpetual oblivion.

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