

12

A LETTER

UPON THE

ROMAN CATHOLIC EMANCIPATION QUESTION, AND THE STATE OF IRELAND IN 1829.

BY

PROFESSOR NIEBUHR.

Privately Printed.

LONDON:

HATCHARDS, PICCADILLY.

1887.

NOTE.

THIS letter was written by the learned Niebuhr on the eve of the passing of the 'Emancipation Bill,' when he was Professor of Roman History at Bonn, soon after he had negotiated with the Pope the 'Concordat' with Prussia, and following the publication of his *History of Rome*.

His long intercourse in Italy with the officials of the Papal Government, and his investigation into the principles of Roman Catholic Statesmen, enabled him to study the acts of the British Government in the administration of Ireland as affecting its Catholic population.

The opinions of an 'enlightened Foreigner,' though formed sixty years ago, seem suggestive and prophetic, and cannot fail to interest British Statesmen and our countrymen who care for the welfare of Ireland and future government.

A LETTER.

BONN, 19th *February*, 1829.

MY DEAR SIR,

I AM at a loss how to attempt an apology for not having answered the letter which your nephew delivered to me. It is certainly true, and many may bear witness to the assertion, that I am engaged in literary occupation to such an extent as may justify my withdrawing altogether from society : but that does not excuse silence towards a friend of your worth and character. The true cause—which, however, is far from an excuse—is, that I have become a slave to these occupations and inquiries to such a degree that, before a question is solved or an essay upon a particular subject brought to conclusion, I cannot direct my thoughts to any other subject. Now, unfortunately, it happens too frequently that one research is indissolubly linked to the preceding, and I cannot conceal from myself that I have too lightly taken upon me an enormous variety of business. Let me hope that you will not be less indulgent than other friends. As to your nephew, I hope he will attain the end which you and himself had in view ; he will learn our language and become acquainted with our literature as well, and

perhaps better, than at any other place. I am sorry that our University offers no lectures on Political Economy, which he appeared particularly desirous to hear; but in this particular point we are not worse off than others: nay, what I know of lectures of this description in other Universities is so very contemptible, that I verily think that it is better to do without them entirely, and keep free from foolish systems. A philosophical lady, a countrywoman of yours, told me that the Science of Political Economy had now attained such a perfection that both Mr. Pitt and Mr. Fox would be accounted mere school-boys when compared to any Member of the Club and disciple of Ricardo; yet I cannot congratulate your country upon this alteration.

Besides these intellectual shackles, which I mentioned before as the main cause of my delay, I must mention another, which is, that as I grow old I am losing more and more the ease with which once I expressed myself in your language; feeling, on the contrary, a considerable difficulty to use any language except my own. Had it not been for such causes I should certainly have replied without loss of time to the invitation with which you have honoured me—that I should speak my mind to you on the subject of the Catholic Question. It is so very uncommon that any one considers a foreigner as capable to form a well-founded opinion on any question of internal policy of our own country; on the contrary, the pretension to such an opinion is so generally considered as arrogant, nay, ridiculous, that I look upon your invitation as one of the most flattering distinctions ever conferred upon me. You

suppose me to be acquainted with Rome, and Catholic concerns, and this I may claim ; besides, you think that historical studies must have furnished materials for reflection on the subject of these vital questions. Indeed I was so sensible to the honour you did me that I prepared a letter, when the Duke of Wellington's letter to Dr. Curtis appeared in the papers, from which every one, except those in the secret, naturally inferred that the plan of bringing forward the measure in this session had been abandoned ; and, indeed, I confess, had I expressed myself in this way, I should not have had courage to appear with a proposal on the subject, of which every man must attribute to me the intention to deceive. The intention of the Cabinet being expressed and avowed, a partisan of Emancipation may spare all arguments in favour of the measure ; but allow me to say that I should be sorry if you thought me an admirer of O'Connell and his associates, or that I expected any benefit to the British Empire and nation from the acquisition of the wisdom and genius of the Irish Catholics, or, indeed, the British Catholics generally. From what one finds in the newspapers, I have not only a very low opinion of their fitness to legislate, but I confess that, were I an Englishman (in which case I think I might have aspired to the honour of a seat in your House), it would be deeply painful to me to admit one of the stamp of O'Connell and Sheil to a place in that assembly. Even to me, a foreigner, their admission is like a disparagement and a stain to Parliament. But such feelings having nothing to do with the question—we do not stand here on the ground of political feelings—justice and necessity

plead on the same side. These same advocates urge the necessity of raising the freehold qualification ; and notwithstanding the boldness of the measure, which will offend all unreasonable people, I think it impossible to make the Catholics eligible without such a change in the actual system ; but as it is universally said to be contemplated, I shall not dwell upon this subject.

But before I proceed allow me to remind you, that whatever in what I am going to say might otherwise appear impertinent on the side of a foreigner, ceases to be so because you, my dear sir, have summoned me to tell you my mind ; consequently you must hear my *whole* mind in the same way as you would hear a countryman. Nor are you capable of the injustice to think me ridiculous in indulging reflections upon what I might propose were I a Briton and a British Member of Parliament.

There is a peculiar fatality attached to the relations between Great Britain and Ireland, at least for upwards of two centuries, that Britain has always neglected the moment to make beneficial concessions to the country which she cannot suffer to remain separate and independent at the moment when she could limit these concessions within boundaries suited to her interests ; and having neglected it, she has afterwards submitted to make them unconditionally and in a manner highly prejudicial to herself. In such times of anxiety and apprehension she has acted with a want of foresight which appears unaccountable to succeeding times. What makes Ireland really dangerous is doubtless her compactness as a physical body. Now, if King James I., when he colonised

Ulster, had separated that province from the rest and united her with Scotland—provided the jealousy of England had allowed him to do it—Ulster might have been nearly as much Scottish as Galloway. The pale could have been united to England as Wales was not long before, and the remainder, the barbarous part of the island, have been governed in the way of separate independent provinces.

King James foolishly achieved the institution of a separate Parliament, tempted to consider itself as equal to that of England, and by its way of election he fancied he and his successors might safely amuse themselves with the toy. An Union would have been accepted since the Conquest under William III. as a favour and blessing, as long as the execrable laws directed against the commercial prosperity of the whole country were in existence. The Protestant aristocracy would have hailed that measure, particularly if care had been taken during a considerable time to stimulate their ambition by not admitting them to British honours. It might then have been given on very cheap terms. Any terms would have been better than the Act of 1782. That this concession became unavoidable was the consequence of a shameful want of foresight. What, however, is utterly inconceivable and unparalleled in the annals of legislative folly are the concessions made to Catholics in 1793 and 1795—at least that by which the active franchise was granted to them. Their leaders did not care for that, but for being elected; everybody must have been conscious that the concession could not stop there, and that Catholic electors would infallibly elect Catholic representatives. Still, the

preponderating number of members returned by close boroughs might appear to men destitute of foresight, and calculating upon the permanency of the actual situation, to limit the utmost of Catholic participation in the House of Commons to a small minority.

Then came the Union ; but it came too late, and its conditions were dictated by the prevalent opinions of the age, for I deem it to be one of the most signal instances of their influence upon the most powerful and independent minds, that a man like Pitt, who, indeed, had already acted in that way when he gave a Constitution to Canada and Corsica, should bow to them so far as to democratise the Irish representation, so that the Union has always appeared to me in the light of a partial Reform of Parliament. From that time the danger of a hostile Irish Parliament was exchanged against the certainty that the majority of Irish representatives would be Catholics, if not immediately, at least a very short time after, their admission into the House. This event will be delayed by raising the electing qualification ; but to put it off to a very distant period requires precisely that calm foresight of inevitable events, the want of which—pardon my saying it—has hitherto qualified all your Constitutional provisions respecting Ireland. Though not gifted like a Highlander, I am quite certain that Parliament will again fall into the same error, and that this will be perceived and confessed only when past all remedy.

Instead of granting to the rabble the right of electing, Catholics ought to have been made eligible thirty-five years ago ; either generally, all those possessed of qualifications legally acquired, or a cer-

tain number annually to be raised to that right by a legislative Act, resembling the Acts of Naturalisation. Had this been done, and the Peers admitted, but no Catholic electors (except these eligible persons) allowed, the higher ranks of that communion would, ere now, be amalgamated with the Protestant gentry.

If the raising of the qualification reduces the Catholic votes to so small a number as nearly to exclude the return of Catholic members, you must meet a terrible irritation on account of the disfranchisement; and unless it is raised excessively, within the space of not many years you will have a majority of Catholic electors notwithstanding, and, consequently, a return of exclusively Catholic members. To preserve the country against this inconvenience or danger—call it as you please—I see an obvious remedy in what may now appear as an unnecessary boon, and excite the anger of foolish Protestants. I would adopt the way in which, until the year 1795, the Representatives of the Province of Friesland were returned. Anciently, the nobles and the yeomen constituted two estates, each of which sent its deputies, who formed separate benches. When the power of the first declined, they were united into one *estate*, and the election took place by the persons qualified in both orders conjointly. Of course the yeomen had the majority, but they were obliged, in every hundred, to return two deputies, one of each order. The noble families became gradually extinct, and it was, in many instances, very difficult to find a proper subject. Had it not been for that law, long before the Revolution, hardly any nobles would have been chosen. My plan then, with regard

to Ireland, would be this. I am not informed, at least I have forgotten, how the representation of the counties is arranged; I believe they returned one member only. If so, I would combine them for the purpose of election, and ordain that they must return one Protestant and one Catholic knight. In many cases, perhaps, a Catholic candidate might hardly offer; for this moment, at least, the Catholics must see in it a generous proceeding free from all suspicion of intending to deceive them by fallacious concessions, and after the lapse of twenty or thirty years the Protestants would still keep the share which, otherwise, no legislative power can preserve to them. With regard to cities or boroughs, I think it should be ordered that they shall not return two Catholic members in succession, leaving it to the corporations to send Protestants as frequently as they chose.

I would on no account preclude the hopes of the higher ranks among Catholics, and drive them under the banners of the demagogues; and this would be the consequence of any limitation to their promotion to the peerage. On the contrary, I would add the whole of the present Irish Peers to the number of the Representative Peers instituted by the Union, so that they might be carried by new nominations to any number; that there never should be less Catholic Peers returned than those actually existing—more there might. This certainly is plain justice to them, their number being infinitely below what it would be if the oppressive laws had not operated.

The main difficulty consists in the nomination of the Bishops. Whoever fancies that Rome, on any account, will admit the appointment by a Protestant

prince utterly deceives himself. Perhaps the appointment of the Bishop of Quebec may be connived at, because it takes place—if, however, it does—for a distant corner of the world ; but never, and under no condition, will the Pope consent to acknowledge in an heretic the faculty to dispense the gift of the Holy Ghost. To allow the Chapters to elect would be the most dangerous way, if indeed there be much danger to be apprehended from the Bishops ; to let the appointment remain with the Pope, and secure by diplomatical stipulations against an inconvenient exercise, by far the safest, and tantamount to Royal nomination : for, indeed, it might be agreed that the Pope should promote the person desired by the King, unless powerful and evident motives should prevent him from doing so. But this could never be expressed in a Public Act ; it could only be the result of a secret stipulation. And I am aware that Protestant fanatics would raise a furious outcry against the apparent concession of such power to the Pope. If by the Act you claim the nomination for the Crown, you are as far as ever from having pacified Ireland. The Bishops cannot, and will not, submit to it ; and after twenty years' disgraceful disturbances you will be forced to give up the point.

I am aware that prejudices render any prudent measure excessively difficult to be adopted. I see no better expedient than to institute a Commission of one or three Bishops and one or three Irish Catholic Peers, and as many Commoners of each nation, to be nominated for the first time by the Catholic Members of either House ; to them I would concede the nomination of the Bishops, stipulating

that they should be *personæ gratae*, of which the Commissioners were to convince themselves before they proceeded to nominate them. After every choice, one of the members to go out in rotation, the vacancy filled by those remaining, the individual going out re-eligible after a certain time only. In this way British Catholics would enjoy, if not an ascendancy over the Irish, at least a great influence. But this requires absolutely a negotiation with Rome; and any attempt to settle such points by unilateral legislative enactment would produce most deplorable consequences.

Yet if the negotiator employed by Great Britain knows how to manage the Roman Court, and to avail himself of the immense advantage of representing such a country, he may succeed to the extent here indicated—never an inch beyond. Had I had the honour when I resided at Rome to be intrusted with the care to prepare these arrangements, I would have found it easy to succeed.

There are other points which it might be useful to regulate and to let the Court of Rome know as being decided, but which can never enter into a negotiation: for instance, that—at least, from a certain time—no person can be promoted to a Bishopric unless he has studied in an English or Irish College, and in the Seminary of a Bishop of the United Kingdom; nor if he is not a Secular Priest, &c.

As soon as complete justice will have been done to the Catholics, and their clergy acknowledged by the laws of the realm, it will be wise to advert to their establishments of education. You ought to do what we do in this country with the greatest bene-

fit—to draw them as much as possible within the pale of Protestant education ; nor ought you to leave their Colleges and houses of education uncontrolled. A Jesuit once told me, laughing, that although according to the statute his life had been forfeited in England, yet he had exercised an active part in the direction of their Colleges in Lancashire, and that the one which they possess in Ireland outweighs the influences of Maynooth.

As soon as all the vestiges of the bloody legislation will be done away, it becomes certainly advisable to guard against a pernicious direction of the Colleges, &c., and decidedly to maintain the exclusion of the Jesuits from the soil of Britain and Ireland.

How far the direct correspondence with Rome shall be admitted must be seriously considered ; yet this point is only to a certain degree qualified to be the subject of communications to that court. Matrimonial dispensations on account of affinity, &c., not of disparity of religion, and all which relates to the Penitentiary, I would allow the Bishops to demand directly. In this regard there is one particular point to be attended to. From what at Rome they call countries of mission—that is to say, where the Catholic Church is not established by bishops publicly recognised—no fees are paid for dispensations, which the Penitentiary grants instead of the Datary. Hitherto, I believe, this has been observed with regard to the United Kingdom ; but if one may judge from other instances, as soon as there will be a regularly established Catholic Church the extortion of the Datary will begin. This can be prevented if attended to in proper time.

I think an early opportunity should be taken to obtain from the Pope an Act enjoining the clergy to solemnise marriages between Catholics and Protestants without insisting on a promise that the children shall be brought up in the Catholic religion. There are secret instructions on this head to which the priests must conform, which they are eager to do, because this is by far the most effectual way to extend their Church—witness France, where such mixed marriages have become very common, and bring over a great number of families to Catholicism ; and infallibly they will become much more frequent in England after Emancipation. England may obtain more than any other Protestant country if she negotiates in the proper way. Upon her remonstrations the obnoxious clause in the Briefs of Indulgences would infallibly be done away ; and so she may serve the cause of Protestantism effectually just when she has ceased to be hostile to the Catholic religion.

What the consequences will be to the ‘Loaves and Fishes’ of the ruling Church, whether she will continue to maintain this quality, is a very different question. In my opinion this is next to impossible, although the present state of things may be protracted during several generations perhaps. On this subject we German Protestants differ widely from the prevailing opinion in England : the most zealously orthodox among us agree that the riches of the Church of Ireland are monstrous, and that their reduction is to be wished. In Silesia the tithes are paid according to the Confession, and a fairer system cannot be devised. Yet as there exists certainly no reason for fattening the Catholic clergy, might not

the tithes, as they fall in by vacancy of livings, go to a fund from which, after deducting a part for the Protestant establishment, the want of poor rates might be supplied?

From a statement I met with not long ago about the decrease of the numbers of persons belonging to the Established Church, even in England, compared with the proportion between them, Dissenters and Catholics, towards the end of the seventeenth century, it is manifest that the ruling Church has already ceased to be that of the majority even in England alone, and the two other kingdoms being united, and pouring their population into England, this must become more manifest in every succeeding generation, and the disproportion rise to such a height as to become intolerable.

That Emancipation will not restore peace and satisfaction to Ireland, that the bulk of the population will not be less miserable for it, I think cannot be doubted. It is an act of justice to the higher classes, and neutralises them. An insurrection of starving peasants is not terrible in the present state of society. But is it just that they should be left to starve if they can be alleviated, as might be done to a certain extent by applying the tithes to their relief, instead of keeping an enormously rich clergy without flocks?

Englishmen of opposite political parties agree in telling that thousands of famished Irish come over to Britain, both England and the south-west counties of Scotland, and depress the wages by accepting any. If this statement be true, this is a dreadful evil, and incurable. To encourage emigration may work some

relief, until a plague aids more effectually. But to direct emigration to Canada, which cannot possibly remain much longer connected with your empire, appears to me quite mistaken.

As you have encouraged me to express what I wish should be resolved as salutary to Britain, I venture to add that I have always thought England ought to colonise Mauritania, where she would have a vine and olive colony, producing likewise with an unaided agriculture the finest wheat on the earth ; the wine would be equal to Madeira and Xeres. Such a colony—which, to be sure, in course of time must become independent too—would increase the European system ; while in North America you have been expending money only to benefit your rivals, the United States, who ere long will show themselves dangerous to you, and dreadful to all Europe. The transportation of colonists to the shores of Morocco would be much less expensive than to Canada, and to destroy that barbarian state would be a good action.

Your Government is, of course, informed that a Roman prelate of great eminence (Monsignor Capaccini) is at present at Brussels. This prelate is my intimate friend, and I beg you to take these words in their strictest sense : Our intimacy and confidence is that of the nearest relations. I do not hesitate to declare him to be one of the most virtuous characters, as well as one of the soundest and clearest minds I ever met with. His presence in this neighbourhood is a happy circumstance if Ministers convince themselves of the necessity of settling several points with the Court of Rome. Monsignor Capaccini would go

over to England upon an invitation and the permission of his sovereign. If I can be useful on this occasion, either to ask his confidential opinion, or to communicate anything to him—in short, to prepare a negotiation—I offer my services.

As I saw how long this epistle would run, that made me shy to begin it. If you are tired of it, excuse an involuntary offence. Let me now thank you for your kind expressions about our old acquaintance, which I have always valued most highly, and for your honourable mention of my *History*, which I hope you have in the Cambridge translation.

I am most sincerely,

My dear Sir, yours,

B. GEO. NIEBUHR

JOHN IRVING, Esq., M.P.

*She let for Braintree from 1806 to 1833
& for County of Wiltshire to 1845. —*

LONDON:

Printed by STRANGEWAYS & SONS, Tower Street, Cambridge Circus.

Houses of the Oireachtas

Houses of the Oireachtas