



National Library  
of Canada

Bibliothèque nationale  
du Canada

Canadian Theses Service

Service des thèses canadiennes

Ottawa, Canada  
K1A 0N4

## NOTICE

The quality of this microform is heavily dependent upon the quality of the original thesis submitted for microfilming. Every effort has been made to ensure the highest quality of reproduction possible.

If pages are missing, contact the university which granted the degree.

Some pages may have indistinct print especially if the original pages were typed with a poor typewriter ribbon or if the university sent us an inferior photocopy.

Previously copyrighted materials (journal articles, published tests, etc.) are not filmed.

Reproduction in full or in part of this microform is governed by the Canadian Copyright Act, R.S.C. 1970, c. C-30.

## AVIS

La qualité de cette microforme dépend grandement de la qualité de la thèse soumise au microfilmage. Nous avons tout fait pour assurer une qualité supérieure de reproduction.

S'il manque des pages, veuillez communiquer avec l'université qui a conféré le grade.

La qualité d'impression de certaines pages peut laisser à désirer, surtout si les pages originales ont été dactylographiées à l'aide d'un ruban usé ou si l'université nous a fait parvenir une photocopie de qualité inférieure.

Les documents qui font déjà l'objet d'un droit d'auteur (articles de revue, tests publiés, etc.) ne sont pas microfilmés.

La reproduction, même partielle, de cette microforme est soumise à la Loi canadienne sur le droit d'auteur, SRC 1970, c. C-30.

Policing the Irish: Conflict and Culture in Bytown

1835 to 1837

Submitted for the Degree of Masters of Arts in the  
Department of Criminology, Ottawa University, Ottawa

by Fran Thompson



Frances A. Thompson, Ottawa, Canada, 1987.

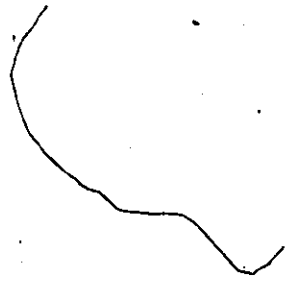
Permission has been granted to the National Library of Canada to microfilm this thesis and to lend or sell copies of the film.

The author (copyright owner) has reserved other publication rights, and neither the thesis nor extensive extracts from it may be printed or otherwise reproduced without his/her written permission.

L'autorisation a été accordée à la Bibliothèque nationale du Canada de microfilmer cette thèse et de prêter ou de vendre des exemplaires du film.

L'auteur (titulaire du droit d'auteur) se réserve les autres droits de publication; ni la thèse ni de longs extraits de celle-ci ne doivent être imprimés ou autrement reproduits sans son autorisation écrite.

ISBN 0-315-46870-X



UNIVERSITÉ D'OTTAWA  
UNIVERSITY OF OTTAWA

"History, Stephen said, is a nightmare from which I am trying to awake" (Ulysses). Perhaps Joyce felt that all Irishmen were born with too much history. Any topic, however, that concerns the Irish must also include a consideration of their turbulent past. Because of this, this thesis has stretched beyond it's proper length.

I wish to salute my thesis advisor, Professor Melchers, for his patience and his excellent editorial advice. I would also like to acknowledge Professor Gaucher for his help with the understanding of the Canadian historical landscape. And many thanks must be extended to Professor Jaywardene for the list upon list of books pertinent to the understanding of groups and ethnic struggles.

Table of Contents

	<u>page</u>
<u>Introduction</u>	1
<u>Chapter I. The Order/Consensus Paradigm</u>	
<u>Oppositional Subgroups and Riot</u>	8
I. <u>The Order/Consensus Paradigm</u>	8
<u>and Oppositional Subgroups</u>	
1. The Order/Consensus Paradigm	8
2. Adaptation or Acculturation	10
3. Pluralist Approach	14
4. Arguments Against Pluralism	16
5. Larger Movements as a Solvent	18
for Subcultural Groups	

	<u>page</u>
II. <u>The Order/Consensus Paradigm</u>	27
<u>and Riot</u>	
1. Relative Deprivation as a Cause for Rebellion	29
2. Industrialism as the Disordering and Ordering Factor	36
3. Ethnicity as the Cause for Rebellion	43
II. <u>Crime</u>	49
1. The Order/Consensus Focusses on the Individual as a Problem	49
2. The Policing Function	49
<u>Chapter II. The Conflict Paradigm</u>	
<u>Oppositional Subgroups and Riot</u>	53
I. <u>The Conflict Paradigm and</u>	53
<u>Oppositional Subgroups</u>	
1. The Marxist Perspective	54
2. Reductionist Marx	58
3. Cultural Marxism	62

	<u>page</u>
I. <u>The Conflict Paradigm and Riot</u>	69
1. Cultural Marxism and Riot	69
III. <u>The Ideological Strategy of Moral Panic</u>	73
1. A Moral Panic	73
2. Moral Panics and Vigilantism	82
3. Moral Panics and the Signification Spiral	85
IV. <u>An Examination of Riot from a Cultural Marxist Perspective</u>	89
1. <u>Whigs and Hunters</u>	89
 <u>Chapter III. The Methodological Framework:</u>	
<u>Historical Materialism</u>	96
I. <u>Problems in Historiography and Historical Materialism</u>	98
1. R.G. Collingwood and Historical Understanding	98
2. Charles Beard and Historical Relativism	102



	<u>page</u>
3. J.W.R. Watkins, the Individual and the Group	106
4. Historical Materialism	109
II. <u>Current Historical Research into the Irish Riots</u>	119
1. J.K. Johnson	119
2. R. Bleasdale	127
 <u>Chapter IV. The Historical Background to the Irish Riots in Bytown</u>	 138
I. <u>General Historical Background from 1760 to 1841</u>	143
II. <u>Historical Background of the Loyalist Group and Their Cultural Milieu</u>	148
1. Effects of the 1812-1814 War	148
2. Pervasive Military Presence and the Influence of Authoritarian Control	150
3. A Rudimentary Capitalist Economy	152

	<u>page</u>
4. Settler Status	153
5. Protestant Work Ethic	154
III. <u>Post 1815 Migrations</u>	156
1. History of the Protestant Irish Prior to Migration	157
2. History of the Catholic Irish Prior to Migration	160
IV. <u>The Social Relations of the New Immigrants after Migration</u>	164
1. The Protestant Irish	165
2. The Catholic Irish	167
V. <u>Class Relations in Bytown in the 1830S</u>	167
1. The Loyalists	167
2. The Catholic Irish	168
VI. <u>Preconditions for a Moral Panic</u>	174
1. A Dominant Group with a Definition of Themselves as the Rulers of Society	174

	<u>page</u>
2. The Definers of Society Suffering a Generalized Anxiety over their Position	175
3. Cleavage in Cultural Values	176
4. Catholic Stereotype as a Problem	177
5. Capitalism Maximizes the Contradictions in Society, Leading to Conflict	177
<u>Chapter V. The Analysis of the Irish Riots in Bytown in the 1830S as a Moral Panic</u>	179
<u>I. Background to the Analysis</u>	179
1. Paradigms	181
2. Source Material	184
3. Signification Spiral	187
4. Moral Panic	188
<u>II. Deconstruction of the Irish Riots in Bytown Using the Signification Spiral</u>	190
1. The Identification of an Issue of Concern	190
2. Identification of a Subversive Minority	195

	<u>page</u>
3. Convergence or Linking the Subversive Minority to Other Problems	203
4. Thresholds Crossed Leading to an Escalating Threat	211
5. The Prophecy of More Troubling Times to Come	216
6. The Call for Firm Steps	217
 <u>III. Political Meanings Deflected by the Stress on the Criminal Label</u>	 224
1. Culture Clash as an Explanation for the Criminal Label	224
2. The Application of the Criminal Label and the Economic Order	226
3. Application of the Criminal Label Strips Action of Political Significance	227
4. Success or Failure of the Strategy to Designate the Catholic Irish as Criminal	231
 <u>Conclusion</u>	 238
 <u>Reference List</u>	 248

Introduction

This thesis is an examination of the Irish Catholic riots in Bytown in the mid 1830s. The Irish riots have been viewed as the outgrowth of an inherently violent and criminal subgroup or as the result of culture clash. It is our position that the conflict between The Catholic Irish and the Loyalist Anglo-Irish was blown out of all proportion by the Loyalist Anglo-Irish in Upper Canada. It is our position that when the Catholic Irish refused to be an expendable part of the labour force a situation of moral panic erupted. A moral panic is an anxiety deflected to a powerless subgroup in society. It is an ideological displacement of a threat to the position of the definers of that society.




In Upper and Lower Canada in the 1830s, reformers led by McKenzie and Papineau were contesting the form of government of the provinces. Change to representative government would change the balance of power, threatening the position of the political establishment. By 1835, the dispute over representative government was escalating towards the outbreak of rebellion in the winter of 1837. The unsettled political relations created anxiety in the minds of the establishment, the Loyalists and the Anglo Irish. They felt their position as the definers of society threatened. When the Catholic Irish fought with the French over employment in the timber trade, the Loyalist Anglo-Irish establishment displaced their anxiety over their own position to the Catholic Irish.

The Catholic Irish were a minority group. They were dominated economically, politically, and socially by the Loyalists and the Anglo-Irish. The Catholic Irish emigrated to the United States and British North America, in part, because of an historic domination by a minority, the Anglo-Scottish Ascendancy in Ireland. In British North America, they became a minority and an oppositional

sub-group within a larger whole dominated by a Loyalist Anglo-Irish majority. One situation of domination was exchanged for another. Because of their historic rebellion ideology, their different cultural heritage, and their republican and democratic politics they were looked upon with grave suspicion by the majority.

#### problem of substance



The problem of substance which the Catholic Irish labourer faced again in Upper Canada, was how to work and to live within the confines of an oppositional dominant group. The Catholic Irish had met this problem in the past with the strategies of dissimulation and collective rebellion. In Upper Canada, the relationship was not an easy one resulting in violent confrontation. The Loyalists and Anglo Irish attempted to treat the Irish Catholics as a disposable part of the labour force. The Irish Catholics resisted and collectively fought for the right to work.

### the order/consensus and conflict paradigms

There are two dominant positions on what happens to subcultural groups within the confines of larger cultural wholes, the order/consensus paradigm and the conflict paradigm. The order/consensus paradigm attempts to understand society by placing at the centre of focus: a consensus on social values, an inherently stable order of institutions and the gradual integration of social groups. The conflict paradigm is based upon an understanding of society in terms of group conflicts, divergence of social values and social change. It is our intention to show that the conflict paradigm provides a greater understanding of the Catholic Irish situation in Bytown in the 1830s.

The order/consensus paradigm assumes the acceptance of the societal values and ideologies of the dominant group in society. Research written within the order/consensus paradigm omits discussion of the values and ideologies of the dominant group in society. The values and ideologies, therefore, appear to be neutral. Since the values and ideologies of the definers of society are assumed, attention is deflected to the discordant groups in



society. Oppositional groups are treated as a problem for the societal system. The focus of the discussion in the order/consensus paradigm is how to remove or neutralize the problem group to return society to a state of equilibrium. The order/consensus paradigm posits an uni-directional relationship. The focus is on the oppositional group as it integrates or does not integrate with the dominant group.

In Criminology this is of particular interest. For if criminological research is carried on within the order/consensus paradigm the people or groups who do not integrate readily with the dominant group are assumed to be the problem. They must be neutralized or removed to return society to a state of equilibrium. Problems reside at the level of the individual. No consideration is given to the dominant group in society who creates the criminal designation.

The conflict paradigm posits that societies are composed of groups with opposing norms and values who contest their place in society. The relationship is an interactive one. If research is conducted within the bounds of the conflict paradigm, societal

values of the dominant groups as well as the subordinate groups are a terrain for discussion. The conflict paradigm does not presume neutrality on behalf of any group. Groups dynamically interact to seek a measure of reciprocal control.

#### **cultural marxist perspective**

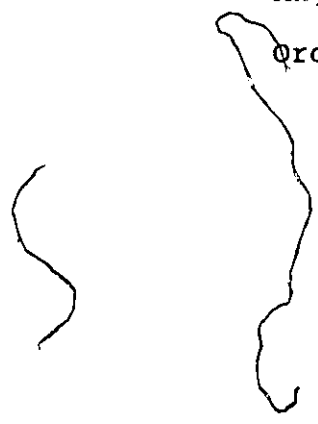
Our intention is to view the Irish riots from within conflict paradigm. In doing so we take a cultural marxist perspective. Marxism posits that the capitalist order divides people into classes or groups, those who own the means of production and those who do not. Cultural marxism widens out the discussion to include cultural practices and ideologies of groups as well as the economic and political dimensions of a particular society. Cultural marxism involves the particular historic relationships of people and groups.

Classes are not finite categories but lived relationships. There is a lived relationship of reciprocal control. The dominant groups will seek to reproduce their society by controlling the subordinate groups. The subordinate groups, in turn,

will seek to limit and control the definers of their society. The dominant groups can gain legitimacy through ideological consent or legal rules. If those fail they will use coercion.

**moral panic**

The argument of this thesis is that the Loyalist and Anglo-Irish establishment promoted a moral panic over the Catholic Irish. They did this to shore up their definition of themselves as the definers of society. It was a way of illustrating their control over their society. A moral panic is a strategy of domination which paves the way for legal and political control. The Catholic Irish were a powerless minority group in Upper Canada. The moral panic -over the Catholic Irish was ideological but translated into real consequences. When the Catholic Irish refused to abide by the law, the Loyalists and Anglo-Irish turned to the coercion of the Orange Order.



## Chapter I

### The Order Consensus Paradigm, Oppositional Subgroups and Riot

#### I. The Order/Consensus Paradigm and Oppositional Groups

##### 1. The Order/Consensus Paradigm

There are four main tenets in the order/consensus paradigm. It presumes: (1) that there is a consensus on societal values, (2) that people must cohere around the accepted social needs of the society, (3) that the structure of society, if out of joint, may be brought into some kind of equilibrium, and (4)

that societies are similar in what makes them function. Thus history becomes an example to illustrate societal function, or disfunction (Horton, 1966, p.83).

The order/consensus paradigm presupposes a certain discourse. The discussion of subcultural groups, of or what happens when one people meets another people (as happened in North America with waves of immigration), centres around the concepts of adaptation, acculturation and assimilation. Adaptation is the adjustment of immigrant cultural norms to harmonize with those of the host group without total change. Adaptation can occur through acculturation, or modification of the culture of a group. A subordinate group will take on some of the characteristics of a dominant group. Adaptation can also take place through assimilation. Assimilation is the "Melting Pot Theory". Culture contact results in a fusion of cultures to produce a new cultural type. Most of the following discussion is American in origin and has a particular predisposition to the "American Dream".

## 2. Adaptation or Acculturation

### **urban village or urban jungle**

Gans, in The Urban Villagers (1964), divides Italian immigrants of Boston's West End into two groups: those that form the "urban village" and those that form the "urban jungle". According to this writer, if the new immigrants adapt well to their new urban environment there will be an "urban village". He defines those who do not adapt well to their new environment as members of an "urban jungle". Adaptation is assumed to be a positive requirement for a well-ordered society. Successful adaptation presumes consensus about norms and values in society. Gans assumes that the Italian subculture will acculturate and finally assimilate in some linear process towards some undefined Anglo-Saxon host group (Gans in Sandberg, 1974, p.viii).

### **classes distinguished by family composition**

Gans divides society into classes which he calls subcultures, distinguished mainly by family composition and economic position. The lower class

subculture consists of a female based family with a marginal father figure. The maternal figure seeks stability in the midst of poverty by relying upon the family. Lower class family reliance detaches it from the mainstream of society. The middle class subculture shares the mainstream economic considerations of society in a search for material success and a stress on education as the road to advancement. The professional upper-middle class subculture maximizes the individual development of its members. Work translates into personal achievement not a search for material gain (Gans, 1964, p. 244-251). Classes in Gans' view of society move upward or downward as if society were a ladder which can be climbed as long as the immigrant adapts and acculturates and finally assimilates to the host Anglo Saxon norms.

success ethic is the fuel to acculturate

Ethnic difference fuels the push to acculturate. Ethnic difference conflicts with their need to survive in a society dominated and interpreted by an Anglo-Saxon host group. The desire for upward mobility creates the desire to acculturate.

Acculturation lends further legitimacy to the accepted norms and values of the host group. This legitimacy brings that subculture into a state of equilibrium with the larger society. There is no discussion of the historical background of the Italian community or their particular strategies to survive. There is also no delineation of the values of the mainstream society vis a vis the values which the immigrants hold. The discussion appears to be neutral. Gans presumes that the success values of the "American Dream" are those universally held by all members of society. Gans generalizes the Italian experience to the German, Polish or Irish experience because they belong initially to the same immigrant lower class subculture distinguished by family composition, occupation, education and income.

#### cognitive dissonance as the fuel for acculturation

Sandberg in Ethnic Identity and Assimilation, (1974), examines the Polish immigrant subculture and comes to much the same conclusions as Gans. But he relies on the theory of cognitive dissonance, drawn from psychology, to explain the acculturation of immigrant subgroups. Sandberg maintains that there



is an "ethnic holding pattern". The Polish immigrant adjusts to the Anglo-Saxon norms because of a perception of ethnic inferiority. This perceived inferiority creates an uncomfortable psychological condition of dissonance. The immigrant, in an effort to reduce dissonance, submerges his ethnicity in order to adapt to the dominant host group. The psychological crisis of rejection brings adaptation and the coherence of the immigrant to the dominant group. The dissonance is culturally created. It involves the beliefs of the host group in the success dream which was part of the American identity. So the subcultural group adjusts to the drive for success which is part of the accepted norms of the dominant Anglo Saxon society. The rejection of the immigrant bars him from the success dream and integration (p.74). Cognitive dissonance, then, brings the immigrant group into equilibrium with the success norms of the Anglo-Saxon host group.

3. Pluralist Approach

**behavioural and structural integration**

Milton Gordon, in Assimilation in American Life, (1964), also accepts Anglo conformity as the consensual dominant value system. But he differentiates between behavioural assimilation and structural assimilation. The immigrant group, in Gordon's view, will refract the national or dominant patterns of behaviour through the "prism of its own cultural heritage" allowing for cultural pluralism (p.38). This allows the immigrant to retain the structural forms of religion or race while behaviourally assimilating to the dominant culture. Gordon provides a menu for complete assimilation in seven steps.

1. The immigrant can change his/her cultural patterns including religious beliefs to those of the host country. This would be a situation of culturally behavioural assimilation.

2. The immigrant can take on primary group relationships with the host country which would mean entering fully into the societal network of groups and institutions or societal

structure. This is a situation of structural assimilation.

3. The immigrant can intermarry and interbreed with the host group. This is a situation of marital assimilation.

4. The immigrant can develop a sense of peoplehood with the host country. This is a situation of identificational assimilation.

5. The immigrant can reach a point whereby they will encounter no prejudicial attitudes from the host country. This is a situation of attitude receptional assimilation.

6. The immigrant can reach a stage where they will encounter no discrimination within the host group. This is a situation of behaviour receptional assimilation.

7. The immigrant can, by not raising issues involving value and power, no longer conflict with the host country. This is a situation of civic assimilation (p.70)

Gordon maintains that if structural assimilation has occurred the rest will follow. He presumes not only the immigrant, but also the dominant group to which the immigrant is assimilating, will agree with that assimilation and accept the immigrant as he strives for cultural conformity.

#### 4. Arguments Against Pluralism

religion will prevent assimilation

Other scholars take the viewpoint that cultural pluralism is not possible. Herberg in Protestant, Catholic, Jew (1955), writes that cultural assimilation will mirror linguistic assimilation where language has remained Anglo-Saxon modified with a few foreign words. (p.33) But institutional religion will prevent total fusion. Society will cohere around the major religions of Protestantism, Catholicism and Judaism. Glazer and Moynihan (1964) agree that cultural pluralism, "a league of nations established in the new world", has not happened (p.13). But immigrant subcultures become "recreated" by the numerical pressure of the host society and language and culture become lost in the first and second generation. Total assimilation, however, only occurs with immigrants who are similar to the host group, like the Protestant Irish and the German.

**religion and xenophobia prevent assimilation**

Glazer and Moynihan, in Beyond the Melting Pot, (1964), tie assimilation to the political process. They point out that cultural retention within the subcultural group and discrimination within the Anglo-host group will prevent total assimilation. Strong immigrant cultural and religious background will inhibit assimilation. Xenophobia, or fear of the stranger on the part of the host group, also may prevent assimilation (p.14). But they go on to maintain that the "ethnic group in American society became, not a survival from the age of mass immigration, but a new social form" (p.16). The force of the political process creates a more homogenized group. It will occur as the immigrant becomes a full civic member of his society. In other words, as society extended the franchise, it brought the ethnically different into line.

5. Larger Movements as the Solvent for Subcultural  
Groups

migration helps incorporate subgroups

Park (1950), Wirth (1969) and Hechter (1975) discuss the incorporation of subgroups as the result of larger societal movements. But the result is the same. The societal system, through immigration, democracy or industrialization, will create a consensual equilibrium. Park maintains that migration itself is both the cause for change and also the cause for a new equilibrium. "When the existing economic and social order is disturbed, migration and population movements take place in an effort to achieve a new equilibrium" (p.10).

democracy creates collective understandings and coherent cultural wholes

Wirth (1969) views not only the franchise but in a larger sense the whole process of competitive democracy as the assimilating force (p.xviii). Contact or interaction of groups will not necessarily produce coincident agreement on norms

and values which makes social life possible (p.xix). Contact between distinct groups, Wirth points out, is just as liable to produce conflict as harmony. But, in his view, society rests on a symbiotic order which produces a type of equilibrium where groups of people compete with one another. People coexist because there is an ecological community. Contact and interdependence produce an economic community where there is a division of labour. A normative community is one regulated by common values. A cultural community exists because of shared language and attitudes. Collective existence and collective understandings, within which franchise is only a part, create a consensual order.

Within this larger framework, in a Mertonian sense, there will be disadvantaged subcultures, which are treated as, and regard themselves as, "a group apart". These groups may pose a problem for the total society. But for a society to act together it is important to have a collective understanding producing a consensus for collective action (p. xviii). Wirth categorizes minority subcultures as pluralist, assimilationist, secessionist, or militant.

problem minority groups will eventually come into a state of equilibrium

The "pluralist minority" seeks toleration of difference in order to lead a peaceful existence within a larger whole. At the same time, it will maintain its freedom and political and economic equality. The "assimilationist minority" wants more than toleration. It wants complete incorporation into the political, economic and social order. The "secessionist minority" seeks political and cultural independence from the larger group. And the "militant minority", convinced of its superiority to the larger group, wishes to dominate others in conquest.

Wirth sees four stages which result ultimately in a final state of equilibrium. If the pluralist subgroup is tolerated and allowed its autonomy, it will reach a stage of assimilation whereby it becomes incorporated into the larger whole producing a state of equilibrium. A frustration of this assimilation may result in a secessionist group. The secessionist group may then



seek incorporation into another cultural group, with which it has an affinity, and reach a state of equilibrium. But this process may produce a militant group, whereby the minority subculture, in military conquest, sheds its minority status to become the dominant group and creates a new state of equilibrium (p.262-263). In Wirth's view, societies constantly develop into larger wholes with collective understanding on consensual norms and values which produce order.

#### **Industrialization as the integrative factor in producing cultural wholes**

Hechter (1975) sees the successful incorporation of peripheral subcultures from the socio-economic view of industrialization. This view emphasizes coherence in national developments. National development is the

process by which a state characterized by sectional or otherwise competing economies, politics and culture, within which a given territory is transformed into a society composed of a single, all pervasive and in this sense national economy polity and culture. (p.17)

Coherence is a positive value. National coherence has the Durkheimian sense that social order must be predicated upon a "collective conscience or culture of a group" (p.4). Hechter proposes two models: the Diffusion Model and the Internal Colonial Model.

The Diffusion Model is his explanation of the homogenized society caused by industrialization. The preindustrial society is divided into a core group and a peripheral group or groupings. These two groups are isolated from one another. With the beginning of industrialization, interactive contact between the two groups becomes more intensive. This increasing interaction produces acculturation and commonality. The influence of the core radiates to the periphery until there is a homogeneous national group.

The Internal Colonial Model is one where the core dominates the periphery and seeks to maintain its economic and cultural superiority by exploiting the periphery. Institutionalized dominance enables the core group to maintain its prestige. The core group does not encourage acculturation because it is not in its interests. The periphery depends upon the core and is complementary to it.

Hechter ties cultural integration or homogeneity to a high level of modernization. The models appear to be ideologically neutral. However, there is the undeclared assumption that capitalism forms the basis for national development. Capitalist development creates a homogeneous society. The only hope of the disadvantaged periphery in the Internal Colonial Model is to identify with the members of the core group in an attempt to pass as part of that group (p. 40). Thus, the disadvantaged, in the Internal Colonial Model, will accept the dominant capitalist order of the societal system, or appear to do so, in order to partake of societal benefits. Capitalism draws the society together in homogeneous unity. Conflict which may be generated in this process can be resolved or regulated by the system. The underlying assumption, that capitalism will create a cohering society, accepts the capitalist order as essential to national development. It presumes, in a conservative sense, that capitalism is a necessary and sufficient condition to any cohering society.

Conclusion: the Order/Consensus Paradigm and  
Oppositional Subgroups

**consensus on societal values**

The above discussions of what happens when peoples meet is predicated upon the acceptance of a consensus on societal values as necessary to the functioning of a social order. The subcultures all acculturate to or assimilate with an accepted Anglo Saxon ideal. The norms and values, to which they lend their allegiance, are the norms and values of the American capitalist society with its stress on monetary success and upward mobility. Whether, as for Gans, those acculturating to the host group produce the urban village or as in Sandberg, subcultures seek to alleviate psychological dissonance to become part of the membership of the host group, the subcultures cohere around accepted social needs. The desire for success or for resolution of dissonance brings subcultural groups into a state of equilibrium. The final result, a functional unity, may have involved stress or conflict but it is assumed that functional unity will occur. It is assumed that the Italian

subculture in Gans, or the Polish subculture in Sandberg, are examples of what happens in all societies and can be generalized to all situations.

#### **lack of specific strategies**

The nature of those subcultures and the strategies needed for them to acculturate or assimilate is not specified. The order/consensus paradigm with its discourse of acculturation and assimilation submerges individual activity bringing it under generalized headings. People become part of a category. There is no sense of the lived relations of the people who make up the category. There is a conservative sense of static coherence which precludes any meaningful change. If change occurs, it is the subcultures which change in their movement towards coherence with the dominant societal structure.

#### **a seemingly neutral stand on norms and values**

With Park, Wirth and Hechter, the underlying assumptions of the larger movements are never

questioned. They presume that what is good for the dominant Anglo Saxon host group must be good for the subcultures. And what is good for democracy and industrialization must be good for the people within those systems.

#### individual action is lost

The sense of the particular is lost by considering the societal system as an accepted positive. It is essentially a view from the top. The dominant group and the dominant ideology, are presumed to be of ultimate benefit. It leaves the field open for the definers of society to regulate society in their interests. Those who are already in possession of the Anglo Saxon ideal and those with the with the power in a capitalist society, or a democracy set the tone to which others can adapt, acculturate or assimilate. The individual disappears behind the totality.

## II. The Order/Consensus Paradigm and Riot

What if the subcultural groups do not acculturate or assimilate to the consensual norms and values of society? What if oppositional subcultures develop and break out in riot. Riot is conflictual by nature. It is indicative of a conflict of values rather than a consensus of values. Riot is distinguished by violence not by adjustment. If people rebel and resort to violence for a reason, then one can impute the motives of the riot by examining against whom the riot occurs. Targets of riot are usually representatives of the political order.

The explanations of rebellion or oppositional subcultures depends upon the point of view taken by the observer. If the observer is a representative of the political order against whom people rebel, then the riot is perceived as a problem for the political order (a problem for the system). This is the view of the order/consensus paradigm. Definers of the political order may seek ways to bring opposition into a state of order with the rest of society. Or they may attempt to neutralize those who rebel by defining them as criminal.

T. Robert Gurr (1970), Charles Tilley (1969) and Clifford Geertz (1963) all approach the study of riot within the order/consensus paradigm. They assume society to be healthy but for the oppositional subcultures. According to Gurr, oppositional subcultures arise because of the inherent drive of men who want what they do not have. Tilley views them as part of the normal historical change brought about by the push to industrialization. Geertz highlights the conflict between ethnic groups produced by the emergence of the nation state. All three scholars locate the reasons for rebellion within the oppositional subgroup. They also offer a solution which would



bring the rebellious into a state of equilibrium with the social order.

### 1. Relative Deprivation as a Cause for Rebellion

#### relative deprivation

Ted Robert Gurr, in Why Men Rebel (1970), explains outbreaks of rebellion from the economic standpoint of relative deprivation fuelled by the frustration-aggression theory of psychology. Strain and discontent causing violence disrupts societal order. The causal factor creating discontent or strain is relative deprivation. Gurr sees relative deprivation as the "basic instigating condition for participation in collective violence" (p.13). Relative deprivation is the perceived discrepancy between the goods and conditions of life which people may feel are rightfully theirs and those that they are capable of attaining or maintaining given the conditions available to them.

Behind that premise, lies the assumption that there is some consensual agreement as to the goods

and conditions of life the citizen of a society needs or expects. If social conditions increase the level of expectation without increasing the citizens' capabilities, their level of discontent will be increased. If, for instance, the immigrant Irish expected a situation of increased social values in Upper Canada and did not receive them, then their discontent would be increased. Social conditions that decrease the level of the capabilities for the attainment of societal values without a consequent lowering of expectations also produce discontent, and increased deprivation.

#### frustration/aggression theory and "anomie"

According to Gurr, relative deprivation is a necessary precondition for civil strife of any kind. It is as "fundamental to understanding civil strife as the law of gravity is to atmospheric physics" (Mascotti and Bowen, 1968, p.52). This condition produces tensions in society which dispose men to violence. But Gurr maintains that the dynamic which actually makes men rebel is the basic psychological dynamic provided by man's inherent nature. He says it is a fundamental property of the human organism

that "if men are exposed to noxious stimuli they cannot avoid or overcome they have an innate disposition to strike out at their sources" (Gurr, 1970, p.23).

The problem is located securely at the human not the societal level. Gurr combines relative deprivation with Durkheim's concept "anomie" or normlessness. He maintains that the greater the degree of normlessness, the less certain people are of the norms. Uncertainty as to how to satisfy their value expectations further limits their opportunities and further frustrates their ability to rectify their deprivation. Thus, Gurr's thesis becomes: relative deprivation is a condition that will create conflict because of man's inherent disposition to aggression if frustrated. This will be increased if he finds himself in a normless situation.

#### **intensity and scope of relative deprivation**

The intensity and scope of relative deprivation relies upon the greatness of the discrepancy, the importance of the desired societal values, the

multiplicity of alternative avenues to satisfy expectations and the length of time relative deprivation exists. A rise in expectations which are abruptly frustrated creates a climate of discontent leading to violence. He directs his theory largely to established urban workers acting in political movements not to immigrants. He says that there is no relationship between urban migration and urban riot (p.100). He maintains that men do not rebel just because they are exposed to something new. People will also not riot if they regard the government as legitimate, if the government can bring overwhelming force to bear, or if there are stable alternative sources of satisfaction.

#### relative deprivation and history

The main problem with Ted Robert Gurr's explanation of collective violence is that he considers his paradigm as ahistorical. It is not, as William Chambliss put it, that history is ignored or considered "irrelevant to understanding the present" but that society is perceived as a system "which is unconnected with a particular historical epoch" (Chambliss and Mankoff, 1976, p.2). The assertion

that people suffer relative deprivation and therefore will rebel is generalized to all societies and all epochs.

**assuming society to be a positive good**

Gurr assumes that the societal order is a positive good. It is not the structure of society, nor its norms and values which are problematic. Strain is created through the perception on the part of the citizen that he does not share a portion of societal values. The attendant frustration leads to aggression. The structure of society which Gurr assumes is acceptable is the capitalistic State. So that State, in the larger sense, is acceptable. And if the citizen perceives that he is an equal partaker in that State, he will integrate within the State and offer his allegiance to it. There is no question as to why there is relative deprivation except that it is a perception on the part of the citizen. Change only occurs if the perception of relative deprivation is removed. Change is unidirectional. The citizen coheres around the accepted values of the State and is brought into equilibrium with the State values. But how does the State

change? There is no sense of societal change; only coherence to the already-in-place consensual norms. Riot does not cause change, only a problem for the system.

#### problems in society deflected to the individual

By focusing attention at the individual level, attention is deflected from the question; why is there such deprivation? This results in a one-sided consideration of society. People may suffer relative deprivation and may experience frustration, but this is a descriptive explanation of one part of society. Little is said about the interactive effect of societal structure on people. There is the possibility that people of a State suffer relative deprivation because it is systematically generated by the structure of the society, by a whole constellation of cultural problems generated by society. There is also the possibility that people will suffer deprivation and consequent frustration but, because of a large social control mechanism or a society with adequate representative structures, they may not rebel.

relative deprivation presumes a consensual view of societal norms.

Gurr's vision of humanity is based on the consensual notion that all human beings perceive relative deprivation and want what they do not have. His concept of humanity is one where human beings are inherently self-centered. There also must be a consensus as to what constitutes relative deprivation. By focusing on the system as a positive, Gurr has to bring in some other explanation, the frustration aggression theory, from outside the system to explain change (Sumner, 1979, p.107). This, however, is not a sufficient explanation of why this particular group will rebel and another will not, particularly in a state where two groups may suffer relative deprivation. During the mid-eighteen thirties in Upper Canada, the French Canadian timber workers suffered relative deprivation vis-a-vis the ruling Anglo group in Ottawa. Why did they not riot or rebel? In focusing on relative deprivation, Gurr leaves out the human being, his culture and the structure of his particular historic society. By leaving out the

specificity of culture and history, the paradigm focuses on the citizen of a society who becomes a depersonalized, but self-centered entity, with an inherent frustration aggression drive. He suffers from normlessness and deprivation, but, aside from rebelling he seems to have no other life.

## 2. Industrialism as the Disordering and Ordering Factor

broad social changes result in riot

Charles Tilley in "Collective Violence in European Perspective", (Graham and Gurr, 1969) maintains that the explanation of riots is not concerned with the universal instincts of aggression. Tilley takes the viewpoint of Park, Wirth and Hechter in pointing to grand social movements, particularly the push to industrialization, as the causal factor in social conflict. Tilley studies forms of riot by using the two variables state structure and the desire of men to have power in the state. He views these two concepts in a broad generalized historical evolution



from primitive through reactionary to modern. He assumes that a shift in the arrangements of power produces civil violence. The nature of civil violence relates to the nature of the society. He maintains that there is a common sense theory of the life cycle of industrialization and urbanization. This common sense theory is that, in the initial stages of industrial development, there is a chaotic response to displacement and disruption. The middle stage of industrialization is coincident with the rise of a militant, violent working class and the last stage is the peaceful integration of the working class into the economic and political life. Collective violence should become an anachronism in the later stages of capitalism (p.1).

But increasing violence, Tilley maintains, did not go along with increasing urbanization. In France, for instance, he points to a negative correlation between urban growth and the intensity of collective violence. Migration from country to city or from country to country, atomized the people. Rebellion was impossible because they were rootless and therefore no longer had the necessary group cohesiveness. The move to the cities grouped people into neighbourhoods according to their

special work or class thus creating a new type of kinship. With the passage of time, new kinship bonds were formed resulting in special interest groups or a working class. Residing in cities near the centre of power, they were a more concentrated threat. The authorities, therefore, had to adopt new strategies to control them.

### **primitive, reactionary and modern violence**

For Tilley, violence exists in three categories: primitive (or feudal), reactionary (corresponding to the formation of the nation state), and modern (characterized by the emergence of a full blown industrial economy). Primitive violence was directed against the feudal authority of large landholders. It was a scattered, instrumental form of pre-political communication illustrating the maintenance of traditional power and the equilibrium of power between the common people and their betters. Riot was the action of local communal groups. Branding conflict as outlawry was the answer of the local authorities, creating the rise of the Robin Hood type of bandit.

Reactionary violence, Tilley maintains, is the result of the formation of the industrial state. Men fight the loss of their traditional power and rights caused by the changing force of the new industrial state. Since the people were being deprived of their traditional rights they rioted: the Waltham Blacks rioted against enclosure, people rebelled against conscription, and the Luddites smashed power looms and shearing frames. But, as people formed new kin groups in towns and cities, mutual aid societies began. People with the same grievances created the beginnings of unions. Because of their proximity, they mobilized quickly thus posing a threat to the authorities. The modern people wanted rights they had never enjoyed but were now almost within reach. They assumed that the state had a durable existence and wanted more power in that societal structure if not necessarily under that management (p.37).

#### **violence tied to social structure**

Primitive violence then, arises out of a communal life system where there was an inherited membership and traditional life styles. Reactionary violence

was the desire to maintain their traditional ways. Modern violence arises from associational and organizational groupings. The primitive groups have defined positions of power in the State, the reactionary groups are losing their positions of power in the State and the modern groups are acquiring positions of power in the State. This violence will be dissolved by the "nadir of industrialization" ( p.1).

#### **violence and State structure**

In Tilley's view, groups transform from communal to associational groupings whilst the State changes from community to nation. Tilley maintains that collective violence clusters at the junctures when power changes. Violence is seen as an interactive relationship with the structure of the State. Without specifying how the State gets its power, Tilley maintains that the State will attempt to intervene in the relations of the State to maintain its power.

Tilley's assumption that civil violence has a correspondence with the structure of the State has merit but it fails to specify what structure and

what State. He is really describing the change to a capitalist society in England and generalizing that to all situations in all countries. He assumes that one can put all types of historical incidents into three major categories and then make some kind of common assumption about them worldwide. Tilley's version of history "reduces historical forms and events to mere variations on a theme" (Sumner, 1979, p.108).

**Broad social movements fail to explain the particular**

Tilley's explanation cannot explain the particular. It does not explain the Celtic Irish situation because, in Tilley's thesis, migration from country to city or from country to country produces an atomized population which coheres on an associational level only after a period of transition. This did not happen with the Celtic Irish. They came as an integrated group and remained one. They did not cohere with other immigrants along occupational lines or neighbourhood lines. They did not change their cultural grouping. They were not atomized by migration but rebelled a short time after

immigration. Industrialization did not destroy the kin association. Tilley's analysis uses history as an example and, in so doing, fails to address the particular.

Tilley states that "collective violence cannot be understood without reference to political life"(in Graham and Gurr, 1969, p. 2). To understand riot one must also understand the State and the authority vested in the State. But Tilley only approaches this through a very generalized view of the structure of the State. He does not address how the authority of the State affected the people. He maintains that as the landless group moved to the cities, the authorities had to find new ways of containing the associational groups. But he never specifies the ways. Nor is there any explanation as to why the State changed. There is just a generalized description of some large push to industrialization and urbanization. In the final analysis, the industrial State will create a situation of equilibrium as all conflict will end. The State then seems to have become static. This presumes that industrialism is the only function of the State.

### 3. Ethnicity as the Cause for Rebellion

#### **the emergent state creates ethnic violence**

Clifford Geertz in Old Societies and New States (1963), takes the perspective that civil discontent arises with the emergence of the Nation State, the "well ordered society" necessary to "social reform or material progress" (p. 109). The formation of nations containing peoples of different ethnic subcultures creates tensions. When these ethnic differences are politicized, they may be a sufficient explanation for riot. The emergence of a national state creates conflict between those who wish to maintain a "socially ratified personal identity" and those who desire to construct a state identity. Primordial ties are the "kin connection" that stems from being born into a particular religious community, speaking a particular language and following particular social practices.

Geertz would agree with Milton Gordon that people are governed by a sense of peoplehood or ethnicity. The forcing of different cultural subcultures to become part of a larger whole creates tension. This is very close to what Tilley is saying. As people are

forced to become part of a larger more complex grouping, there will be violence. But, whereas Tilley says civil strife changes its character, as society changes, Geertz is saying that people have their own character, their own ethnic identity. Violence is a by-product of forcing a culturally distinct group to be part of an emergent State form. States maintain their unity through routine allegiance guided by governmental use of force and "ideological impressment" (p.110). Civil violence, then, is created by the interaction of the citizens of the State and the forces of the State where the ethnicity or peoplehood of the citizen becomes a threat to the larger social order. Violence, in Geertz's terms, can be a property of the people in the State and of the State itself.

**politicization of ethnic groups leads to stratification**

Primordial ties tend to become politicized. One group may seek to maintain power through the enforcement of a cultural division of labour or stratification built on ethnic difference (Hechter, 1975. p. 39). Civil violence arises when the civil authority is weak and



where culturally defined social positions create manifest inequalities. According to Geertz, the properties around which violence will crystalize are: assumed blood ties, race, region, religion, custom and language. Assumed blood ties represent the notion of kinship or tribe. Race is the larger grouping with all the inherited qualities of shared mythology, history and physical similarities. Region is the geographically induced differences. Religion, historically, is a major fomenter of strife and can erupt between different religions or between sects of one religion. Custom causes conflict, particularly where one culture expresses itself as more sophisticated than another. Language, Geertz maintains, is not often a particularly strong crystallizer of violence.

**differential sharing of societal values along ethnic lines produces conflict**

Geertz addresses the cleavages that exist "in new States or States in formation. He maintains that patterns of primordial identification which cause cleavages within the State "...are not fluid, shapeless and infinitely various, but are definitely

demarcated and vary in systematic ways"(Geertz, 1963, p.118). One would thus expect people with a certain ethnicity to act in a certain way. Differential sharing of societal values according to ethnic difference produces conflict. Conflict can arise over the formation of the State itself. By the very process of formation of a sovereign State the process "... stimulates sentiments of parochialism, communalism, racialism ... because it introduces into society a valuable new prize over which to fight and a frightening new force with which to contend" (p.120).

without different ethnic groups societies would be peaceful

Geertz explains conflict from a totally ethnic perspective. Without ethnic differences, presumably, societies would cohere peacefully. According to Geertz, superordinate groups and subordinate groups are conflictual because of difference in ethnicity. But he also refers to a difference in the position of the groups in the State. W. M. Newman in American Pluralism (1973) broadens this concept to designate the minority

group as being one which varies from the "social norms or archetypes" and is subordinate with regard to the distribution of "social power". The majority group is a group that creates the social norms or exemplifies the "social archetype" (Newman, 1973, p.21).

#### the failure to answer the question "why"

What Geertz is actually saying is that conflict arises when ethnicity combines with differential position in the State. This explanation is a description of the situation. The reasoning becomes circuitous. There is conflict in the State because some hold the power of the State whilst others do not and the powerful of the State create conflict because they are powerful and others are not. The premise and the conclusion become the same. It does not attempt to show why power or resources are differentially distributed along cultural lines. This is very clear when Geertz posits that in the creation of a State, the State becomes a valuable new entity over which conflict occurs. There is no linkage to explain how authority relationships are derived from ethnicity.

the integrative revolution happens at the level of individual change

The solution to civil violence is to "domesticate" the malcontents. Neutralizing their legitimate grievances with extension of the franchise, lifting oppressive government policies, and permitting them a place in the political arena will reconcile them to the emerging national identity (Geertz, 1963, p.128). This is the "integrative revolution". Thus the ethnically different are to be brought into a state of equilibrium with the dominant ethnic group. Supposedly, the dominant ethnic group will define how and when to allow the integration. The definers of society are those that define the "civic sense" the collective interest to which the ethnically different will cohere (p.156). What kind of state will represent the collective interest is not explained. But it is presumed that the emerging national state is a positive good.

### III Crime

#### 1. The Order/Consensus Paradigm Focusses on the Individual as a Problem

What happens when the concept of crime viewed within the order/consensus paradigm? If the focus is on the individual as the problem for the system, then it is the individual who causes crime. The assumption of society as a positive, leaves only one conclusion, the individual is a negative. With Gurr, it is part of man's self-centered and aggressive nature. With Tilley, it is variously a form of communication, a desire to retain traditional benefits, or the desire to have more of societal values. Geertz views it as frustrated cultural heritage. But in no sense is the structure of society, the social, the economic or the political, problematic.

#### 2. The Policing Function

The policing function will be used on behalf of the assumed positive state to correct, control or neutralize the individual or the group which causes a problem for the state. The order paradigm, because it focuses on the individual or group as a problem

in some consensual system, necessarily will take on the viewpoint of the Refiners of that consensual system. The policing function will be an arm of that system. The policing function in a colonial situation, as in the province of Upper Canada in the nineteenth century, was a function of the state to maintain law and order.

... the Parliament of Upper Canada had divided the province into townships and counties and grouped them into districts and authorized the appointment of a High County Constable for the maintenance of law and order. ... Settlements were, hence, legally obligated to construct and maintain court houses and jails and to appoint law officers. (Talbot, 1985, p.33)

Since the system is an assumed positive, it will be the duty of the policing function to bring what is negative into a state of coherence with the system. If that cannot be done, the policing function will be to neutralize the negative so that society can maintain a state of equilibrium.

Conclusion: Order/Consensus and Riot

The order/consensus paradigm views society from the vantage point of the definers of society. It is a view from the top down. Riot becomes a problem for the social order, from the view point of the dominant group. Riot and those who riot appear as a negative. The discourse is biased in favour of the definers of society and against those who disturb that society. They have disturbed the equilibrium and it is they who must be brought into coherence with the rest of the social order. The norms and values of the definers of society often appear to be neutral. But there is no neutrality when it comes to social conflict. In the order/consensus paradigm there is a uni-directional change. Those who riot or rebel must be brought into agreement with the consensual norms and values of the definers.

The order/consensus paradigm presumes that there are similar systems about which judgments can be made and generalized to other like social systems. History is an example for the system. There is a peculiar timeless quality of static coherence. The static coherence is a conservative coherence to

preserve the status quo of the consensual norms and values. Those that cannot be brought into a state of equilibrium must be removed or neutralized. In terms of the police function, the police will be a conservative arm of society to maintain the status quo on behalf of the dominant group in society. Those that are a problem for the system will find themselves on the wrong side of the law.

Conflict in the state as seen through the filters of the order paradigm is something that arises out of the inherent nature of man to rebel when frustrated, the normal response of the population to sweeping changes such as industrial capitalism, or the response of the ethnically different when placed in an unequal position with others. The indigestible ingredient, in all cases, is the citizen of the state. The focus is shifted from the state to the individual because society or the economic structure or the nation state is assumed to be working for the ultimate betterment of the individual.



## Chapter II

### The Conflict Paradigm, Oppositional Subgroups and Riot

#### I. The Conflict Paradigm and Oppositional Subgroups

The conflict paradigm does not assume consensus on societal values. Societal values are contested. Instead of cohering around accepted social norms, the norms of society cause alienation, a "separation from man's universal nature or a desired state of affairs" (Horton, 1973, p.84). Society is not a "system" which ultimately resolves into a state of equilibrium but a terrain of political struggle between groups with oppositional views. Societies are.

not ahistorical, manifesting common features which can be generalized across time and cultures. Societies are a product of their own historical epoch with their particular institutions and ideologies. There is no assumed acceptance of the system but a questioning of existing practices and norms of a particular situation at a particular juncture.

### 1. The Marxist Perspective

**negativity leading to a class society**

With Marx, the force for change in human society is negativity and contradiction (Giddens, 1983, p.132). Negativity is the loss of humanity the human being suffers through his position in a class society. The economic order of capitalism presupposes a difference between the owners of the means of production and the workers. It arranges society in groups according to their position in the economic order. Capitalism creates classes according to their economic position.

**contradiction leads to social change**

Contradiction is the character of the class society itself (Giddens, 1983, p.132).

Capitalism maximizes the contradictions inherent in class relations, and at the same time prepares the stage for the transcendence of contradiction in a classless society. The "clash of reciprocal contradictions", as Marx puts it, is the pitting of capital against labour. The proletariat is the "radical negativity", suffering from a "total loss of humanity", the accumulated weight of contradictions ... (Giddens, 1983, p.133).

Contradictions mobilize social transformations in societies. The clash between the productive forces and the existing relations of production create antagonisms and conflict. The overt struggle produced by this clash are explained not by some overriding idea or historical force but

from the contradictions of material life, from the existing conflict between the social productive forces and the relations of production ... not in the sense of individual antagonism, but one arising from the social conditions of the life of the individuals; at the same time the productive forces developing in the womb of

bourgeois society create the material conditions for the solution of that antagonism (Marx and Engels; London, Lawrence and Wishart, 1968; p.182-183).

Societies change because of internal dynamism. Change is not the static integration of subcultures. There is no equilibrium. A dynamic relationship grows out of the relationship between the incompatibility of the forces of production (labour) and the means of production (capital).

#### **contradictory factors**

The contradictory aspects of the capitalist system are:

1. The relation of capital and wage labour as a class relation.

2. The connection between use-value, the "specific natural properties" and the "universal social properties" of commodities.

3. The circumstances involved in the generation of surplus-value, especially as involving the tendency of the profit-rate to fall.

4. The nature of the labour process, as expressed in the alienation of the worker set by the side of the wealth created

by capitalism (Giddens,  
1983, p.136).

If the contradictions of capitalism are diffused, the propensity for overt struggle will be lessened. But if there is a fusion or "overlap" of contradictions then overt struggle is more likely. The coincidence of domination (in "asymmetry of resources"), power (in "relations of autonomy/dependence"), conflict (in "relations of antagonism or struggle") and contradiction (in "opposition of structural principles"), produces overt struggle (Giddens, 1983, p.145).

#### power relationships are reciprocal

Power relations are not uni-directional. They are reciprocal.

...however wide spread the asymmetrical distribution of resources involved, all power relations manifest autonomy and dependence "in both directions (Giddens, 1983, p.149).

Power relationships exist in all societies and all social systems. The State develops strategies to control the workers and the workers will develop strategies to limit that control.

## 2. Reductionist Marxists

### 2.(a) Quinney

direct correspondence between social relations and the economic base

In the "vulgar" marxist tradition, the relations of society have no autonomy. They are a reflection of the economic base. The economy determines the relations of society. Power relations are necessarily those imposed by the dominant group with no reciprocal strategies of control. Quinney in Class, State and Crime, (1977), takes this determinist point of view. Quinney views the power relationship in society, as evidenced by law, as a reflection of the material or the economic relations of production under capitalism. Present day law and notions of justice arose with the rise of capitalism and private property (Quinney, 1977, p.2).

**law as the tool of the ruling classes**

Law is an instrument which coincides with the interests of the owners of the means of production, or the ruling classes. The law is reduced to a reflection of repressive power relations of the ruling group. Since a healthy order under capitalism is one which benefits the capitalist, the law will reflect that order and asymmetrically benefit the capitalist. The law becomes an instrument of the ruling group used to benefit the ruling group.

... in a class society, based upon the needs of capital and the protection of private property, the poor and the propertyless are always in some sense on the wrong side of the law, whether they actually transgress it or not... (Hall et al., 1984, p.190).

**law is a conservative instrument**

The law protects what exists and by nature is a conservative element to protect the status quo of the capitalist order. The law is not the only instrument of capitalism in Quinney's view. The capitalist State manipulates the consciousness of

the people through education, and the ideologies offered out by the institutions of government.

## 2.(b) Spitzer

the economic base produces problem populations

Spitzer is a marxist scholar who reduces the social to the economic. Whereas Quinney maintains that the law is a direct instrument of the ruling class, Spitzer's reductionism evolves from the argument that economic forces fracture society and, in so doing, produce "problem populations". The superstructure of society "emerges from and reflects the ongoing development of economic forces" (Spitzer, 1970, p.641). The economic base directly determines the superstructure. Because capitalism is an exploitive system, it will necessarily create resistance. Also, because capitalism necessarily creates periods of economic growth and decline, it creates "relative surplus populations". Spitzer designates these groups, created by resistance or economic redundancy, as "problem populations".



These "problem populations" exist if they "disturb, hinder or call into question any of the following:

1) the capitalist modes of appropriating the product of human labour (e.g. when the poor steal from the rich).

2) the social conditions under which capitalist production takes place (e.g. those who refuse or are unable to perform wage labour).

3) patterns of distribution and consumption in capitalist society (e.g. those who use drugs for escape and transcendence, rather than sociability and adjustment).

4) the process of socialization for productive roles (e.g. youth who refuse to be schooled or those who deny the validity of "family life").

5) the ideology which supports the functioning of capitalist society (e.g. proponents of alternative forms of social organization).  
(Spitzer, 1975, p.642).

Thus capitalism creates not only subcultures in classes; but also erects these on "problem populations".

### 3. Cultural Marxism

**material base does not directly determine social relations**

Cultural Marxism prevents this wholesale collapse into determinism. By maintaining that the material base does not directly determine the output of the superstructure, cultural marxism nullifies the monocausal problem. Cultural relations, in which classes or subcultural groups are enmeshed, widen out the discourse to include the lived social practices and social relations of a society as socially, historically and economically produced. Power and control become reciprocal.

**uneven correspondence between law and the economic base**

Cultural marxism provides the answer to the uneven correspondence between law and the economic base. This, according to Hall, is the "crucial problem" in Marxian analysis.

... how to understand the nature of the "uneven correspondence" between legal relations and other levels of the social formation; how to comprehend that the state can serve "the supremacy of this or that class in the last resort" ... the development of the productive forces and relations of exchange", while at the same time assuming the appearance of an independent power, "apparently standing above society" moderating its contradictory antagonisms (Hall, 1984, p.197).

#### appearance and reality

To understand the specific juncture, it is necessary to see behind the appearance to the reality. The social formation is

a complex unity composed of different levels and practices, where there is no necessary identity or correspondence between the effects a relation produces at its different levels (p.198).

An examination of the culture of a social formation separates appearance from reality. In Marx, the appearance is the appearance of free labourer working for a fair day's wage for a fair day's work. The reality is the exploitation for a profit of one

person, who must work, by another. But out of this appearance of fairness "arise all the concepts and discourses which organize the domains of the superstructure - political, legal and ideological" p.199). The appearance hides the reality.

### **the multitude of signifying systems**

To examine the culture of a social order is to examine the "signifying system" through which the social patterns of that social order exist. This is not to say that there is only one signifying system. For within a social order, there can be subcultural groups which may have their own signifying systems. These are related to the larger signification of the total social order.

### **materialist conception of culture**

But what are the formative elements which create culture? The idealist premiss is that culture is created by an "informing spirit - ideal or religious or national". This is "manifest over the whole range of social activities but is most evident in

"specifically cultural" activities - a language, styles of art, kinds of intellectual work ..." (Williams, 1981, p.11-12). The materialist conception of culture is that it arises out of the lived relations of a society with the emphasis on "the whole social order within which a specific culture, in styles of art and kinds of intellectual work, is seen as the direct or indirect product of an order primarily constituted by other social activities" (p.12).

Cultural marxism concerns itself with the materialist conception of culture where the exploration of that culture is derived from the specific social order and manifested in the cultural outgrowths of that social order.

#### **dynamism in cultural relations**

Culture is a dynamic relationship. The lived relations of people influence and are influenced by culture. To examine culture within a particular social order is to explain the particular historical, social and economic relations which underpin that order. This is in contrast to the

apparently neutral stance on the social order in the order/consensus paradigm.

Culture involves lived relations and therefore the class relations or the relations of subcultural groups within society. The economic order ranks people differentially. "Class consciousness (and subcultural consciousness) is the way in which these experiences are handled in cultural terms: embodied in traditions, value systems, ideas and institutional forms" (E.P. Thompson, 1984, p.9). To examine a particular historical juncture, it is necessary to examine the dominant and subordinate cultural practices together with the relation of the subculture to the dominant culture.

### **Ideology**

Out of the lived relations of a culturally specific society, class or subcultural group, arises ideology. Ideas and constellations of ideas produced from lived relations in a specific culture. Cultural marxism is concerned with the ideological state and the ideological hegemony of the capitalist society.

This society appears to moderate class struggle but in reality works on behalf of the capitalist order.

The State, thus viewed, is not the pluralist institutional State where there is a set of institutions within which interest groups compete. Nor is the State that of vulgar marxism where all relations are reduced to the economic, where the State acts as the "nightwatchman for the bourgeoisie". The ideological State is constituted by whole sets of ideologies where the State seeks to manage and reproduce the capitalist order by ideological conformity ( Hall, 1984, p.202). The State exercises hegemony. Hegemony is the rule of the dominant group who extends "its authority in production through to the spheres of civil society" (p.203). Hegemony is exercised through consent or through coercion. The State seeks control. But there is a "dialectic" of control on behalf not only of the State, but also the citizen of the State. If there is a fusion of contradictions in the State, ideological consent will break down and the State will use coercion.

Conclusion: The Conflict Paradigm and Oppositional  
Subgroups

The problem with instrumental or economic determinism is that it is a monocausal point of view. It becomes a single factor theorem. Quinney's view of law as an instrument of repression by the ruling classes, ignores the reciprocal dynamic of control in societies. Laws control both the capitalist and the labourer. Spitzer's direct correspondence between the economic and "problem populations" ignores the active strategies of those populations. Vulgar marxism, the reading of society as determined by material factors results in a simple reflection theory. People are determined and their ideas and actions have no autonomy. More importantly, if all is determined, then how does change come about? Determinism collapses all into structure whether ideological, power, or the economic and fixes it immutably.

Cultural marxism examines the particular moment in history from the different perspectives which are inherent in all social practice, within the larger economic and political framework. It explains change. Reciprocal strategies for control are examined from the perspective of the citizen and the State. It looks



behind the appearance of social relations to the reality of the signifying patterns of culture within the class structure. It recognizes the ideologies produced by the strategies of people in lived relations articulated within their group as well as the ideologies articulated to the larger social, political and economic structure. And in so doing, it reveals the ideology of the state which attempts to moderate the relations within society while attempting to maintain hegemony.

## II. The Conflict Paradigm and Riot

### 1. Cultural Marxism and Riot

The conflict paradigm seen from a cultural marxian perspective is particularly apt for the examination of collective violence. The structure of society is seen as problematic. The examination of riot will reveal the conflicting cultural patterns and beliefs that create the conditions for riot. Oppositional subcultures conflict with, rather than adjust to societal norms and values. Oppositional subcultures

contest their position in society. Cultural marxism accepts that the fusion of social and economic contradictions produce conflict. The examination of conflict, therefore, widens out to include an examination of social and economic contradictions. The examination of collective violence is not located at the individual level. There is an examination of the strategies of the definers of the socio-economic order as well as the strategies of the oppositional group.

### history

Because the strategies of both sides are examined, there is a need to examine the historical moment when the particular conflict occurs. History becomes important. History is not simply an example to prove a point. Each historical juncture is specific to its time and place. It is also specific to the social practices of the people within that time and place.

**social roles seen within historical situations**

Because capitalism differentiates people according to the economic order, people are differentially arranged in social roles. There will be different strategies in different groups, different constraints and different possibilities. The individual becomes a conscious dynamic actor, both a product of his cultural milieu and an influence upon that milieu. Change is an outgrowth of the strategies that people use to create meaning within their relations and fulfill their aspirations within the class structure. Cultural marxism is concerned with the specific historical moment and the social and economic relations within a given historical structure that explain that moment. It is concerned with the social roles which people live.

The question, of course, is how the individual got to be in this "social role", and how the particular social organization (with its property-rights and structure of authority) got to be there. And these are historical questions. (E.P.Thompson, 1968, p. 10).

### **cultural marxism widens out the discussion**

The order/consensus paradigm fixes the causes of collective violence at the individual level assuming the structure of society, the State, to be acceptable. The order/consensus paradigm focuses upon riot or violence itself as the object for study. Riot becomes then, a problem in a system. If eradicated, the system will return to a state of equilibrium. Society is taken as a positive given and the focus is upon examining and neutralizing problem behavioural patterns or problem situations which interrupt the system.

If riot is seen from the vantage point of cultural marxism it is seen as a practice situated in the broad context of social relations. Cultural marxism integrates the concepts of relative deprivation, historical movement and ethnicity because these impinge upon the cultural milieu. The question why these concepts become important in a given historical juncture is answered by examining the socio-economic relations in society as they pertain to "...knowledge, belief, art morals, law, custom, and any other capabilities and habits

acquired by man as a member of society" (E.B.Tylor, 1970, p.1).

### **ideological strategies**

Cultural marxism also involves the ideological State. The strategies of the definers will not only involve the legal rules of the State but also ideological domination. One of the ideological strategies which prepares the way for legal restraint and political control is the moral panic.

## **III. The Ideological Strategy of Moral Panic**

### **1. A Moral Panic**

**moral panics: an exaggerated state of apprehension and stereotype creation**

A moral panic is a state of anxiety over some perceived threat to the norms and values of the dominant members of society. But it is an anxiety blown out of all proportion to the actual threat.

Societies appear to be subject, every now and then, to periods of moral panic. A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereo-typical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right thinking people; socially accredited experts pronounce their diagnoses and solutions; ways of coping are evolved or (more often) are resorted to; the condition then disappears, submerges or deteriorates and becomes more visible. Sometimes the object of the panic is quite novel and at other times it is something which has been in existence long enough, but suddenly appears in the limelight. Sometimes the panic is passed over and is forgotten, except in folklore and collective memory; at other times it has a more serious and long lasting repercussions and might produce such changes as those in legal and social policy or even in the way that society conceives itself (Cohen, 1980, p.9).

the values of the definers are threatened

Moral panics arise when there is a perceived division on moral values between the definers of society and a subgroup in that society. A moral

panic illustrates a cleavage in societal definitions. This cleavage threatens the definition of the definers of society. This threat may have no (or very little) real substance. But it is perceived to have real substance. It provokes "a strong and vigorous reaction" (Hall, 1984, p.17). The reaction is inflated and "quite at odds with the scale of the threat to which it was a response"(p.17).

#### moral panics are a perception of threat

The term moral panic refers to an ideological construction of reality. It is not a simple reflection of reality. Stanley Cohen in Folk Devils and Moral Panics (1980), investigated the relationship between media and event. He resolved media-defined events into component parts to show how the media create stereotypes. Real occurrences are distorted through the act of reporting, either through condensation or bias. Definers of society, experts and people with power, are consulted on the event and their judgments are incorporated into the reporting framework. The public is sensitized to future event by the boundaries of the reporting. The public and control mechanisms of society will

mobilize in anticipation of that occurrence to control future similar ones. This is an interactionist explanation of label creation or stereotype creation which illustrates discrepancies between "what is perceived and what that is a perception of" (Hall, 1984, p.29).

#### moral panics as ideological displacement for problems in the State

In Policing the Crisis (1984), Hall et al. agree that moral panics are part of symbol or stereotype creation. But they locate the concept of the moral panic in the broader structure of society. Their thesis is that mugging by youths created a moral panic at the same time that the state was itself undergoing larger threatening problems: high unemployment, fiscal crisis and unsettling immigration policies (especially regarding blacks).. Hall et al. point out that mugging became a moral panic in England before there was any real crime of that type..

Before the term mugging was used in the English press to apply to English criminal activity, mugging



was a term closely associated with the United States. American television crime shows, imported to the United Kingdom, had familiarized the British public with the term mugging. It was symbolic of the societal disintegration of the American inner city, an inner city distinguished by the black racial problem. The definers of British society, the long established police chiefs and the newspapers began to apply this term to the activity of British youth gangs. Their definition was buttressed by the reuse of this term by the judiciary. The thesis of Policing the Crisis maintains that there was a moral panic over mugging when there was no or very little activity to support that conclusion. The effect of the moral panic over mugging deflected attention to a symbolic threat and away from the actual and larger social malaise in the economic structure of society. The moral panic over mugging becomes an "ideological displacement" for the larger problems within the State itself. The generalized anxiety of the citizenry focuses on the symbol and seeks to control that, instead of addressing the larger issues.

Moral panics, according to the authors of Policing the Crisis, presupposes a society where the

dominant group has a certain definition of itself. The dominant society in England was predisposed to think of itself as English and white. The immigration of multi-racial groups threatened that definition. Moral panics also occur in a time of general anxiety about the welfare of society. If society has no internal anxiety it will not be predisposed to panic. Capitalism maximizes the contradictions in society which create anxiety or conflict. Conflict will necessarily threaten the hegemony of the ruling groups. But it is the function of the state in capitalism to moderate class conflict on behalf of capital while appearing to be neutral. A moral panic works to the benefit of the ruling group in maintaining hegemony. The definers of society will necessarily be part of the sensitizing force and create the boundaries of the moral panic which mobilize public opinion.

#### **stereotype creation and the, criminal label**

The building of threatening stereotypes is not a new occurrence. In a society which is undergoing change where the definers have a vested interest in a certain value system, the threatening stereotype is

often the bogeyman that keeps the rest of society in line. Moral panics are a way of defining a problem sector and seeking to control it. Crime changes its definition with changes in criminal activity and changes in society. But crime is also a label defined by the powerful in society.

...the shifting application of the category itself, by the governing classes, to different groups and activities, in the course of - and sometimes for the purpose of preparing the ground for - the exercise of legal restraint and political control (Hall, 1984, p.189).

Moral panics assist the definers in maintaining their hegemony of society. Those who are perceived to create the moral panic may be criminalized. The criminal label "resolves ambiguities in public feeling" (p.189). It focuses public attention on an issue easily understood and easily rectified. If a person is criminal then the law will control him. As E.P.Thompson points out in Whigs and Hunters

What is at issue is not whether there were any such gangs (there were) but the universality with which the authorities applied the term to any association of people who fell outside the law ... For the category "criminal" can be a dehumanizing one ... and the categories then prepare

us exactly for the conclusions.... The behaviour of the "Blacks" was a real danger to "peaceable men" and therefore the provisions of the Black Act had justification at this time. Something needed to be done. (Thompson, 1977, p.194-195).

### moral panics and hegemony

Hegemonic order is the situation whereby the authority of a dominant class invested in the state is legitimized by the majority of its citizens. This is achieved by consent or coercion. Consent is won in the earlier stages of capitalist development

...by destroying those structures, relations, customs, traditions which, deriving from the past, from past modes of life, stand in the way, fetter and constrain capital's "free development"; second, it preforms the work of actively tutoring, forming, shaping, cultivating, soliciting and educating the emergent classes to the new social relations-which enable capital accumulation and production to begin "freely" to unroll (Hall, 1984, p.208).

Hegemony allows the state to reproduce itself according to the dominant value system.

Only when a dominant class fraction could extend its

authority in production through the spheres of civil society and the state could it be said to exercise "hegemony". Through the state, a particular combination of class fractions - an "historic block" - was able to "propagate itself throughout society - bringing about not only a unison of economic and political aims, but also intellectual and moral unity ... thus creating the hegemony of a fundamental social group over a series of subordinate groups" (Hall, 1984, p.203-204).

The state organizes the dominant order through ideological hegemony and through the institutions of the state which create public policy and coercion through law and legal repression. The state is "the product of class antagonisms, and perpetuates a class order - by appearing to moderate the class struggle" (p.197). The state maintains legitimacy in the eyes of the citizen by appearing to act for the universal interest. If legitimacy cannot be maintained through the consent of the majority, the state will turn to coercion. The moral panic is a situation which precedes legal change or coercion.

## 2. Moral Panics and Vigilantism

What if hegemony cannot be maintained through consent or through the imposition of the criminal label. The dominant classes are then forced to use coercion. One form of societal coercion is vigilantism. Vigilantism has certain preconditions and follows certain definite patterns. Vigilantism is establishment violence (Rosenbaum and Sederberg, 1976, p.3). It is necessary, therefore, to have a society with a clear establishment. In other words, a society where vigilantism will take place is one where there is already a definite distinction between those with the power and those without the power. But it will be a society in transition, a society where the government which represents the value system of the establishment is weak. The dominate group, observing that its government is unable to maintain the traditional ways or the current distribution of values will attempt to help it (p.3). Vigilantism helps to preserve the "status quo ante" in the area of peaceful existence, the eradication of crime, or to preserve a certain political order.

### vigilantism as a conservative force

Vigilantism is necessarily conservative in that it wishes to preserve the values of the past. The need to preserve past values results from some perception of threat to those values. In an already structured society with an establishment, the perception of threat must be more than just a change in the social order, it will be a change in the social order to benefit someone other than the establishment. Members of the establishment of the State may attempt to resist the change in the social order by what Rosenbaum and Sederberg refer to as "social group control" vigilantism.

Social group control vigilantism seeks to control a threat from a communal group that has a "primordial characteristic" of race, religion or tribe. This group is seen to be attempting to take a higher place in the terrain of the State. The assumption might be made, that if another grouping is to receive some benefit it will probably be at the expense of the establishment. If the establishment perceives this change as a threat, it

might be assumed that the establishment values of the past have not been entirely fair with those who pose the perceived threat. The establishment is interested in the maintenance of a certain value system. The distribution of values under that system will necessarily and asymmetrically work to the advantage of the establishment. Vigilantism, therefore, will occur in a situation where there is a challenge to the social order by a group who suffers some relative deprivation and where the government is perceived to be unable to meet the challenge.

#### **vigilantism as crime control**

Where there is no police function already in position in the State or where it is weak, vigilantism will take on the problem of crime control. The problem with "crime control" vigilantism is that the vigilante violence can become worse than the crime itself. Because vigilante crime control exists outside the boundaries of the law, proportional retribution is, more often than not, forgotten.



### 3. Moral Panics and the Signification Spiral

Moral panics do not erupt in a vacuum. There is a progression of precursory stages. The use of the signification spiral found in Policing the Crisis (Hall, 1984), is particularly adaptive to the study of moral panics because it allows a deconstruction of the event and illustrates in a step by step manner how a moral panic escalates to produce a control strategy on the part of the definers. If the control strategy of the moral panic is not effective, there will be a call for coercion.

#### **a deconstruction into six steps**

The signification spiral deconstructs the moral panic. It illustrates what was in the minds of the definers of society. It also reveals—the reciprocal control strategies of the powerless. The signification spiral of Policing the Crisis is composed of six steps.

1. the identification of an issue of concern;

2. the identification of a subversive minority;

3. "convergence", or the linking, by labelling, of this specific issue to other problems;

4. the notion of "thresholds" which, once crossed, can lead to an escalating threat;

5. the prophesy of more troubling time to come if no action is taken

6. the call for firm steps (Hall, 1984, p.223).

#### convergence

The notion of convergence and threshold are important to the escalation of threat. Convergence is the fusing of one conception with another which may or may not have any relation to reality. Convergence is an important concept in escalation because

... it exaggerates out of all proportion the one element most troubling and threatening to the established political order (Hall, 1984, p.224).

### **thresholds**

Thresholds are stages in an escalating threat which demarcate the "limits of societal tolerance". These thresholds range from simple moral disapproval through the legal impermissible to hegemonic threat.

...acts which pose a challenge to the fundamental basis of the social order itself, of its essential structures, almost always involve, or at least are signified as leading inexorably across, the violence threshold (Hall, 1984, p.225).

### **Conclusion: Moral Panics**

The moral panic is an overblown anxiety. It is a seemingly threatening problem. It is perception of threat from a powerless group. The powerless group presents an alternative or conflictive social standard to the social standards of the dominant group. The dominant group defines itself by one set of standards and the powerless group by another. The dominant group sets itself aside from the powerless group defining itself by what it is not. At times of general anxiety, the dominant group needs to reaffirm and ratify their definitions of themselves.

The order/consensus paradigm maintains that riot is just a problem for the social system. Once riot is nullified or neutralized there will be integration with a return to equilibrium. Is then a moral panic just a precursor to control which brings society into a state of equilibrium?

A moral panic is an exaggerated anxiety, a perception of threat and an ideological displacement. It is the scapegoating of a vulnerable group by a dominant group. This scapegoating appears when the larger society is suffering from an overlap or fusion of societal contradictions. Values in society are always being contested. But when the contest becomes manifestly more intense, the definition of the definers themselves becomes threatened. To shore up their self definitions, to protect their vested interest, the definers find a common enemy which resolves the ambiguities. The moral panic is not a precursor to integration and equilibrium. It is a sign of societal change at the level of the definers.

#### IV. An Examination of a Riot from a Cultural Marxist Perspective

##### 1. Whigs and Hunters

In Whigs and Hunters (1975), E.P. Thompson examines the uneven correspondence of the law which grew out of the conflict between the Whigs, who were enclosing the land and forests, and the crofters or yeoman farmers who felt that they had an historical right to the common lands. It was a collision of "alternative definitions of property-rights: for the land owners, enclosure - for the cottager, common rights: for the forest officialdom, preserved grounds for the deer; for the foresters, the right to take turfs" (p.261). This conflict resulted in the Waltham Black Act which created between two hundred and two hundred and fifty capital offenses (p.23). Thompson's hypothesis is not reductionist; that the law is used by the exploiters, the Whig ascendancy, to put down the lower classes. He argues rather that both classes utilized the law during the eighteenth century and the law survived to become

the true arbitrator and inhibitor of unrestrained power.

historical understanding from the bottom up

E.P. Thompson examines the situation from the socio-economic perspective of the peasantry and yeoman farmers, next the political situation and class system within which their class was enmeshed. The examination of the conflict reveals the cultural attitudes and patterns of both sides. The peasantry and yeoman farmers, who militantly attacked the forest officialdom from 1717 to 1723, resented the forest law system which protected the deer hunting and the deer preserves of the wealthy. The protection of the deer and the forest preserves eroded away the customary rights. The Whig ascendancy were cementing their newly found privileged position vis-a-vis the old country gentry by buying large estates and enclosing the forests. The attempt to break old hereditary tenures caused open revolt by the peasants who blacked their faces in disguise.

### changing of criminal meanings

This revolt was involved with the larger political system of the Whig ascendancy and their control over Parliament. The crofters and yeoman farmers were enmeshed in a class system which was distinguished by a government that supported the preservation of private property. The Whigs agreed with Locke that "government has no other end than the preservation of private property" (Hay, 1975, p.18). And the Black Act redefined crime as something "defined by the propertied" (E.P. Thompson, 1977, p.207). It was no longer an "offence between men" but an "offence against property" (p.207). The category, crime, changed meaning from injuries to men to injuries to things.

### examination of reciprocal strategies

In Whigs and Hunters, Thompson parses out the revolt of the Waltham Blacks by starting with the investigation of the peasantry in and around the great forests of Windsor and Hampshire and their strategies for existence within the larger movement

of the Whigs to enclose land. It is an investigation of a particular historical juncture. But it is a view from the bottom up. From this viewpoint the Blacks become, not the disrupters of a social system, but the victims of a new social order, one that relies upon the protection of private property. It is not an examination of the enclosure movement from the viewpoint of the definers of society.

The strategies of the Waltham Blacks were on a collision course with the strategies of the new large landowners who were themselves attempting to cement their place in the social hierarchy. Thompson gathers his information in ever widening circles to end up with the total social and political order and the resulting legal structure. The implementation of the Black Act meant the abandoning of the old methods of social control, the power of the king and the influence of the church. Society was being converted to one based upon the right of property ownership protected by law (p.241). The right of every Englishman to his traditional "rood of ground" was translated into village groupings "with a constable on patrol"(p.240).



### how the law changed

Although the law was, to a large part, the province of the wealthy, it was not just an instrument of class power. Law gained legitimacy because the eighteenth century common man lived his cultural strategies within the rule of law. The belief of the common man in the rule of law lent the rule of law general legitimacy. This legitimacy widened out enabling the common people to use the law for their own protection. By activating his "right to the law", the common man created the situation whereby not only were

the rulers (indeed the ruling class as a whole) inhibited by their own rules of law against the exercise of direct unmeditated force (arbitrary imprisonment, the employment of troops against the crowd, torture, and those other conveniences of power with which we are all conversant), but they also believed in these rules, and their accompanying rhetoric, to allow, in certain limited areas, the law itself to be a genuine forum within which certain kinds of class conflict were fought out (Thompson, 1977, p.265).

The strategies of reciprocal control created change. Conflict brought repressive law. But law started to protect those it was created to oppress.

Through the examination of the specific historical juncture, conflict is not just the problem for a system but a process of the lived relations of real people.

Conclusion: The Conflict Paradigm, Oppositional Subgroups and Riot

The conflict paradigm posits a problematic nature to society. The Marxist perspective posits that social conflict arises from a nexus of contradictions. Domination, power, conflict, and contradiction may overlap or fuse to produce riot. Cultural Marxism examines the relations of the definers of society and of oppositional subgroups to reveal associative conditions for riot. Conflict reveals the reality behind the appearance. Conflict also illustrates the reciprocal relations of control. The moral panic is a strategy of the definers in society to control oppositional groups. People are not entities with psychological drives or an inherent selfish nature. They are social beings, part of both, their group

culture and part of societal culture with their attendant ideologies.

There is a particular time and place in cultural marxist conflict. The examination of history reveals the reality behind the appearance. Societies are not similar systems with similar compositions. They are historically specific. There is no assumption of consensual norms and values in some homogenized whole. There is a multiplicity of norms and values and definition of difference.

### Chapter III

#### The Methodological Framework: Historical Materialism

The examination of the Catholic Irish riots in Bytown in the 1830S is a discussion of an historical event. The methodological framework which will be used to view the Catholic Irish conflict will be historical materialism. Before addressing that historical framework, a discussion of historical event must address certain problems in historiography. William Dray in Perspectives on History (1980), discusses three major problems in contemporary historiography: the problem of understanding, using R.G. Collingwood as the example; the problem of objectivity, referring to the work of Charles Beard; and the problem of the

individual and the group, considering the view of J.W.N. Watkins.

In the second half of this chapter we will discuss these three methods in historical research by examining two accounts of Catholic Irish riots: "Of Irish Riots in Upper Canada" by J.K. Johnson and "Class Conflict on the Canals of Upper Canada in the 1840S" by Ruth Bleasdale. Neither article is directly concerned with the Bytown area. The second one is slightly outside the 1830S time period. However, history written about the Catholic Irish riots is limited and often does not overlap the same locality. Both articles examine Irish riots in Upper Canada, in the Cornwall area and along the St. Lawrence canal system. The social milieu in which the riots occur is similar to that of Bytown in the 1830S where the Catholic Irish were a disfavoured and powerless subgroup.

These authors are representative of current historiography of Irish conflict. The article by J.K. Johnson "Of Irish Riots in Upper Canada" is an illustration of a work written within the order/consensus paradigm. The article by Bleasdale "Class Conflict on the Canals of Upper Canada in the

1840s" is an example of labour history and is written within the conflict paradigm.

I. Problems in Historiography: Considering Collingwood, Watkins and Beard and a Consideration of Historical Materialism

1. R.G. Collingwood and Historical Understanding

investigation of past event from the "outside" and the "inside"

The primary focus of R.G. Collingwood is to understand historical event "through a re-enactment of past experience" or "a rethinking of past thought" (Dray, 1980, p.9). This does not mean that the historian searches for cause and effect relationships to discover some positivistic "general formula or law" whereby the antecedent conditions necessarily cause something to happen (p.10). Collingwood maintains that the historian should investigate past event both from the outside, the event itself, and from the inside, the thought which

explains the event. The historian attempts to discover all the pertinent facts surrounding the event (the outside) and then rethinks the event critically in an attempt to discover the thought of the agent or agents involved in the event (the inside). Historical action represents the thought forms of the agents involved in the action. To understand the action, the historian rethinks the action, sometimes discovering thoughts which might have been hidden from the awareness of the agent (p.13).

**understanding historical event by rethinking the actions of the agent**

The understanding, or the answer to the question "why" such an action occurred, will come as the result of rethinking the agent's thoughts. The rethought action then becomes self explanatory. What happened is discerned from the outside event and its surrounding facts. Why the event happened is explained in the rethought action. A full description of the events and the rethought action provides explanation. But as Dray points out, there needs to be a distinction between the event and what

explains it (p.18). Collingwood tries to surmount this difficulty by pointing out that the rethinking takes the form of a valid, practical argument. The argument renders the action understandable if it takes into account the considerations in the mind of the agent. Collingwood is not looking at the unique event, but at event which has "significance valid for all men at all times" (p.23). The practical argument, critically evaluated and found valid, engenders universal understanding. But, to be explanatory, it must be an argument that the agent could have thought himself. Collingwood clearly wants the historian to consider the historic event from the vantage point of the agent.

**understanding history at the level of individual action**

History, according to Collingwood, is a "humanistic" study. In other words he focusses, as does the order/consensus paradigm, upon the person's actions leaving the structure of the particular society unquestioned. The larger forces in society, eg. capitalism, are left out. This is similar to Gurr's explanation of relative deprivation. The person or



persons act because of a perceived deprivation, buttressed by an inherent disposition to be aggressive if frustrated. However, this is a middle ground theory. It does not push the argument far enough to answer why there was relative deprivation in the first place. Collingwood's theory, in ignoring the structure of society, fits within the order/consensus paradigm.

no reciprocal relation between the structure of society and the individual

Dray points to this when he says that there should be a separation between "what is explained and what explains it" (p.18). If there is no distinction, the historical event takes on meaning only through a description of the agent's thoughts. The question "why" is still not answered. Collingwood is asking the historian to rethink past event in the terms of the agent. But climbing inside the mind of the agent to re-argue his reasons for acting still leaves history at the level of the individual, leaving out the reciprocal relationship between the structure of society and the individual.

Past event, situated in pre-event and post event, takes on more meaning than the rethought agents actions. Collingwood's theory is detached from the structural milieu of his society. The focus on human action restricts the explanation of history to human experience which can be cerebrally apprehended.

## 2. Charles Beard and Historical Relativism

history cannot be known as it actually was

Beard questions whether the past can ever be known as it actually happened. He proposes that history is viewed indirectly through documentation and can never be apprehended directly. Indirect apprehension is complicated by incomplete documentation. The structuring of incomplete documentation, apprehended indirectly may add further to the falsification of the past. This partial and possibly skewed account of past event is filtered through the particular value judgments of the historian. The understanding of history is then relative to the information available,

the structure used and the value judgments of the historian.

history unlike science is not a direct apprehension of reality

Beard contrasts historical perception with scientific perception. He views scientific perception as the direct apprehension of reality by a neutral observer. Scientific experiments are repeatable and thus verifiable. But, as Dray points out, few scientific as well as historical subjects are apprehended directly. Scholars rely upon past event and past record in science as well as in history. Some scientists, in physics for example, rely upon theoretical conjecture rather than inspection for explanation. In stressing apprehendable fact, Beard is calling for an examination of the fleeting present. All past or unseen event becomes questionable.

**Incomplete knowledge**

But past or unseen event is utilized in all disciplines, scientific as well as non scientific. An historical situation interpreted in light of other previous and following events provides meaning that the present can not provide. Incomplete fact need not mean false fact. All knowledge whether scientific or non scientific, is partial and open to further amplification. Causal importance to the problem under discussion limits the selection of fact. But that does not presuppose falsification.

**history and structure**

Scientists as well as historians structure the past into understandable parts. Structure may not represent the multiple realities of the past or may to some extent distort the past by arbitrary closures. Structure necessarily breaks the past into parts. This is not the patterning of the historian's own choosing, but arises out of the evidentiary facts of research.

### **importation of value judgments**

Historians, as do scientists, import value judgments into their work. Beard's stronger argument, however, is that historians import value judgments in the selection of and classification of material. In other words, they select or classify material according to values that are "constitutive" of the subject or issue under discussion leaving out conflicting viewpoints. This argument can be dealt with by a clear statement of the researcher's assumptions, or paradigms through which he/she views the past, and by scrupulous attention to evidentiary fact. We may never know the "past as it actually was". But that is no argument against trying to apprehend as much of the past in as rigorous a manner as possible.

### **the order/consensus paradigm and value judgments**

The order/consensus paradigm, however, in starting out with the assumption that societies cohere into a state of equilibrium is often guilty of using historical event as the constitutive example. Tilley, in his examination of collective violence,

maintains that migration from country to city or country to country atomizes people. He then cites the negative correlation between urban growth and collective violence in France as the example. But this does not always happen. The Catholic Irish are a good example to refute his point. Tilley makes generalized statements, then finds the corroborative historical evidence. This is in opposition to historical materialism that seeks to examine the concrete historical facts to reveal the reality behind the appearance.

### 3. J.W.N. Watkins, the Individual and the Group

#### methodological individualism

Watkin's theory of historical explanation focuses on the individual as the constitutive element in social phenomena. His theory of "methodological individualism" explains the whole by reference to its parts. Social phenomena are constructed by what individual people think and do, by their propensity in a certain situation to act in a certain way. It is not a conspiracy theory where people act with

deliberate intent. Rather history is the result of "unintended consequences of what people did intentionally" (p.50). Nor is it that the group to which people belong are just the characteristics of the individual member "writ large".

There are four points inherent in the theory: "that social phenomena are ontologically dependent upon individual actions and attitudes"; "real men and real women are still the only moving agents in history"; "only individuals can really be understood"; and "large-scale social phenomena cannot be directly observed: all that can be actually observed is individuals acting" (p.51).

#### group characteristics

As Dray points out, the reliance upon ontology to buttress method breaks down when individuals form groups and the groups take on group characteristics. The explanation that groups are just "individuals acting" provides an answer to the question what or how. It does not provide an answer to the question "why". It is description rather than explanation. To rely upon the constitutive individual as explanation

gives rise to a single factor theorem of causation. It rules out the larger structure of societies or the social forces within them. It also precludes the dynamic of control.

like the order/consensus paradigm, change happens at the level of the individual

In Watkin's theory the individual is not seen as a product of his social milieu, affecting it and, in turn, being affected by it. The direction of inquiry begins with the individual and change resides within the individual. This point brings us back to the order/consensus paradigm. Because the order/consensus paradigm presumes that the nature of the State is a positive, people cohere around the consensual norms and values of the State. The structure of the State does not change. The immigrant (as in Gans or Sandberg) or the oppositional subgroup (as in Geertz) will submerge their ethnic difference in their desire to partake of the values of the State.



social phenomena are observable

But social phenomena and groups as well as individuals have force and act within society. A capitalist society arranges people in classes which have "historical relationship" (Thompson, 1968, p.8). The pressures and conflicts within these historical relationships create reciprocal control. In Whigs and Hunters the outgrowth of reciprocal control by groups in society created change in the law. That could not have been seen if the historical examination was simply of individuals acting. Actions have social meanings.

#### 4. Historical Materialism

Historical materialism is a methodological framework for understanding societies as they change.

from the particular to the general

Historical materialism has a particular direction of inquiry. It starts with the particular material reality, the concrete historical fact. It is not the

understanding of events from an abstract idea and tailoring the facts accordingly. The idea does not produce the reality. The reality produces the idea.

The materialist conception, Marx often commented, substitutes concrete historical research into the actual conditions of human social life, for abstract dogmas that hypostatise historical trends (Giddens, 1983, p.150).

man's actions are viewed within the structure of his society

The actions of men cannot be viewed separate from their society. Because man must work to produce his material existence, he therefore creates his society. He is involved in the reproduction of his society. He is not completely autonomous. He must work in an historically produced society (Larrain, 1984, p.42).

labour in the development of society

Historical materialism is concerned with man working within the confines of his historical society. It will be concerned with the history of man's labour.

Labour is carried out within the "social relations of production" that have evolved in his society. The social relations of production are an external force within which man must work to produce for himself while at the same time reproducing his society. The labourer works but only within the confines of his society. These "social relations of production" are an "external determination" and reproduce "the relations of domination" (p.43).

#### **a class society**

Historical materialism recognizes that the social relations of production in a capitalist society are relations where one class dominates another.

The necessary consequence of the limitation of the productive forces has been a development which can satisfy the needs of a few (dominant class). at the expense of the majority (dominated classes) (Larrain, 1984, p.45).

Capitalism divides society into classes. The asymmetry of resources will create alienation. Societal values are contested. This situation may break out into overt struggle.

### social change and the economic factor

The struggle or conflict caused by the contradictions in the economic order, creates a situation of reciprocal control. As each faction struggles to control the other, change occurs. An example being the change in the law in Whigs and Hunters. Historical ~~materialism~~ posits that the economic order is not the only factor which creates change; but it is the primary one.

### Ideology

Historical materialism contains the concept of ideology. Ideology arises out of lived relations. Ideology is not the originator of social relations.

The forms and elements of social consciousness are not individual inventions: they reflect the total life situation of a social group and form the mental grid through which that situation is experienced by the group (Sumner, 1979, p.12).

The ideologies of the dominant class will therefore work to the advantage of that class. The productive forces in society produce contradictory relations,

dominant/dominated, those with the resources/those without the resources. The function of ideology helps reproduce those relations.

It plays this role precisely by hiding the true relations between classes, by explaining away the relations of domination and subordination (Larrain, 1984, p.47).

Historical materialism examines the ideologies of the definers of society. The moral panic is an ideological construction which enables the definers of society to control a troublesome group in society. It hides the exploitive nature of the dominant group. It stereotypes a subordinate group as dangerous, violent or opposite to the generally held values of society as the definers have defined them.

Conclusion: Collingwood, Beard and Watkins and the Order/Consensus Paradigm

The methodological framework of R.G. Collingwood, Charles Beard and J.W.N. Watkins all to some extent illustrate the order/consensus paradigm.

### **ideas before concrete reality**

Collingwood starts with the premise that history can only be understood through the re-thought action of individuals. The historical understanding, therefore, does not apply to the material realities of their social relations. It relies upon "what is self-conscious, thoughtful and rational" (Dray, 1980, p.9). There is a reliance on the ideas of the actor to explain his actions. Historical materialism would rely upon the material reality of man's actions to explain the ideas.

### **ignoring the influence of the structure of society**

The historical understanding, thus viewed, leaves out the interpenetration of milieu and action. The larger structure of society is presumed to be a positive. The explanation of social processes is ignored. If Collingwood's agents were involved in a riot, the explanation would reside in the validated argument found in the mind of the agent. But that would leave us with a one-sided formulation. It could not provide the explanation of reciprocal

control and the ideological strategy of the moral panic.

### **ignoring the past**

Charles Beard maintains that we can only know what is in the directly apprehended present. That, however, leaves out the whole social order as historically produced. Questions about the structure of society become irrelevant. He maintains that history is relevant only to the value system in the mind of the historian. This again takes us back to the premise that the idea comes before the material fact. In the order/consensus paradigm, society is conceived as a system which is a presumed good. This primary idea presupposes that all groups will assimilate or cohere to the societal system to produce a state of equilibrium. Historical fact becomes the corroborative example. Historical materialism deals with a different viewpoint. Concrete historical fact precedes idea.

**stress on the individual**

J.W.N. Watkin's theory of methodological individualism focusses, as does the order/consensus paradigm, on the individual as a "constitutive" element in social phenomena. Only the individual can be seen to act. This argument deflects attention from the larger social phenomena. But, manifestly, people are affected by the larger structure of their society. To say that people are the only moving agents in history is to preclude the material relations (the social productive forces and the relations of production) of society. Material relations as well as individual acting can be observed and seen to have force within society. The large scale phenomena of capitalism can be directly observed as it arranges people into classes. Historical materialism explains why this happens rather than providing a constitutive description of the historical moment.

Methodological individualism cannot explain change, unless it is at the level of the individual. This is similar to the order/consensus paradigm. In the order/consensus paradigm, the individual coheres around the consensual norms and values of the state. If the individual does not do so, then it is the



individual who is a problem for the system and may be controlled or removed to return society to a state of equilibrium.

#### **action versus ideology**

Methodological individualism, in its insistence on human agency, can not explain "how" or "why" people live in groups. Individuals live in classes and gain consciousness of themselves as members of a class. Actions of people are also more than just actions. Actions have social meaning. Action and lived relations also give rise to ideology. Watkin's methodological individualism could not explain a moral panic because it happened at the level of ideology.

#### **Conclusion: Historical Materialism and the Conflict.**

##### **Paradigm**

Historical materialism is a methodological framework that views the dynamic relations of people influencing and in turn being influenced by their society. It is then an appropriate framework within which to examine the conflict paradigm. Historical

materialism investigates the concrete fact of the social relations of the people as they live out their life in a class relationship. Because historical materialism recognizes the dominant/dominated contradiction in a class society, it also recognizes that this contradiction may produce overt struggle. The primary tenet of the conflict paradigm, that societal values are always being contested, can be viewed within this framework.

#### **class conflict**

Historical materialism recognizes that the larger structure of society affects the material social relations of the people within it. This opens up the examination of both the structure of society and the groups within it. Because the economic order asymmetrically divides society into classes, society is inherently conflictual. Conflict between classes leads to strategies of reciprocal control. These strategies can be material and ideological.

## II. Current Historical Research into the Irish Riots

### 1. "Of Irish Riots in Upper Canada"

"Of Irish Riots in Upper Canada" an article by J.K. Johnson (Johnson, 1966) is history written within the order/consensus paradigm. This article focuses on the riot-breaking activity of Colonel James FitzGibbon from 1824 to 1836. James FitzGibbon, originally Catholic Irish, had become an Anglican in order to be a member of the British military. He came to the Canadas as a member of Issac Brock's 29th Regiment. He was a fringe member of the "select and sought-after circle of the Upper Canadian government establishment".

Because he was Irish, spoke Gaelic, and was clearly part of the ruling military group, he was used as a riot-breaker and peacemaker on behalf of the government at York. He settled three disputes: the Ramsay Riots, involving a clash between the Catholic Irish farmers of the Peter Robinson settlement north of Perth and the militia and Scottish farmers of the area; a riot at York in which Mackenzie had angered the Catholic Irish by slurs upon the Roman Catholic Bishop Macdonnell; and

the Cornwall Riot of 1836, between canal workers and the residents of the Cornwall area. By Johnson's account, FitzGibbon was an equitable man, taking no sides, but enlisting the aid of the church and the military when discussion failed to maintain peace in Upper Canada.

description does not answer the question "why"

"Of Irish Riots In Upper Canada" is not an attempt to understand the historical situation by investigating the actions of the agent and rethinking the thought processes of the agent, as in the sense of R.G. Collingwood. Although (the article concerns a specific person, FitzGibbon, the writer fails to discern the thought of the agent. There is no attempt to discern the meaning of the event from the "outside", by comparing it to other events, or from the "inside", by actively rethinking the reasons the person acted (Dray, 1980, p.13). FitzGibbon appears to be merely a functionary, acting on behalf of the Family Compact. "Of Irish Riots in Upper Canada" does not penetrate the mind and actions of FitzGibbon to understand the thought of the agent expressed in action.

Since, for Collingwood, what happens was action, this implies that sometimes, at least, it may be the historian, not the original agent who first discovers what a certain action was: that is, what thought a certain past action expressed. (Dray, 1980, p.13).

In other words, past action has meaning which can be discerned by the historian. That meaning is not some predictive relationship, a cause and effect relationship in a positivist sense, but an explanation, an understanding, of why a certain action took place. "Of Irish Riots In Upper Canada" is a listing of events without meaning or understanding. It disregards the purpose of the Family Compact in sending FitzGibbon to trouble spots. As a result, FitzGibbon's actions appear to be altruistic rather than those of social control situated within class relations.

#### lack of historical material

No historical background is provided for the Catholic Irish. The Orange Order is mentioned without any explanation. The article ignores the larger political situation of Upper Canada, the contest over the form of government which was.

heating up in both Upper and Lower Canada. The author does not consider why Sir Francis Bond Head would wish to keep most of the military at home in 1836, instead sending one man as a peace-maker. The author does not answer the question "why". He prefers superficial description.

The account recognizes the ethnic conflict between the Catholic Irish and their pro-Anglo hosts. But it is only a recognition of difference leading to riot. It ignores the historic ethnic strategies of the Catholic Irish. The article treats the Catholic Irish and the pro-Anglo group as if their life started at the moment of entry into Upper Canada omitting their social and economic pre-history with the psychological ties and cultural patternings, which necessarily are part of individual and group immigrant response. There is no sense of the continuity of history. The immigrant thus is cut off from his individual cultural heritage and becomes a cardboard figure. His actions become merely a problem for the dominant society of Upper Canada.

**not the unintended consequences of intended action**

The position of Johnson seems closer to the "methodological individualism" of J.W.N. Watkins; that past historical phenomena can be apprehended only through the actions of individuals (Dray, 1980, p.51). The examination of the individual in history is seen as an example of the group with whom he is a part. But in Watkins' view, history is the result of the unintended consequences of what people did intentionally. Watkins does not believe in "conspiracy" theory. But FitzGibbon does act as an arm of the Family Compact to keep the Catholic Irish in their place. FitzGibbon is an agent of the ruling group, the characteristics of which can be inferred from his actions. In both senses of "conspiracy" and of representing the Family Compact, this article does not fit within methodological individualism.

This explanation equally does not fit "Of Irish Riots in Upper Canada" because the focus of the article is so generalized. There is no attempt to examine FitzGibbon's actions. The results of his riot-breaking activity are never examined from the viewpoint of the Catholic Irish or the other settlers of Upper Canada. His actions are described

as "vigourous" but successful. "He had not only kept the peace, but he had helped justice to prevail" (Johnson, 1966, p.154). The article does not address the questions whose peace and whose justice. FitzGibbon himself is given very little individuality. He is treated as a marker, an example to the Catholic Irish. By following his equitable example, the Catholic Irish are to become "useful and peaceful citizens of Upper Canada". The lack of historical understanding of the Catholic Irish here is remarkable. For it is questionable why the devout Catholic Irish would follow the example of a lapsed Catholic, one that had gone over to what the Catholic Irish would deem the "other side".

#### assumption of assimilation

"Of Irish Riots In Upper Canada" views the history of the Irish riots in Upper Canada as mere dysfunctional situations which would disappear when the Catholic Irish "adopted the new ways of their new home". The underlying assumption is that they would integrate with the dominant host group to form a larger and more peaceful whole. It is presumed



that the Catholic Irish will cohere around the values of "their new home".

Johnson is writing about riots from 1824 to 1836 when the whole political order of Upper and Lower Canada was being contested. There was no state of equilibrium in Upper Canada at the time. How this integration was to come about is not explained. It is just presumed that integration with the dominant group would bring the Catholic Irish into a state of equilibrium with the rest of Upper Canada. The actions of FitzGibbon are just an historical example of event to show integration within a system.

#### **imported value judgment**

Writing within the order/consensus paradigm, Johnson has imposed a structure, perhaps unwittingly, which creates a value judgment. It makes the account relative to the paradigm. The selection of and classification of material has resulted in values that are constitutive of the paradigm. To amplify that point, the Catholic Irish riots are viewed from the viewpoint of the definers of society, the Family Compact. The Catholic Irish lose their historic

individuality and become a dysfunctional unit in the larger schema of integration into the formation of an emergent nation. Johnson has made his account relative to the assumption that all people would cohere around the norms and values of the dominant group.

Because Johnson begins with the assumptions of the order/consensus paradigm, his account resolves into description of event. He is unable to see the conflict from both sides. There is no explanation, therefore, of why there is such an exaggerated state of apprehension about the Catholic Irish. Working from the general assumption of assimilation to the particular situation of ethnic conflict results in an incomplete historical account of both the Catholic Irish and the Loyalist, Anglo Irish coalition. History is viewed as an example to prove a point.

**ignores the moral panic**

Johnson cannot see the "perception" of threat caused by the cleavage of societal definitions. He does not take into account the contested nature of the State

of Upper Canada and therefore the perception of threat posed by an essentially powerless group. He cannot explain "why" there was such an exaggerated anxiety or moral panic about the Catholic Irish.

## 2. "Class Conflict on the Canals of Upper Canada in the 1840S"

"Class Conflict on the Canals of Upper Canada in the 1840S" (Bleasdale, 1981). is an explanation of the Irish riots on the St. Lawrence canal system from a conflict perspective. The author of the article presumes that there is no consensus on societal values. The economic position of the Catholic Irish resulted in a riot and conflict because they were a surplus labour population who had to fight for their livelihood. The Catholic Irish were alienated from the pro-Anglo society of Upper Canada by the failure of that society to allow them a secure place within their economic confines. This is an account of a particular historical juncture. The "...violence of the labourers appears not as the excesses of an unruly nationality clinging to old behaviour patterns, but as a rational response to economic conditions in the new world" (p.9). The Catholic

Irish are seen as "a reserve pool of unskilled labourers" who, because of unfair labour practices on the part of employers, insufficient jobs and lack of public relief, riot and strike for jobs and higher wages.

### labour history

The oppositional ideology of the Catholic Irish is seen as rooted in their ethnic past which itself was formed in response to "a long tradition of militant opposition to employers in the old world" (p.29). The agrarian warfare, in Ireland, is seen as a response to rising rents and the price of potatoes. Their united opposition is described as opposition in the work place. It was the result of a "deep seated suspicion of employers and a sensitivity to exploitation" (p.30). It was because of this past economic exploitation that they developed a class consciousness.

Bleasdale proposes that structural contradictions in the society of the 1840S are maximized by the capitalistic labour market. Class and ethnicity combine to produce conflict. Her

argument is that economic conditions in Ireland created an exploited class, the Catholic Irish, with their own oppositional ideology and collective strategy to riot to obtain redress of their grievances. When these same economic conditions are met again in the Canadas, the same result occurs. Their shared consciousness of economic exploitation and ethno-culture created a united opposition to the employers.

#### **economic determinism**

Bleasdale's account of Irish history considers the Irish problem as being one of economic exploitation rather than of historic social and political domination. Irish Catholic contempt for English authority and hatred of English domination is translated into a suspicion of employers in the market place. This depicts the Catholic Irish as part of a labouring class in Ireland instead of a peasant class.

The historical understanding of Irish history is viewed retroactively through the filters of capitalistic class conflict. But the Catholic Irish

learned their strategy of rebellion in a situation of social and political domination as a peasant class. As immigrants in a new situation, economic exploitation, economic exploitation of an Anglo-dominated group, they utilized that same strategy for a different purpose, employment. Bleasdale sees the "rational response" of the Catholic Irish as the same response to the same situation in both countries. However, the fundamental relations of power changed when the Catholic Irish found themselves in a new environment. They were able to exercise some reciprocal control through the historic strategy of rebellion.

a need for a total viewpoint

Bryan Palmer addresses this problem in "Listening to History Rather than Historians: Reflections on Working Class History" (1986).

We have depicted working class culture as struggle and resistance, and this is one important component. But we have been negligent in uncovering the ways in which workers internalize the values and practices of the established society, adapt them to working class realities, and reproduce

the bourgeois order (Palmer, 1986, p.76).

Palmer goes on to discuss the need and also the difficulty in looking at the "totality" of society in the consideration of working class history. The need to incorporate the history of "business, economics, urban places, politics and religion" (p.76). He points to the difficulty of apprehending the totality of the past with incomplete empirical data. This is the problem of structure. By considering the Catholic Irish conflict from the viewpoint of labour history, Bleasdale has left out the immigrants' past political history with the effect of skewing her account of class and ethnicity. Bleasdale's account makes the Catholic Irish group appear similar to the "problem populations" of Spitzer.

#### value judgment

Bleasdale has made the economic factor the single cause rather than a primary cause. This imports a value orientation into her work. There is a direct correspondence between the economic order and the social and political order. The economic factor does

not explain the Ramsay Riots between the Peter Robinson settlers and the militia and the Scotch settlers. The cultural differences that grated upon the sensibilities of the pro-Anglo group in Upper Canada often ignited a riot. Nor does it explain the disposition to challenge authority and the refusal to grant Anglo-constitutionalism legitimacy which grew out of seven hundred years of political domination. It does not explain the Jacobinism which became part of the political beliefs of the Catholic Irish after the French Revolution of 1789 and the failed Irish uprising of 1798.

The historic domination of the Irish by the English is reduced to economic exploitation. This is one view and may be good as far as it goes. But "all human actions ... have an economic aspect, a social aspect and a cultural aspect, - and no doubt a political aspect as well" (Braudel, 1985, p.19). The Catholic Irish had a "whole repertoire of struggle" which arose out of their cultural history and cannot be reduced to the economic. The single factor theorem takes on a simple correspondence. But society develops unevenly and at different levels with differing ideologies allowing for change. E.P. Thompson in Whigs and Hunters (1977) clarifies this concept. The society



of the eighteenth century promoted law for the benefit of the protection of private property of the wealthy. But as the law came to receive general legitimacy, the poorer people exercised that law to their benefit. The law then becomes a strategy which can be used against the owners of private property by those for whom it was meant to control. With the simple correspondence theory, where all is determined, how does historical change take place?

#### **determinism vs. ideology**

By considering the Irish riots from the sole aspect of class conflict produced by the economic order, Bleasdale can account for conflict but not for the ideological strategy of the moral panic. The account provides an one-sided view point. The exploitive nature of the society of Upper Canada is well documented. The exact nature of how the Loyalist-Anglo-Irish coalition prepared the ground for political control is not explained. The exaggerated anxiety about the Catholic Irish is not dealt with.

Conclusion: The Order/Consensus Paradigm and the  
Conflict Paradigm in Current Research

order/consensus paradigm

If a writer takes the position of J.K. Johnson, that minority groups will assimilate, or integrate with the dominant group in society, the writer necessarily takes the position of the order/consensus paradigm. The minority group is seen as cohering around some assumed consensual norms and values in society. Although the values and norms are never discussed and appear to be neutral, they are nevertheless the values and norms of the dominant group. The question of historical method used by the author becomes meaningless; because history becomes just an example to prove how the order/consensus paradigm works. And in that sense there is no real historical explanation. Because of the assumption that societies will cohere to eventually produce a state of equilibrium, conflict is considered dysfunctional and seen as a disruptive element which must be controlled or removed from the system so that the dominant order will prevail.

**conflict paradigm**

If the writer takes the position that conflict is a normal process in the changing of society, as does Bleasdale, the values and norms of both the dominant and the minority groups are explicitly stated. Conflict becomes not something to be removed for the better health of the system, but an historical event, which when examined, reveals the social, economic and political attitudes of both sides. It reveals the lived relations of people and the associative conditions which created the environment for riot. The question of historical method becomes important because the examination of conflict and the examination of norms and values must be related to a particular time and place. Although Bleasdale reduces the historical understanding to the economic, thereby creating a value laden understanding of the historical event, it is a particular examination of a specific historical juncture.

Conclusion: Chapter III

An historical understanding of the Irish riots in the 1830S in Bytown must involve an examination of the outside and the inside of event taking the social, economic and political into account. It is an attempt to examine the material conditions of society enmeshed in cultural terms to give a totality to the understanding. The understanding will necessarily be incomplete as all historical understandings are. As Dray points out this does not falsify the account. The Catholic Irish riots are more than individual action. Individual action arises out of cultural practice and is influenced by the established society in which it takes place. It is a dynamic situation, an out growth of the strategies that people use to create meaning within their relations and within certain political structures.

moral panic

By considering the Irish riots within the historical materialism framework, there will also be a consideration of the ideologies of the people involved

4  
in the conflict. Consideration of the ideologies of both sides illustrates more completely the strategies of reciprocal control. The moral panic concept shows "why" there was an exaggerated anxiety over a voteless, propertyless, powerless group. It avoids the problems inherent in the order/consensus paradigm.

## Chapter IV

### Historical Background to the Irish Riots in Bytown in the 1830S

The analysis of the Irish riots in Bytown in the 1830S fits within the conflict paradigm. The Catholic Irish were an oppositional subgroup in the cultural milieu of Bytown. They contested the accepted norms and values of the Loyalist-Anglo-Irish coalition. The Catholic Irish were new immigrants to Upper Canada. They had been treated as a subjugated people in Ireland. They had developed their own particular cultural strategies in

opposition to the dominant Anglo group which were again used in the new milieu of Upper Canada.

The 1830S was a particularly unsettled time in Upper Canada. There was an ongoing conflict between the colonial administration and the Family Compact who wished to retain the status quo and the reformers lead by Mackenzie who wanted representative government. The Catholic Irish were a peripheral group within the political context of Upper Canada. The great majority of them did not own land and therefore did not qualify for the vote. As migrant labourers having no fixed residence, they were at the bottom of the economic scale and thus were powerless. But in Bytown in the 1830S, they found themselves at the nexus of political and social contradictions which fused to produce conflict with the dominant Loyalists and Anglo Irish.

#### **development of a situation of moral panic**

The conflict was a situation of reciprocal control. Because there were ethnic differences between the dominant group, the Loyalists and the Anglo Irish

and the subordinate group, the Catholic Irish, there was a cleavage in social values between the two groups. Different strategies were used on both sides to win some measure of control over their situation. The Catholic Irish used the strategies of a pre-political group. They rioted to gain employment. Collective violence was a form of pre political communication. The difference in ethnic values between the definers of society, the Loyalists and the Anglo Irish and the Catholic Irish, however, produced a situation of moral panic. The historic stereotype of the Catholic Irish fused with other anxieties in the minds of the Loyalists and the Anglo Irish about the unsettled state of Upper Canada itself. The moral panic over the Catholic Irish was an "ideological displacement" for the political conflict in the larger terrain of the province. The moral panic was used as a strategy for control on behalf of the definers of Bytown society and paved the way for the use of coercion.

In Upper Canada, a moral panic evolved around the Catholic Irish because of their oppositional culture and ideologies. No immigrant comes to a new country without his cultural baggage. The Catholic Irish were a culturally different group from the



Loyalist or the Anglo-Irish. Since the legislation of Henry VIII - the Act in Restraint of Appeals and the Act of Supremacy - Catholics were a threat to the English state. Those who practiced the Roman Catholic faith were seen as traitors (Stephenson and Marcham, 1937, p.304-310).. Although by 1829, with the repeal of the Penal Laws, Roman Catholics were given civic rights in England and the colonies, there was a deeply ingrained cultural suspicion of all Catholics and an active religious prejudice.

The Catholic Irish stereotype was not a media creation but an historical product. Centuries of Catholic Irish agrarian warfare had created a Catholic Irish stereotype in the minds of the pro-Anglo group. They fought English oppression and so were labelled dangerous, murderous and rebellious. They had been forced by the Penal Laws into the lowest layer of the economic pyramid. The English attributed the results of enforced poverty: dirt, drinking and lack of incentive, to the Catholic Irish character. They naturally allied with France against the English, with the result that they were labelled bearers of Jacobin contagion.

This historic stereotype was fixed firmly in the minds of the Loyalist, Anglo-Irish coalition. Catholic Irish opposition to the Loyalist, Anglo-Irish coalition in Bytown occurred at the same time that the nature of the state in Upper Canada was being contested. There already was a state of general anxiety over the nature of the political order in Upper Canada. The cultural strategies of the Catholic Irish highlighted their difference from the conservative ruling group. This shifted the anxiety over rebellion focusing it upon a powerless subgroup.

Although the Catholic Irish were essentially powerless, the Irish riots became a situation of moral panic, an ideological displacement for the larger more threatening crisis over representative government which was consuming the politics of the mid-eighteen thirties and which in the winter of 1837 was to break out in open rebellion. No situation is clear cut; but the Catholic Irish were not welcomed with great cordiality by the host group in British North America. When conflict with the host group occurred, the Loyalist, Anglo-Irish coalition attempted to criminalize the Catholic Irish. The failure of this strategy brought a call for the Orange Order.

## I. General Historical Background from 1760 to 1841

In the 1830S, British North America was part of the British colonial empire. The nature of the state from conquest through to 1841 underwent constant transition. Albeit brief and much truncated, a history of the Canadas from 1760 to 1841 is necessary to provide a backdrop to the conflict in Bytown in the 1830S. The conflict between the Catholic Irish and the Loyalist, Anglo-Irish coalition must be considered within the larger historical context.

### 1760 to 1791

The years from 1760 to 1791 were the years from the English Conquest to the division of British North America into Upper and Lower Canada. After the conquest, the military was quickly followed by a group of Anglo-American merchants. French Canadians lost commercial dominance to the English and Americans. The aristocratic strata of New France returned home leaving that province largely to the

Catholic Church and the English governors. The numbers of the Protestant English conquerors were augmented by the migrations after the American War of Independence 1775-83. These migrations were composed of British Loyalists moving for political reasons, and Americans seeking free land (Gaucher, 1982, p.98).. This period was distinguished by simple farm settlement with a system of individual contract. Fur trade and military supply were the main commercial development. After 1791, with the creation of Upper and Lower Canada, the provinces were governed by a Lieutenant Governor appointed by the British Colonial Office. There was to be an appointed Executive Council, an appointed Legislative Council, a popular Assembly, (with a 500 pound property qualification), and a civil service (Gaucher, 1982, p.101).

#### 1792 to 1815

From 1792 to 1815 there was a steady influx of immigrants from the Thirteen Colonies. By 1812, eighty percent of the immigrants of Upper Canada had immigrated from the United States. They made the choice to move north for new territory and by that

choice then, lent legitimacy to the British colonial system. That legitimacy was cemented when American encroachment was turned back during the 1812-1814 war. The defeat of the French by the end of the Napoleonic Wars in 1815 solidified the British position in the Canadas. It removed the possibility that France might retake the Canadas. It also removed the possibility that France might form a coalition with the Thirteen Colonies or the Native peoples in an attempt to control the country. It was during this period that the Pan-Indian movement, led by Tecumseh, was defeated. With the removal of France as a power in North America, the French Canadians were isolated and left to the rule of their church who acted as the intermediary with the culturally different English (Gaucher, 1982, p.72). The social formation was a Loyalist, aristocratic (the governors and military leaders) and pseudo-aristocratic, (the Chateau Clique in Lower Canada and the Family Compact in Upper Canada), formation. It was anti-democratic and anti-republican.

**1816 to 1832**

From 1816 to 1832, migrations from the British Isles continued, with the Irish being the most numerically important group. During this time there was a struggle over the control of the colonial state structure. This struggle just increased the reactionary anti-democratic and anti-republican British position (Gaucher, 1982, p.107). The Chateau Clique in Lower Canada and the Family Compact in Upper Canada consolidated their positions and their definition of the State as aristocratic "rule by appointed right". Lands were distributed to the retiring military and loyalist immigrants to augment control and impose a type of class system on the new provinces (Gaucher, 1982, p.109). In this period questions over representative government began with a "growing indigenous reform movement" (Gaucher, 1982, p.119)

**1833 to 1841**

The time period 1833 to 1841 was one of reordering of the social formation. Growing opposition in Lower Canada and Upper Canada reflected the growing

Chartist Movement in Great Britain. The reformers did not want to separate from the British colonial system. They wanted to limit the Chateau Clique and the Family Compact who controlled the government of their provinces through the appointed councils. As with the Chartist movement in Great Britain, the ruling classes feared that political democracy would "threaten property rights and the whole economic system" (Palmer, 1956, p.467). There was considerable radical support in the English Parliament for the Canadian situation. It was not enough, however, to change the opinion of those in power (Gaucher, 1982, p.124). The demand for an elected Legislative Council and an Executive Council responsible to the Assembly, on the part of the Canadian reformers, was the fulcrum of the conflict that erupted in open rebellion in the winter of 1837. After the rebellion, with the report on the Canadian situation by Lord Durham, Upper and Lower Canada were united in 1841.

## II. Historical Background of the Loyalist Group and Their Cultural Milieu

### 1. The Effects of the 1812 - 1814 War

The Loyalists were, strictly speaking, that group of immigrants who wished to remain within the British colonial system and who moved north after the American War of Independence. By 1812, eighty percent of the inhabitants of Upper Canada were immigrants from the newly formed United States. But only about one quarter were United Empire Loyalists, (U.E.L.) (Gaucher, 1982, p.74). By choosing to move to British North America, whether for political reasons or for the free land grants, these immigrants offered allegiance to the British crown which was further cemented by protecting their territory with arms during the 1812-1814 war.

The patriotism which was generated by the 1812-1814 war, bound the inhabitants together, whether they were U.E.L. or not. This patriotic ideology, retroactively, created a Loyalist tradition for all the early immigrants. This all embracing patriotism was extended in the years after the war to provide the ideology for a cohesive Loyalist governing class. As



Akenson concludes, the ideology evolved from the precepts that:

Virtue deserves to be rewarded  
and suffering to be compensated.

The loyal populace of Upper Canada  
both suffered and was virtuous.

The loyal populace therefore  
deserved a reward.

to

The economic, civic and social game  
provided the loyal persons of 1812  
(and their heirs) with their  
deserved reward for virtue and  
justified compensation for their  
suffering.

Something which dispenses justice  
truly is, by definition, just.

The existing economic, civic, and  
social arrangements are therefore  
justified, even though they might  
seem at first glance to be tilted  
unfairly against new immigrants  
(Akenson, 1985, p.136).

This did not, in the scattered settlements of  
Upper Canada, provide a situation of hegemonic  
order. But it did provide a justification "for a  
marked economic, civic, and social advantage for  
individuals who arrived before the war over those  
who came later" (Akenson, 1985, p.136). Some of  
these Loyalists were definitely allied to the pro-

monarchical, rule by appointed right, pseudo-aristocratic Family Compact.

The Loyalists stood for the recognition of law rather than rebellion, for the unity of empire rather than a separate existence for the colonies, for the British constitution rather than republicanism and for a hierarchical society in which the classes possessed, and recognized, different rights and privileges (Berger, quoted in Cheal, 1981, p.41).

For the immigrants who came after the war, unless they could meld into the Loyalist landscape, they would remain at a socio-economic disadvantage.

## 2. The Pervasive Military Presence and the Influence of Authoritarian Control

Another constituency of the Anglo-host group was the military. The presence of the American border was a constant reminder of Upper Canadian vulnerability to military encroachment. Military posts were part of every major settlement. To provide a settled pseudo-aristocracy, the army promised land to the regiments as a reward for loyal service. Along the Rideau Canal, this policy provided a second line of defense

for the province after the military posts along the St. Lawrence. Close to Bytown, military settlements were constructed at Perth, for the men of the 99th regiment, at Richmond, for the men of the 100th regiment and at Phiney's point in March township, for the men of the 97th regiment (Legget, 1955, p.26). Bytown was established as a military settlement, a headquarters for the construction of the Rideau Canal between 1826-1832. The canal was to be an inland supply route safe from the American threat.

The pervasive presence of the military settlements was augmented with the volunteer regiments of the militia. These were, by definition, members of the Loyalist group. By 1833, there were 61 militia regiments in Upper Canada consisting of "1,673 officers and 34,674 rank and file" (Talbot, 1983, p.7). In 1836-1837 at the time of the rebellion, Ogle Gowan, the leader of the Orange Order in Canada (to be explained below), framed the Militia Act which turned Upper Canada into an armed camp. Every able-bodied male from sixteen to sixty was required to bear arms for a prescribed period of active duty. There was a death penalty for desertion and strict courts martial for speaking

disrespectfully of the monarch or the royal family (Akenson, 1984, p.193). In Perth, the county seat for the Bathurst district, an annual muster brought out nine hundred men (Bathurst Courier, June 5, 1835). There was to be no wild west syndrome as in the American settlement. The basic concerns of the inhabitants and the colonial office was law, order and territorial security.

### 3. A Rudimentary Capitalist Economy

The host group was transformed by the 1812-1814 war; but they also were influenced by the economic society upon which their own social order rested. They were affected by the same revolutionary movements as their parent country, England. Land had been redefined since the start of the enclosure movement (Enclosure Acts 1760-1830) as a part of the capitalist economy. Although Upper Canada had a seemingly endless supply of land, it was land for sale. Land was viewed as a commodity not as a feudal common right of every man to his "rood of ground". And it was land to be used for commercial agriculture. To that end, there was a need for better roads to transport produce to the markets. In

1835, as reported in the Bathurst Courier, profit was being eaten up by transportation costs. And thus "The love of acquiring wealth was lessened and the necessary stimulus to industry and enterprise was being destroyed" (Bathurst Courier, March 28, 1835).

Although capital formation remained small throughout the years from 1800 to 1837, it was seen as an essential part of the growing economy. From 1835 to 1837 there was a crisis of capital. The Lieutenant governor Sir Francis Bond Head was forced to assent to a Relief of Banks Act. And it was not until October 1837 that the banks were again redeeming notes with hard currency (Brockville Recorder, June 16, 1837).

#### 4. Settler Status

There was no enclosure movement as there had been in England to herd people off the land and force them into a life organized by industrial labour. In the new world, there was a seemingly unlimited supply of land. But the harsh reality of the settler status forced people to labour for minimal survival. Most immigrants had to create a new life with limited

funds in an unyielding environment. For most, there was no going back.

With old ties snapped, men faced the enormous compulsion of working out new relationships, new meanings to their lives, often under harsh and hostile circumstances (Handlin, 1951, p.5).

### 5. Protestant Work Ethic

Whether the immigrant occupation was farming, artisan labour or rough labour, poverty and fear of failure was very real. And with no habitual patterns to guide them, or extended family to rely upon, poverty became the symbol for failure and wealth the symbol for success. The ideology thus constructed was that of the Protestant work ethic: hard-work, and sober respectability resulted in success. This was evidenced in the rise of the temperance societies begun in the 1820S and 1830S.

Respectability was translated into a type of frontier gentility by the Loyalist leaders who were members of the pre-1815 society. Although there was no real aristocratic strata, the first arriving

merchant group and the Loyalist landowners formed the "old money" group within Upper Canada.

They shared three things: relatively high economic status (shaky though their firms may have been at the times), a functional identity (they were managers of capitalized enterprises), and a knowledge of who belonged and who did not (Akenson, 1985, p.301).

Their sense of who belonged and who did not rested upon maintaining the status quo. To keep the remainder of society in their place, meant the retention of the property qualification for the franchise and adhering to the Tory "rule by appointed right" ideology.

The cultural milieu of the pre-1815 Loyalist community was distinguished by another important factor, it was Protestant. Whether Church of England, Methodist or Presbyterian, the Loyalists were non-Catholic. The Loyalist ideology supported traditional authority structures and was strongest

amongst those who belonged to the Protestant churches with British roots, especially the Anglican church. Many Anglican clergymen "became apostles of the divine mission of Britain to

NSC

the world, a mission in which secular elements were inextricably intermingled with religious ones" (Cheal, 1981, p.42).

### III. Post 1815 Migrations

Into this particular cultural milieu came the post-1815 migrations from the British Isles. The most important group even before the famine migrations of 1846-1849 were the Irish (Akenson, 1985, p.20). The Irish, however, were not a homogeneous cultural grouping. They were two distinct ethnic groupings characterized not only by religion but also by socio-economic background. The Catholic Celtic Irish and the Protestant Irish were like endogamous peoples with distinct historically produced ideologies arising out of their lived relations. They emigrated to Upper Canada in a ratio of about two to one: Protestant to Catholic (Akenson, 1985, p.3).



1. History of the Protestant Irish Prior to  
Immigration

**conquerors of the native Irish**

The Protestant Irish were the ancestors of the occupying groups who had been settled in Ireland during the Elizabethan Conquest and the James the First Settlement. They were settled in Ireland to subjugate the native Irish on behalf of the English. They were supported by England and given preferential treatment. Trade and commerce were almost completely in the hands of the Protestant Irish. They had all the civic rights of land tenure, freedom of religion, (as long as it was non-Catholic), and education.

**socio-economic position**

The Anglo or Scotch Irish immigrants came from the areas most hit by the textile slump after the Napoleonic Wars (Akenson, 1985, p.22). They were in reduced circumstances but well above poverty

(Akenson, 1985, p.23). They had ruled Ireland on behalf of the English and had a "fairly wide experience of participation in civil government" (Akenson, 1985, p.138). Because of their economic reliance upon, and close ties with, England, they were part of the capitalist industrial revolution. They had been part of a commercial agrarian economy and a partially industrialized economy. As England was transformed into a capitalist economy, so were the Protestant Irish.

#### loyalty to England

After the French Revolution, they shared with the English an anti-republican, anti-democratic ideology. They were Tory in politics and fanatically loyal to the English crown. In fact, "...one could scarcely find a more vociferously loyal group anywhere in the Empire" (Akenson, 1985, p.138). In the early nineteenth century, they would parade through the Catholic areas singing anti-Catholic songs to the beat of drums.

The ritual is one of an annual renewal of a stylized act of dominance: "We are your superiors: we know you hate this

demonstration of that fact: we dare you to say something about it: if you don't, you ratify your own inferior status". That is what the drums say. (Connor Cruise O'Brien, 1969, p.11).

### the Orange Order

The Protestant Irish that paraded through the streets of Ireland and Canada beating drums and singing songs of ritualized dominance belonged to the Orange Order. The Orange Order, formed in 1795, was a vigilante organization and a secret society of the Anglo-Irish. It arose in the late eighteenth century in response to the formation of the Society of United Irishmen, a republican movement lead by Wolfe Tone. It took its name from William of Orange who defeated the Catholic Irish at the battle of the Boyne in 1690.

The Orange Order gave a "moral sanction to the subjugation of Catholics" (Senior, 1966, p.2). It was a militant arm of the Anglo-Irish. Its philosophies were a fanatic distillation of their pro-royal and anti-Catholic anti-republican ideology. It had secret lodges in the British army,

the militia and throughout the Empire (Senior, 1966, p.5). The Orange Order upheld the rule-by-appointed-right ideology, was anti-reform, anti-republican and anti-democratic.

## 2. The History of the Catholic Irish Prior to Immigration

a conquered people

The historic experience of the Celtic Catholic Irish was completely different from their Protestant counterparts. To begin with, as Toynbee points out, the Irish were an altogether different people from the Teutonic English (Toynbee, 1962, p.152). Ireland was given to England in 1155, by the donation of Hadrian IV, (ironically, the only English Pope). Since that time, Ireland had been subjugated by the English. This subjugation reduced the Celtic Irish to a peasant class. Because of their religion, they had been governed by the Penal Laws of 1695 which were not repealed until 1829.

In broad outline, they (the Penal Laws) barred Catholics from the army and the navy,

the law, commerce and from every civic activity. No Catholic could vote, hold office under the crown, or purchase land, and Catholic estates were dismembered by an enactment directing that at the death of a Catholic owner his land was to be divided among all his sons, unless the eldest became a Protestant, when he would inherit the whole. Education was made almost impossible, since Catholics might not attend schools, nor keep schools, nor send their children to be educated abroad. The practice of the Catholic faith was proscribed; informing was encouraged as "an honourable service" and priest-hunting treated as a sport (Woodham-Smith, 1987, p.27).

The Penal Laws had the effect of dividing the Irish as Edmund Burke remarked in 1792,

into two distinct bodies, without a common interest, sympathy or connection. One ... was to possess all the franchises, all the property, all the education; the other was to be composed of drawers of water and cutters of turf for them. Are we to be surprised when by the efforts of so much violence in conquest ... we had reduced them to a mob? (quoted in Hughes, 1987, p.182)

### socio-economic position

They lived in a subsistence economy and a production for use values forced on them by their English landlords. They were marked by their close kin grouping, their church and their deep rejection of all things English. For centuries, they had been systematically denied legitimate access to political power. But to characterize them as robbed of "morale and enterprise" as Pentland does is to rob history of the facts (Pentland, 1981, p.96).

### rebellion or oppositional ideology

The Catholic Irish formed a rebellion or oppositional ideology which grew in response to their historic subjugation. This ideology cemented their Catholic Celtic culture and enabled them to retain their culture in the face of English subjugation. Sumner maintains that ideology is "integral to every social practice and thus acts as the cement which prevents an unstable social structure from falling apart" (Sumner, 1979, p.ix). The Catholic Irish had a deep suspicion of, and a contempt for, English law. Their collective

consciousness of oppression together with a rebellion ideology often erupted in violence.

They had learned, during seven hundred years of oppression, to act collectively to flout the rule of the English. Because they were stripped of all civic rights, the leadership function remained in the hands of the Catholic clergy which reinforced their religious bias. The church did not order their community as had the church of the French Canadians in the Canadas; but rather the Irish wore their religion as a badge of their nationality. There had been major rebellions during the sixteenth and seventeenth centuries that were severely put down by the English. But after the French Revolution 1789, there was an upswell of republican optimism which resulted in the formation of the Society of United Irishmen and led to the Wolfe Tone uprising in 1798, helped with French money and the promise of French troops.

Again in Ireland, national and agrarian discontent gave Jacobinism a political force far in excess of the actual support for the free-thinking, masonic ideology of the leaders of the United Irishmen. Church services were held in that most catholic country for the godless French and Irishmen were prepared to

welcome the invasion of their country by French forces, not because they sympathized with Robespierre but because they hated the English and looked for allies against them (Hobsbawm, 1986, p.105).

This rebellion was put down savagely. But the Irish carried on a continuous agrarian warfare. Far from being a peasant people without morale or enterprise, the Catholic Irish had a consciousness of their historic culture and a political consciousness.

#### IV. The Social Relations of the New Immigrants in Upper Canada After Immigration

With the influx of new immigrants, the temper of the cultural milieu of Upper Canada changed. The new settlers did not share a common experience of the 1812-1814 war and its retroactive patriotic Loyalist gloss. Some of them, particularly the Catholic Irish, did not share the same socio-economic or religious background. The direct contract and/or the reliance on the shared beliefs to ensure allegiance to the government of the province was no longer possible. Society became more complex and required community or legally defined compliance, a more



complicated abstract and political ordering of society. Society became split into groups and factions who held differing ideologies with consequent conflict.

### 1. The Protestant Irish

Irish immigration to Upper Canada was split along sectarian lines. There were roughly two Protestant Irish to every one Catholic Irish among the arriving immigrants (Akenson, 1985, p.26). The Protestant Irish, being similar in ideology and socio-economic background to the Loyalist settlers, melded into the loyalist landscape of Upper Canada forming a coalition with the Loyalist ruling group.

### **the Orange Order**

The civilian lodges, in Upper Canada, gave a helping hand to new Anglo Irish settlers. Because of their strong political influence, they helped the Anglo-Irish secure title deeds to their land (Senior, 1972, p.12). Their ideology, rule-by-appointed-right, anti-republican, anti democratic, allied them

with the ruling Loyalists and finally with the Family Compact. By 1836, there were about 13,000 Orange members in Upper Canada spread throughout the military, the volunteer militia and the Anglo-Irish farming community (Senior, 1972, p.25). It was a fast growing organization that was to reach 100,000 members by 1860 (Senior, 1972, p.47).

By the 1830s, the Orange Order was being discouraged in England, but Sir Francis Bond Head and Ogle Gowan (a member of the ruling Loyalist Anglo-Irish coalition and the president of the Order in the Canadas) had a close relationship which was often discussed in the press (Brockville Recorder, June 8, 1837). Sir Francis Bond Head would not discourage the growth of the Orange.

The Government of this Province has neither taken, nor has it determined to take any steps to prevent or discourage the formation or continuance of such societies. (Brockville Recorder, April 22, 1836)

The Orange Order grew systematically in response to the settlement of the Catholic Irish (Pentland, 1981, p.124). Keeping

Irish Catholics in their place was the main, or even the sole, purpose of the Order. (Pentland, 1981, p.125)

## 2. The Catholic Irish

Some of the Catholic Irish were absorbed by the countryside. Akenson estimates that about one third of the Catholic Irish lived in the cities and towns (Akenson, 1985, p.38). His figures are parsed out of the 1871 census. This is a little late for the 1830's period, but even if the number of urban Catholic Irish is increased, the blanket statement that all the Catholic Irish huddled in the cities and became labourers must be false. Those who did remain in the urban environment were the poorest group and became the core of the labouring class.

## V. Class Relations in Bytown in the 1830S

### 1. The Loyalists

By 1836, Bytown had a population of approximately 3,000 people. The Bathurst District, which included

Bytown and Perth, had a total population of 9,471 (Tayler, 1986, p.210). Bytown was a Loyalist settlement. Phileoman Wright, Jebell Collins, Robert Randal, and Bradish Billings, the main founding fathers of Bytown, were all United Empire Loyalists. As Loyalists, they felt the existing economic, civic and social relations which made them the ruling group to be justified. Their ideology was a Conservative, pro-English, rule-by-appointed-right ideology.

By 1826, Bytown was really composed of two villages: Upper Town on the high plateau and Lower Town in the swampy flats. In Upper Town, resided the senior army officers and the professional people, those with some claims to gentility. They were of Scottish, English or, as with the case of Nicholas Sparks, Irish background; but they were all non-Catholic.

## 2. The Catholic Irish

Lower Town, known as Corktown, was settled by Catholic Irish and French Canadians and was predominantly Catholic (Taylor, 1986, p.31). The

Irish had come from Quebec and Montreal to work on the Rideau Canal which was begun in 1826 (Mika and Mika, 1982, p.69). The Catholic Irish in Bytown were the unfavoured group. They did the menial and dangerous jobs. They were hired last and fired first (Mika and Mika, 1982, p.131). They had no financial security and no constitutional say in the leadership of the community to which they had come. They retained the rebellion ideology which they brought with them from Ireland - republican, democratic, collective and anti-authoritarian, particularly when the authority was English.

Because of the abolition of free land grants after 1826, most of the Catholic Irish were confined to the lowest labouring economic class. For the ruling group, the Catholic Irish were all things that symbolized failure. They lived in squalor, often in mud huts in the poorest and most unsanitary part of the towns and cities, they were grindingly poor, dirty and were often drunk on poteen (a home-made liquor).

At Bytown, on the Ottawa they  
burrow into the sand hills ...  
families contrive to pig  
together ... the women (are) so

dirty and sooty, smoke-dried and ugly, that one cannot but be disgusted ... You cannot get the low Irish to wash their faces ... you cannot get them to dress decently, although supply them with ready made clothes; they will smoke, drink, eat murphies, brawl, box and set the house on fire about their ears, even though you have a sentinel standing over with a fixed gun and bayonet to prevent it. (Pentland quoting McTaggart the Chief Clerk on the Rideau Canal 1828, 1981, p.107)

The Catholic Irish adhered to a different value system. They were poor and were often not clean nor well dressed. They imported with them the strategies they had developed in Ireland. They would enjoy life even under the threat of a gun. "They lacked the Puritan virtues of thrift and sobriety as much of those of application and forethought" (Thompson, 1984, p.476). They had not been part of the push to industrial capitalism and did not share the Protestant work ethic. They were sometimes riotous and violent with a "good-humoured contempt for English authority" (Thompson, 1984, p.476). Part of this riotous life-style was created out of the jobs of heavy manual labour which fell to the lot of the poorest in society. As E.P.Thompson points out, the manual labour jobs at the base of industrial society, or the base of a colonial society

attempting to create a country out of the bush, required a "spendthrift expense of sheer energy - an alternation of intensive labour and bolsterous relaxation which belongs to pre-industrial labour rhythms" (Thompson, 1984, p.473).

Although the Catholic Irish did not conform to the respectability/success ideology of the Anglo-host group, they were noted to be good workers.

The Irish labourers will work any time. ... I consider them very valuable labourers, and would not do without them. By treating them kindly, they will do anything for you. ... An Englishman could not do the type of work they do. When you push them they have a willingness to oblige which the English have not; they would die under anything before they would be beat; they would go at hard work till they drop before a man should excel them... A Birmingham employer of 1836 quoted in E.P. Thompson, 1984, p.474)

Not only were they good at heavy manual labour but they were, according to Thomas McKay who was in charge of the stone masonry on the Lachine and Rideau Canals, a quiet cooperative group. Writing in 1837 he says that

during the first five years he employed from 100 to 300 men, 2/3 of whom were from Ireland and he never experienced any difficulty in keeping them quiet. During the second five year period he employed from 40 to 50 men and never saw or heard a quarrel among them. (Breault, 1946, p.63)

When they were paid in money rather than in script to be redeemed at the employer's stores, they were "extremely well behaved" (Pentland, 1981, p.237, ff.50). The urban Catholic Irish in Upper Canada became a major presence among the early Canadian labouring class (Palmer, 1983, p.28). They supplied the bulk of the labourers on the Rideau Canal and monopolized the public works employment. Their women became a welcomed servant class (Pentland, 1981, p.104).

There was no welfare net or Poor Laws in the early years of the nineteenth century and the "burden of adjustment" fell upon the Irish Catholics. In an era that demanded property ownership as a prerequisite to the vote, the Catholic Irish had no say in the governing of the province. They were a migratory labour force and so had no stable home. They were the disposable part of the work force. They suffered both quantitatively



and qualitatively the unequal distribution of both the labour market and its resources. But, because of their historic oppositional or rebellion ideology, they refused to be a meek mannered labour class. They would not accept underhanded treatment by the employers. They would strike and riot to obtain wages. Some employers maintained that the Catholic Irish were unmanageable by nature, thereby attacking their character when the Catholic Irish refused to accept intolerable working conditions: gruelling work and depressed wages that were often paid in script and redeemable at contractor controlled stores (Palmer, 1983, p.37)..

When the Rideau Canal was completed in 1832, there was increased competition between the Catholic Irish and the French for timber work on the Ottawa river. This competition soon developed into open dispute. The Irish attempted to form a quasi-union called the Shiners to win a closed shop for their people on the Ottawa. There was a clear situation of dominance produced by the unequal allocation of resources between the Anglo ruling group and the Catholic Irish. The Anglo ruling group held all the power. It was in the interests of the timber merchants to employ the more "passive" French who

would not riot for good wages. Mutual antagonism between the Anglo group (the Loyalist, Anglo-Irish coalition) and the Catholic Irish developed into open struggle when the Catholic Irish refused to remain the disposable part of the labour force.

## VI. Preconditions For a Moral Panic

### 1. A Dominant Group with a Definition of Themselves as the Rulers of Their Society

The situation in Bytown in the 1830s contained the pre-conditions for a moral panic. There was a definite ruling group, the Loyalists. This group was joined by a like-minded group, the Anglo Irish. They both firmly adhered to a pro-English, pseudo-aristocratic political ideology. The Loyalists became more entrenched in their pro-English position as they became threatened by the middle class reformers who wanted representative government. The Anglo Irish historically were tied to England through economic support and English support for

their position as the definers of their society in Ireland.

The Loyalists and Anglo Irish felt themselves to be justified in the government of their new country. The Loyalists took this as a right because of the retroactive patriotic gloss after the 1812-1814 war. The Anglo Irish felt justified in governing because of their historic situation as a conqueror. Government meant British constitutionalism not republicanism.

## 2. The Definers of Society Suffering a Generalized Anxiety over Their Position

The reform movement in both Upper Canada and Lower Canada threatened the Loyalist-Anglo-Irish pseudo-aristocratic political ideology. Their position as the definers of society was being questioned. The possible loss of hegemony of their society made controlling that they could even more important.

### 3. A Cleavage in Cultural Values

The Loyalists and the Anglo Irish were both Protestant and historically mistrusted the Catholic religion. Although the Penal Laws had been repealed, there was a lingering distrust of anything "Papist". This historic distrust was fused in the minds of the pro-English group with the Jacobinism of the French Revolution. Jacobinism carried with it notions of egalitarianism and violent political extremism. The Loyalist-Anglo-Irish coalition adhered to the rule of law, not rebellion, mainly because the rule of law worked to their benefit. The Catholic Irish had a contempt for English law which historically did not benefit them. The historic strategy of dissimulation and prevarication kept the burden of the law at a distance.

The Loyalist, Anglo Irish adhered to the individual success orientation of the Protestant work ethic. The Irish were a collective kin grouping, who in Ireland were not part of an individual success orientation. Their enforced peasant position and lack of any possible upward

mobility created a live-for-the-present philosophy. They could be happy without respectability.

The pro-English group could use the mechanics of government to achieve a better place for themselves in society. The Catholic Irish had little knowledge of the government and were voteless. Collective rebellion was one of the few strategies left to them to achieve their desired goals.

#### 4. The Catholic Stereotype as a Problem

Because of seven hundred years of troubled Irish history, the Catholic Irish stereotype symbolized all that was difficult. The English looked upon the Catholic Irish as a problem. They were rebellious and violent. They were poor and impossible to govern. They had been subjugated only by coercion.

#### 5. Capitalism Maximizes the Contradictions in Society Leading to Conflict

The contradictions of relative deprivation, ethnicity and the negativity of class position fused

and were maximized by the capitalistic timber trade. As the riotous behaviour of the Catholic Irish turned against the French and some of the employers, a moral panic resulted. Law and order, as defined by the Loyalist magistrates of Bytown, was threatened. The Catholic Irish, a voteless powerless minority, utilized their historic strategy of collective violence to limit and to control access to employment. The definers, utilizing the historically defined Catholic Irish stereotype, created the moral panic over the Catholic Irish in an attempt to maintain control.

Chapter VThe Analysis of the Irish Riots in Bytown in the  
1830S as a Moral Panic

From 1835 to 1837, the contest over the nature of government in the Canadas (lead by Mackenzie in Upper Canada and Papineau in Lower Canada), was coming to the boil. Supporters and detractors of representative government for the Canadas argued their positions in the English Parliament as well as in the Assemblies at Montreal and at York. It was a constant topic in the press. Heated debate on both sides of the reform issue created general anxiety in both provinces over the future of their government.

In Bytown in the mid 1830s, a situation of moral panic over the Catholic Irish emerged. It is the thesis of this discussion that this panic was an ideological displacement for the larger anxiety over the conflict between the reformers and the Family Compact about representative government. The moral panic was a strategy used by the Loyalists and Anglo-Irish to control a perceived threat. Because the arguments over representative government struck at fundamental issues of who would hold the power in the province, they threatened the definition of the definers themselves. This anxiety hardened their resolve to dominate and control their political economic and social environment. This helped them shore up their definitions of themselves as the justified dominant group. In so doing, they found themselves in conflict with the Catholic Irish who being essentially powerless and at the bottom of the economic pyramid, fought collectively to gain employment.

The Catholic Irish refused to remain the disposable part of the labour force. They were a voteless, and often jobless group. Because of their historic oppositional ideology, they denied legitimacy to the ruling Anglo-group. Their cultural



values were different than the dominant group. There was a cleavage in societal values. The establishment perceived the Catholic Irish as a threat morally, legally and politically. The Loyalist-Anglo-Irish coalition had a vested interest in maintaining the status quo, and their definition of themselves as the dominant group. Although the Catholic Irish were essentially powerless, a moral panic developed. The Loyalists and Anglo-Irish promoted the view that the Catholic Irish were a dangerous and criminal subgroup. The moral panic was a strategy in the repertoire of control used by the definers of society. It illustrated their ability to control their society, by keeping the culturally different in line.

### 1. Paradigms

#### **order/consensus**

As stated in previous discussion, the paradigm used to view a subject will affect the meaning of that subject. If a subject is viewed within the order/consensus paradigm, it will reveal the

viewpoint of the definers of society. Conflict becomes a problem for a societal system. The definers of that system will neutralize or remove the conflict to enable assimilation or integration and achieve an ultimate equilibrium. The criminal label simplifies issues and is often used to neutralize or remove conflictive elements from the consensual system. Michael Cross views the Irish riots from within the order/consensus paradigm in the article "The Shiners' War: Social Violence in the Ottawa Valley in the 1830s" (1973). It is our intention to turn the Cross article on its head. We want to view the riots from the viewpoint of the Irish Catholics, from the bottom up rather than the top down.

### **conflict**

We will view the Irish riots from within the conflict paradigm. By so doing, we hope to reveal that the actions of the Catholic Irish were not all criminal and did not, as Cross implies, constitute a war. The norms and values of society are always being contested. In Bytown, Catholic Irish behaviour ranged from contempt for authority to collective

violence. They did not accept the treatment of the Loyalist-Anglo-Irish coalition. Their actions were an out-growth of historic Catholic Irish strategies to maintain life in the face of foreign domination in Ireland. They attempted to exert some reciprocal control by collective action upon the definers of their society. The definers, in turn, attempted to maintain hegemony by using the moral panic to prepare the way for legal control or coercion.

#### marxist perspective

Because we will view the incidents of the Shiners' War from a cultural marxist perspective, the historical moment cannot be viewed from the larger generalizations of national coherence. Nor can the riots be viewed as a moment, entirely determined by the larger economic or political forces. The Catholic Irish were a cultural subgroup in the larger confines of the Canadas. To view them as a "category" is to indulge in historic psychologism, where the characteristics of groups are just the "characteristics of the individuals writ large" (Dray, 1980, p.50). The Catholic Irish were a real people involved with real relationships in a new and

changing environment. They were more than individuals acting. They shared a cultural heritage and their actions were affected by their past as well as by the social milieu of Bytown and the larger society of Upper Canada.

## 2. Source Material

### newspapers

We have examined The Bathurst Courier and the Brockville Recorder from January 1835 through to the end of 1837. These newspapers were chosen because of their geographical proximity to Bytown and because they have different political philosophies. The Bathurst Courier is a pro-British, anti-reform newspaper. The Brockville Recorder is not necessarily anti-British. But it is pro-reform. They have a distinctly different point of view. This is illustrated when each mentions the Irish politician Daniel O'Connell. In The Bathurst Courier he is referred to as the "great agitator"

while, in the Brockville Recorder, he is the "great liberator".

"The Shiners's War: Social Violence in the Ottawa Valley in the 1830S" (Cross, 1973).

Michael Cross views the Catholic Irish riots from the viewpoint of the definers of society. He relies heavily upon the letters of George Baker, George Hamilton, and James Johnson to the colonial governors at York. Baker and Hamilton were both magistrates and prominent citizens of Bytown gentility. Johnson was equally a magistrate and the most prominent Orangeman in Bytown. Documentation used by Cross of the 1835 to 1837 time frame consists of letters and reports of those holding power: the magistrates, the freeholders who could vote, and organizations like the Bytown Association for the Preservation of the Peace.

Such documentation supports the view point of the definers of society thus fitting within the order/consensus paradigm. It is documentation with an inherent bias. Those who had no property could

have no vote: They were powerless and had no voice in the administration of their society. In a society constructed upon property relations, the Catholic Irish were always, in some sense, on the wrong side of the law whether they transgressed it or not. If the study of the Catholic Irish riots is viewed from the perspective of the ruling group (the order/consensus paradigm), the existing power relations in Bytown are accepted and the Catholic Irish are then designated as a criminal element which must be neutralized or controlled. If the study of the Catholic Irish is viewed within the conflict paradigm, the actions of the Catholic Irish become a reasonable response to an intolerable situation. The actions of the Loyalist Anglo-Irish coalition become the controlling actions of a threatened dominant group. To clarify the position of the Catholic Irish, to parse out the strands which contextualize their position and further lay bare the escalating steps leading up to the riots we can use the "signification spiral" devised by Hall et al. in Policing the Crisis.

### 3. The Signification Spiral

To understand how the Anglo-Irish and the Loyalist coalition viewed the Catholic Irish as a threat, it is necessary to deconstruct the situation into its component parts and reconceptualize them in such a way to include the Irish as active and positive members of their society, not just as a problem for a consensual system. The signification spiral deconstructs the moral panic. It illustrates what was in the minds of the definers of society. It reveals the reciprocal control strategies of the definers and of the powerless.

#### **the six steps of the signification spiral**

As previously explained, there are six steps which deconstruct a situation into its component parts:

1. the identification of an issue of concern;
2. the identification of a subversive minority;
3. "convergence", or the linking, by labelling, of this specific issue to other problems;
4. the notion of "thresholds"

which, once crossed, can lead to an escalating threat;

5. the prophesy of more troubling time to come if no action is taken;

6. the call for firm steps. (Hall, 1984, p.223.).

#### 4. Moral Panic

In the English mind there was a constellation of images which resulted in a Catholic Irish stereotype. Remembrances of historical rebellion, land wars, violence, poverty, contempt for English authority and jacobin contagion fused into a symbol or stereotype. As Wakefield illustrates in his words about the Catholic Irish they were

... virtual slaves by means of their servile, lazy, reckless habit of mind, and their degradation in the midst of the energetic, accumulating, prideful, domineering, Anglo-Saxon race... (Pentland, 1981, p.236, fn.47).

The Catholic Irish stereotype symbolized an uncontrollable, violent, anti-authoritarian group,



who would by their very presence create a situation of disorder.

The perceived proclivity to riotous, drunken behaviour and contempt for English authority was considered morally reprehensible. But when their behaviour affected the economics of the timber trade, was directed against the valued terrains of the respectable, such as the Bathurst District Agricultural Society, or involved a demand to be franchised when the vote was property based, then the Irish constituted a threat to the hegemony of Bytown. This threat had to be controlled by law or by coercion. As the Catholic Irish had historically refused legitimacy to English law, control became that of coercion in the form of the vigilante organization of the Orange Order.

## II. Deconstruction of the Irish Riots in Bytown in the 1830s using the Signification Spiral

### 1. The Identification of an Issue of Concern

#### general concerns

The specific concern affecting Bytown in the mid eighteenth thirties must be centered within the general socio-economic climate. From 1815 to 1850 there were "enormous economic and financial difficulties" (Dubuc, 1974, p.126). After 1815 there was a downward trend in prices caused by the end of the fur trade, arrivals of large numbers of Irish immigrants, agricultural crises in the Lower St. Lawrence and fluctuations "of extreme amplitude" in the exporting of timber (Dubuc, 1974, p.125-126). Immigration to Upper Canada, associated with work on the Rideau Canal from 1826 to 1832, produced a lowering of wages. This increased the poverty-stricken labour population in the urban areas. With the completion of the Rideau Canal in 1832, more immigrants were out of work. Cholera outbreaks in Corktown in 1832 and again in 1834 created fear in

the minds of the Loyalist employers who did not want to hire the possibly diseased.

There was an increasing capital crisis during the 1830s. A major bank collapse in the United States spread fiscal insecurity to Upper Canada (Brockville Recorder, June 16, 1837). The banks feared a run on hard currency reserves which resulted in the Bank Relief Bill in 1836. It was not until October 1837 that the Brockville Recorder noted that the banks in the United States and Upper Canada were once again redeeming notes in hard currency (Brockville Recorder, October 26, 1837).

Reports of the constitutional battle between the parties of reform headed by Papineau in Lower Canada and MacKenzie in Upper Canada for representative government filled the newspapers, increasing anxiety over the future of the colonies. An increasing public debt in Upper Canada 1831-1834 was opposed strenuously by the reformers lead by MacKenzie, who referred to the expenditures of the Executive Council as "improvident and prolific" and accused the Family Compact of the same "baneful domination" that had desolated Ireland (Brockville Recorder, August 10, 1837).

**specific concern**

Within these larger concerns of the province of Upper Canada was the specific concern which defined the first level of the signification spiral. Fierce competition for timber jobs between the French and the Catholic Irish on the Ottawa created social and economic unrest. The timber trade was important to Upper Canada. It was one of the few overseas trade areas with England which brought needed capital into the colony. When England imported Baltic timber at a reduced tariff, there was an outcry from the Canadian colonies and in the English Parliament (Bathurst Courier, October 9, 1835). The Catholic Irish had formed a quasi-union called the "Shiners" and "felt its employment threatened by the more docile and proficient French, who had hitherto provided the bulk of the employees on the river" (Pentland, 1981, p.120). But, as they created a running battle with the French for jobs, they disturbed the balance of power on the river and threatened the important timber trade.

This concern for unsettled relations on the Ottawa reached the provincial government in 1835. By July, it was reported in the Brockville Recorder that the Lieutenant governor Sir John Colbourne had issued a proclamation whereby;

all Lumber Merchants are commanded to give a list of their respective raftsmen. And if they are found to be disturbing the public peace therefore it will be at the expence of the license to cut timber and be prosecuted. (Brockville Recorder, July 17, 1835)

George Hamilton, a Hawkesbury timber baron and important enough in the Loyalist gentility to have been nominated for a seat in the Legislative Council, articulates the situation in a letter to Col. Rowan, secretary to Sir John Colburne (Brockville Recorder, March 4, 1836).

This year (1835) the disturbances have taken a different shape, these braves and ruffians have headed and led on the whole mass of Irish laborers, to drive the Canadian laborers from the lower province off the river, so that they might themselves be enabled to fix a High Standard of wages. I am sorry to say, however contrary this may be to the

interests of those who employ men, yet some of the employers have actually headed these disorders, without considering the effect it would eventually have on their own business, but merely looking forward to the immediate gratification of some Jealousy or pique (originating about boundaries) against other employers having Canadian laborers...(Pentland quoting Hamilton, 1981, p.121)

With this report, the concern for the unsettled timber relations takes on a more complex significance. It has widened out to include "some employers" as well as the Catholic Irish labourers. Hamilton refers to Peter Ayles (Catholic Irish) and Walter Beckwith, both wealthy timbermen, who had broken with the ruling group in not keeping wages down and the Catholic Irish in their place. The situation which presented itself to the gentility of Bytown was not only a labouring crisis between the French and the Catholic Irish, but that there was sympathy for the Catholic Irish on the part of certain owners as well. This was a much more troublesome situation, representing a crisis of hegemony for Bytown.

## 2. Identification of a Subversive Minority

The Irish riots of the mid 1830S are mapped out in the article by Michael Cross "The Shiners' War: Social Violence in the 1830S" (1973). This material is severely value laden, as Cross takes the position of the ruling Loyalist group in Bytown. Cross has little good to say about the Catholic Irish. He builds a disparaging stereotype of the Catholic Irish fusing the notions of immorality, murder, riot and violence to illustrate their "depravity". In his background material to the situation he incorporates description with pejorative terms, preferring surface gloss to explanation.

### Catholic Irish as a subversive minority

The Catholic Irish raftsmen are described as an "affliction" of "wide scale, organized violence" in 1835. This notion of sick violence is then fused with the notion of debauchery. Cross relates a riotous party given by Peter Aylen who had imported prostitutes from Montreal. When the prostitutes had collapsed from drink, the Shiners stripped them and arranged them on the sidewalk illuminated with

~~\_\_\_\_\_~~  
candles in order to shock the respectable citizens of Bytown.

Violence and debauchery are then fused with murder and riot. Cross quotes the high rates of murder and riot involved in the agrarian unrest in Ireland to illustrate that the Catholic Irish had a "greater tolerance of violent crime". That notion is linked with "terrorist activities". He then connects poverty with criminal behaviour. He links the huge Irish population growth and consequent economic decline in living standards with "a sullen dissatisfaction, a hatred and contempt for authority". Aside from what he calls "a curious puritanism regarding sexual relations", he describes the Catholic Irish as "sunk in depravity". Cross points to drunkenness in the Catholic Irish as being "prevalent among both sexes and all ages".

The drunkenness of the Catholic Irish is linked to their family relations. Close kin groupings create "another source of anti-social behaviour". Their national identity and collective unity is explained by their violent background. "Given such a background, the Irish were prone to ethnocentrism, to identify themselves most strongly with their



nation, their group and their family." The Catholic Irish "ethnocentrism and truculence", Cross maintained, are heightened in the insecurity of a new environment and in the face of discrimination. The Catholic Irish are variously called "aggressive", "miscreants", and "not literate" and described as not only rebellious against authority but also against their church.

#### a more unbiased viewpoint of the Catholic Irish

The stereotype Cross constructs is probably the stereotype which existed within the minds of the Bytown gentility. As such, it is an incomplete and one-sided historical understanding of, or description of, the Catholic Irish. The historians Cecil Woodham-Smith and E.P.Thompson present a more unbiased view of the Catholic Irish. They both acknowledge the propensity for the Catholic Irish to collectively and sometimes violently revolt, to ignore English law, to dissimulate with authorities and to drink excessively. But they also relate other positive characteristics of the Catholic Irish.

Woodham-Smith in The Great Hunger (1987), depicts the wretched conditions, as well as the cultural patterns of the Irish peasants prior to the great famine. They had very little to celebrate in their punitive circumstances, so the Irish turned to the comfort of kinship and family relations and the enjoyment of momentary pleasures. They were exceptionally strong family people, having been encouraged to marry early, and children were the more welcome because they were an insurance for their old age.

... the Irish peasant did not have to endure cold, nor his children die of cold. They were warm, they were abundantly fed - as long as the potato did not fail. (Woodham-Smith, 1987, p.31)

Quoting Sir Walter Scott he writes: "Their natural condition is turned towards gaiety and happiness" (Woodham-Smith, 1987, p.24). Although they were relentlessly oppressed, they gathered together for enjoyment.

Groups of neighbours gathered for dancing to the fiddle, indoors in the winter, in summer at the cross roads; wakes, with liberal amounts of poteen, were social occasions; and crowds gaily travelled immense distances to attend markets,

fairs and above all races.  
(Woodham-Smith, 1987, p.25)

That the Irish often drank to excess is well documented. But drinking in Upper Canada in the nineteenth century was "pandemic" (Talbot, 1983, p.12).

Cross mistakenly maintains that population growth and economic decline brought about a contempt for authority. But the Catholic Irish could expect little justice from English law, especially under the Penal Laws.

His religion made him an outlaw; in the Irish House of Commons he was described as "the common enemy", and whatever was inflicted upon him he must bear, for where could he look for redress? (Woodham-Smith, 1987, p.28)

The force of the Penal Laws brought "lawlessness, dissimulation and revenge" which was directed against the "common enemy", the British.

...dissimulation became a moral necessity and evasion of the law the duty of every god-fearing Catholic. To worship according to his faith, the Catholic must attend illegal meetings; to protect his priest, he must be secret, cunning and a concealer

of truth. ( Woodham-Smith, 1987,  
p.28)

Although they treated the English with contempt it was often good-humoured. Good manners and hospitality are described as "universal" among the Catholic Irish. The daughter of a British army officer after the failed rebellion of 1798, when the Irish peasantry were being severely repressed by England, reported that she would have "fearlessly trusted" the Irish peasantry "in any circumstances" (Woodham-Smith, 1987, p.26). The Catholic Irish had been denied access to schools under the Penal Laws, but far from being an "illiterate" people their literacy remained as a strong oral tradition (Woodham-Smith, 1987, p.26).

Indeed, they had a very different value system from the Protestant Loyalist Anglo-Irish coalition in Bytown. But as E.P.Thompson, quoting a Birmingham employer of 1836, points out, the Irish worked well for good employers.

... good humoured themselves,  
they worked best for good-  
humoured employers who  
encouraged them to mutual  
emulation. "the Irish are more  
violent and irritable but they  
are less stubborn, sullen and  
self-willed than the English."  
Their generosity and

impulsiveness was easily imposed upon; it is literally true that they "would die ... before they would be beat". In his own country he is notoriously lazy and negligent in the extreme; after crossing the channel he became a model of laboriousness and enterprise. (Thompson, 1984, p.474)

This description of work patterns is very similar to the description given by Thomas McKay the chief stone mason on the Lachine and Rideau Canals. If treated poorly, as they had been treated in Ireland by the dominant Anglo establishment, they would not hesitate to riot. Their "propensity to riot" was like their propensity for dissimulation, a strategy forced on the Catholic Irish by their political situation. After the failed rebellion of 1798, there was a continuous state of land war in Ireland. The violence was not the result of an inherently violent Catholic subgroup:

...the antagonism between the "Orangemen" and "Papists" was deliberately fostered by the Castle (the English Ascendancy) as a means of maintaining power. (E.P.Thompson, 1984, p.471)

**the subversive minority, a threatening stereotype**

The stereotype that Cross constructs, however, reflects the antipathy of the inhabitants of Upper Town and the farmers of the surrounding area that made up the Loyalist and Anglo-Irish coalition. They designated the Irish as a "subversive minority". The Cross material is representative of the dominant ideology of the Loyalist and Anglo-Irish. It illustrates the construction of a threatening stereotype. Layer upon layer of meanings, which are both contrary and threatening to the values of the dominant group, are fused with the character of a subgroup. This widens the cleavages of difference between the dominant group and that subgroup. It helps to mold that subgroup into a "category" which is coloured with the subversive gloss. Ambiguities in the minds of the dominant group are resolved by treating all Catholic Irish as if they were identical. The threatening symbol assists the definers of society in labelling the actions of that group as criminal. \*

3. Convergence or Linking the Subversive Minority to  
Other Problems

incidents in 1835

Cross fuses the Catholic Irish stereotype to criminal acts. He does this to illustrate that because of this subversive minority, the social order in Bytown is out of control. The incidents of the "Shiners' War, as listed by Cross, start off with the death of an Englishman in a St. Patrick's Day brawl in 1828. He then lists seven incidents in 1835 attributable to the Catholic Irish:

- 1). On January 5, a murder of a Mr. McStravick occurred in Lower Town for which a lumberman was arrested but escaped from custody before trial.
- 2). In the spring, Catholic Irish and French fought for position in timber employment on the Ottawa river with violence on both sides.
- 3). In the summer, Peter Ayles was arrested and briefly imprisoned for an assault on a lawyer, Daniel McMartin.
- 4). In mid-May, three Shiners, Jerry Ryan, John Hoolahan and Michael Hoolahan were arrested for the assault and rape of an Indian woman.
- 5). In June, a Shiner was shot by Mr. Galipaut, a tavern owner, the tavern was

set afire by the Shiners and Mr. Galipaut and his family left town.✓

6). On July 29, a constable was beaten when he attempted to arrest a Shiner on a charge of rape.

7). In August, the Shiners, led by Peter Ayles, took over the stronghold of Loyalist gentility, the Bathurst District Agricultural Society and voted in Peter Ayles as president.

U Cross maintains that "crimes of violence were frequent in 1836" (Cross, 1973, p.18). He does not list them because they were not part of an "organized agitation". What he probably means is that they had nothing to do with the Shiners. We also fail to see what the murder of McStravick or the alleged assault on Daniel McMartin, or the rape of an Indian woman had to do with "organized agitation".

#### incidents in 1837

1). On January 2, Peter Ayles demanded suffrage for the Shiners in the township council. This was denied and there was a brawl in which James Johnson was hurt.

2). On February 14, the Shiners led by a Mr. Gleeson, attacked the family and sleigh of farmer Hobbes and, afterwards, mutilated the horses.



3). On March 9, Peter Ayleen is accused of attacking an old man on the Richmond road:

4). On that same day, the Shiners, thinking that Mr. Hobbes was staying at the home of James Johnson, attacked Johnson's house. No one was injured.

5). On March 25, Thomas Burke, Patrick O'Brien and James MacDonald ambushed James Johnson on Sappers bridge, Johnson leaped over the bridge to the frozen canal where he was shot at and assaulted.

Cross maps these events together to illustrate a breakdown in the social order of Bytown. In so doing he clearly demarcates the positions, the peaceful Loyalists and Anglo-Irish on one side and the troublesome Catholic Irish on the other. There is no doubt that the Catholic Irish created disorder, particularly during the spring and summer of 1835 in their feud with the French on the river. There is also no question that, after a winter on the river, the Catholic Irish were often drunk and created public uproar and disturbance. But the remarks of the conservative Kingston Chronicle, that the residents of Bytown were afraid to leave their houses after nightfall, seem inflated (Brockville Recorder, August 7, 1835). Cross, however, agrees with the newspaper that the situation was out of control.

**criminal acts but no breakdown of social order**

The breakdown in the social order was not as great as it is made to seem. Indeed Bytown, like all municipal areas of that time, was not well policed, only having one paid constable. But there was always the military garrison headed by John Bolton. The jail in Perth was a long way off and it was fairly porous. But if the incident of disorder was great enough, the people were indeed apprehended, tried by the court of the quarter sessions and sent to jail. If the criminal incidents of 1835 are examined closely we are able to see just how lawless the situation was.

**events of 1835**

The murder of an Englishman in a St. Patrick's Day brawl did not take place in the crucial 1835 to 1837 period, but in 1828. It is probably included to "weight" the notion of murder. The murder of McStravick is not reported in either the Bathurst Courier or the Brockville Recorder. This is odd because murder, then as now, was news. It should be

noted that the accused, Curry, was not tried because of his escape. He may or may not have been guilty. We do not know. The next incident in the actual time sequence was the rape of an Indian woman for which the perpetrators were held in the garrison, transferred to Perth and tried.

The assault on Daniel McMartin by Peter Aylen was disputed by Aylen, who is reported as commencing an action in the court of the Kings Bench against the Bathurst Courier for reporting his involvement in the affair (Bathurst Courier, July 10, 1835). The Bathurst Courier points out that R.S. Jamieson, the man responsible for reading the riot act in the summer of 1835, was a cohort of Ogle Gowan the leader of the Orange Lodge in Canada and had the "reputation of a man who encourages his electors to beat and abuse others" (Bathurst Courier, July 10, 1835). Here they are referring to a disputed election, in which Ogle Gowan and Jamieson had used strong arm tactics in order to get elected. The strong arm tactics had resulted in a man's death. Mr. Jamieson (a member of the ruling Loyalist, Anglo-Irish coalition), and a magistrate, had been cited as a nuisance in his own court and refused payment by the Legislature.

The torching of Gallipaut's tavern was the result of Gallipaut shooting and wounding two Irishmen. The Catholic Irish magistrate, Daniel O'Connor, whom even Cross has to admit (albeit backhandedly), was a fair magistrate, refused to have the Irishmen charged. The attempted "ravish" by Michael Fox was found to be true. He was found guilty and sentenced to prison.

#### events of 1837

The criminal events of 1837 were equally dealt with by the courts in an organized fashion. The social order had not broken down. There was no substance for a moral panic about the Catholic Irish. Indeed, if the events are looked at dispassionately, the events of 1837 resolve into a feud between the two members of the Orange Order, Mr. Hobbes and James Johnson, and the Catholic Irish. Mr. Gleeson, whom Cross makes out to be a particularly despicable character, beating the pregnant wife of farmer Hobbes, was found not guilty (Brockville Recorder, September 28, 1837). There is nothing reported about the alleged attack of an old man on the

Richmond Road or the attack on the house of James Johnson. But the men who violently assaulted James Johnson on Sappers bridge were tried. They were found guilty of assault with attempt to murder and sent to Kingston for three years hard labour (Cross, 1973, p.22).

fusing the character of the Catholic Irish with the criminal

The criminal incidents concerning the Catholic Irish during 1835 to 1837 are fused with the riotous behaviour of the Catholic Irish to provide guilt by association. The rape of an Indian woman and the attempted "ravish" of another woman have very little to do with the economic war between the Catholic Irish and the French. What they do is to colour all Catholic Irish as possible rapists. The torching of Galipaut's tavern is the undisciplined response of the Catholic Irish to an attempted murder by Gallipaut. But the incident, as it is portrayed by Cross, colours all Catholic Irish as possible arsonists. The assault of Daniel McMartin is under dispute and the attack on farmer Hobbes by Gleeson is thrown out of court.

Cross omits that Gleeson was found not guilty. Nor does he include the information that Hobbes was an "Irish Orangeman, and a pretty hard character besides" who had offended the Shiners in some way (Brown, 1968, p.4.) - Cross also does not mention that James Johnson was the "most prominent Orangeman in Bytown" (Brown, 1968, p.20.). What Cross does do is reconstruct the Catholic Irish stereotype. It was to the advantage of the definers, the magistrates and the conservative newspapers who had a vested interest in the present social order to promote the Irish stereotype and thus to "prepare the ground for the exercise of legal restraint and political control" (Hall, 1984, p.189). Failing this, the ground was prepared for the vigilante violence of the Orange Order.

the subversive minority as powerless

The notions of murder, rape, assault, and arson fused together in the Cross material, probably represent what was in the minds of the non-Catholic majority of Bytown; that the Catholic Irish were a criminal under-class. The poor, the propertyless and

the ethnically different committed offenses. But if the alleged offenses were serious, the courts seemed to handle the situation in an orderly fashion and as expeditiously as the quarter sessions would allow. The Catholic Irish, after a winter on the river, were often riotous and drunken. They probably expressed their historical contempt for Anglo authority; but it was a threat from a propertyless, poverty-stricken, voteless and essentially powerless group.

#### 4. Thresholds Crossed Leading to an Escalating Threat

moral and legal thresholds crossed

Adherence to a different value system and different cultural practices set the Catholic Irish apart from the Loyalists and Anglo-Irish. The Loyalist-Anglo-Irish coalition morally disapproved of the social practices of this minority group. This placed the Catholic Irish beyond the first threshold of moral threat. The Catholic Irish contempt for authority, which lead them to disregard the law and sometimes

transgress it, resulted in the crossing of the second threshold of the, legally impermissible. But the incidents in August 1835 and in January of 1837 were a much greater threat to the security of the gentility than the drunken and sometimes criminal acts of a targeted lower class.

#### the take-over of the Bathurst District Agricultural Society

In August 1835, the Catholic Irish led by Peter Aylen took over the Bathurst District Agricultural Society. The Catholic Irish were considered by the gentility of Bytown as no better than some labouring, "sub-human species" (Taylor, 1986, p.32). The Bathurst District Agricultural Society, on the other hand, was the apogee of the Loyalist and Anglo-Irish gentility and the surrounding farmers, most of whom were Orange. Every district was encouraged to have an Agricultural Society and it was always run by the influential in that area (Brockville Recorder, July 3, 1835). The explanation of this incident appears in the Bathurst Courier in April and May 1837.



The Catholic Irish raftsmen led by Peter Ayles paid the joining fee of one dollar, then voted out the gentility. It was made all the easier because many of the gentility had not attended because of the Perth assizes (Bathurst Courier, May 19, 1837). Voting out the gentility, the Catholic Irish voted themselves in with Peter Ayles as president. Whether it was a "good-humoured contempt for English authority" and a lark or not, the society was still going under this new management in 1837.

With the take over of the Bathurst District Agricultural Society, the Catholic Irish had crossed a threshold which threatened the hegemonic order of Bytown. The Catholic Irish had not only desecrated one of the terrains of the ruling establishment of the district, but they were guilty of "democratic tyranny". During the 1830s, the loyalist ideology was hardening against the attempt of the new middle class that wanted control of the Legislative Council and the Assembly. The more the reformers Mackenzie and Papineau fought for representative government, the greater became the Loyalist adherence to British ethnic values and aristocratic Tory principles (Dubuc, 1974, p.134). The ideology of the Loyalist Anglo-Irish coalition was strictly anti-

democratic. To be democratic in 1835, meant that you were supporters of reform, as were MacKenzie and Papineau. This further translated into a disloyalty to the English crown and the threat to the whole rule-by-appointed-right ideology that the Loyalist and Anglo-Irish coalition defended. The notions Catholic Irish and sedition were now fused together in the minds of the ruling group.

attempt to gain suffrage for the Catholic Irish in the Township Council

This situation was further amplified in the Township meeting in January 1837 when the Catholic Irish headed by Peter Ayles attempted to gain the opportunity to vote for the Township Council. Cross describes this as an attempt by Peter Ayles to gain leadership of the Township as he was president of the Agricultural Society. Remembering that the Catholic Irish were a minority group in Bytown, this seems a little far fetched. Propertyless people had no right to elect public officials either in Upper Canada or in England. Only freeholders could vote in these elections. As the Catholic Irish raftsmen were propertyless, this could not be allowed. Manhood

suffrage was a threat to the hegemony of the ruling establishment.

The "Shiners' War" read in this light has larger ramifications than either the economic war on the Ottawa over timber jobs or the criminality of an inherently violent subgroup. The threat of the Catholic Irish widens out in its implications to become a threat for the ruling Loyalists and Anglo-Irish. Their ideology and consequently their very position as the definers of society are under attack.

Cross, however, has constructed a layered symbol of the Catholic Irish enclosed within a violent criminal boundary. It deflects attention away from the legitimate political confrontation and the defense of their employment. The fusing of riotous behaviour with criminal behaviour creates a stereotype in the mind of the reader. Therefore, all actions of the Catholic Irish must be criminal not political. Cross narrows the issues to the violence of the Catholic Irish. Because Cross approaches the material from the position of the ruling class in Bytown they are depoliticised and stripped of all active significance. As a result, the Catholic Irish

are seen as a problem for the system, not as a group reasonably responding to their situation.

##### 5. The Prophecy of More Troubling Times to Come

In October 1835, the prophecy of more troubles to come is present in the report of the Association for the Preservation of Public Peace (Bathurst Courier, November 13, 1835). The Association for Public Peace was a vigilante association, membership by invitation only. It was an armed group who had two hundred members by the end of the first week (Cross, 1973, p.18). As well, in June 1836, George Baker created a militia force, the Bytown Rifles. This, however, was disbanded when Baker attempted to call a general muster. After the attempt of the Catholic Irish to vote in the Township Council election, the citizens of Bytown appealed to the lieutenant-governor Sir Francis Bond Head for troops. Their appeal was denied.

The Loyalists and Anglo-Irish re-established their position by forming a new Agricultural Society with a new charter. They explained in great detail in the Bathurst Courier that the old one was

"illegal" (Bathurst Courier, May 19, 1837). Not only had the charter of the former society run out and therefore had become "illegal", but certain of its directors were not freeholders and therefore were not eligible to vote or become directors. But a statement of illegality would not be enough to keep the Catholic Irish in their place. Since the Bytown Rifles were disbanded and the request for troops denied, the Loyalist-Anglo-Irish coalition fell back on the vigilante threat of the Orange Order.

#### 6. The Call for Firm Steps

After the Catholic Irish attempted to vote for the Township Council, the Orange, like the old Church and King mobs of England, threatened to invade Bytown in February and again in March, 1837. Michael Cross calls this an "imaginary" invasion. He nonetheless acknowledges that both the magistrates and leading citizens had to convince the farmers to return to their homes. The threat, however, would not be imaginary to the Catholic Irish. It seems to be clear that Sir Francis Bond Head allowed the growth of the Orange as a conservative vigilante force to keep the peace in the province and to

restrain the natural alliance between Catholics and reformers. The political use of the Orange Lodges is evident in the summons made by Ogle Gowan at a general meeting of the lodges in June 1837.

The very peculiar crisis in which we are at present placed and the extraordinary excitement which has been lately engendered ... induces me to require your attendance at the Grand Lodge Meeting... (Brockville Recorder, June 22, 1837)

vigilantism as the final step in the spiral of moral panic

The use of the Orange Order was an attempt to return to a situation of "status quo ante" by the people of Bytown and the farmers in the surrounding district. The Catholic Irish, because of their historic experience and their rebellion ideology, refused legitimacy to the authority of the Loyalist Anglo-Irish coalition. From past experience they knew that English law was not neutral. When they refused to accommodate themselves to the criminal label or be threatened by the law, the people of Bytown and the surrounding district reverted to vigilante coercion to maintain hegemony. Like the "church and king"

mobs in England, "they felt themselves in some obscure way, to be defending the "Constitution" against alien elements who threatened their "birthright" (Thompson, 1984, p.85).

#### **vigilantism re-establishes moral order**

If the community could not obtain allegiance from the Catholic Irish through ideological authority, or through criminal imposition, it was necessary to use the threat of vigilante force to maintain the status quo ante. The problems of the riotous behaviour of the Catholic Irish were thrown into a sharper relief because of the greater hegemonic threat brought about by the reformers in Upper and Lower Canada. Because Upper Canada was itself facing rebellion, the Catholic Irish problem could be said to be an ideological displacement for the greater lack of legitimacy as evidenced by the reformers.

The mystification of the political concerns of the Catholic Irish, by addressing their actions as criminal, was an attempt by the definers of society to control their society and maintain peace for the accumulation of capital. And when that did not work

they turned to the historic coercion of the Orange Order.

Conclusion: the Deconstruction of the Moral Panic

Using the Signification Spiral

If the riots of the 1830S are examined taking the ideology of the Catholic Irish into account, the crisis becomes not the control of an inherently violent subgroup but rather a threat to the hegemonic order of Bytown. The Bathurst District Agricultural Society and the Township Council characterized the rulers of Bytown as gentility and as powerful. To attack these areas of the ruling Loyalist-Anglo-Irish coalition was to attack the ideology of the rulers themselves.

Loyalist-Anglo-Irish Ideology

Their ideology grew out of their patriotism to the English Crown. Because of their patriotism, they felt justified in the existing economic, civic and social arrangements. These included the recognition



of law, not rebellion. That law was the law of English constitutionalism, not republicanism. It also implied an hierarchical society where different classes had different rights and privileges. It did not imply democracy. Their ideology sought to maintain and reproduce their position in society. An attack on the position of the Loyalist Anglo-Irish by taking over the Bathurst District Agricultural Society or the attempt to have representation in the Township Council, attacked the ideology of the Loyalist Anglo-Irish group and threatened the reproduction of their society along their ideological lines.

the Catholic Irish refused legitimacy to the English State

Historically, the Catholic Irish had no reason to think that English law benefited anyone but the English. They had a contempt for what they viewed as one-sided justice. The Catholic Irish had no reason to think of the State as neutral. The English rule in Ireland had, until 1829, disregarded the rights of the Catholic Irish. The imposition of English law subjugated the Catholic Irish. If they did not

accept the law, they then did not accept the ideology upon which the law was built. The Catholic Irish, historically, had refused legitimacy to the English State. They, therefore, had been kept in their position by the constant threat of, or imposition of, violence.

### **signification spiral**

The signification spiral allows a deconstruction of the events. It shows the convergence of the Catholic Irish stereotype with the notions of criminality. The fusing of the actions of the Catholic Irish with criminal acts depoliticizes the situation. When the Catholic Irish crossed the thresholds of the takeover of the Bathurst District Agricultural Society and the attempt to achieve the right to vote for the Town Council, they threatened the hegemonic order in Bytown. This escalated the threat and widened the cleavages between the values of the definers of Bytown and the Catholic Irish. It produced the vigilante response on the part of the Loyalist Anglo-Irish Orange Order.

**moral panic**

The moral panic about the Catholic Irish was an ideological displacement for the greater crisis that was filling the newspapers during the years from 1835 to 1837 and which would erupt in December 1837 into open revolt. The Catholic Irish, by their cultural practices, their riotous disregard for their poverty, their good humoured contempt for the gentility, were a threat to the sober, individual-success oriented Loyalists and Anglo-Irish. This allowed the ruling group to morally condemn them with a feeling of rectitude. Once they threatened the hegemony of Bytown with the landed and wealthy Peter Ayleen as leader, they were a threat to the dominant class.

The political, economic and social relations of the dominant class were already under attack by the reformers in Montreal and in York. To shore up their own self definitions as the definers of society and to illustrate their control, the Loyalist Anglo-Irish group promoted a situation of moral panic directed at the Catholic Irish. Cross reflects their point of view by treating the situation within the order/consensus paradigm.

### III. Political Meaning Deflected by the Stress on the Criminal

#### 1. Culture Clash as an Explanation for the Criminal Label

By mapping all these events in a single article, "The Shiners' War", Cross depicts all actions of the Catholic Irish as criminal. He is taking an order/consensus view point, pointing to the Catholic Irish as a problem in some consensual system, the system of the Loyalist Anglo-Irish coalition. He also ignores the great social upheaval taking place in both Upper and Lower Canada in which the form of the State was being contested. He takes the viewpoint of the definers of society.

Since the Loyalist Anglo-Irish coalition cannot rule by ideological domination leading to popular consent, they must attempt to invoke the law and failing that, invoke vigilante violence. The State is "the product of class antagonisms, and perpetuates a class order by appearing to moderate the class struggle" (Hall, 1984, p.197). The

Catholic Irish, however, would have had no historic reason to think that a province ruled by the English, would moderate struggle impartially. The Catholic Irish thus refused to grant that law legitimacy. If they refused legitimacy to the law, they refused legitimacy to the State and the property relations upon which that State was based.

The ramifications of the Catholic Irish riots widen out to include the threat to the hegemony of Bytown. The Catholic Irish were not going to accept the authority of the Loyalist Anglo-Irish coalition. Their acts, therefore, become inherently political. Michael Cross stresses the threat of violence and crime. He thus depoliticizes the acts of the Catholic Irish. By focusing on the appearance of criminality, attention is deflected from the political. It leeches all political meaning from the situation. Instead of the Catholic Irish being republican and democratic, they are criminal and violent. Sellin in Culture, Conflict and Crime (1938), points out that the criminal is more than just the transgression of legal rules. It is often the clash between two value systems. But the "...social values which receive the protection of the criminal law are ultimately those which are

treasured by the dominant interest groups" (Sellin, 1938, p.21). What was happening in Bytown in the mid-eighteen thirties was a type of culture clash between the Loyalist Anglo-Irish and the Catholic Irish.

## 2. The Application of the Criminal Label and the Economic Order

To leave it as culture clash, however, does not explain it all. Upper Canada was an incipient capitalist economy. A capitalist economy divides the people into classes. The Catholic Irish were part of the labouring class. The ruling group had a vested economic interest in maintaining order and cheap wages to benefit the timber trade. The timber trade was the only overseas trade that brought needed capital to a capital starved Upper Canada. When England imported Baltic timber at a reduced tariff, there was an outcry in the Assembly of Upper Canada (Bathurst Courier, October 9, 1835). The fact that Peter Aylen and Walter Beckwith had sided with the Irish Catholics to provide better wages and had promoted the quasi-union called the Shiners'

disturbed the economic relations on the Ottawa. It was in the interests of the ruling group to break up this union. To weaken the position of the Catholic Irish and to keep society ordered for the accumulation of capital, they attempted to remove or neutralize this problem group by criminalizing them.

### 3. Application of the Criminal Label Strips Action of Political Significance

The Loyalist Anglo-Irish coalition employed strategies explained by Thomas Mathiesen in the Politics of Abolition (1974). He designates four functions of criminalization: the "expurgatory function", the "power draining function", the "diverting function" and the "symbolic function" (p.77-78).

#### **expurgatory function**

The "expurgatory function" is a strategy by which a "social structure must rid itself of its unproductive elements" (p.77). Unproductive elements systematically produced by a capitalist formation

must be expelled from the economic system to create order for accumulation. The aggressive and combative Catholic Irish, who were creating a state of disequilibrium on the Ottawa and threatening an already threatened but valuable capitalist enterprise, must be neutralized through the law. The tendency will be to view their actions in a criminal light.

#### power draining function

The "power draining function" of criminalization drains away political power of those so labeled. They become voiceless. Often the threat of prison can be enough to maintain the silence of the troublesome group and neutralize their power. If the Catholic Irish had succumbed to the criminal label which the definers of their society wished to apply to them, they might have remained the "disposable" portion of the labour force developing an accommodating ideology out of that particular set of social relations.



**diverting function**

The "diverting function" of criminalization or the threat of imprisonment deflects the attention from the acts of the definers of society which might be seen as more dangerous to the social fabric and more heartless because of their premeditated search for private profit. The Catholic Irish had to be signified as criminal to divert attention from the corrupt practices of the Loyalist Anglo-Irish coalition who created intolerable working conditions. Depressed wages were often paid in script at contractors stores. Makeshift lodgings were rented at inflated prices. The restricting of Catholic Irish settlements to unhealthy and disease infested areas, when an abundance of land was available, caused cholera and death (Palmer, 1983, p.37). When the Catholic Irish rioted against such treatment, attention was deflected from the treatment itself by designating their actions as criminal.

**symbolic function**

The "symbolic function" proceeds by stigmatizing of one group as criminal and by a process of moral rectitude distinguishing the rest of society as non-criminal. The criminal label thus functions as a cohesive force, drawing "respectable society" together against a common enemy. Certainly, the attempt to designate the Catholic Irish as "Shanty-Irish" provided the Loyalist Anglo-Irish coalition with a constellation of images that included rebelliousness, dirt, drunkenness, disease and criminality. The "Shanty-Irish" stereotype symbolized failure in the minds of the individually-minded, profit-motive-oriented, Protestant Loyalists. Fear of failure for all members of a new society is very real. The criminal label helps to distance the Catholic Irish from their group and helps to distance the threat of failure from themselves.

#### 4. Success or Failure of the Strategy to Designate the Catholic Irish as Criminal

The Catholic Irish, however, because of their historic refusal to abide by the inhibitions of constitutionalism, refused to take on the criminal label. They attempted twice to destroy the power of the definers of society, the Loyalist Anglo-Irish coalition, by invading the terrain of the dominant group. The attempted takeover of the Bathurst District Agricultural Society (August 1835) and the attempt to obtain the vote in the Township council (January 1837) were political acts which had to be answered by strong action.

#### attempts to control by legal means

The takeover of the Bathurst District Agricultural Society and the voting in Peter Ayles as president was followed in October by the formation of the Association for the Preservation of Public Peace (Bathurst Courier, November 13, 1835). There was also a failed attempt by the magistrate George Baker to form a militia regiment in 1836 which was quickly put down by Sir Francis Bond Head. Legal means had

failed to keep the Catholic Irish in their place. They refused to be inhibited by the law. After the attempt to get the vote in the Township council in January 1837, the Loyalists and Anglo-Irish turned to coercion with the vigilante organization, the Orange Order.

Conclusion: the Order/Consensus Paradigm and the Conflict Paradigm in Light of the Signification Spiral

order/consensus paradigm

The order/consensus paradigm presumes that there is a consensus on societal values. Cross assumes that the societal values of Upper Canada are those represented by the Loyalist Anglo-Irish group in Bytown in the 1830s. He assumes consensual acceptance of a recognition of law over rebellion, unity of the Empire over colonial self government, rule-by-appointed-right over representative government, English constitutionalism over republicanism and an hierarchical society of rights

and privileges over democracy. He assumes this at a time when the nature of government in Upper Canada was being vigorously contested.

Writing within the order/consensus paradigm, he takes the viewpoint of the definers of society that people must cohere around consensual norms and values to meet the accepted needs of that society. Those who do not meet the accepted needs of the society of Bytown in the 1830S are out of joint with their society. The Catholic Irish, therefore, pose a problem for their society which must be controlled or removed.

The Catholic Irish are seen as a problem "category", not as real people. Treating them as a category dehumanizes them and aids in the creation of a stereotype which symbolizes all that is inimical to the Loyalist Anglo-Irish dominant group. They are a problem which the consensual society must remove or control to return to a state of equilibrium.

The consideration of the historical event becomes skewed because the consideration of the problem category is biased to the negative aspects

of the people within it. Thus the Catholic Irish are seen as examples of immorality, murder, riot and violence. Layers of negative meanings build the stereotype which symbolizes the problem for the societal system which is considered as a positive. History is used as an example to prove arguments relative to the paradigm. In this sense the order/consensus paradigm relativizes history. It is a partial reading of event relative to the structure of the paradigm. The classification of and collection of historical fact is constitutive to the paradigm.

The order-consensus/paradigm presupposes some static coherence whereby the subgroup will assimilate or acculturate, integrating with the dominant group. To facilitate the integration the problem areas which prevent that facilitation must be controlled or neutralized. With the Catholic Irish this involved the imposition of the criminal label on their actions.

**conflict paradigm**

The conflict paradigm presumes that the norms and values in society are being contested. People within society have various strategies for reciprocal control. The Catholic Irish had developed, historically, various strategies to preserve their ethnically different subgroup within an English dominant society. Strategies of close kin connection and collective action arose from the need to present a united front to the dominant English. Their dissimulation prevented the English from prosecuting and persecuting their people and their priests. Contempt for English law, which sometimes broke out in violence, was a refusal to accept the dominance of a conqueror.

As immigrants to Upper Canada, the Catholic Irish were a problem group who refused to conform to the norms and values of the dominant group. They refused legitimacy to the values upon which the dominant group rested. They contested those values and posed a threat to that group. In a society undergoing change and attendant anxiety, in which the definers of that society have a vested interest,

the moral panic is a strategy to control a perceived problem group.

A moral panic helps the definers to control through law or coercion an oppositional subgroup. By imposing the criminal label, they can abstract meaning from the actions of the subgroup. Criminalization variously removes the offending problem group, drains them of political power, diverts the attention from the definers to the problem group and draws society together against a common enemy. A moral panic is not a conspiracy. In times of uncertainty or change, when the definers of society have a vested interest in the status quo, moral panics over subgroups with different value systems may arise. But having arisen, the moral panic can be a strategy in reciprocal control to aid the definers to remove or to neutralize the problem. Because the criminal label resolves ambiguities in the minds of citizens, it becomes an easy tool to neutralize the oppositional subgroup.

Criminalization allows the definers to expel people from society, to drain all power from the conflictive elements. It diverts attention from the practices of the definers of society to the acts of



the oppositional group. It stigmatizes the oppositional group as criminal. By so doing it draws the rest of society together against a common enemy. The common enemy delineated as reprehensible, allows the majority of society to maintain its moral superiority.

### Conclusion

#### **order/consensus versus conflict paradigm**

The application of different paradigms has importance for the field of Criminology. If criminological research is carried on within the order/consensus paradigm, the focus is on the actor as a problem within a consensual system. The order/consensus paradigm does not examine the ideology of groups within a societal system. It takes the ideology of the dominant group as a given. Although the order/consensus paradigm appears to be neutral, it accepts the ideology of the dominant group in a society as a positive ideology. It, therefore, deflects attention from the ideology of the dominant group by focusing on the problem or subordinate group.

The problem group is presumed to have some inherent characteristic, perceived relative deprivation, dissonance caused by ethnic difference or criminal behaviour, which sets it apart from the dominant group. The inherent problem of the subordinate group must then be neutralized or eradicated before it can join the dominant group with its perceived consensual norms and values. If research in criminology is carried out within this paradigm, it will be the members of a subordinate group which is perceived to be criminal.

If criminological research is carried out within the conflict paradigm with a cultural marxist perspective, it is like turning the kaleidoscope to view a completely different pattern. The conflict paradigm posits that societal values may create conflict. Society becomes the terrain where oppositional groups compete and conflict. Societies have an historical time and place with particular social, economic and political juncture. There is constant internal dynamism as groups seek reciprocal control.

A capitalist economy divides people into classes or groups. People live out their lives in a social relationship where some factions have the power and some do not. The conflict paradigm recognizes that both the dominant and subordinate groups have strategies for reciprocal control. The dominant group will seek to reproduce their position and the subordinate groups will seek to improve their position. The strategies of the dominant group are consent through ideological domination and legal rules or coercion.

Because the conflict paradigm examines the ideology of the definers of society as well as the groups within it, criminal behaviour can be seen as a designation defined by the definers of society. Criminality ceases to be a property of individual members of a subordinate group. It becomes a designation or category imposed by the definers. The criminal label withdraws meaning from political acts. But if research is carried out within the conflict paradigm, taking the structure of society into account, political acts and criminal acts become separated.

Applying the conflict paradigm to the analysis of the Irish riots in Bytown changes the understanding of the nature of the actors and of the social conflict. The Catholic Irish are revealed as a disadvantaged minority group attempting to maintain employment. Within this paradigm, they cease to be categorized as a criminal subgroup in Bytown. The Loyalist-Anglo Irish establishment is revealed as the dominant group, but one that is unsettled about the continuing dominance of its position. The Loyalists and Anglo-Irish are not revealed as the representatives of a consensual order maintaining peace within their community.

#### moral panic as a strategy of control

Viewing the Irish riots in Bytown in the 1830s within the conflict paradigm results in a richer historical understanding of the Loyalist Anglo-Irish and the Catholic Irish. The conflict paradigm posits that society is a terrain of political struggle. Oppositional groups contest the norms and values of society. The use of the conflict paradigm, therefore, permits an examination of reciprocal strategies of control. The strategies of the

Loyalist Anglo-Irish, as well as those of the Catholic Irish, become the part of the discussion. The cultural marxist perspective includes the cultural practices and ideologies of both sides as they live within a class society. The moral panic is an ideological strategy of control on the part of the definers of society.

#### **ideological displacement**

The theoretical position of this thesis is that the panic over the Catholic Irish was a deflected anxiety on the part of the Loyalist Anglo-Irish. The Catholic Irish did not conform to the dominant Loyalist Anglo-Irish value system. The Loyalist Anglo-Irish dominance, however, was under threat from the political destabilization of the reform movement. Cultural difference of the Catholic Irish and their conflict over employment then was blown out of all proportion to constitute a threat to the whole social order of Bytown. The moral panic over the Catholic Irish was an ideological displacement for the threat to the dominance of the establishment.

**the Cross material**

We have taken an existing piece of research, "The Shiners' War: Social Violence in the Ottawa Valley in the 1830S", and viewed it from within a different paradigm. Cross writes within the order/consensus paradigm. He uses partial historical fact to buttress the assumptions which underpin his work. He assumes that the community of Bytown had consensual norms and values around which the inhabitants cohered. Bytown was a community of "shared common sentiments" and "social coherence" (Cross, 1973, p.24). In his view, the social order of this peaceful community was shattered by the violent and criminal Catholic Irish. The Catholic Irish were an "affliction" for the peaceful community of Bytown. The Catholic Irish were "outside the community-at-large". They were the lowest "class" of Irishmen because the "members of the better classes of Irishmen cast their lot with the Scots and English gentility" (Cross, 1973, p.24).

Because of his assumptions, Cross is drawn into a falsification of historical fact. History becomes an example to prove his thesis. He ignores seven hundred years of Irish history. The members of the "better" classes of Irishmen were the Protestant Irish. This group had a hyper-loyalty to the English Crown. They naturally allied with the Loyalist group whose ideology of justified-right-to-rule was hardening against the push of the reformers to reorder society along representative lines. Cross glosses over the historic domination of the Catholic Irish by the Protestant Irish in Ireland. He presumes that those who allied with the Loyalists were the "better" class of Irishmen. Without delineating the ideology of the definers (or of the Catholic Irish), he takes the view of the definers. He partakes of the Loyalist ideology of hierarchical rule of the "better" classes.

#### **criminal stereotype**

Cross clearly delineates the problem group. He creates a stereotype of the Catholic Irish as an illiterate, violent, debauched, criminal group who were trying to "conquer the community at large". (Cross, 1973, p.24). He builds a threatening symbol



in the minds of his readers. It explains the Catholic Irish as a problem for a system which must be removed or neutralized, to return society to a state of equilibrium. By linking notions of immorality to the Irish raftsmen and further fusing these to listings of criminal acts Cross deflects the attention of the reader away from the economic relations on the river, and away from the political acts of the Catholic Irish. He also omits any reference to the unfair practices of the gentility in their treatment of this minority group. Any action by the definers of society to control this dysfunctional group appears to be justified.

The order/consensus paradigm, focuses on the inherent properties of a problem group. If that group rebels it rebels because of a quality of the group. The order/consensus paradigm does not discuss "why" one group will rebel or one will not, except to designate one group as rebellious and one group not rebellious. The structure of society cannot be at fault because it is an assumed positive. The reasoning is circuitous. People rebel because they are rebellious. This is description not explanation.

The analysis of the Irish riots within the conflict paradigm takes the structure of society, the social practice and ideology of the definers into account. Because the nature of the State of Upper Canada was being contested, the definers of that society, the Loyalists and Anglo-Irish, were anxious about their position as definers. When the Catholic Irish collectively refused to be the expendable part of the labour force and rioted to maintain employment, it created a situation of moral panic.

There was a perceived threat to the position of the Loyalists and Anglo-Irish. This perceived threat was out of all proportion to the actual threat. The definers, however, used this moral panic to pave the way for legal constraint with the Association of Public Peace and the formation of the Bytown Rifles. When that did not work they turned to coercion with the Orange Order.

The use of the conflict paradigm from a cultural marxist perspective reveals both sides of reciprocal control.. It widens out the historical moment. The Catholic Irish cease to be a violent stereotype. The Loyalist and Anglo-Irish coalition

cease to be an assumed positive. It allows for a more complete historical understanding.

## Reference List

Akenson, D.H., (1985), The Irish in Ontario: A Study in Rural History, McGill-Queen's University Press, Kingston and Montreal.

Bathurst Courier, (1835-1837), newspaper, National Archives of Canada.

Bleasdale, Ruth, (1981), "Class Conflict on the Canals of Upper Canada in the 1840S", Journal of Canadian Labour Studies, Spring, vol.7-9, p. 9-39.

Braudel, Fernand, (1984), The Perspective of the World, vol.III, Harper and Row Inc., London.

Brault, Lucien, (1946), Ottawa Old and New, Ottawa Historical Information Institute, 1946.

Brown, Jack, (1968), "The Ottawa Shiners", (unpublished account),

National Archives of Canada.

Brockville Recorder, (1835-1837), newspaper, National Archives of Canada.

Cheal, David, (1981), "Ontario Loyalism: A Socio-Religious Ideology in Decline" Canadian Ethnic Studies, vol.13, University of British Columbia, Vancouver, p.40-51.

Chambliss, William J., (1976), "Functional and Conflict Theories of Crime", Whose Law? What Order?, ed. Chambliss and Mankoff, Wiley, Toronto.

Cohen, Stanley, (1980), Folk Devils and Moral Panics, St. Martin's Press, New York.

Cross, Michael, (1973) "The Shiners' War: Social Violence in the Ottawa Valley in the 1830S", Canadian Historical Review, vol. LIV, March, p.1-26.

Dray, William, (1980), Perspectives on History, Routledge and Kegan Paul, London.

Dubuc, Alfred, (1974), "Problems in the Study of the Stratification of the Canadian Society form 1760 to 1840", Studies in Canadian Social History, ed. Michael Horn and Ronald

Sabourin, McClelland and Stewart, Toronto.

Gans, Herbert J., (1964), The Urban Villagers: Group and Class in the Life of Italian Americans, The Free Press of Glencoe, New York.

Gaucher, Robert, (1982) Class and State in Lower Canada 1760 to 1873, unpublished doctoral thesis, University of Sheffield, England.

Geertz, Clifford, (1963), "The Integrative Revolution", Old Societies and New States, ed. Clifford Geertz, The Free Press of Glencoe, New York.

Giddens, Anthony, (1983), Central Problems in Social Theory, University of California Press, Berkeley.

Glazer, Nathan and Moynihan, Daniel P., (1964), Beyond the Melting Pot, M.I.T. Press, Cambridge, Massachusetts.

Gordon, Milton, (1964), Assimilation in American Life: The Role of Race, Religion and National Origins, Oxford University Press, New York.

Greeley, A.M. and McCready, W.C., (1974), Ethnicity in the United States, John Wiley and Sons, New York.

Gurr, T. Robert, (1970), Why Men Rebel, Princeton University Press, Princeton, New Jersey.

Gurr, T. Robert, Grabosky, P.N. and Hula, R.C., (1977), The Politics of Crime and Conflict, Sage Publications, Beverley Hills.

Hall et al., (1984), Policing the Crisis, Macmillan Publishers Ltd., London.

Handlin, Oscar, (1951), The Uprooted, Little Brown and Co., Boston.

Hay, Douglas, (1975), "Property, Authority and the Criminal Law", Albion's Fatal Tree, Random House, New York.

Hechter, M., (1975), Internal Colonialism: The Celtic Fringe in British National Development 1536-1966, Routledge and Kegan Paul, London.

Herberg, Will., (1955), Protestant, Catholic, Jew, Doubleday and Co., Garden City, New York.

Hobsbawm, E.J., (1986), The Age of Revolution 1789 - 1848, Sphere Books Ltd., London.

Horton, John, "Order and Conflict Theories of Social Problems as Competing Ideologies", (1973), Deviance, Conflict and Criminality, ed. R. Serge Denisoff and Charles H. McCaghy, Rand McNally and Co., New York.

Hughes, Robert, (1987), The Fatal Shore, Alfred A. Knopf, New York.

Johnson, J.K., (1966), "Of Irish Riots In Upper Canada", Ontario History, vol. 58, p. 139-155.

Larrain, Jorge, (1984), The Concept of Ideology, Hutchinson and Co. Ltd., London.

Lauman, E.O., Siegal, Paul M and Hodge, R.W., ed., (1971), The Logic of Social Hierarchies, Markam Publishing Co., Chicago.

Legget, Robert, (1986), Rideau Waterway, University of Toronto Press, Toronto.

Lieberson, S., (1970), Language and Ethnic Relations in Canada, John Wiley and Sons Inc., New York.

Locke, A. and Stern, B.J., (1942), When People's Meet: A Study in Race and Culture Contact, Haddon Craftsmen Inc., New York.



Mascotti and Bowen, ed., (1968), Riots and Rebellions: Civil Violence in the Urban Community, Sage Publications, Beverley Hills.

Mathieson, Thomas, (1974), Politics of Abolition, Martin Robinson and Co., London.

Mika and Mika, (1982), Bytown: The Early Days of Ottawa, Mika Publishing Co., Bellville.

MacCartney, C.A., (1968), Nation States and National Minorities, Russell and Russell, New York.

Newman, W.M., (1973), American Pluralism - A Study of Minority Groups and Social Theory, Harper and Row Publishers, New York.

O'Brien, Connor Cruise, (1969), "Holy War", New York Review, no.13.

Palmer, Bryan, (1983), Working Class Experience: the Rise and Reconstruction of Canadian Labour 1800 - 1980, Butterworth and Co., Toronto.

Palmer, Bryan, (1986), "Listening to History Rather than Historians: Reflections on Working Class History", Studies in

Political Economy: A Socialist Review, 20, Summer, p.47-84.

Palmer, R.R., (1960), A History of the Modern World, Alfred A. Knopf, New York.

Parenti, Michael, (1978), Power and the Powerless, St.Martin's Press, New York.

Park, R.E., (1950), Race and Culture, The Free Press, Glencoe, Illinois.

Pentland, H. Clare, (1981), Labour and Capital in Canada 1650-1860, James Lorimer and Co., Toronto.

Quinney, Richard, (1977), Class, State and Crime, David McKay Co. Ltd., New York.

Rosenbaum, H.J. and Sederberg, P.C., (1976), Vigilante Politics, University of Pennsylvania Press, New York.

Sandberg, N.C., (1974), Ethnic Identity and Assimilation: The Polish American Community, Praeger Publishers, New York.

Schermerhorn, R.A., (1970), Comparative Ethnic Relations, Random House, New York.

Sellin, Thorsten, (1938), Culture Conflict and Crime, Social Science Research Council, New York.

Senior, Hereward, (1966), Orangeism in Ireland and Britain, Ryerson Press, Toronto.

Senior, Hereward, (1972), Orangeism: the Canadian Phase, McGraw Hill Ryerson Ltd., Toronto.

Spitzer, Steven, (1975), "Towards a Marxian Theory of Deviance" Social Problems 22, p.638-651.

Sumner, Colin, (1979), Reading Ideologies, Academic Press, London.

Stephenson. C. and Marcham, F.G., (1937), Sources of English Constitutional History, Harper and Brothers, London.

Talbot, Charles, (1983), Justice in Early Ontario, Crimcare, Ottawa.

Talbot, C., Jawardene, C.H.S., and Juliani, T.J., (1985) Canada's Constables: The Historical Development of Policing in Canada, Crimcare Inc., Ottawa.

Taylor, H. John, (1986), Ottawa: An Illustrated History, James Lorimer and Co., Toronto.

Thompson, E.P., (1977), Whigs and Hunters, Penguin Books Ltd., Hammonds worth, Middlesex.

Thompson, E.P., (1984), The Making of the English Working Class, Penguin Books Ltd., Hammonds worth, Middlesex.

Tilley, Charles, (1969), "Collective Violence in European Perspective", The History of Violence in America, ed. H.D. Graham and T.R. Gurr, Frederick A. Praeger, New York.

Toynbee, Arnold J., (1962), A Study of History, abridgement vol. I-VI, Oxford University Press, New York.

Turk, Austin T., (1969), Criminality and the Legal Order, Rand McNally and Co., Chicago.

Tylor, E.B., (1970), Primitive Culture, Harper and Row Publisher, New York.

Williams, Raymond, (1981), Culture, William Collins and Sons, Glasgow.

Wirth, Louis, (1956), Community Life and Social Policy, ed.

Wirth, Marvinick and A.J. Reiss Jr., University of Chicago Press, Chicago.

Wirth, Louis, (1969), On Cities and Social Life, ed. A.J. Reiss Jr., University of Chicago Press, Chicago.

Woodham-Smith, Cecil, (1987), The Great Hunger, Hamish Hamilton Ltd., London.