

A Recipe For Colonisation: The Impact of Seventeenth-Century Ireland on English  
Notions of Superiority and the Implications for India

By

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**Abstract**

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This dissertation seeks to consider the colonial experiences of Britain in Ireland and India in a comparative context – to contrast their encounters with, and explorations of, early modern Ireland with the late seventeenth- and eighteenth-century Indian subcontinent. The early experience in Ireland helped shape the developing British belief in their own superiority, leading them to draw distinctions between themselves and other peoples. This laid the groundwork for later endeavours, notably in India. While separated by time and space, these British colonial experiences shared several important characteristics. Early modern Ireland provided the British with important guidelines and models for behaviour, many of which were later adopted in India. The manipulation of history in Ireland, the description of the Gaelic Irish in travel accounts and the application of the law as a tool of reform all provided valuable patterns for the ways in which the British structured their later empire in India.

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## INTRODUCTION

Over the course of three hundred years, Britain<sup>1</sup> evolved into an empire that spanned five continents, making it one of the dominant powers in the eighteenth-century and modern world. It also developed over the same period a sense of national “self”: a distinct, originally English, and later, British identity that was different and deemed by contemporaries as inherently superior to other societies from which it differed physically, culturally, religiously or linguistically. This identity distinguished Britons from other societies because they possessed – as was perceived – enviable qualities (virtues and institutions among other things) which the others did not. Armed with such qualities and confidence – often masking doubt and fear – the English, and later, British, set out to establish a place for themselves in the early modern and eighteenth-century world.

The subject of identity is an increasingly important and popular concept in British historiography. Defined by Michael Hechter as a process in which “several local and regional cultures are gradually replaced by the establishment of one *national* culture which cuts across previous distinctions”, the origins of a national English identity remain contested.<sup>2</sup> As pointed out by Tony Claydon, Ian McBride and Colin Kidd, historians still debate whether national identity was a medieval or early modern concept.<sup>3</sup> Whatever

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<sup>1</sup> Although the word “British” is only accurate as of the 1707 Act of Union with Scotland, for the purpose of consistency it will be used throughout this dissertation except when specifically referring to early modern Ireland.

<sup>2</sup> Michael Hechter, *Internal Colonialism: The Celtic fringe in British national development, 1536 – 1966* (London: Routledge and Kegan Paul, 1975), p. 5; Kathleen Wilson, *The Island Race: Englishness, Empire and Gender in the Eighteenth Century* (London and New York: Routledge, 2003), pp. 1 – 10.

<sup>3</sup> Tony Claydon and Ian McBride, “The trials of the chosen peoples: recent interpretations of Protestantism and national identity in Britain and Ireland,” in *Protestantism and National Identity: Britain and Ireland, c. 1650 – c. 1850*, ed. Tony Claydon and Ian McBride (Cambridge: Cambridge University Press, 1998), pp. 7 – 9; Colin Kidd, *British Identities Before Nationalism: Ethnicity and Nationhood in the Atlantic World, 1600 – 1800* (Cambridge: Cambridge University Press, 1999), pp. 1 – 3; John Darwin, “Britain’s Empire,”

its origins, there is general agreement that English national identity was profoundly influenced by the processes of Reformation – sacred and secular – in the sixteenth century. This religious upheaval played an important role in shaping the English psyche for in the wake of the Henrician and Edwardian Reformations, England found itself isolated and alone confronting an overwhelmingly Catholic Europe – which, ultimately, gave rise to the sentiment that the English, inspired by God, were special and different.<sup>4</sup> The early modern period was, therefore, pivotal: whether or not some loose sense of national identity already existed in the Middle Ages, the concept was cemented during this period. Colin Kidd observes that whereas Britons had previously acknowledged that Britain was formed by various historical groups – Celts, Saxons and Anglo-Normans – beginning in the seventeenth century the focus shifted to a common Saxon origin, contributing to the development of a single, united English nationalism.<sup>5</sup> As a result, the different periods of British history shaped by the various inhabitants of Britain were ignored in order to favour a national history tied to the Saxons and leading to the viewpoint that Britons were ultimately one people with one common historical origin.

In the eighteenth century, English nationalism transformed into British nationalism following the Act of Union between England and Scotland in 1707. This was an important transitory moment in the history of the British identity: it became at

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in *The British Empire: Themes and Perspectives*, ed. Sarah Stockwell (Malden and Oxford: Blackwell Publishing, 2008), p. 3. For a summary of these discussions, see Richard Connors and J.R.D. Falconer, “Cornering the Cheshire Cat: Reflections on the New British History & Studies in Early Modern British Identities,” in *Canadian Journal of History* 36:1 (2001): pp. 85 – 109.

<sup>4</sup> The English even began to view themselves as a type of chosen people or “elect nation”. T. Claydon and I. McBride, “The trials of the chosen peoples,” pp. 10 – 11. For a detailed analysis of the impacts of the Reformation, see Christopher Haigh, *English Reformations: Religion, Politics, and Society under the Tudors* (Oxford: Clarendon Press, 1993).

<sup>5</sup> C. Kidd, *British Identities Before Nationalism*, pp. 75 – 77, 83; Andrew Hadfield and John McVeagh, ed. *Strangers to that Land: British Perceptions of Ireland from the Reformation to the Famine* (Gerrards Cross: Colin Smythe, 1994), p. 3.

once broader and more specifically defined than the previous early modern English identity. While English commentators used the word “British” prior to the 1700s – in Ireland, for instance – referring to both England and Scotland, it was always employed with the understanding that pre-eminence was given to the English and their interests.<sup>6</sup>

Historians such as David Armitage, Linda Colley and Colin Kidd suggest that the birth of British identity lies in the eighteenth century, highlighting conflicts with other societies, especially the French, and Protestantism. In her groundbreaking work on the subject, L. Colley argues that prior to 1707, England was shaped by regional identities; following the creation of Great Britain, Britons collectively began to focus on oppositions between themselves and others.<sup>7</sup> This theme of opposition, and its influence on identity formation, is supported by Dane Kennedy and Philip D. Morgan, who maintain that it must be considered in any assessment of the relationship between colonisers and colonised. Sudipta Sen also echoes L. Colley by describing the birth of British identity as “a conscious creation, based on difference”.<sup>8</sup>

Furthermore, historians agree that the Seven Years and Napoleonic wars against France during the eighteenth century played a major role in shaping British identity,

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<sup>6</sup> John Morrill, “The fashioning of Britain,” in *Conquest and Union: Fashioning a British State*, ed. Stephen Ellis and Sarah Barber (London & New York: Longman, 1995), p. 13; Nicholas Canny, “The Origins of Empire: An Introduction,” in *The Oxford History of the British Empire, vol. 1. The Origins of Empire: British Overseas Enterprise to the Close of the Seventeenth Century*, ed. Nicholas Canny (Oxford: Oxford University Press, 2005), pp. 12 – 13, 17; P.J. Marshall, “Introduction,” in *The Oxford History of the British Empire, vol. 2. The Eighteenth-Century*, ed. P.J. Marshall (Oxford: Oxford University Press, 1998), pp. 4 – 5.

<sup>7</sup> Linda Colley, *Britons: Forging the Nation 1707 – 1837* (New Haven: Yale University Press, 2009), pp. 6, 11 – 18, 54.

<sup>8</sup> Dane Kennedy, “Imperial history and post-colonial theory,” *The Journal of Imperial and Commonwealth History* 24:3 (1996): p. 359; Philip D. Morgan, “Encounters between British and ‘indigenous’ peoples, c. 1500 – c. 1800,” in *Empire and Others: British Encounters with Indigenous Peoples, 1600 – 1850*, ed. Martin Daunton and Rick Halpern (Philadelphia: University of Pennsylvania Press, 1999), p. 45; Sudipta Sen, *Distant Sovereignty: National Imperialism and the Origins of British India* (London and New York: Routledge, 2002), p. 153.

because of the general fear of a Catholic threat and the more specific fear of defeat. While conflict plays a key role in L. Colley's argument for the creation of a British identity, C. Kidd describes these conflicts as a catalyst for a common British identity against foreign aggression.<sup>9</sup> Tying conflict to the idea of opposition, Seamus Deane further claims that these wars forced the British to re-evaluate their own situation in Europe. He argues that these wars, as well as the ensuing tension between the British and the French in government propaganda, shaped British self-opinion just as much as it shaped British opinion of the French.<sup>10</sup> Finally, in the context of increased British involvement in Continental wars and the rapid growth of the North American colonies, P.J. Marshall's analysis of Anglo-French relations during this period is particularly apt. Notably, he argues that much symbolic and actual power stood to be lost, since "what was seen to be at stake for Britain (...) was not just wealth, but national survival".<sup>11</sup> These conflicts, therefore, represent larger global expansionist attempts by Britain and France in which both fought for supremacy.

The second major influence on the development of a British identity is attributed to the Protestant nature of the state. Although Protestantism undeniably had an impact, its scope remains a subject of debate and many historians maintain reservations. Linda Colley and Elizabeth Elbourne are among those who believe that Protestantism played a pivotal part in the shaping of a common identity, arguing that the rivalry between

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<sup>9</sup> L. Colley, *Britons*, pp. 24 – 25; Colin Kidd, "Protestantism, constitutionalism and British identity under the later Stuarts," in *British consciousness and identity: The making of Britain, 1533 – 1707*, ed. Brendan Bradshaw and Peter Roberts (Cambridge: Cambridge University Press, 1998), pp. 332, 342. See also Tony Ballantyne, *Orientalism and Race: Aryanism in the British Empire* (New York: Palgrave, 2002), p. 18.

<sup>10</sup> Seamus Deane, *The French Revolution and Enlightenment in England 1789 – 1832* (1988), as cited in Jim Smyth, *The Making of the United Kingdom 1660 – 1800* (Harlow: Longman Pearson Education, 2001), p. 158. See also Linda Colley, "Britishness and Otherness: An Argument," *Journal of British Studies* 31:4 (1992): pp. 321 – 323.

<sup>11</sup> P.J. Marshall, "Introduction," p. 20.



Protestants and Catholics was central to the British contrasting of self and other.

Elbourne adds that this denominational identity became particularly important in the British colonies, since religion also became a focal point of unity against native populations – who were not Protestant.<sup>12</sup>

In contrast, Jim Smyth remains wary of ascribing too much importance to the role of Protestantism in the forging of a national identity, pointing to its fractured and divisive nature during this period. Commenting on L. Colley's thesis, he cautions that "recent work on religion and identity in eighteenth century Britain has tended to emphasise the diversity of Protestantism, and hence its potential to divide politically, rather than, as [L.] Colley stresses, its capacity to unite".<sup>13</sup> Although he does accept that Protestantism promoted a sense of British unity, David Armitage concurs with J. Smyth's reservations. Expanding on the idea of disunity, he notes that religion served as a way to bridge other differences but that there were varying types of Protestantism in England and Scotland which exhibited important variations from one another.<sup>14</sup> That being said, the repercussions of the Reformation created a profound sense of "British difference" (Anglican England and Calvinist Scotland) in a majority Catholic world, which was further reinforced by the fact that Britain was physically separate from the Catholic Continent.<sup>15</sup> Throughout this period, Britons constantly compared themselves to the rest of Europe, which was perceived as different and dangerous. The continual warfare with

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<sup>12</sup> Linda Colley, "Britishness and Otherness," pp. 317 – 319; Elizabeth Elbourne, "Religion in the British Empire," in *The British Empire: Themes and Perspectives*, ed. Sarah Stockwell (Malden and Oxford: Blackwell Publishing, 2008), pp. 135, 137.

<sup>13</sup> J. Smyth, *The Making of the United Kingdom*, p. xiv. See also T. Claydon and I. McBride, "The trials of the chosen peoples," pp. 7 – 9, 10 – 11, 26.

<sup>14</sup> David Armitage, *The Ideological Origins of the British Empire* (Cambridge: Cambridge University Press, 2000), pp. 66 – 67.

<sup>15</sup> For detailed analyses of the impact of insularity on the British mind, see K. Wilson, *The Island Race*, pp. 4 – 5; C. Kidd, *British Identities before Nationalism*, p. 214.

France during the eighteenth century heightened this tendency towards negative comparison and yet again drove the British to redefine their vision of self and other.

Beyond the complex matter of ‘English’ versus ‘British’ identity, the long-eighteenth century was a period of expansion in the Atlantic basin and East Asia. This shift to rapid territorial expansion, with a much larger focus on the Far East, has traditionally led historians to view the British Empire in two separate parts, as the “first” and “second” empires. According to historians P.J. Cain and A.G. Hopkins, scholars who adhere to this view see the cessation of the Seven Years War in 1763 as a turning point in British colonialism, signalling a shift towards more aggressive policies. They also suggest that this event, in addition to the later American Revolution, forced the British to “swing to the east”, leaving the Atlantic colonies behind and adopting new forms of imperialism in the Far East.<sup>16</sup>

Many historians, including C.A. Bayly and D. Armitage, still subscribe to this approach and argue that following these conflicts, Britain invested the majority of its attention on the East. C.A. Bayly and Andrew Thompson maintain that the second empire differed widely from the earlier Atlantic one, notably because of a rising sense of racial superiority which coloured British attitudes towards the other societies. Moreover, unlike Ireland, India was never intended to be a permanent colony for British settlers.<sup>17</sup>

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<sup>16</sup> P.J. Cain and A.G. Hopkins do, however, note that this theory has been somewhat discredited in recent years and do not personally accept it. P.J. Cain and A.G. Hopkins, *British Imperialism: Innovation and Expansion 1688 – 1914* (London and New York: Longman, 1993), pp. 56 – 57.

<sup>17</sup> Although the accuracy of the term “India” is disputed by several historians such as Ainslie Embree, particularly considering the fact that throughout most of this period, British activities were largely confined to Bengal, for the purpose of consistency, the term India will be used throughout the dissertation when referring to the subcontinent. On “India” as a western construct, see Ainslee Embree, “Indian Civilization and Regional Cultures: The Two Realities,” in Ainslee Embree, *Imagining India: Essays on Indian History*, ed. Mark Juergensmeyer (Delhi: Oxford University Press, 1989), pp. 14 – 17. C.A. Bayly, *Imperial Meridian: The British Empire and the World 1780 – 1830* (London and New York: Longman, 1989), pp. 9,

Similarly arguing for clear-cut distinctions between the two types of empire, D. Armitage claims that the American Revolution signaled a change in British interest. While he believes that the first empire was primarily based on domestic issues, the second empire focused far more on external territories.<sup>18</sup> Finally, Alexander Murdoch summarises his argument by claiming that the Atlantic colonial endeavour “was in fact neither truly British nor a true empire”.<sup>19</sup>

Notwithstanding these arguments, many historians question whether it is in fact accurate to make such manifest distinctions. P.J. Marshall accepts that these events did indeed mark the beginning of greater territorial expansion in the East. However, he also points out that the history of British activity in India pre-dated the later eighteenth century; it is, therefore, incorrect to argue that the British had previously shown little interest in the subcontinent.<sup>20</sup> Moreover, Linda Colley and Anthony Pagden remain cautious in their assessment of these divisions by maintaining that there remained a significant level of continuity throughout the British colonial endeavours at least until the nineteenth century. In particular, while L. Colley concedes that India undeniably became more relevant following the American Revolution, the growing British interest in the East should instead be seen as part of a larger picture of the habitual violence and uncertainty

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136; Andrew Thompson, “Empire and the British State,” in *The British Empire: Themes and Perspectives*, Sarah Stockwell (Malden and Oxford: Blackwell Publishing, 2008), p. 42; Robert Travers, *Ideology and empire in eighteenth century India: The British in Bengal* (New York: Cambridge University Press, 2007), p. 29; Linda Colley, *Captives: Britain, Empire and the World 1600 – 1850* (London: Pimlico, 2003), pp. 251 – 252.

<sup>18</sup> Nonetheless, D. Armitage does point out that many eighteenth-century historians tend to disagree and argue for more continuity. D. Armitage, *The Ideological Origins of the British Empire*, pp. 1 – 3, see also footnote 6, p. 2.

<sup>19</sup> Alexander Murdoch, *British History 1660 – 1832: National Identity and Local Culture* (New York: St. Martin’s Press, 1998), p. 72.

<sup>20</sup> However, P.J. Marshall makes the case that *contemporary* Britons saw the eastern and western ventures as mostly separate. P.J. Marshall, *The Making and Unmaking of Empires: Britain, India, and America c. 1750 – 1783* (Oxford: Oxford University Press, 2005), p. 1; P.J. Marshall, “Introduction,” pp. 1 – 2.

which plagued Europe after the 1750s rather than a sharp break with previous colonial endeavours.<sup>21</sup> Lastly, although the late Philip Lawson argued that the British became increasingly interested in India as a way to salvage “the nation’s wounded pride” following the American Revolution, he holds that the “swing to the East” theory does not take into account the complexities and divergent interests of the British at that time.<sup>22</sup>

Historians who embrace the argument for colonial change and a first and second British Empire point to these important differences between the Atlantic and Eastern colonies. Nonetheless, despite these differences, the idea that the British colonial endeavours in the East represented a complete break from past activities remains difficult to accept without reservations. Although the Empire’s focus changed significantly, L. Colley and A. Pagden suggest that there still remained a thread of continuity. Most importantly, British identity during this period was not fixed and Britons constantly redefined themselves through their colonial experiences. There was never one single British identity: instead, it functioned as a larger umbrella category.<sup>23</sup> In this sense, each colonial experience, whether in the Atlantic or in the East, contributed towards the formation and reformation of Britishness and subsequently influenced the ways in which the British approached each new colony and its inhabitants.

One key observation made by many early modern historians with respect to the sixteenth- and seventeenth-century colonies is that the language used by contemporaries

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<sup>21</sup> L. Colley, *Captives*, p. 244; L. Colley, *Britons*, p. 147; Anthony Pagden, *Lords of all the World: Ideologies of Empire in Spain, Britain and France c. 1500 – c. 1800* (New Haven: Yale University Press, 1995), p. 6.

<sup>22</sup> Philip Lawson, *The East India Company: A History* (London and New York: Longman, 1993), p. 127.

<sup>23</sup> See Martin Dauntton and Rick Halpern, “Introduction: British identities, indigenous peoples and the empire,” in *Empire and Others: British Encounters with Indigenous Peoples, 1600 – 1850*, ed. Martin Dauntton and Rick Halpern (Philadelphia: University of Pennsylvania Press, 1999), p. 6; P. Morgan, “Encounters between British and ‘indigenous’ peoples,” p. 45; J. Smyth, *The Making of the United Kingdom*, pp. xii, 163, 170.

must be considered within the context of that period, and not within the context of the nineteenth-century British Empire. Thus, Raymond Gillespie stresses that the extensive use of the word “colony” during this period was made with reference to the Latin *colonia*, which merely meant a settlement of some sort, and which did not have the imperialistic overtone gained in the 1800s.<sup>24</sup> Likewise, the noted Irish historian Nicholas Canny reminds readers that a “British Empire” *per se* did not exist during the sixteenth and seventeenth centuries. Instead, the use of the word “empire” was, since the Henrician Reformation of the 1530s, designed to prove that England was an autonomous and sovereign entity not governed by an external – Continental – power.<sup>25</sup>

Beginning in the early modern period, and continuing throughout the eighteenth century, the Classical example – particularly Rome – provided an extensive influence for colonisation by introducing concepts such as *imperium romanum*, which was an allusion to the sovereignty exerted by Rome over its colonies (in other words, not deriving from Catholic Rome). Additionally, Anthony Pagden argues that the principle of exporting civility to barbarian peoples impacted the burgeoning British Empire.<sup>26</sup> The Roman example, which the British sought to emulate, also added a dimension of apprehension to their colonial exploits. Since Rome had eventually been defeated by barbarian tribes, it

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<sup>24</sup> This was particularly true of the early settlements in Ireland. Raymond Gillespie, “The problems of plantation: material culture and social change in early modern Ireland,” in *Plantation Ireland: Settlement and material culture, c. 1550 – c. 1700*, ed. James Lyttleton and Colin Rynne (Dublin: Four Courts Press, 2009), p. 45; Niall Ferguson, *Empire: The rise and demise of the British World Order and the lessons for global power* (New York: Basic Books, 2002), p. 48.

<sup>25</sup> N. Canny, “The Origins of Empire: An Introduction,” p. 1.

<sup>26</sup> This was largely instrumental in shaping the British view of other peoples. Therefore, regardless of their exposure to foreign cultures, the British invariably viewed natives through a specific – and stereotyped – lens and remained terrified of adopting “native” manners or customs. For an extensive discussion of the Roman influence on early modern England, see A. Pagden, *Lords of all the World*, pp. 11 – 24. See also P.J. Cain and A.G. Hopkins, *British Imperialism*, p. 85; P.J. Marshall, *The Making and Unmaking of Empires*, p. 3.

was evoked as an inherent warning for England, should the latter fail to successfully implement its authority in the colonies.<sup>27</sup>

P.J. Marshall contends that the eventual collapse of Rome was a cause of concern for many Britons in the second half of the eighteenth century, who feared that such a fate could befall Britain, and triggered a major debate over the wisdom of continued expansion. Notably, Britons such as Edward Gibbon and Adam Ferguson grew concerned by the rapid expansion of British territories, believing that it was too sudden. Alluding to the Roman Empire, which was thought to have overreached itself, Gibbon and Ferguson argued that such a rapid expansion would ensure failure.<sup>28</sup> In contrast, men such as William Cowper dismissed these fears and portrayed expansion as a way to strengthen the home front and establish British superiority over France, a view which would eventually prevail.<sup>29</sup> The Roman model, therefore, continued to influence British policies in the early eighteenth century, providing a valuable prototype of conduct for the British. Yet, P.J. Marshall concludes that the debate over expansion marked an ideological shift in imperial thinking, which, he believes, demonstrated a growing British confidence. Disassociating themselves from the Classical world, Britons grew to believe in the later eighteenth century that “whatever might be the lessons of Greek and Roman history, British virtue need not be contaminated by the exercise of absolute power abroad”.<sup>30</sup> Thus, they came to see themselves as a distinct people who differed from

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<sup>27</sup> James Muldoon, “The Indian as Irishman,” *Essex Institute historical collections* 111:4 (1975): p. 275.

<sup>28</sup> For example, see Gibbon’s views on the eventual fall of the Roman Empire, see General Observations on the Fall of the Roman Empire in the West, in Edward Gibbon, *The Decline and Fall of the Roman Empire*, vol. 4 (New York and London: Alfred A. Knopf, 1994), pp. 117 – 127.

<sup>29</sup> P.J. Marshall, “Empire and authority in the later eighteenth century,” *The Journal of Imperial and Commonwealth History* 15:2 (1987): pp. 106 – 107; P.J. Marshall, “Introduction,” pp. 7 – 8.

<sup>30</sup> P.J. Marshall, *The Making and Unmaking of Empires*, p. 203. For the early eighteenth-century use of Rome as a model, see S. Sen, *Distant Sovereignty*, pp. 32 – 34.

others – in the past, this had meant Rome, and in Georgian Britain, this meant Catholic Europe.

Both the impact of race in shaping a superior British identity over other societies, and the period in which this began to significantly influence British views, remain equally controversial. Martin Daunton, Rick Halpern and Colin Kidd maintain that race did not always carry a connotation of either superiority or inferiority in the early modern period, nor did it often affect the ways in which Europeans considered different peoples.<sup>31</sup> Pursuing the matter even further, Kathleen Wilson contends that culture, religion and history mattered far more throughout most of the eighteenth century than did race, which only began to gain influence as of the 1770s. Pointing to the fact that the British had already encountered “colour-difference” among the Irish and the Africans, which in itself did not influence their opinion of them, her argument suggests that, at least until the later eighteenth century, race was not a significant factor in the British assessment of other peoples’ level of civility.<sup>32</sup>

Nevertheless, by the turn of the nineteenth century race represented an increasingly important consideration in the formation British identity and its inherent superiority. C.A. Bayly demonstrates how Europeans, who had formerly sought to explain differences through the medium of Biblical characters, gradually began to elaborate a hierarchical pyramid which ranked the levels of civility of different races

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<sup>31</sup> C. Kidd adds, however, that race began to be more present in European discourses after the age of discoveries. Colin Kidd, *The Forging of Races: Race and Scripture in the Protestant Atlantic World, 1600 – 2000* (Cambridge: Cambridge University Press, 2006), pp. 54 – 55; C. Kidd, *British Identities Before Nationalism*, pp. 288 – 289; M. Daunton and R. Halpern, “Introduction,” p. 3.

<sup>32</sup> The Irish were frequently described as being of a different colour than the English in the early modern period. K. Wilson, *The Island Race*, pp. 11 – 13. See also M. Daunton and R. Halpern, “Introduction,” p. 4; David Cannadine, *Ornamentalism: How the British Saw Their Empire* (Oxford: Oxford University Press, 2001), pp. 4 – 6, 8.

during the last decades of the eighteenth century. Founded on the notion that certain societies were “better” than others, this pyramid system also called for the inferior races to be educated in the ways of civility by superior nations.<sup>33</sup> As a last point, the association of race and superiority was primarily encouraged by successful British colonial expansion in the Far East. According to L. Colley, this expansion contributed to the British belief that they were a “distinct, special, and – often – superior people”. By comparing their own society and customs to those in India, where they suddenly found themselves in prolonged contact with the native population, the British crystallised their conviction that they were superior not only from the point of civility, but also from the point of race.<sup>34</sup> Thus, by the end of the 1700s, the British certainty that as a civilised nation, they should export their civility to barbarian countries was compounded with the belief that they were also a racially superior nation with a mandate to reform and educate lesser societies. Whether during the early modern period or the eighteenth century, and whether tied only to civility or also to race, the British certainty in their own superiority as “free-born” represented an essential element in their colonisation endeavours, which translated itself in the attempts they undertook to consolidate their authority in the colonies. How these views played themselves out in specific colonial contexts reveals much about imperial Britons and Imperial Britain.

The study of various British colonies has been approached through many lenses, each advocating different ways of looking at the relationship between coloniser and colonised. One of the most recent – and contentious – approaches, which is still debated

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<sup>33</sup> C.A. Bayly, “The British and indigenous peoples, 1760 – 1860: power, perception and identity,” in *Empire and Others: British Encounters with Indigenous Peoples, 1600 – 1850*, ed. Martin Daunt and Rick Halpern (Philadelphia: University of Pennsylvania Press, 1999), p. 20; C.A. Bayly, *Imperial Meridian*, p. 7. See also S. Sen, *Distant Sovereignty*, p. 12.

<sup>34</sup> L. Colley, “Britishness and Otherness,” p. 324.



among historians, is the school of new British history. First introduced by the noted historian J.G.A. Pocock in 1975, this school of thought encourages a less Anglo-centric approach to the Empire by looking at the broader impact of the British Isles nations – Ireland, England, Scotland and Wales – instead of focusing on purely nationalist perspectives.<sup>35</sup> For adherents such as early modern Irish historian Steven Ellis, this approach highlights the influence of Ireland, Scotland and Wales on Tudor policies, ascribing to them a more active role than mere peripheries to the central hub in London.<sup>36</sup> This school has been rejected by many early modern Irish and imperial historians, such as Nicholas Canny, David Armitage and Tony Ballantyne. While they credit the approach with lessening historians' Anglo-centric focus on the Empire, these historians feel that it remains extremely limited and insular. In particular, T. Ballantyne observes that instead of stressing the "Englishness" of empire, new British history has merely transformed it into the "Britishness" of empire.<sup>37</sup> These scholars urge a more global approach – often called new imperial or world history – which considers the mutual impacts of the colonised and of the coloniser, instead of focusing exclusively on one or the other.<sup>38</sup> They believe that a balanced understanding of the British Empire can only be accomplished through wider histories which consider both the nationalist perspective of a

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<sup>35</sup> J.G.A. Pocock, "British History: A Plea for a New Subject," *Journal of Modern History* 47:4 (1975): pp. 601 – 606. See also J. Morrill, "The fashioning of Britain," pp. 9, 11.

<sup>36</sup> Steven Ellis, "Tudor state formation and the shaping of the British Isles," in *Conquest and Union: Fashioning a British state, 1485 – 1725*, ed. Steven Ellis and Sarah Barber (London and New York: Longman, 1995), pp. 40 – 41.

<sup>37</sup> Nicholas Canny, "The Attempted Anglicization of Ireland in the Seventeenth Century: an exemplar of 'British History,'" in *Three Nations – A Common History? England, Scotland, Ireland and British History c. 1600 – 1920*, ed. Ronald G. Asch (Bochum: Universitätsverlag Dr. N. Brockmeyer, 1993), pp. 50 – 51; David Armitage, "Making the Empire British: Scotland in the Atlantic World 1542 – 1707," *Past & Present* 155 (1997): pp. 35 – 35; T. Ballantyne, *Orientalism and Race*, p. 2.

<sup>38</sup> T. Ballantyne and P. Lawson point out that in many cases, the histories of former colonies now focus purely on nationalist views instead of looking at the larger imperial picture. See T. Ballantyne, *Orientalism and Race*, p. 2; Philip Lawson, "Robert Clive, the 'Black Jagir', and British Politics," *The Historical Journal* 26 (1983): p. 827. On new imperial history, see Tim Kevin and Norbert Schürer, ed. *British Encounters with India, 1750 – 1830: A Sourcebook* (New York: Palgrave Macmillan, 2011), p. 10.

given region and the global context for regional events and attitudes.<sup>39</sup> When considering the British Empire, it is imperative to consider both the local and wider implications of events and policies. Although local events provided some context for historical events, there were also more global factors which influenced imperial decision making. The ways in which Britons wrote about these experiences and their understanding of the colonies and the colonised offers insight into not only the ideologies of empire but also the essence of Britishness.

The histories that the British wrote about their colonies were among the most obvious mediums through which the belief in their own superiority appeared, and were widely deployed to legitimise and consolidate their sovereignty over foreign nations. The primary purpose of history during the early modern period was based on Cicero's principles of *lux veritas* and *magistra vitae*, which aimed to provide people with learning tools and examples of good and bad behaviour. Moreover, Daniel Woolf suggests that these histories also served to link past and present events in order to explain elements of contemporary society.<sup>40</sup> In the English context, D. Woolf and L. Colley contend that Protestantism also shaped the direction of English-produced histories between the

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<sup>39</sup> See Alison Games, "Beyond the Atlantic: English Globetrotters and Transoceanic Connections," *The William and Mary Quarterly* 63:4 (2006): pp. 676 – 680; P.J. Marshall, *The Making and Unmaking of Empires*, pp. 3 – 4; C.A. Bayly, *Imperial Meridian*, p. 166.

<sup>40</sup> *Lux veritas* translates to the "light of truth" whereas *magistra vitae* means the "teacher of life" (author's translations). In this sense, history was thought to shed light on historical events and provide teaching moments. Daniel Woolf, "From Hystories to the Historical: Five Transitions in Thinking About the Past, 1500 – 1700," in *The Uses of History in Early Modern England*, ed. Paulina Kewes (San Marino: Huntington Library, 2006), pp. 40 – 42. See also Felicity Heal, "Appropriating History: Catholic and Protestant Polemics and the National Past," in *The Uses of History in Early Modern England*, ed. Paulina Kewes (San Marino, California: Huntington Library, 2006), p. 105; Paulina Kewes, "History and Its Uses," in *The Uses of History in Early Modern England*, ed. Paulina Kewes (San Marino, California: Huntington Library, 2006), pp. 1, 14.

sixteenth and eighteenth centuries, and contributed to the evolving view of a unified British identity by depicting a common cause against Catholic Europe.<sup>41</sup>

Though history writing maintained its primary function as a tool of instruction, politics also played a significant role by the turn of the eighteenth century. One event in particular, the Glorious Revolution of 1688, was viewed as a turning point in English history and profoundly influenced subsequent histories. According to S. Sen, one of the concepts which emerged from the Revolution, the idea of “King in Parliament”, was upheld as proof of the enlightened and progressive nature of the British state. This concept thus became central in eighteenth-century histories and reinforced the deeply held belief that Britain was a highly civilised nation.<sup>42</sup> From the mid-sixteenth century, English historical writings already conveyed ideas of a superior and special English quality which distinguished them from other peoples and which formed the backbone for the later imperial vision of Britain.<sup>43</sup> Despite the fact that English, and then British, identity evolved from the early modern period to the end of the eighteenth century, notably incorporating notions of race, the basic premise of English uniqueness and superiority can be traced back to early modern histories.

While subjective and, therefore, of questionable value with regards to the subjects they describe, early modern and eighteenth-century travel accounts reveal important information on the mindsets of their authors. Both the literary scholar Stephen Greenblatt

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<sup>41</sup> Daniel Woolf, *The Idea of History in Early Stuart England: Erudition, Ideology, and 'The Light of Truth' from the Accession of James I to the Civil War* (Toronto: University of Toronto Press, 1990), pp. 6 – 8; L. Colley, “Britishness and Otherness,” pp. 317 – 318.

<sup>42</sup> This progression was favourably compared to the Norman and Stuart dynasties, which were viewed as despotic and tyrannical. S. Sen, *Distant Sovereignty*, p. xix.

<sup>43</sup> Igor Djordjevic, *Holinshed's Nation: Ideals, Memory, and Practical Policy in the Chronicles* (Burlington: Ashgate, 2010), pp. 9, 12.

and historian Sanjay Subrahmanyam draw attention to the fact that travelogues contain elements of description which were *chosen* to be included by the authors, helpfully indicating what Europeans considered to be noteworthy and the ways in which they viewed other peoples.<sup>44</sup> Tracing the evolution of European travel accounts throughout this period, Joan-Pau Rubiés states that ethnography – the study of different cultures – became a dominant theme in travelogues as of the sixteenth century. Intriguingly, he also adds that the early modern English travel accounts, usually written by English ambassadors, often did not display the characteristic imperial assumptions of later centuries.<sup>45</sup>

As of the seventeenth century, travel accounts became increasingly popular and began to relate more details than the earlier trade-related ones, providing actual descriptions of locations and peoples.<sup>46</sup> This shift to a more descriptive genre is particularly noteworthy within the context of the growing English, then British, sense of identity since it allowed Britons to compare themselves – always favourably – to other nations. This process of comparison materialised more clearly in the eighteenth century, when a specific set of patterns emerged in the travelogues. Roy Bridges summarises the

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<sup>44</sup> One may, however, note that Sanjay Subrahmanyam remains wary of accepting literary critics' assessments of historical travel accounts without reservations, claiming that they often lose sight of the historical significance of events. Sanjay Subrahmanyam, "Frank Submissions: The Company and the Mughals between Sir Thomas Roe and Sir William Norris," in *The Worlds of the East India Company*, ed. H.V. Bowen, Maragette Lincoln and Nigel Rigby (Woodbridge: Boydell Press, 2002), pp. 70, 71; Stephen Greenblatt, *Marvelous Possessions: The Wonder of the New World* (Chicago: The University of Chicago Press, 1991), p. 7. See also Isobel Grundy, "The barbarous character we give them: White women travelers report on other races," *Studies in Eighteenth Century Culture* 22 (1993): p. 73; Stuart B. Schwartz, "Introduction," in *Implicit Understandings: Observing, Reporting, and Reflecting on the Encounters Between Europeans and Other Peoples in the Early Modern Era*, ed. Stuart B. Schwartz (Cambridge: Cambridge University Press, 1994), p. 1.

<sup>45</sup> He notably cites the example of the English ambassador Sir Thomas Roe, who was sent to India between 1615 and 1619. Joan-Pau Rubiés, "Travel writing and ethnography," in *The Cambridge Companion to Travel Writing*, ed. Peter Hulme and Tim Youngs (Cambridge: Cambridge University Press, 2002), pp. 242 – 243, 250.

<sup>46</sup> William H. Sherman, "Stirrings and searchings (1500 – 1720)," in *The Cambridge Companion to Travel Writing*, ed. Peter Hulme and Tim Youngs (Cambridge: Cambridge University Press, 2002), pp. 20, 25, 30.

most important changes by pointing to the growing tendency among travellers not only to make observations about the locations they visited, but also to report on their personal experiences in these locales. The establishment of a superior British identity by this point signified that non-European societies were no longer merely described in the travel accounts, but were deemed inferior.<sup>47</sup> Whether imperially driven or not, the travel accounts of the early modern period and of the eighteenth century provided constant points of comparison for Britons, who approached foreign peoples through a specific mindset of superiority.<sup>48</sup>

In the wake of the Reformation and from the sixteenth century, the law occupied a central position in English society. In his extensive study of English law, historian Christopher Brooks demonstrates that this adherence to the power of law was fashioned through the belief, partly brought about by continual warfare with France, “that some government, any government, was better than no government and civil war”.<sup>49</sup> In addition to the stabilising influence of government, Julian Martin adds that the law was thought to represent a corpus of rules based on reason, which provided tools to preserve “peace and order”.<sup>50</sup> Combined, these beliefs contributed to one of the greatest

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<sup>47</sup> Roy Bridges, “Exploration and travel outside Europe (1720 – 1914),” in *The Cambridge Companion to Travel Writing*, ed. Peter Hulme and Tim Youngs (Cambridge: Cambridge University Press, 2002), pp. 56 – 57.

<sup>48</sup> S. Subrahmanyam maintains that this constant opposition with others led the British towards “self-fashioning”, meaning that they only observed things through their own scheme of reference. Sanjay Subrahmanyam, *Three Ways to Be Alien: Travails & Encounters in the Early Modern Period* (Waltham, MA: Brandeis University Press, 2011), p. 15.

<sup>49</sup> Christopher W. Brooks, *Law, Politics and Society in Early Modern England* (Cambridge: Cambridge University Press, 2009), p. 70.

<sup>50</sup> Furthermore, Richard Helgerson shows that English law was thought to be unique because it was viewed as “homegrown”, in contrast to other European law systems. Thus, although Europe inherited Roman law through the code of Justinian, England evolved differently. Richard Helgerson, *Forms of Nationhood: The Elizabethan Writing of England* (Chicago: The University of Chicago Press, 1992), pp. 66 – 67, 69; Julian Martin, *Francis Bacon, the State, and the Reform of Natural Philosophy* (Cambridge: Cambridge University Press, 1992), p. 76.

difficulties encountered by Britons in the majority of their colonies: these areas were *not* considered to have competent governments who could promulgate laws.

By the seventeenth century, English confidence in the power of law meant that it was considered an integral part of their way of life. The noted historian of colonial America, Jack Greene, maintains that in this period, the English began to view their own law as being far more libertarian than many other European systems. Moreover, he claims that the law became more closely linked to English identity than Protestantism, since the latter was present elsewhere in Europe (for example, in Holland and the German Principalities) while English law remained unique.<sup>51</sup> This belief in a more libertarian form of government was reinforced during the Glorious Revolution of 1688. John Brewer, John Styles and Alexander Murdoch claim that this event revolutionised the English monarchy by establishing a non-arbitrary form of government. This change significantly impacted the English vision of law: as of this point, the monarchy only ruled with the approval of the people – hence the term “King in Parliament”. Britons, therefore, believed that their country was run by a set of laws which governed and restricted *every* Englishman.<sup>52</sup> As shown by P.J. Marshall, one of the basic beliefs of Britons throughout the eighteenth century rested on the idea that the government was limited in its powers by Parliament, which was itself supposedly a direct representative of

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<sup>51</sup> Jack P. Greene, “Empire and Identity from the Glorious Revolution to the American Revolution,” in *The Oxford History of the British Empire*, vol. 2. *The Eighteenth-Century*, ed. P.J. Marshall (Oxford: Oxford University Press, 1998), pp. 208 – 209, 210. See also James Sharpe, “The People and the Law,” in *Popular Culture in Seventeenth-Century England*, ed. Barry Reay (New York: St. Martin’s Press, 1985), p. 244.

<sup>52</sup> John Brewer and John Styles, “Introduction,” in *An Ungovernable People: The English and their law in the seventeenth and eighteenth centuries*, ed. John Brewer and John Styles (New Brunswick, NJ: Rutgers University Press, 1980), p. 14; A. Murdoch, *British History 1660 – 1832*, pp. 39 – 41. See also John Brewer, *Sinews of Power: War, Money, and the English State, 1688 – 1783* (London: Unwin Hyman, 1989), p. 18.

the people.<sup>53</sup> A conviction in the pacifying and civilising influence of law, which was established in the early modern period, was, therefore, reinforced throughout the eighteenth century by a belief in the particular uniqueness of the English law.

As the first British colony, Ireland was a defining experience which impacted the British approach to later colonial endeavours, especially in India. Although highly distinct colonies, the lessons learned and the tools used in Ireland were transposed to India in the eighteenth century, demonstrating a level of continuity between the periods traditionally described as the first and second empires. Historians such as L. Colley and C.A. Bayly see Ireland and India as singular cases in British colonial history, maintaining that Ireland directly influenced the development of British imperialism in the eighteenth century and impacted the British administration of India.<sup>54</sup> However, despite these brief comparisons, few historians have jointly compared the colonial experiences in Ireland and India between the early modern period and the turn of the nineteenth century.

This dissertation seeks to consider those empires in their comparative contexts – to consider the relationship between English, and later British, encounters with, and explorations of, early modern Ireland and the eighteenth- and early nineteenth-century Indian subcontinent. The first chapter examines Anglo-Irish relations between 1550 and

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<sup>53</sup> P.J. Marshall, "Introduction," p. 9. See also Ian K. Steele, "The Anointed, the Appointed, and the Elected: Governance of the British Empire, 1689 – 1784," in *The Oxford History of the British Empire, vol. 2. The Eighteenth-Century*, ed. P.J. Marshall (Oxford: Oxford University Press, 1998), p. 105.

<sup>54</sup> In contrast, Paul Kléber Monod agrees that policies were carried out in Ireland before being implemented elsewhere, but refers to this as an "ambivalent model". Furthermore, Arthur Williamson sees no connection, arguing that Gaelic Ireland remained the only area in the early modern period where the British did not attempt "efforts at economic improvement and modernization". However, this assessment does not take into account other ways in which Ireland might have influenced later colonial pursuits, such as ideological changes. L. Colley, "Britishness and Otherness," p. 327; C.A. Bayly, *Imperial Meridian*, p. 12; Paul Kléber Monod, *Imperial Island: A History of Britain and Its Empire, 1660 – 1837* (Malden & Oxford: Wiley-Blackwell, 2009), p. 78; Arthur H. Williamson, "An Empire to End Empire: The Dynamic of Early Modern British Expansion," in *The Uses of History in Early Modern Europe*, ed. Paulina Kewes (San Marino, California: Huntington Library, 2006), p. 242.

1700, when the English gradually consolidated their authority over Ireland. Through this period, the stereotype of Irish incivility fed the growing English belief that they were a superior society which not only had the right, but also an obligation, to impose their authority over the Gaelic Irish. Considering the fact that Ireland was the first British colonial experience, it became the subject of numerous debates over the most appropriate ways to govern colonies, largely focusing on the question of whether it was better to establish one's authority through violence or through reform.

History writing had particular significance in the early modern world, because Britons thought that the past imparted lessons to the present and offered models of behaviour. In Ireland, the English manipulated indigenous history in order to justify their presence, asserting a prior British claim to sovereignty.<sup>55</sup> Many of these histories also contained lengthy analyses of the Gaelic Irish's origins, who were said to be descendants of the ancient and savage Scythians. By depicting the Gaelic Irish thus, the English were able to argue that as superior beings, they should have control of the country. Throughout the Irish histories, two themes were constantly emphasised: the English already had a prior claim to the country, and the Gaelic Irish lived in a state of incivility.

The barbarous nature of the native inhabitants of Ireland was widely featured in English travel accounts of the country. These travelogues also emphasised the overwhelming fear that English settlers would degenerate into barbarism through prolonged contact with the natives – as though it were contagious. The travel accounts

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<sup>55</sup> The English drew heavily on the foundation myths created in the Middle Ages by writers such as Geoffrey of Monmouth, William of Malmesbury, etc. C. Kidd, "Protestantism, constitutionalism and British identity under the later Stuarts," p. 322; John Gillingham, "The English Invasion of Ireland," in *Representing Ireland: Literature and the origins of conflict, 1534 – 1600*, ed. Brendan Bradshaw, Andrew Hadfield and Willy Maley (Cambridge: Cambridge University Press, 1993), p. 25.



became a popular medium to advocate for solutions to the question of civilising Gaelic Ireland, each traveller offering opinions supposedly based on observations throughout his travels.<sup>56</sup> This translated itself into a debate between those who believed that the Gaelic Irish could be reformed, and those who maintained that only a total military conquest would successfully subdue the population.

Lastly, English efforts to render and reduce Ireland to civility focused on their attempts to impose English law. The law was used for two specific purposes in Ireland: one, as the most obvious way of implementing reform; and two, as the surest means of establishing English authority by proving themselves more capable of good governance. However, English attempts to impose their own law system in Ireland also yielded serious debates. While acknowledging the civilising influence of English law, commentators such as Sir John Davies believed that laws should be characteristic of an individual society and could not be exported to other nations. This debate had strong repercussions for the British management of law in later colonies, such as Bengal and the rest of India. Ireland, therefore, represented a trial ground for British colonial endeavours. Although the English were confident in their own sense of distinction, they remained unsure of the best ways to carry through their expansionist projects, which was reflected in the debates sparked by their involvement in Ireland.

The second chapter in this thesis analyses the British involvement in India, focusing on the early trade experiences between the mid-seventeenth century and the formative years of their imperial endeavour up to the early nineteenth century. Until the Battle of Plassey in 1757, the official policy of the British under the East India Company

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<sup>56</sup> All Irish travel accounts from this period were written by men.

(EIC) was of trade and not of expansion. Nonetheless, the early years of the EIC shaped British opinion on India and created the stereotypes which influenced the British policies of the late eighteenth century. Throughout this period, the British constantly compared themselves with the Indians, repeatedly concluding that they were a superior society.

Through their manipulation of Indian history, many early British scholars of India acknowledged that the Hindu civilisation was ancient, but maintained that it had since fallen and was no longer civilised. The Mughals – Muslims who had conquered India in the Middle Ages – were also said to have reduced the Hindus to a state of extreme submission from which it would be difficult to emerge. Thus, the British were able to argue that the Hindus should not be reinstated to government, since they were weak and liable to fail should India once again be invaded. Additionally, the Mughal rulers were shown to have degenerated throughout the eighteenth century and to have brought the country to near-collapse – it would similarly have been impossible to allow them to remain in power since a series of bad rulers had almost destroyed India. By discrediting the claims of both the Hindus and the Muslims through historical antecedents, the British portrayed themselves as the only possible alternative form of government. As a superior society, it was argued that they would succeed where the Indians had previously failed.

Another means through which the British emphasised their differences and observed superiority was in the travel accounts written between the early 1600s and 1799. During these two centuries, travellers described India as an exotic and potentially dangerous place; notably, the accounts always carried undertones suggesting that there was something harmful about India. In particular, descriptions of the ill-treatment of women and shocking religious practices among other things conveyed the notion that

India was inherently different from Britain. As the British presence increased as of the 1760s, the travelogues were also used to establish the deceitful nature of the Indians. These early modern and eighteenth-century travelogues thus complemented the British histories of India: while the latter described the failures of past Indian society, the travel accounts highlighted the incivility of present India.

The law was the final way in which the British sought to establish their position of authority in India. Since elaborate Hindu and Muslim legal systems already existed, it was decided that it would be impractical to attempt to impose English laws. Instead, the British undertook the task of reforming Indian laws in order to enforce uniformity throughout the areas under their influence. Most importantly, they assumed control of the courts and produced law codes which allowed British judges to impart Indian laws without having to consult native scholars. By implicating themselves in the native legal systems and, more importantly, by selecting the elements of Hindu and Muslim law which they considered suitable to be included in the law codes, the British were able to assert their role as the dominant force in India.

The closing chapter discusses the impact of the early modern Irish experience on the later colonial endeavour in India. The major premise linking these different colonies was the British belief in their own superiority over the native inhabitants. The foundation for this type of comparison was established in Ireland. As the subject of numerous debates on how to deal with societies which were deemed to be “lesser”, Ireland provided important influences and patterns for the subsequent British administration of India.

As was the case in Ireland, the British used historical events to justify their territorial expansion in India. In Ireland, this was manifested by attempts to insert England into Irish history and thereby demonstrate that it had a past link to the country. Although they did not claim prior legitimacy in India, the British carried on the tradition of inserting themselves into Indian history in an attempt to portray themselves as the only viable alternative to governance. By depicting the rulers of India as tyrants, the British made an effective argument for their own rights to sovereignty. Finally, the histories were used to deny the fact that the indigenous inhabitants had their own historical tradition. Dismissing native accounts as unreliable, the British argued that only British-produced accounts could be trusted to accurately recount Irish and Indian history. The histories of Ireland and India functioned as a way to establish the British in a position of power: they were the only ones with the integrity to accurately depict history.

The travel accounts of Ireland and India represent a further medium through which the British attempted to demonstrate their own power. A common theme in many travelogues was that the British would uncover the “real” Ireland or India. Equally prevalent was the notion that these places were threatening for British travellers, especially regarding the possibility of degeneracy. This threat remained an overwhelming fear in India, since the British had already witnessed the complete assimilation of the English Catholic settlers in Ireland during the medieval period. The travelogues also represented a way to appeal to the British sense of a superior identity, by implicitly contrasting their conduct with that of the Irish or the Indians, who were condemned as treacherous. The extreme types of behaviour exhibited by the natives of Ireland and India strengthened the British conviction that they were uncivil and inferior.

Last of all, the struggle to impose English law in early modern Ireland left a lasting impression on Britons and influenced the way in which they approached legal matters in India. English commentators debated over the wisdom of implementing English law in Ireland, since many believed that it was not formatted for the Gaelic Irish and would prove to be ineffective as a civilising tool. The idea that laws were specifically designed for one society was carried over into India, where it was put into effect at the end of the eighteenth century. Acknowledging that the Indians should not be subject to foreign laws, the British maintained the Hindu and Muslim laws already in place. However, as in Ireland, they remained determined to reform the native legal system, which they viewed as inherently corrupt and arbitrary. Through these restructurings of the legal systems, the British claimed that they had the legal and moral duties to free the Gaelic Irish and the Indians from the tyrannical hold of their rulers, thereby establishing themselves as the defenders of liberty.

While separated by time and space, the British colonial experiences in Ireland and India shared several important characteristics. The early modern settlements in Ireland provided the British with important guidelines and models for behaviour, many of which were later adopted in India. Most importantly, the British use of history, travel accounts and law reforms in Ireland demonstrated that they could manipulate different mediums to assert their own supremacy. These three elements thus became important tools in the British arsenal to maintain and expand their imperial hold on India.

## CHAPTER 1

## The “Wild” Irish and the “Civil” English

The history of relations between England and Ireland throughout the early modern period was tempestuous and routinely characterised by English prejudice and misunderstanding. Ireland’s status within the English (and later British) world was continually questioned by contemporaries and exemplifies its distinctive place in the history of the empire.<sup>1</sup> In 1609, Francis Bacon described Ireland as “both within and outwith the new United Kingdom, ‘another Britain’ to supplement the first”<sup>2</sup>, highlighting its complex connection to England. As its first colonial experience, Ireland represented something new in English history, where various administrative approaches were attempted from the mid-sixteenth to the end of the seventeenth century.

The Irish experience during this period demonstrates that English identity was still developing and, by extension, that English colonial policies were not yet fully formed. Ireland became a subject for debate as to how England should interact with other nations. Throughout the resistance and rebellions the English encountered during the ongoing attempts to consolidate their authority over Ireland, one thing remained constant: the English developed a clear sense of superiority which they used to contrast themselves with the Gaelic Irish. This in turn fed the belief that the English were better suited to

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<sup>1</sup> Even the word ‘colony’ is disputed among historians, since many Englishmen who went to Ireland did not consider themselves to be colonisers. Furthermore, English policies varied extensively from treating Ireland as a colony to treating it as an actual extension of English territory. T.C. Barnard, “Crisis of Identity among Irish Protestants 1641 – 1685,” *Past & Present* 127 (1990): pp. 40 – 41.

<sup>2</sup> Willy Maley, “The British problem in three tracts on Ireland by Spenser, Bacon and Milton,” in *British Consciousness and Identity: The making of Britain, 1533 – 1707*, ed. Brendan Bradshaw and Peter Roberts (Cambridge: Cambridge University Press, 1998), p. 178.

administer the territories of the societies they deemed inferior. This perspective, the distinction between an English society and other inferior societies, was exemplified in Ireland through: the manipulation of history in order to justify contemporary policies; the classification of individuals into different types of society – most clearly seen through travel accounts; and repeated attempts to impose English law throughout the country.

Although the English had maintained a presence in Ireland prior to the sixteenth century, their attitude towards the Irish underwent a significant change after the 1550s. Until the early decades of Elizabeth I's reign, the noted historian Nicholas Canny observes that the main English feeling towards Ireland was "annoyance": Ireland represented a strategic buffer protecting England from western-based attacks but it had proven itself to be problematic.<sup>3</sup> Early Tudor administrations had made no attempts to understand Irish society and this ignorance led to the development of stereotyped images of Ireland which were to affect future Irish policies. Moreover, historians Stephen Ellis and Ciaran Brady argue that the fragmented nature of the Irish political system, in which there existed no central figure of authority, and the continual conflicts between regional lords, convinced the English that the region was highly unstable and dangerous.<sup>4</sup>

Another emerging trend during the early modern period was the differentiation drawn not only between English and Gaelic Irish, but also between two different types of

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<sup>3</sup> Nicholas Canny, *The Elizabethan Conquest of Ireland: A Pattern Established 1565 – 76* (Hassocks: Harvester Press, 1976), pp. 30 – 31; Ciaran Brady and Raymond Gillespie, "Introduction," in *Natives and Newcomers: Essays on the Making of Irish Colonial Society 1534 – 1641*, ed. Ciaran Brady and Raymond Gillespie (Dublin: Irish Academic Press, 1986), p. 12.

<sup>4</sup> Stephen Ellis likens the area to a "warzone". See Stephen Ellis, "Tudor state formation and the shaping of the British Isles," in *Conquest and Union: Fashioning a British State, 1485 – 1725*, ed. Stephen Ellis and Sarah Barber (London and New York: Longman, 1995), pp. 45, 46; Ciaran Brady, "Comparable histories?: Tudor reform in Wales and Ireland," *Conquest and Union: Fashioning a British State, 1485 – 1725*, ed. Stephen Ellis and Sarah Barber (London and New York: Longman, 1995), p. 66; Ciaran Brady, *The Chief Governors: The rise and fall of reform government in Tudor Ireland, 1536 – 1588* (Cambridge: Cambridge University Press, 1994), p. 245.

English settlers. Distinctions were increasingly made between the “Old” English, descendents of the Anglo-Norman invaders who settled in Ireland during the twelfth century, and the “New” English, sixteenth-century Protestant settlers. This became particularly significant as the Old English, who had settled in Ireland prior to the Reformation, maintained their Catholicism and were widely believed to have adopted native customs and language.<sup>5</sup> Throughout the early modern period, the English regarded both the Gaelic Irish and the Old English as degenerate beings, which heavily impacted English policies. Lisa Jardine, Declan Downey and Michael Hechter contend that the English believed there were significant stakes at risk regarding Irish degeneracy, because they were terrified that this could be transmitted to the New English inhabitants of Ireland should they be exposed to “barbarism” for too long.<sup>6</sup>

The plantation policies which were introduced in the seventeenth century were a direct response to English fears of Gaelic Irish and Old English degeneracy. S. Ellis suggests that the Ulster Plantation scheme (after 1607) was designed to cut off Gaelic Ireland from Gaelic Scotland, thereby fostering a more ‘English’ atmosphere in both.<sup>7</sup> Similarly, N. Canny believes that although the Ulster Plantation was initially designed as

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<sup>5</sup> Jane Ohlmeyer and Ciaran Brady, “Making good: New perspectives on the English in early modern Ireland,” in *British Interventions in Early Modern Ireland*, ed. Jane Ohlmeyer and Ciaran Brady (Cambridge: Cambridge University Press, 2005), p. 22; T.C. Barnard, “Crisis of Identity,” p. 39; Jane Ohlmeyer, *Making Ireland English: The Irish Aristocracy in the Seventeenth Century* (New Haven: Yale University Press, 2012), pp. 6 – 7.

<sup>6</sup> For contemporary fears, see, for example, Sir Richard Moryson to Salisbury. Entry 156, Sir Richard Moryson to Salisbury, February 20<sup>th</sup>, 1607, *Calendar of State Papers relating to Ireland, of the reign of James I, 1606 – 1608*, ed. Rev. C.W. Russell and John P. Prendergast (London: Longman & Co., and Trübner & Co., 1874), p. 119; Lisa Jardine, “Encountering Ireland: Gabriel Harvey, Edmund Spenser, and English colonial ventures,” *Representing Ireland: Literature and the origins of conflict, 1543 – 1660*, ed. Brendan Bradshaw, Andrew Hadfield and Willy Maley (Cambridge: Cambridge University Press, 1993), p. 60; Michael Hechter, *Internal Colonialism: The Celtic fringe in British national development, 1536 – 1966* (London: Routledge and Kegan Paul, 1975), p. 76; Declan Downey, “Purity of blood and purity of faith in early modern Ireland,” in *The Origins of Sectarianism in Early Modern Ireland*, ed. Alan Ford and John McCafferty (Cambridge: Cambridge University Press, 2005), p. 220.

<sup>7</sup> Stephen Ellis and Christopher Maginn, *The Making of the British Isles: The State of Britain and Ireland, 1450 – 1660* (Harlow: Pearson Longman, 2004), p. 296.



a joint venture between the English and the Scots, the latter were marginalised in favour of “an English creation”.<sup>8</sup> The correspondences in the State Papers demonstrate that contemporaries portrayed the plantations as a benefit to the Gaelic Irish and Old English populations. In a letter to Sir Arthur Chichester describing his motivations for implementing plantations, King James I claimed that it was “merely for the goodness and morality of it, (...) the introduction of civility, order, and government amongst a barbarous and unsubdued (sic) people”.<sup>9</sup> The plantation programs of the seventeenth century, therefore, became part of a larger movement to civilise the native inhabitants of Ireland and to prevent further degeneracy of its English inhabitants.

In addition to the increasing distinction being drawn between different Irish communities, religion also played a factor in the emergence of an English identity in Ireland. However, the extent to which religion defined identity in early modern Ireland or merely perpetuated prejudices remains heavily contested, as is the chronology for the growing differentiation between religious communities.<sup>10</sup> The religious situation in Ireland was further complicated by the fact that the Protestant New English were faced

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<sup>8</sup> Nicholas Canny, “The Origins of Empire: An Introduction,” *The Oxford History of the British Empire*, vol. 1. *The Origins of Empire: British Overseas Enterprise to the close of the Seventeenth Century*, ed. Nicholas Canny (Oxford: Oxford University Press, 2005), p. 12.

<sup>9</sup> Entry 596, The King to Sir Arthur Chichester, December 21<sup>st</sup>, 1612, *Calendar of State Papers relating to Ireland, of the reign of James I, 1611 – 1614*, ed. Rev. C.W. Russell and John P. Prendergast (London: Longman & Co., and Trübner & Co., 1877), p. 310.

<sup>10</sup> In contrast to most Irish historians, Jim Smyth does not even accept the idea that there existed an Irish Protestant identity in the seventeenth century, arguing that it remained too unstable and ill-defined during this period. Jim Smyth, *The Making of the United Kingdom 1660 – 1800* (Harlow: Longman Pearson Education, 2001), p. 82.

with a very different sort of Catholicism than that which was present on the Continent, and which still retained many older, pagan traditions.<sup>11</sup>

Brendan Bradshaw and Nicholas Canny argue that the distinction between the “Old” and “New English” in Ireland truly formalised itself during the last decades of the sixteenth century; in contrast, legal historian Hans Pawlisch does not detect true signs of religious division before the 1603 conflicts in Ulster and Aidan Clarke describes the situation as a “subtle and fragile equilibrium” until the 1620s or 1630s.<sup>12</sup> Despite these different interpretations, most historians insist that there existed far more interaction between religious communities in the early modern period than contemporary histories would suggest. Raymond Gillespie and T.C. Barnard argue that not only were Protestantism and Catholicism distinct one from the other, but in addition, neither was an internally unified group.<sup>13</sup> N. Canny concurs with this argument and points out that despite increasing differentiation between the groups living in Ireland in the seventeenth century, they still drew benefits from one another.<sup>14</sup> Nonetheless, while historians urge that religious matters were in flux during this period, it is evident that for contemporaries, the Gaelic Irish and Old English ‘crimes’ of incivility and barbarism were considered to be magnified by their Catholicism. In describing the work still needed to be done since Ireland had not been “reduced to civility”, Francis Bacon declares that the Irish are worse

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<sup>11</sup> See Edmund Spenser, *A View of the State of Ireland*, ed. Andrew Hadfield and Willy Maley (Oxford: Blackwell Publishers, 1997), pp. 85; Nicholas Canny, “The Ideology of English Colonization: from Ireland to America,” *William and Mary Quarterly* 30:4 (1973): p. 584.

<sup>12</sup> Nicholas Canny, *Making Ireland British 1580 – 1650* (Oxford: Oxford University Press, 2001), pp. 4 – 5; C. Brady and R. Gillespie, “Introduction,” p. 14.

<sup>13</sup> Raymond Gillespie, *Seventeenth-Century Ireland: Making Ireland Modern* (Dublin: Gill & Macmillan, 2006), pp. 15 – 18; T.C. Barnard, *Cromwellian Ireland: English Government and Reform in Ireland 1649 – 1660* (Oxford: Oxford University Press, 1975), p. 2. See also Alan Ford, *The Protestant Reformation in Ireland, 1590 – 1641* (Dublin: Four Courts Press, 1997), pp. 11, 19, 29.

<sup>14</sup> N. Canny cites Barnaby Rich, *New Description of Ireland* (1610), who described the Old English as “diseased”, but still useful. N. Canny, *Making Ireland British*, pp. 116, 173.

than “savages” since they had been exposed to benefits such as law and religion but had rejected them.<sup>15</sup> Religion and socio-cultural differences thus played significant roles in the creation of an English sense of distinctiveness and superiority in early modern Ireland.

The manipulation of Irish history was one of the key tools used by the English to establish their own superiority and to legitimise their colonial presence. During the early modern period, history was frequently used as a way to understand and justify current events – as described by David Finnegan, it was meant “to produce ideologically useful pasts”.<sup>16</sup> This sentiment is expressed in the Epistle of John Hooker, editor of the second edition of Holinshed’s *Chronicles*, who claims that “by [history] a man may learne what to doo in the life to come”.<sup>17</sup> Within the particular context of Ireland, Jane Ohlmeyer and Nicholas Canny maintain that the common custom in English-written histories was to draw parallels between the current Gaelic Irish and the ancient Britons. This comparison to the Celtic peoples of Britain was designed not only to emphasise the barbarous character of the native Irish, but also to draw parallels between the English and the Romans: just as the Romans had successfully civilised the ancient Britons, so too the English would civilise the Gaelic Irish.<sup>18</sup>

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<sup>15</sup> A letter of advice to my Lord of Essex, immediate before his going into Ireland, in Francis Bacon, *The mirrour of state and eloquence represented in the incomparable letters of the famous Sr. Francis Bacon* (London: Printed for Lawrence Chapman, 1656), pp. 38 – 39.

<sup>16</sup> David Finnegan, “Old English views of Gaelic Irish history and the emergence of an Irish Catholic nation, c. 1569 – 1640,” in *Reshaping Ireland 1550 – 1700: colonization and its consequences: essays presented to Nicholas Canny*, ed. Brian Mac Curta (Dublin: Four Courts Press, 2011), p. 187. See also R. Gillespie, *Seventeenth-Century Ireland*, pp. 21, 82.

<sup>17</sup> John Hooker’s Epistle Dedicatorie to Sir Walter Raleigh, Section 3, *The Irish Historie by Giraldus Cambrensis*, in Raphael Holinshed, *Holinshed’s Chronicles of England, Scotland, and Ireland*, vol. VI. *Ireland*, ed. John Hooker (New York: AMS Press, 1965), pp. 102, 103.

<sup>18</sup> N. Canny argues that the example of the ancient Britons created “a preconceived idea of a barbaric society and they [the English] merely tailored the Irishmen to fit this”. N. Canny, “The Ideology of English

The primary influence on all early modern histories of Ireland were the twelfth-century accounts of Giraldus Cambrensis, who wrote the *Topographia Hibernica* and the *Expugnatio Hibernica* following the Anglo-Norman invasion of Ireland. Scholars such as Joep Leerssen, Andrew Hadfield, Alan Ford, and Kevin Kenny all agree that Cambrensis' descriptions of the Irish as a "wicked, effrenated, barbarous, and unfaithfull nation"<sup>19</sup> became standard tropes in the sixteenth- and seventeenth-century histories<sup>20</sup>. In the early modern period, the two major texts which provided additional influence were Raphael Holinshed's *Chronicles of England, Scotland, and Ireland* (first published in 1577) and Edmund Spenser's *A View of the State of Ireland* (written in 1596). Historians Annabel Patterson and Igor Djordjevic believe that the *Chronicles* in particular had an important impact on English identity, because it was intended to foster a sense of communal English "civic consciousness", which provided the ideological foundations of the later British Empire.<sup>21</sup> Spenser's *A View*, which N. Canny sees as having given Englishmen "an identity and a sense of moral purpose", elicits a great deal of controversy

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Colonization," pp. 589, 597; Jane Ohlmeyer, "A Laboratory for Empire? Early Modern Ireland and English Imperialism," in *Ireland and the British Empire*, ed. Kevin Kenny (Oxford: Oxford University Press, 2006), pp. 29 – 30.

<sup>19</sup> Entry from 1569, The Chronicles of Ireland, in Raphael Holinshed, *Holinshed's Chronicles of England, Scotland, and Ireland*, vol. VI. *Ireland*, ed. John Hooker (New York: AMS Press, 1965), p. 369.

<sup>20</sup> This image of barbarism "implicitly and explicitly asserts the moral and cultural superiority of the Anglo-Normans". Joep Leerssen, *Mere Irish and Fíor-Ghael: Studies in the Idea of Irish Nationality, its Development and Literary Expression prior to the Nineteenth Century*, 2<sup>nd</sup> ed. (Notre Dame: University of Notre Dame Press, 1997), pp. 34 – 35; Andrew Hadfield, "English Colonialism and National Identity in Early Modern Ireland," *Eire-Ireland* 28 (1993): p. 85; Kevin Kenny, "Ireland and the British Empire: An Introduction," *Ireland and the British Empire*, ed. Kevin Kenny (Oxford: Oxford University Press, 2006), p. 5; Alan Ford, "The Irish historical renaissance and the shaping of Protestant history," in *The Origins of Sectarianism in Early Modern Ireland*, ed. Alan Ford and John McCafferty (Cambridge: Cambridge University Press, 2005), pp. 131 – 132. For a medievalist's perspective, see John Gillingham, "The English Invasion of Ireland," in *Representing Ireland: Literature and the origins of conflict, 1534 – 1660*, ed. Brendan Bradshaw, Andrew Hadfield and Willy Maley (Cambridge: Cambridge University Press, 1993), p. 24.

<sup>21</sup> Annabel Patterson, *Reading Holinshed's Chronicles* (Chicago: The University of Chicago Press, 1994), pp. 15, 33; Igor Djordjevic, *Holinshed's Nation: Ideals, Memory, and Practical Policy in the Chronicles* (Burlington: Ashgate, 2010), pp. 9, 15.

among historians, because of his suggestions as to the ways in which the Irish should be fully subjugated.<sup>22</sup>

As mentioned by D. Finnegan, one of the uses of history during this period was to provide explicit or literal lessons and examples for contemporaries. In trying to explain the volatile situation in Ireland and the hostility of the Gaelic Irish, the planter William Herbert argued that all problems in Ireland could be traced back to the Norman Conquest – in this case, meaning, among other things, that the problems plaguing sixteenth-century Ireland were not caused by the New English.<sup>23</sup> *Croftus, sive, de Hibernia Liber* portrays the Conquest as a dual contributor: the Gaelic Irish were not given English law and were, therefore, not able to evolve from their barbarous state, while the Anglo-Norman lords became too avaricious to administer the country properly and eventually degenerated and assimilated into the native population.<sup>24</sup> Herbert's goal in describing the Norman Conquest and the ensuing degeneracy of the Old English was to portray the Gaelic Irish and the Old English as inherently different people from the New English settlers, and whose habits and customs had to be eradicated for civility to thrive in Ireland.<sup>25</sup> This

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<sup>22</sup> Among those who argue that Spenser had a negative view of the Gaelic Irish and advocated for induced famine, see Nicholas Canny, "Edmund Spenser and the Development of an Anglo-Saxon identity," *The Yearbook of English Studies* 13, Colonial and Imperial Themes Special Number (1983): pp. 2, 7; L. Jardine, "Encountering Ireland," p. 61; Ciaran Brady, "Spenser's Irish Crisis: Humanism and Experience in the 1590s," *Past & Present* 111 (1986): p. 17. For those advocating a more sympathetic line of thought, see Sheila T. Cavanagh, "'The fatal destiny of that land': Elizabethan views of Ireland," in *Representing Ireland: Literature and the origins of conflict, 1534 – 1660*, ed. Brendan Bradshaw, Andrew Hadfield and Willy Maley (Cambridge: Cambridge University Press, 1993), pp. 127 – 128 and Arthur Williamson, "An Empire to End Empire: The Dynamic of Early Modern British Expansion," in *The Uses of History in Early Modern England*, ed. Paulina Kewes (San Marino, California: Huntington Library, 2006), p. 235.

<sup>23</sup> Herbert attributes the Irish failure to bad administrative policies. Sir William Herbert, *Croftus, sive, de Hibernia Liber*, ed. Arthur Keaveney and John A. Madden (Dublin: Irish Manuscripts Commission, 1992), pp. xxxv, 43.

<sup>24</sup> *Ibid.*, pp. 39 – 43, 47, 83.

<sup>25</sup> Alone, the Gaelic Irish and Old English would be unable to forgo their barbarism. W. Herbert, *Croftus*, p. 85; Andrew Hadfield, "Crossing the Borders: Ireland and the Irish between England and America," in *Shakespeare, Spenser and the Matter of Britain*, ed. Andrew Hadfield (New York: Palgrave Macmillan, 2004), p. 18.

concern is illustrated in Herbert's assessment that "colonies degenerate assuredly when the colonists imitate and embrace the habits, customs and practices of the natives. There is no better way to remedy this evil than to do away with and destroy completely the habits and practices of the natives".<sup>26</sup> This fear of further English degeneracy was present throughout the early modern period and highlights the precarious position of English settlers in a majority Gaelic Irish country.<sup>27</sup> It also represents the anxiety, which would recur in later colonial ventures, that English manners and customs could become polluted by the vices of societies judged to be inferior.

The threat to English values and customs is reiterated in Spenser's *A View*, which uses the observation that historically English law was never successfully introduced in Ireland to make a contemporary point about the state of Irish society. Spenser's character Irenius contends that the Irish refused to abandon their Brehon laws in favour of the English common law, even after the Act of Parliament in 1541 which rendered Henry VIII sovereign of Ireland.<sup>28</sup> In Spenser's opinion, the Irish refusal following Henry VIII's Act proved that they were both disloyal and inconstant, because "by that acceptance of his sovereignty they also accepted of his lawes (sic)".<sup>29</sup> This description of the historical struggle to impose the common law in Ireland was used by Spenser in order to reinforce his position that Ireland must be fully conquered – for only then could the English introduce civility and proper law.

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<sup>26</sup> W. Herbert, *Croftus*, p. 81, lines 11 – 16.

<sup>27</sup> See, for example, Entry 84, The Lord Deputy to the Council in England touching matters treated of with Lord Carew, October 12, 1611, in *Calendar of the Carew Manuscripts, preserved in the Archiepiscopal Library at Lambeth, 1603 – 1623*, vol. 5, ed. J.S. Brewer and William Bullen (London: Longman & Co., Trübner & Co., 1873), p. 132.

<sup>28</sup> E. Spenser, *A View*, pp. 15 – 16.

<sup>29</sup> See also footnote 12. *Ibid.*, p. 15.

Sir John Davies, Solicitor-General of Ireland as of 1603, also employed legal history to explain why Ireland was not yet subdued in his own time. Like Spenser, Davies argued that previous English governments were too weak to enforce their will in Ireland and were betrayed by the civil administrations in Dublin.<sup>30</sup> The law is also central to Davies' conception of sovereignty: his main argument rested on the fact that the English had always lacked true sovereignty given their incapacity to impose the common law on the whole of Ireland and eliminate the Brehon laws.<sup>31</sup> During the early modern period, history was not primarily used to merely keep a record of past events, but as a way to explain current situations or to support administrative policies. Therefore, history writing was a pedagogical and propagandistic tool to explain, and justify, subordinating Irish mores and ways of life to English ones.

Another major theme found in early modern histories of Ireland is the claim of prior legitimacy, which was mainly argued through the mythological figure of King Arthur. David Armitage believes that the appropriation of the Arthurian myth by the New English is significant as it allowed them to claim a prior link to Ireland which justified both the Anglo-Norman invasion and their own settlements.<sup>32</sup> This idea can be traced back to Cambrensis, who, in seeking to explain why England already had a valid claim to sovereignty over Ireland in the twelfth century, offered that the Irish were defeated by the mythological King Arthur. Following this defeat, the Irish, under King

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<sup>30</sup> A Discovery of the true causes why Ireland was never entirely subdued and brought under Obedience of the Crown of England, until the Beginning of his Majesty's happy Reign (1612), in Sir John Davies, *Historical Tracts* (London: Imprinted for John Stockdale, 1786), pp. 37 – 38, 43, 70.

<sup>31</sup> *Ibid.*, pp. 38, 114 – 115.

<sup>32</sup> David Armitage, *The Ideological Origins of the British Empire* (Cambridge: Cambridge University Press, 2000), p. 52.

Gillomar, swore their fealty to the early British king and, therefore, still owed their allegiance to England.<sup>33</sup>

Furthermore, in the early modern period, Holinshed built on this notion of a prior claim, stating that “the Kings of this our Britain had an elder right to the realme of Ireland than by the conquest of Henrie the second, which title they euer mainteined, (...) as in the daies of King Arthur, to whom the Irish (as in some histories is remembered) acknowledged their due subiection”.<sup>34</sup> This passage is particularly significant because it suggests that this story was already recorded in other histories and thus rendered Irish recalcitrance more notable since they refused to uphold an acknowledged oath.<sup>35</sup> The Arthurian dimension is repeated in Spenser, as part of a larger strategy to establish prior English claims to sovereignty over Ireland. In *A View*, Spenser has the character Irenius conjure a type of ancient pan-British imagery by associating England and Ireland through the submission of the Irish lords to King Arthur, followed by the Saxon king Egfried of Northumberland, and finally, Henry II.<sup>36</sup> This episode in Arthurian myth was finally re-invoked almost one hundred years after Holinshed and Spenser’s works, in the anonymous *The Present State of Ireland*. It is telling that this account, which once again sought to illustrate why Ireland was never properly brought under English control, chose to invoke King Arthur. By adding the specific date of 519, at which King Mac Gil-

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<sup>33</sup> Giraldus Cambrensis, *Expugnatio Hibernica* (1189), Book 2, ch. 6, in *Strangers to that Land: British Perceptions of Ireland from the Reformation to the Famine*, ed. Andrew Hadfield and John McVeagh (Gerrards Cross: Colin Smyth), p. 26 and R. Holinshed, Book 2, ch. 6, Section 3, *The Irish Historie* by Giraldus Cambrensis, p. 187.

<sup>34</sup> Section 2, *The First Inhabitation of Ireland*, in Raphael Holinshed, *Holinshed’s Chronicles of England, Scotland, and Ireland*, vol. VI. *Ireland*, ed. John Hooker (New York: AMS Press, 1965), p. 77.

<sup>35</sup> One may note that neither the Irish nor the Scots ever accepted the Arthurian tradition as anything more than “a cover in English imperialism”. See Colin Kidd, “Protestantism, constitutionalism and British identity under the later Stuarts,” *British consciousness and identity: The making of Britain, 1533 – 1707*, ed. Brendan Bradshaw and Peter Roberts (Cambridge: Cambridge University Press, 1998), p. 322.

<sup>36</sup> E. Spenser, *A View*, pp. 51 – 53.



murrion of Ireland swore homage to the British king, the account attempts to add historical weight to the Arthur argument and reinforces the idea that the Irish cannot be trusted since their word (which was shorthand for honour and reputation too) has historically been shown to be meaningless.<sup>37</sup> In his discussion of the Arthurian connection to Ireland, Andrew Hadfield suggests that part of the reason why the myth became so widespread was because “it enabled writers to assert an English claim to Ireland without being forced to define terms in the language of sophisticated political theory”.<sup>38</sup> The Arthurian myth was, therefore, used because it provided a convenient springboard for the English to launch themselves into colonial projects.

One of the most striking elements in the early modern Irish histories is the suggestion that the Irish were unable to produce their own historical accounts – only the English could produce reliable and accurate histories. This element is noteworthy because it essentially translates itself into a question of power: by denying the validity of indigenous historical accounts, the English asserted their own position of superiority as those who would, as it were, ‘uncover’ the rightful history of Ireland.<sup>39</sup> This is notably found in Hooker, who claims that “I found no matter of an historie woorthie to be recorded: but rather a trajedie of cruelties to be abhorred”<sup>40</sup>, thereby denigrating both Irish accounts and the Irish character. The English, therefore, became not only the

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<sup>37</sup> Anonymous, *The Present State of Ireland* (London: Printed by M.D. for Chr. Wilkinson and T. Burrell, 1673), p. 174. On the matter of honour and the concept of one’s word in the early modern period, see Anna Bryson, *From Courtesy to Civility: Changing Codes of Conduct in Early Modern England* (Oxford: Clarendon Press, 1998), pp. 232 – 235.

<sup>38</sup> Andrew Hadfield, “Briton and Scythian: Tudor representations of Irish origins,” *Irish Historical Studies* 28:112 (1993): pp. 406 – 407.

<sup>39</sup> For a more detailed analysis of the Anglo-centric approach to Irish history, see chapter 3.

<sup>40</sup> John Hooker’s Epistle Dedicatorie to Sir Walter Raleigh, in R. Holinshed, Section 3, *The Irish Historie* by Giraldus Cambrensis, p. 103.

writers, but indeed the creators of Irish history, since they selected which pieces of information to include in their accounts of Ireland.

In the *Chronicles*, Holinshed provides an overview of Irish origins and traces their history through the Anglo-Norman invasion, in an attempt to explain their present degenerate character. While Holinshed says there were many theories on the origins of the Irish, he argues that the island was first peopled by Iaphet, the son of Noah, and his followers; fellow settlers who were giants and who rebelled against these sons of Iaphet, gained control of the island for some time, but were then put down by a new wave of Iaphet's descendants from Scythia.<sup>41</sup> Colin Kidd argues that this Biblical association was common in the early modern period since “sacred history was considered a more reliable indication of ethnic provenance than national origin myths inherited from the middle ages”, especially in a Protestant England trying to disassociate itself from the country's former Catholicism.<sup>42</sup> It is noteworthy that in the case of Ireland, the English drew on both sacred and mythological histories in order to establish their own presence more firmly. While it was becoming customary to associate other peoples with Biblical characters, it also remained convenient for the fledgling English colonial enterprise to prove that it had prior links to Ireland by citing medieval mythology.

Unlike Hooker, Spenser believed that Ireland did have an ancient history, going so far as to claim that it “bee more auncient then most that I know in this end of the

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<sup>41</sup> R. Holinshed notably rejects an alternate version which attributed Spanish origins to the Irish. R. Holinshed, Section 2, The First Inhabitation of Ireland, pp. 71 – 75, 76 – 77.

<sup>42</sup> It was also customary to associate the Irish and Scots with Scythian origins. Colin Kidd, *British Identities before Nationalism: Ethnicity and Nationhood in the Atlantic World, 1600 – 1800* (Cambridge: Cambridge University Press, 1999), pp. 59, 61.

world”<sup>43</sup>. That being said, he dismisses the majority of Irish history as unreliable and false; only the Irish Chronicles held some germ of genuine history, which “a well eyed man may happily discover and finde out”.<sup>44</sup> The implication Spenser makes here is that English authors were capable of detecting the true history of Ireland through some of the Chronicles, unlike their Irish contemporaries. Spenser also returns in more detail to Holinshed’s association of the Irish to the ancient Scythians, an association first made by classical authors such as Strabo and Diodorus Siculus, which provides an explanation for the continued barbarity of the population.<sup>45</sup> The classical descriptions of the Scythians as barbarous cannibals are particularly relevant, as they were readapted into early modern Irish histories to demonstrate that as the descendants of barbarians, the Gaelic Irish remained violent barbarians. This, in turn, bolstered English ideas of superiority over the Irish and provided a justification for increasing English administrative authority and expansion in Ireland. By emphasising the longstanding Irish degeneracy inherited from the Scythians, the English were able to portray themselves as harbingers of civility and peace.<sup>46</sup> The histories of Ireland written during the early modern period all share the same characteristics which were designed to bolster this view of the English. These histories were used as a way for the English to define themselves and others, and accordingly could be better described as the histories of English experiences in Ireland rather than actual histories of Gaelic Ireland.<sup>47</sup>

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<sup>43</sup> E. Spenser, *A View*, p. 43.

<sup>44</sup> *Ibid.*, pp. 46 – 47.

<sup>45</sup> E. Spenser is particularly critical of the nomadic cattle lifestyle of the Irish, which he sees as an inheritance from the Scythians, and which encouraged further barbarity. *Ibid.*, pp. 45, 55 – 56.

<sup>46</sup> See A. Hadfield, “Briton and Scythian,” pp. 400 – 401, 403 – 405.

<sup>47</sup> Andrew Hadfield, *Spenser’s Irish Experience: Wilde Fruit and Savage Soyl*, p. 125, as cited in N. Canny, *Making Ireland British*, pp. 11, 26; D. Finnegan, “Old English views of Gaelic Irish history,” p. 190.

Late sixteenth- and seventeenth-century travel accounts of Ireland also represent a medium through which the English sought to contrast themselves with the wild and dangerous Irish. This period marked an era of difference in English accounts of Ireland: travellers only truly started to go to Ireland in large numbers around the turn of the seventeenth century as the country became more peaceful with the increasing growth of the plantation program.<sup>48</sup> Again, Cambrensis provided the paradigm for descriptions of the Irish, by introducing the concepts of “degeneracy” and a barbarous, semi-nomadic nation lacking civility and plagued by war.<sup>49</sup>

These travel accounts were characterised by a constant differentiation on the part of the authors between Englishmen and Irishmen. Recent scholars John McVeagh, Andrew Hadfield and Joep Leerssen argue that this opposition was caused by the fact that the English were confronted with a society that was very different from their own – hence both their fascination with Irish society and their view of Ireland as wild and untamed.<sup>50</sup> This element of wildness (barbarity/savagery) is a recurring theme in contemporary accounts and caused such consternation, that after having toured through sections of Ireland in 1610, Thomas Blenerhasset declared that no plantation would ever succeed “to improve any thing (sic)”.<sup>51</sup> In addition to this perception of cultural inferiority, N. Canny highlights the fact that not only was Gaelic Ireland notionally Catholic, but it had never

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<sup>48</sup> Before this, English activity in Ireland was mostly confined to the area of the English Pale around Dublin. A. Hadfield and W. Maley, ed. *Strangers to that Land: British Perceptions of Ireland from the Reformation to the Famine* (Gerrards Cross: Colin Smythe, 1994), pp. 15, 53; John P. Harrington, ed. *The English Traveller in Ireland: Accounts of Ireland and the Irish through five centuries* (Dublin: Wolfhound Press, 1991), pp. 14 – 15; N. Canny, “The Ideology of English Colonization,” p. 584.

<sup>49</sup> A. Hadfield and W. Maley, *Strangers to that Land*, p. 25.

<sup>50</sup> J. Leerssen claims that Sir John Harrington is highly unusual in that he also found similarities between the Irish and English. J. Leerssen, *Mere Irish and Fíor-Ghael*, pp. 50 – 51; J. P. Harrington, *The English Traveller in Ireland*, p. 9.

<sup>51</sup> Thomas Blenerhasset, For the Plantation in Ulster (1610), Appendix X, in *A Contemporary History of Affairs in Ireland from 1641 to 1652, with appendix of original documents, 1567 – 1642, vol. I.I*, ed. John T. Gilbert (Dublin: Irish Archaeological and Celtic Society, 1879), p. 319.

fully conformed to official Catholicism and had retained many pagan traditions, leading many Englishmen to dismiss the Irish as pagans.<sup>52</sup> He believes that this depiction of the Irish as pagans is of great consequence because “the English were decreeing that they [the Irish] were culpable since their heathenism was owing not to a lack of opportunity but rather to the fact that their system of government was antithetical to Christianity”.<sup>53</sup> Religion, therefore, became another powerful symbol for contemporaries which underscored the inherent barbarity of the Irish.

In line with the tradition of describing differences with Ireland, the travel accounts also portray a highly stereotypical image of Irish society based on English ignorance. Sheila Cavanagh, Nicholas Canny and Raymond Gillespie point out that the English did not understand the Gaelic Irish system of independent regional lords who were in continual conflict with one another and consequently perpetuated the English idea that Ireland was beset with violence.<sup>54</sup> The accounts during this period show the debates which raged regarding the nature of the Gaelic Irish and the Old English. Brian Lockety identifies two separate ways in which the Gaelic Irish were viewed at the end of the sixteenth century. One school of thought embodied in the writing of Edmund Campion among others argued that Irish barbarism was not a genetic quality and could be

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<sup>52</sup> N. Canny, “The Ideology of English Colonization,” pp. 584 – 586.

<sup>53</sup> *Ibid.*, p. 586.

<sup>54</sup> Only Marc Caball does not see Irish society as a fragmented one based on local loyalties and instead argues that there was a larger political structure among Catholics. Marc Caball, “Faith, culture and sovereignty: Irish nationality and its development, 1558 – 1625,” in *British consciousness and identity: The making of Britain, 1533 – 1707*, ed. Brendan Bradshaw and Peter Roberts (Cambridge: Cambridge University Press, 1998), p. 115; S. Cavanagh, “The fatal destiny of that land,” p. 117; N. Canny, *The Elizabethan Conquest of Ireland*, p. 3; R. Gillespie, *Seventeenth-Century Ireland*, p. 7.

rectified if the Irish were taught civility; whereas the other more pessimist view seen in the prose of Fynes Moryson contended that the Irish could never be reformed.<sup>55</sup>

A letter from 1566 already shows the tensions between these two views, in which Henry Sydney “desires to know whether the Queen will choose to bring the people of Ulster to the just rule of English law, which is easy, or to banish them quite, and unpeople the soil which would be chargeable”.<sup>56</sup> Lastly, the conventional depiction of the Gaelic Irish as barbarous was also employed to criticise the Old English and reinforce the idea that they had become degenerate. Citing Spenser as a primary example, who accused the Old English of being “now much more lawless and licentious then the very wilde Irish”<sup>57</sup>, N. Canny argues that some of the fiercest criticism at the beginning of the seventeenth century was reserved for the Old English. This, he argues, helped to give a sense of purpose and identity to the New English settlers who increasingly depicted themselves as superior both in terms of values and manners.<sup>58</sup>

Edmund Campion’s 1571 *Two Bokes of the Histories of Ireland* represents one of the earliest accounts from this period. Campion draws a fundamental distinction between the Irish and the English, and although an English Catholic, he speaks disparagingly of the Old English who consorted with the Gaelic Irish, claiming that they quickly

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<sup>55</sup> This debate would continue until the 1660s. Brian Lockey, “Conquest and English Legal Identity in Renaissance Ireland,” *Journal of the History of Ideas* 65:4 (2004): pp. 548 – 549; A. Hadfield, “English Colonialism,” p. 79.

<sup>56</sup> Entry 14, April 17, 1566, Letter from Sydney to Cecill, Volume 17, in *State Papers Relating to Ireland, of the reigns of Henry VIII, Edward VI, Mary I and Elizabeth. 1509 – 1573*. Ed. Hans Claude Hamilton (London: Longman, Green, Longman, & Roberts, 1860), p. 296.

<sup>57</sup> E. Spenser, *A View*, p. 67.

<sup>58</sup> N. Canny also cites Sir John Perrott, Lord Deputy of Ireland (1584 – 88), Andrew Trollope (1580s) and Sir William Herbert. N. Canny, “Edmund Spenser,” pp. 7 – 10.

degenerated and were “quite altered into worst ranke of Irish rooges”.<sup>59</sup> While the account provides the standard early modern description of the Gaelic Irish as ill-tempered, ill-mannered and licentious, Campion also includes elements of praise regarding their pursuit of knowledge and their hospitality, and argues strenuously that they could (and should) be reformed.<sup>60</sup>

Written only a few years later, Sir William Gerard’s account also supports the reformation of the Gaelic Irish, but hints at the difficulties which this would entail. In describing the Irish character, Gerard claims that the Irishman “accompteth him self chiefe in his owne country and (what soever he saye or professe) lykethe of noe superior. He mortally hatethe the Englishe”.<sup>61</sup> The fact that Gerard chooses to then describe the Irish hatred of the English also suggests that the source of this hatred resided in their ability to see that the English were superior. A slightly later account by John Dymmok echoes much of Gerard’s text: while Dymmok concedes that the Gaelic Irish are sorely lacking in civility and are fiercely resistant to external forces, he believes that a large part of the Irish “wildness” can be reformed by English law and administration.<sup>62</sup>

While the more sympathetic travel accounts actively promoted reform, many accounts from the beginning of the seventeenth century were far more hostile to the

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<sup>59</sup> Edmund Campion, *Two Bokes of the Histories of Ireland* (1571), Book 1, ch. 5, in *Strangers to that Land: British Perceptions of Ireland from the Reformation to the Famine*, ed. Andrew Hadfield and John McVeagh (Gerrards Cross: Colin Smythe, 1994), p. 39 and in *The English Traveller in Ireland Accounts of Ireland and the Irish through five centuries*, ed. John P. Harrington (Dublin: Wolfhound Press, 1991), p. 31.

<sup>60</sup> E. Campion, *Two Bokes*, in A. Hadfield and J. McVeagh, *Strangers to that Land*, pp. 38 – 39.

<sup>61</sup> Gerard was a lawyer who was appointed Lord Chancellor of Ireland in 1576. Sir William Gerard, *Notes of his Report to the Privy Council on Ireland, given to Robert Dudley, Earl of Leicester in 1576*, in *Strangers to that Land: British Perceptions of Ireland from the Reformation to the Famine*, ed. Andrew Hadfield and John McVeagh (Gerrards Cross: Colin Smythe, 1994), pp. 39 – 40.

<sup>62</sup> John Dymmok, *A Treatise of Ireland* (c. 1599 – 1600), in *Strangers to that Land: British Perceptions of Ireland from the Reformation to the Famine*, ed. Andrew Hadfield and John McVeagh (Gerrards Cross: Colin Smythe, 1994), p. 65.

native inhabitants of Ireland. *A Discourse of Ireland*, written around 1599, shows a shift in English perceptions of Ireland by not only describing the Irish as deceitful, but as an actual threat.<sup>63</sup> This text clearly represents the increasing differentiation made by the New English with regards to the Old English and Gaelic Irish at the end of the sixteenth century. Not only does *A Discourse* portray the Gaelic Irish as an inherently different society, but it also portrays it as malevolent. Playing on the English fears of future degeneracy, the text claims that “the malice is so inveterate within Irish heartes” that they will not be satisfied as long as the English in Ireland do not adopt the Irish language and customs.<sup>64</sup>

The accounts of Barnaby Rich, an English soldier, and Fynes Moryson, chief secretary to Lord Deputy Mountjoy, also take a much harder stance against the Irish population. While an earlier account of Rich’s argued that the people could be reformed, by 1615 Rich was advocating that the Irish were inherently flawed and that “the sycknes is growne to that contagyon, that it is allmost past cure”.<sup>65</sup> Moryson similarly describes Irish manners as an illness and portrays the Old English as being “infected with the Irish filthiness”<sup>66</sup>, thereby echoing *A Discourse* in implying that the New English were also in danger of being ‘infected’ unless proper action was taken. In contrast to Campion,

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<sup>63</sup> While the author is anonymous, the editors believe that the level of detail included suggests that he did live in Ireland for some time. Anonymous, *A Discourse of Ireland* (c. 1599), in *Strangers to that Land: British Perceptions of Ireland from the Reformation to the Famine*, ed. Andrew Hadfield and John McVeagh (Gerrards Cross: Colin Smythe, 1994), p. 49.

<sup>64</sup> *Ibid.*, p. 50.

<sup>65</sup> See Barnaby Rich, *A New Description of Ireland* (1610), and Barnaby Rich, *The Anatomy of Ireland* (1615), in *Strangers to that Land: British Perceptions of Ireland from the Reformation to the Famine*, ed. Andrew Hadfield and John McVeagh (Gerrards Cross: Colin Smythe, 1994), pp. 45 – 47.

<sup>66</sup> Fynes Moryson, *An Itinerary* (begun in 1606), in *The English Traveller in Ireland: Accounts of Ireland and the Irish through five centuries*, ed. John P. Harrington (Dublin: Wolfhound Press, 1991), p. 96.



Moryson takes particular issue with Irish hospitality, concluding that they are beset by laziness and “are not much unlike the wild beasts”.<sup>67</sup>

Although they lack the particular vitriol of Rich and Moryson’s accounts, contemporary travel accounts demonstrate that the descriptions of the Gaelic Irish and Old English from the late sixteenth and early seventeenth century were still believed. While Sir William Brereton, who travelled through Ireland in the 1630s, provides very few personal judgements on his journey, his account of Ireland emphasises its bleak, barren landscape, which is unused and unappreciated by the native population, and the poverty of Irish towns. The only place in which the land seems to flourish is the property of an Englishman, whose “dainty, pleasant, healthful, and commodious seat” marks a heavy contrast to the “wild country, not inhabited” found elsewhere.<sup>68</sup> This contrast between the English and Irish areas of Ireland is quite suggestive because it alludes to the traditional English argument, usually found in legal questions, that the Irish were incapable of governing themselves.

William Petty’s *The Political Anatomy of Ireland*, written in 1652, reveals a more moderate approach to the Irish and shows that talks of reform were still present in the second half of the seventeenth century. Petty dismisses the argument that the Irish were naturally deceitful and argued that the Irishman’s laziness was due “rather from want of Employment and Encouragement to Work, than from the natural abundance of Flegm in

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<sup>67</sup> Fynes Moryson, *An Itinerary* (1617), in *Strangers to that Land: British Perceptions of Ireland from the Reformation to the Famine*, ed. Andrew Hadfield and John McVeagh (Gerrards Cross: Colin Smythe, 1994), p. 58 and in J. P. Harrington, *The English Traveller in Ireland*, pp. 91 – 92.

<sup>68</sup> Sir William Brereton, *Travels* (1634 – 1635), in *Strangers to that Land: British Perceptions of Ireland from the Reformation to the Famine*, ed. Andrew Hadfield and John McVeagh (Gerrards Cross: Colin Smythe, 1994), pp. 60, 61 and in *The English Traveller in Ireland: Accounts of Ireland and the Irish through five centuries*, ed. John P. Harrington (Dublin: Wolfhound Press, 1991), p. 114.

their Bowells and Blood”.<sup>69</sup> Finally, the fairly sympathetic account written by the Catholic John Stevens, who had supported James II in the Glorious Revolution, nonetheless proves that many of the prejudices against the Irish remained at the turn of the eighteenth century. The Penal Laws of the 1660s and 1670s, as well as the Act of Settlement in 1701 excluding Catholics from the throne both demonstrate the increasingly harsh stance adopted in England against Catholicism and marked the end of religious toleration in Ireland.<sup>70</sup> Petty and Stevens’ accounts attempt to provide an explanation for the stereotypical Irish traits which differ from the more malicious accounts. While Gaelic Ireland is still depicted as an area of extreme poverty, Stevens uses this as an excuse for Irish laziness. Claiming that Irish laziness was, in fact, caused by poverty, Stephens explains that the difficult situation in Ireland offered no opportunities for self betterment and maintained the inhabitants in “a sort of slavery and bondage”.<sup>71</sup>

Throughout the later sixteenth and the seventeenth century, Irish travel accounts were not merely descriptive; instead, they served specific purposes. The authors invariably used descriptions of Ireland that would sway their readers to seeing the need for English activity in that country by conjuring images of Gaelic Irish barbarity, Old English degeneracy and abject poverty. Their arguments varied from taking a position in the debate on the possibility of reforming the Irish, to presenting the English as the only

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<sup>69</sup> William Petty, *The Political Anatomy of Ireland* (published in 1691), in *Strangers to that Land: British Perceptions of Ireland from the Reformation to the Famine*, ed. Andrew Hadfield and John McVeagh (Gerrards Cross: Colin Smythe, 1994), pp. 162, 191.

<sup>70</sup> John Coffey, *Persecution and Toleration in Protestant England, 1558 – 1689* (London: Pearson, 2000), pp. 166 – 218.

<sup>71</sup> John Stevens, *A Journal of My Travels in Ireland Since the Revolution, Containing a Brief Account of the War in Ireland (after 1689)*, in *The English Traveller in Ireland: Accounts of Ireland and the Irish through five centuries*, ed. John P. Harrington (Dublin: Wolfhound Press, 1991), pp. 132, 134.

ones capable of governing Ireland. However, the one constant remains that early modern travel accounts of Ireland consistently compared English and Irish society and inevitably portrayed the English as superior.

The final point which played a role in the development of an English sense of identity in Ireland, and which proved enormously problematic, was the law. Alan Ford contends that law was a central component of the late Tudor administration since it was believed to ensure stability.<sup>72</sup> Sir John Davies illustrates this sentiment most clearly when he concluded that “this *Customary Law* is the most perfect and most excellent, and without comparison the best, to make and preserve a Commonwealth”.<sup>73</sup> As in the case of Irish histories, English law also took on a political dimension: using the law as a legal precedent, English commentators claimed that the Norman Conquest gave them the legal rights to the land.<sup>74</sup> Hans Pawlisch sees in this justification a reference to the rights of conquest, a Roman law popularised in Europe during the Middle Ages. He argues that the Norman Conquest became particularly relevant because it constituted a strong base for the English to assert their authority over Ireland.<sup>75</sup> Through the concept of rights of conquest, English theorists such as Bacon were able to claim that English expansion in Ireland was “no ambitious War of Forraigners, but a recovery of Subjects”.<sup>76</sup>

While the extent of the presence of English common law in Ireland prior to the late sixteenth century is debated, historians agree that it carried little weight outside of the

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<sup>72</sup> A. Ford, *The Protestant Reformation in Ireland*, p. 129.

<sup>73</sup> Sir John Davies, *Les reports des cases & matters en ley, resolves & adjudges en les courts del roy en Ireland* (London: Imprinted by E. Flesher, J. Steater, and H. Twyford, 1674), p. 5.

<sup>74</sup> This, despite the fact that much of Ireland was retaken by the Gaelic Irish in the 14<sup>th</sup> century. N. Canny, *The Elizabethan Conquest of Ireland*, p. 118.

<sup>75</sup> Hans S. Pawlisch, *Sir John Davies and the Conquest of Ireland: A study in legal imperialism* (Cambridge: Cambridge University Press, 1985), pp. 9 – 10.

<sup>76</sup> A letter of advice, in F. Bacon, *The mirrour of state and eloquence*, p. 38.

English Pale (the English-administered region around Dublin).<sup>77</sup> Outside of the Pale, Ireland was governed by the Brehon law system, customary laws dating back to the seventh or eighth century which varied for each region. The Brehon laws differed widely from English common law and were reviled, primarily because they contravened primogeniture and did not follow English rules of succession.<sup>78</sup> Since they did not follow English law norms and were mainly transmitted orally, the Brehon laws were considered arbitrary and detrimental to the development of the Irish population. Through their perception of the Brehon laws, the English, therefore, transformed law into another element which had the power, without an English intervention, to prevent the Gaelic Irish and the Old English from evolving into a civilised state.<sup>79</sup> Finally, this belief in the lawlessness of the Gaelic Irish and Old English became the driving force behind the English assumption at the turn of the seventeenth century that only the imposition of the common law could truly lead to stability and civility in Ireland.<sup>80</sup> English civility was based upon a vague application, and the elites' (property owner) capacity to apply, the principle of 'the rule of law' – by which they meant their law.

While there had been earlier attempts to impose some form of English law in Ireland, the real push for the reform of Irish laws began in the last decades of the

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<sup>77</sup> While Irish chiefs could privately negotiate with the English for the right to use common law, disputes outside of the Pale were frequently settled through violence. N. Canny, *The Elizabethan Conquest of Ireland*, p. 29; V.T.H. Delany, "The History of Legal Education in Ireland," *Journal of Legal Education* 12 (1959/1960): p. 396.

<sup>78</sup> These practices were called *Gavelkind*, through which illegitimate sons could inherit alongside legitimate ones, and *Tanistry*, a practice in which a successor was nominated during the lifetime of the king or lord. H. Pawlisch, *Sir John Davies and the Conquest of Ireland*, pp. 11 – 12, 57, 60.

<sup>79</sup> Michael Brown and Seán Patrick Donlan, "The Laws in Ireland, 1689 – 1850: A Brief Introduction," in *The Laws and Other Legalities of Ireland, 1689 – 1850*, ed. Michael Brown and Seán Patrick Donlan (Burlington: Ashgate, 2011), p. 4; S. Cavanagh, "The fatal destiny of that land," pp. 119 – 120.

<sup>80</sup> Ciaran Brady, "England's Defence and Ireland's Reform: The Dilemma of the Irish Viceroy, 1541 – 1641," in *The British Problem, ca. 1534 – 1707: State Formation in the Atlantic Archipelago*, ed. Brendan Bradshaw and John Morrill (New York: Palgrave Macmillan, 1996), p. 91; C. Brady, *The Chief Governors*, p. 246.

sixteenth century.<sup>81</sup> One of the prevailing themes in early modern legal tracts is the belief that the Brehon laws were not only harmful to the native population, but also a danger for the English living in Ireland. Already in the 1570s, Gerard linked the question of law to the assimilation and degeneracy of the Old English, who had supposedly adopted Brehon laws, suggesting that the imposition of English laws was necessary to reverse the decay of “Englishness” in Ireland.<sup>82</sup> Government correspondence throughout the 1570s also depicts an intense English distrust of the Irish justice system. These entries portray Irish courts as corrupt and claim that without the benefit of English laws and virtues, the Old English became “over much blemished with the spots of the Irishry”.<sup>83</sup> This powerful fear of past and future degeneracy led the English, through the use of the law, to set themselves up as the redeemers of Ireland in the second half of the sixteenth century.

The notion of the corrupt nature of Irish laws gained prominence at the end of the sixteenth century and is reflected in Spenser’s law section in *A View*. Spenser primarily argues that the common law was not used properly in Ireland because the Irish, who “are very crafty and have no problems lying (to the English especially)” undermined the system of trial by jury on which the law was based.<sup>84</sup> However, *A View* also represents a significant departure from many older accounts by taking up Sir Thomas Smith’s

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<sup>81</sup> Poynings’ Law was enacted in 1494 in an attempt to control Irish elites, but was viewed by commentators such as Sir John Davies to have been ineffectual since the English controlled less than one quarter of Ireland when it was enacted. James Kelly, *Poynings’ Law and the making of law in Ireland, 1660 – 1800* (Dublin: Four Courts Press, 2004), pp. 1 – 9; J. Ohlmeyer, “A Laboratory for Empire?”, pp. 35 – 36; Sir John Davies’ Speech to the Lord Deputy of Ireland (1613), in John Davies, *Historical Tracts* (London: Imprinted for John Stockdale, 1786), p. 336.

<sup>82</sup> W. Gerard, *Notes of his Report*, in A. Hadfield and J. McVeagh, *Strangers to that Land*, pp. 40 – 41.

<sup>83</sup> See Entry 66, December 3, 1574 and Entry 49, November 15, 1576, in *Calendar of State Papers relating to Ireland, of the reign of Elizabeth, 1574 – 1585*, ed. Hans Claude Hamilton (London: Longmans, Green, Reader & Dyer, 1867), pp. 45, 52; also Entry 70, The Council of Ireland to the Queen, September 12, 1577, in *Calendar of the Carew Manuscripts, preserved in the Archiepiscopal Library at Lambeth, 1575 – 1588*, vol. 2, ed. J.S. Brewer and William Bullen (London: Longmans, Green, Reader & Dyer, 1868), p. 111.

<sup>84</sup> E. Spenser, *A View*, pp. 30 – 32.

recommendations on English legal policies in Ireland. Ten years before Spenser, Smith argued that “the common Wealth or policie must be according to the nature of the people” or else “it doth hurt and encumber the conuenient use thereof”.<sup>85</sup> Spenser adapted this argument to Ireland, claiming that the imposition of the common law would fail because the Irish were too degenerate and first had to be reformed. He concluded that “sithence wee cannot now apply laws fit to the people, as in the first institutions of common-wealths it ought to bee, we will apply the people, and fit them unto the laws, as it most conveniently may bee”.<sup>86</sup> In other words, the Irish had first to be prepared for the common law through the example of the English settlers.

Despite Spenser’s call to reform the native population of Ireland before imposing English law, historian T.C. Barnard shows how the Brehon laws were proscribed by James I during the stable period at the beginning of the 1600s. He believes that the establishment of English courts in Ireland represented an important English assertion of power because the imposition of law “was regarded as essential to Anglicizing and governing the country”.<sup>87</sup> This demonstrates that the imposition of law in Ireland had a dual purpose: while the English themselves depicted law as a benevolent act to raise the Gaelic Irish into civility and save the degenerate Old English, it also confirmed the English assumption of authority in the country.

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<sup>85</sup> Sir Thomas Smith, *The common-vvelth of England* (London: Imprinted by Iohn Windet for Gregorie Seton, 1589), Book 1, p. 26.

<sup>86</sup> See the government brief from 1603 calling for the imposition of laws conforming *as close as possible* to those of the English. Entry 398, Irish Services (1603), in *Calendar of the Carew Manuscripts, preserved in the Archiepiscopal Library at Lambeth, 1601 – 1603, vol. 4*, ed. J.S. Brewer and William Bullen (London: Longmans, Green & Co., 1870), pp. 456 – 457; E. Spenser, *A View*, p. 135; Andrew Hadfield, “Spenser, Ireland, and Sixteenth-Century Political Theory,” *The Modern Language Review* 89:1 (1994): pp. 6 – 7.

<sup>87</sup> This is articulated by John Davies, who claimed that the giving and managing of laws “are true marks of sovereignty”. The four courts in Ireland in 1600 were the King’s Bench, Common Pleas, Exchequer and Chancery. T.C. Barnard, *Cromwellian Ireland*, pp. 249 – 251; A Discovery, in J. Davies, *Historical Tracts*, p. 45.

The prime advocate for the imposition of English law in Ireland during the transition period at the beginning of the seventeenth century was Sir John Davies. Intended to provide examples and case studies for lawyers in Ireland, his *Les reports des cases & matters en ley* proves that there existed an uneasy balance between English and Brehon laws throughout this period. Davies takes particular issue with the Irish practices of Gavelkind and Tanistry, which allowed for illegitimate sons to inherit and the nomination of successors during the lifetime of a king or lord.<sup>88</sup> Davies uses the example of Gavelkind to advocate for the abolishment of Brehon laws, claiming that it would be “non solemt pur l’inconvenience & unreasonableness de ceo, mes pur ceo que fuit un mere personal Custom”.<sup>89</sup> This sentiment also recurs in his *Historical Tracts*, where Davies implies that Ireland was still in a state of barbarity because the English governments prior to James I had been unable to establish English law and the Irish had regrettably been allowed to maintain their traditions and customs.<sup>90</sup>

During the last decades of the sixteenth and the first decades of the seventeenth century, the debate between reform and violence also became tied to legal considerations. That being said, while an entry in the *Calendar of State Papers* from 1587 claimed that the Irish voluntarily left their own lands in order to live under English rule when exposed to English planters<sup>91</sup>, the majority of English commentators believed that legal changes could only be effected once the Irish had been violently subdued. Spenser is one of the best known adherents to the policy of military action against the Irish at the turn of the

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<sup>88</sup> See footnote 76.

<sup>89</sup> Not only because of the inconvenience and unreasonableness of this custom, but also as it is a mere personal custom (author’s translation). J. Davies, *Les reports des cases & matters en ley*, pp. 28 – 49, 50.

<sup>90</sup> A Discovery, in J. Davies, *Historical Tracts*, pp. 205 – 246.

<sup>91</sup> Entry 42, The Favourers of this Action, December 22, 1587, in *Calendar of State Papers relating to Ireland, of the reign of Elizabeth, 1586 – 1588, July*, ed. Hans Claude Hamilton (London: Longman & Co., 1877), p. 452.

seventeenth century, claiming that it was the only way to reform the native population;<sup>92</sup> however, the sentiment persisted throughout the period. Sir Arthur Chichester wrote in 1601 that “the Queen will never reap what is expected until the nation be wholly destroyed or so subjected as to take a new impression of laws and religion, being now the most treacherous infidels of the world”, whereas a decade later, Davies argued that “a barbarous country must be first broken by a war, before it will be capable of good government”.<sup>93</sup>

Many of the legal reforms proposed in Ireland at this time were also designed more to exclude Irish participation in the law than to include them more firmly within it, possibly in keeping with Spenser’s opinion that the Irish character should first be reformed before English law was introduced in Ireland. A letter from William Saxcy, Chief Justice of Munster, to Sir Robert Cecil in 1598 expresses the concern that the Irish still in positions of power would try to turn the people against the English and concludes that “[i]t will never be better so long as the Irish have any trust or authority committed to them”.<sup>94</sup> Finally, measures were also taken to discourage the Irish from studying law, by imposing regulations stipulating that current native students would have to convert to Protestantism, and that those who chose to study law would be obliged to do so in England, “where, it was hoped, they would be immunised against the dangerous Gaelic

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<sup>92</sup> E. Spenser, *A View*, pp. 92 – 93.

<sup>93</sup> Sir Arthur Chichester to the Lord Deputy, October 8, 1601, in *Calendar of State Papers relating to Ireland, of the reign of Elizabeth, 1601 – 1603 (with Addenda, 1565 – 1654) and of the Hanmer Papers*, ed. Robert Pentland Mahaffy (London: His Majesty’s Stationery Office, 1912), p. 111; A Discovery, in J. Davies, *Historical Tracts*, p. 38.

<sup>94</sup> W. Saxcy repeats this concern. Entry 9, William Saxcy, Chief Justice of Munster, to Sir Robert Cecil, December 5, 1598, in *Calendar of State Papers relating to Ireland, of the reign of Elizabeth, January 1598 – March 1599*, ed. Ernest George Atkinson (London: Eyre and Spottiswoode, 1895), p. 396; Entry 397, Chief Justice Saxcy to Viscount Cranbourne, December 30, 1604, in *Calendar of State Papers relating to Ireland, of the reign of James I, 1603 – 1606*, ed. Rev. C.W. Russell and John P. Prendergast (London: Longman & Co., and Trübner & Co., 1872), p. 221.



and gaelicised tradition”.<sup>95</sup> In particular, this demonstrates how distinctions in Ireland increasingly began to be made not only along secular, but also along sacred, lines.

Despite the increasingly strict views held by the English concerning Irish laws, debates over their application carried on into the 1610s, revealing that the English continued to struggle with the imposition of their own law system. Two separate motions introduced in 1611 and 1612 called for the abolition of the Brehon laws and the universal jurisdiction of the English law system throughout Ireland.<sup>96</sup> By the middle of the century there was consensus that the Brehon laws had finally been eradicated. Written only a few months before the outbreak of the 1641 Rebellion, which shattered English illusions about the Gaelic Irish and Old English, the Lords Justices and Council described the situation in Ireland as one of peace, in which English law had finally been imposed.<sup>97</sup>

The English approach to law in late sixteenth- and early seventeenth-century Ireland demonstrates an interesting dichotomy. The English insisted that their law was inherently superior to that of the Gaelic Irish and its imposition was necessary to civilise the population, though there remained some debate as to whether it should be done immediately or whether it would be better to wait until the Irish were better suited to it. At the same time, there was widespread agreement that the Irish should be excluded as

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<sup>95</sup> See Entry 402, Richard Hudson, December 30, 1604, in *Calendar of State Papers 1603 – 1606*, p. 233 and Entry 170, The Archbishop of Dublin, Lord Chancellor of Ireland, to the earl of Salisbury, March 21, 1607, in *Calendar of State Papers 1606 – 1608*, p. 128; T.C. Barnard, “Lawyers and the law in later seventeenth-century Ireland,” *Irish Historical Studies* 28:111 (1993): p. 259.

<sup>96</sup> Entry 99, Motives of importance for holding a Parliament in Ireland, 1611, in *Calendar of the Carew Manuscripts 1603 – 1623*, p. 166; Entry 439, An Abstract of Acts brought over by Sir H. Winch and Sir J. Davys, February 23, 1612, in *Calendar of State Papers relating to Ireland, of the reign of James I, 1611 – 1614*, ed. Rev. C.W. Russell and John P. Prendergast (London: Longman & Co., Trübner & Co., 1877), p. 250.

<sup>97</sup> Entry 24, The Lords Justices and Council to Secretary Vane, April 24, 1641, in *Calendar of State Papers relating to Ireland, of the reign of Charles I, 1633 – 1647*, ed. Robert Pentland Mahaffy (London: The Norfolk Chronicle Company, 1901), p. 278.

much as possible from participating in the legal system that was destined to render them more civilised because of their perceived untrustworthiness. Furthermore, despite measures taken to discourage Irish participation, records from the mid-seventeenth century prove that Irishmen remained involved in the law system.<sup>98</sup> This contradiction is characteristic of the entire early modern English approach to Ireland: while the English knew where they wanted to go, they were unsure of the best way to get there.

The 1641 Rebellion, in which the Gaelic Irish and the Old English revolted against the Protestant settlers, is described by historians such as John Morrill and Kathleen Noonan as a breaking point in Anglo-Irish social and religious relations.<sup>99</sup> The growing perception among the New English that their Old English compatriots had assimilated into Irish culture contributed to a growing sense of distinctiveness on both sides and eventually pushed the Old English into an alliance with their native Catholic counterparts.<sup>100</sup> While historians have traced the origins of the rapprochement between the Gaelic Irish and the Old English to the turn of the seventeenth century, the degree of affinity between the two groups remains difficult to gauge.<sup>101</sup> Nevertheless, most

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<sup>98</sup> There was, however, a provision stipulating that it is only certain “civilly educated Irish”. *Ibid.*, p. 278.

<sup>99</sup> John Morrill, “The fashioning of Britain,” in *Conquest and Union: Fashioning a British State, 1485 – 1725*, ed. Stephen Ellis and Sarah Barber (London and New York: Longman, 1995), p. 36; Kathleen Noonan, “The Cruell Pressure of an Enraged, Barbarous People: Irish and English Identity in Seventeenth-Century Policy and Propaganda,” *The Historical Journal* 41:1 (1998): p. 152.

<sup>100</sup> For different chronologies, see N. Canny, *Making Ireland British*, pp. 64, 105 – 106, 112 – 113; Brendan Bradshaw, “The English Reformation and identity formation in Ireland and Wales,” in *British consciousness and identity: The making of Britain, 1533 – 1707*, ed. Brendan Bradshaw and Peter Roberts (Cambridge: Cambridge University Press, 1998), pp. 86, 97, 111; John Morrill, “Three kingdoms and one commonwealth?: The enigma of mid-seventeenth-century Britain and Ireland,” in *Uniting a Kingdom? The making of British history*, ed. Alexander Grant and Keith J. Stringer (London & New York: Routledge, 1995), p. 175; Desmond Bowen, *History and the Shaping of Irish Protestantism* (New York: Peter Lang, 1995), p. 68 and A. Ford, *The Protestant Reformation of Ireland*, p. 196.

<sup>101</sup> While the majority of historians believe *some* form of kinship developed at the beginning of the 1600s, others believe that it was far more gradual. N. Canny, *Making Ireland British*, pp. 403 – 404, 412 – 415; C. Kidd, *British Identities before Nationalism*, pp. 151 – 153; R. Gillespie, *Seventeenth-Century Ireland*, pp. 70 – 73; J. Morrill, “The fashioning of Britain,” pp. 33 – 34.

historians describe the Rebellion as a shock to the English settlers<sup>102</sup>: it was taken as a deep betrayal, reinforcing previous ideas of Irish barbarity. A letter from Viscount Chichester to the King at the outbreak of the Rebellion reveals the panic that settled on the Protestant community in Ireland. Portraying the Rebellion as a Catholic conspiracy to destroy the Protestant settlers, Chichester pleaded for help, claiming that otherwise, “[w]e shall be swallowed up”.<sup>103</sup> Written almost thirty years after the Rebellion, the *Present State of Ireland* describes the sense of betrayal which was still felt in the Protestant community, labelling it an “open violation of all bands of humanity and friendship”.<sup>104</sup>

The fall-out from the Rebellion was severe: English forces were sent to Ireland under Oliver Cromwell, but took over ten years to quell the rebellion, and transplantation policies were put into effect against the leaders of the insurgency.<sup>105</sup> Notwithstanding the fact that the English were able to put down the Rebellion, marking what J. Ohlmeyer and C. Brady describe as the destruction of the Old English and the Gaelic Irish,<sup>106</sup> it is clear that by the end of the seventeenth century, many English policies in Ireland had failed to yield the expected results. In a letter to Secretary Bennet over one hundred years after the plantation programs were first introduced, Sir William Domville describes a plan to

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<sup>102</sup> See, for example, R. Gillespie, *Seventeenth-Century Ireland*, p. 144 and Micheál Ó Siochrú, “Atrocities, Codes of Conduct and the Irish in the British Civil Wars 1641 – 1653,” *Past & Present* 195:1 (2007): p. 59.

<sup>103</sup> Viscount Chichester to the King, October 27, 1641, in *Calendar of State Papers 1633 – 1647*, p. 344.

<sup>104</sup> Anonymous, *Present State of Ireland*, pp. 127 – 128.

<sup>105</sup> Accounts of Cromwell’s activities in Ireland, as well as his personal policies, vary extensively. For a sample of opinions, see M. Ó Siochrú, “Atrocities,” pp. 76 – 77, 79; John Cunningham, “Oliver Cromwell and the ‘Cromwellian’ Settlement,” *The Historical Journal* 53:4 (2010): p. 920; A. Hadfield and J. McVeagh, *Strangers to that Land*, p. 123; Sarah Barber, “Scotland and Ireland under the Commonwealth: a question of loyalty,” in *Conquest and Union: Fashioning a British State, 1485 – 1725*, ed. Stephen Ellis and Sarah Barber (London and New York: Longman, 1995), p. 212.

<sup>106</sup> “The final and well-nigh indisputable eclipse of [two] great social and cultural groups”. J. Ohlmeyer and C. Brady, “Making good: New perspectives on the English in early modern Ireland,” p. 1.

transplant Gaelic Irish inhabitants into English settlements in the hope that this will civilise them, proving that the English civilising mission had yet to be fulfilled.<sup>107</sup>

With regards to legal matters, English law was successfully imposed before the 1640s, but by the end of the century, it was clear in the minds of Englishmen that law had not transformed the Irish into a “civilised” society. In fact, the vindictiveness with which the Protestant settlers manipulated the law in order to attack Irish Catholics following the Rebellion caused Henry Coventry to react with disgust to English efforts to thwart the pardon of innocent Irish Catholics, calling the latter “an act of justice, and therefore, an unheard-of crime in this land”.<sup>108</sup>

English historical accounts of the Catholic insurgency also reflect the consequences of the 1641 Rebellion. The most influential of these accounts was John Temple’s *The Irish Rebellion*, written in 1646. K. Noonan’s analysis of *The Irish Rebellion* demonstrates that although Temple was clearly influenced by the works of earlier commentators such as Spenser and Davies, the text represents a turning point in English perceptions of the Irish. Whereas earlier histories had suggested that the Irish could be reformed, Temple flatly denied this possibility, portraying the Irish as “irredeemable”.<sup>109</sup> Emphasising the peaceful state of the country prior to the Rebellion in order to magnify the subsequent actions of the rebels, Temple appeals to the English stereotype of Gaelic Irish barbarity by claiming that the revolt was a “long premeditated

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<sup>107</sup> Sir William Domville to Secretary Bennet, September 19, 1663, in *Calendar of State Papers relating to Ireland, of the reign of Charles II, 1663 – 1665*, ed. Robert Pentland Mahaffy (London: Mackie & Co., 1907), p. 237.

<sup>108</sup> Henry Coventry to Secretary Bennet, January 21, 1663, in *Calendar of State Papers 1663 – 1665*, p. 11.

<sup>109</sup> K. Noonan, “The Cruell Pressure of an Enraged, Barbarous People,” pp. 157 – 158, 160.

malicious” plot to regain control of the country.<sup>110</sup> According to K. Noonan, Temple’s catalogue of Irish atrocities had two goals: to argue that the depraved Irish would never succeed in adopting English ways and to “keep the categories of English and Protestant separate from Irish and Catholic”.<sup>111</sup> In this way, the Rebellion was used in ensuing histories to make the distinctions between the Gaelic Irish and Old English, on the one hand, and the New English, on the other, more clear. While this attitude was, to some extent, moderated by the passage of time, English histories of Ireland as late as the 1680s stressed the misdeeds and untrustworthiness of the Irish Catholics as a way to further distinguish them from the English settlers in Ireland.<sup>112</sup>

Despite the eventual English victory over Catholic insurgents in the 1641 Rebellion and the uneasy truce which subsisted during the subsequent decades between the various communities in Ireland, the country was only truly reduced into submission by the English following the final seventeenth-century Irish defeat by the troops of William of Orange.<sup>113</sup> Alexander Murdoch maintains that this defeat represented the death-knell for any meaningful Irish position in English/British society up until the twentieth century, reducing the Gaelic Irish and the Old English “to the status of a

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<sup>110</sup> Sir John Temple, *The Irish Rebellion: or, An History* (London: Printed by R. White for Samuel Gellibrand, 1646), pp. 16, 84 – 85.

<sup>111</sup> For a list of Irish atrocities during the Rebellion such as forced premature caesareans, live burials and other types of torture, see J. Temple, *The Irish Rebellion*, pp. 90 – 111; K. Noonan, “The Cruell Pressure of an Enraged, Barbarous People,” pp. 162, 177.

<sup>112</sup> For a more moderate opinion, see William Petty’s description of the Irish in the travel account section. Alan Ford, “Past but still present: Edmund Borlase, Richard Parr and the reshaping of Irish history for English audiences in the 1680s,” in *Reshaping Ireland: 1550 – 1700: colonization and its consequences: essays presented to Nicholas Canny*, ed. Brian Mac Curta (Dublin: Four Courts Press, 2011), p. 299.

<sup>113</sup> The Catholic Irish supported the Catholic James II during the Glorious Revolution because they saw it as a potential way to regain some measure of political power and land. Ronald G. Asch, “Obscured in whiskey, mist and misery: The role of Scotland and Ireland in British History,” in *Three Nations – A Common History? England, Scotland, Ireland and British History c. 1600 – 1920*, ed. Ronald G. Asch (Bochum: Universitätsverlag Dr. N. Brockmeyer, 1993), p. 33.

colonised and conquered society”.<sup>114</sup> The status of the Catholic communities of Ireland was then confirmed by the series of Penal laws imposed by the Irish parliament as of 1695, which were designed to maintain the Gaelic Irish and Old English in a position of subordination.<sup>115</sup>

Between the middle of the sixteenth century, when the Elizabethan government began the renewed colonisation of Ireland, and the defeat of the Irish forces of James II during the Glorious Revolution, English settlers in Ireland constantly defined themselves in opposition to the native population. While the sometimes contradictory opinions expressed by Englishmen reveal that English identity was still in flux during this period, there developed a very specific sense of self and other which carried on in later imperial projects.<sup>116</sup> Through the early modern histories and travel accounts on Ireland, the English referenced stereotypes dating from the Middle Ages to reinforce their belief in Irish barbarity. These supposed defaults led to calls for reform, although debates were waged until the end of the seventeenth century as to the effectiveness of reform over violence. Although influential commentators such as Spenser and Davies did call for initial military force in Ireland, English policies largely rested on the reform approach and at least some form of conciliation until the 1641 Rebellion and the Irish support for James II during the Glorious Revolution pushed the government into using military force.

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<sup>114</sup> Alexander Murdoch, *British History 1660 – 1832: National Identity and Local Culture* (New York: St Martin's Press, 1998), p. 35.

<sup>115</sup> For a summary of the Penal laws, see J. Smyth, *The Making of the United Kingdom*, pp. 70 – 71.

<sup>116</sup> J. Ohlmeyer argues that Ireland “served as a laboratory for empire”. Jane Ohlmeyer, “Seventeenth-Century Ireland and the New British and Atlantic Histories,” *American Historical Review* 104:2 (1999): p. 460.

## CHAPTER 2

### The British as Saviours of India

English, and after 1707 British, interests in India were originally based solely on trade concerns – through the East India Company (EIC) – but gradually developed, in particular between 1757 and 1784, into an assumption of formal authority by the end of the eighteenth century.<sup>1</sup> To this extent, India represents an exception in the imperial project because it was never intended as a settler colony. Therefore, the British population in India became, to use Robert Travers’ apt phrase, “a society of temporary exiles”,<sup>2</sup> which compounded the ambiguous nature of British rule in India. Until the early nineteenth century, there were numerous debates in Britain with respect to expansion in India, as well as to the forms of administration and reform to be undertaken.<sup>3</sup> Throughout this period of uncertainty, the British increasingly sought to justify greater involvement in India based on their perceptions of social and cultural – and eventually racial – superiority. Consequently, histories of India, travel accounts and law reform became tools designed to rationalise their presence.

Although it remains controversial, Edward Said’s thesis on perception dramatically changed the way historians look at India. Claiming that the West inevitably

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<sup>1</sup> See Philip Lawson, *The East India Company: A History* (London and New York: Longman, 1993), pp. 86 – 125. More generally, see H.V. Bowen, *Revenue & Reform: The Indian problem in British politics, 1753 – 1773* (Cambridge: Cambridge University Press, 2002).

<sup>2</sup> Robert Travers, *Ideology and empire in eighteenth century India: The British in Bengal* (New York: Cambridge University Press, 2007), p. 29; Linda Colley, *Captives: Britain, Empire and the World 1600 – 1850* (London: Pimlico, 2003), pp. 251 – 252; Anthony Pagden, *Lords of all the World: Ideologies of Empire in Spain, Britain and France c. 1500 – c. 1800* (New Haven: Yale University Press, 1995), p. 6.

<sup>3</sup> Even after the defeat of Tipu Sultan of Mysore in 1799, “there was no new consensus either on the desirability or feasibility of continued British advance in India”. L. Colley, *Captives*, p. 299; Sudipta Sen, *Distant Sovereignty: National Imperialism and the Origins of British India* (London and New York: Routledge, 2002), p. xiii.

considers the East with a sense of superiority, he argued that western depictions of the East are flawed and reveal far more about the West than they could ever reveal about the ‘real’ East.<sup>4</sup> Historians such as Peter Burke, Stuart B. Schwartz and Tony Ballantyne acknowledge that this raised legitimate questions about Western prejudice, but they all caution that E. Said’s reading of Western sources is generalised and makes no allowance for specific contexts.<sup>5</sup> Historians who study the East thus have to contend with E. Said’s argument, but also bear in mind the peculiarities of each primary source as well as the intentions of each author upon whom they draw. The issues raised by scholars such as P. Burke, S.B. Schwartz and T. Ballantyne remain significant: most importantly, it remains essential for historians to avoid carrying out the reverse approach of “orientalising” the West as a single monolithic entity. However, despite these valid concerns, E. Said’s argument has endured and has, in many aspects, been absorbed by modern scholarship. The concept of Orientalism has proven enduring, particularly with regards to ideas of distinctiveness, perception and otherness, and has widely influenced the work of cross-cultural relations historians such as Maya Jasanoff and Kathleen Wilson.<sup>6</sup>

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<sup>4</sup> Edward Said, *Culture and Imperialism* (New York: Alfred A. Knopf, 1993), pp. 10, 80, 108; Dane Kennedy, “Imperial history and post-colonial theory,” *The Journal of Imperial and Commonwealth History* 24:3 (1996): p. 347; Ronald B. Inden, *Imagining India* (Bloomington: Indiana University Press, 2000), pp. 37 – 38.

<sup>5</sup> Peter Burke, “The Philosopher as Traveller: Bernier’s Orient,” in *Voyages & Visions: Towards a Cultural History of Travel*, ed. Jás Elsner and Joan-Pau Rubiés (London: Reaktion Books, 1999), pp. 124 – 125; Stuart B. Schwartz, “Introduction,” in *Implicit Understandings: Observing, Reporting, and Reflecting on the Encounters Between Europeans and Other Peoples in the Early Modern Era*, ed. Stuart B. Schwartz (Cambridge: Cambridge University Press, 1994), p. 6; Tony Ballantyne, “Colonial Knowledge,” in *The British Empire: Themes and Perspectives*, ed. Sarah Stockwell (Malden and Oxford: Blackwell Publishing, 2008), p. 178. See also D. Kennedy, “Imperial history,” p. 353; Jayant Lele, “Orientalism and the Social Sciences,” in *Orientalism and the Postcolonial Predicament*, ed. Carol A. Breckenridge and Peter van der Veer (Philadelphia: University of Pennsylvania Press, 1993), p. 45.

<sup>6</sup> On the question of E. Said’s work and its influence on postcolonial scholars, see Carol A. Breckenridge and Peter van der Veer, “Orientalism and the Postcolonial Predicament,” in *Orientalism and the Postcolonial Predicament*, ed. Carol A. Breckenridge and Peter van der Veer (Philadelphia: University of Pennsylvania Press, 1993), pp. 1 – 19. See also Maya Jasanoff, *Edge of Empire: lives, culture and conquest*



Historians have traditionally argued that the seventeenth-century EIC lacked imperial aspirations, pointing out that the British remained peripheral players in India until the mid-eighteenth century with no real political ties to Indian rulers prior to 1763.<sup>7</sup> Recent historiography challenges these assumptions and suggests that there was also a political element present at this time. Historians Philip Stern and the late Philip Lawson maintain that a case can be made that the EIC already had an expansionist policy in the 1600s; P. Lawson notably cited the war against the Mughal Empire (1688 – 1691) as an act of British, and not Indian, aggression.<sup>8</sup> However, although the EIC only gained administrative authority in the later part of the eighteenth century, it is possible to view the company's earlier activities as beyond those of a purely defensive trade company.

The perception of Mughal power during the 1700s has also changed drastically. Where imperialists attempting to justify an empire once argued that a moribund Mughal state collapsed, forcing the EIC to intervene in order to maintain stability, imperial historians now urge a more balanced view of eighteenth-century India. In particular, they draw attention to the successful creation of regional successor states, many of which remained stable during the 1700s.<sup>9</sup> Explaining the sudden growth of British influence in

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*in the East, 1750 – 1850* (New York: Knopf, 2005) and Kathleen Wilson, *The Island Race: Englishness, Empire and Gender in the Eighteenth Century* (London and New York: Routledge, 2003).

<sup>7</sup> Richmond Barbour points out that throughout the seventeenth century, the Mughals regarded England as equally “peripheral”. See Richmond Barbour, “Power and Distant Display: Early English ‘Ambassadors’ in Moghul India,” *Huntington Library Quarterly* 61:314 (1998): pp. 344, 347; L. Colley, *Captives*, pp. 246, 248; P.J. Marshall, “The Seventeenth and Eighteenth Centuries,” in *The Raj: India and the British 1600 – 1947*, ed. C.A. Bayly (London: National Portrait Gallery, 1990), pp. 16 – 17, 19; H.V. Bowen, *Revenue & Reform*, p. 75.

<sup>8</sup> Philip Stern, “Corporate virtue: the languages of empire in early modern British Asia,” *Renaissance Studies* 26:4 (2012): p. 520; P. Lawson, *The East India Company*, pp. 49 – 51; Sanjay Subrahmanyam, “Frank Submissions: The Company and the Mughals between Sir Thomas Roe and Sir William Norris,” in *The Worlds of the East India Company*, ed. H.V. Bowen, Margarette Lincoln and Nigel Rigby (Woodbridge: Boydell Press, 2002), p. 70.

<sup>9</sup> See C.A. Bayly, *Imperial Meridian: The British Empire and the World 1780 – 1830* (London and New York: Longman, 1989), p. 58; P.J. Marshall, “Reappraisal: The rise of British power in eighteenth-century

the middle of the eighteenth century, L. Colley makes the case that continental Anglo-French rivalries transferred to India in the 1750s, providing the impetus for EIC aggression.<sup>10</sup> However, while P. Lawson, P.J. Marshall and C.A. Bayly accept that European conflicts influenced developments, they caution against viewing British expansion merely as the continuation of a European war in India. Instead, they propose that the conflict was motivated by a series of circumstances which included the transferral of the Anglo-French conflict to India and a regional dimension with greater British involvement in Indian affairs as the allies of local rulers.<sup>11</sup>

In contrast, nationalist historians portray the British as “alien aggressors” who ruthlessly exploited local rulers. While Jawaharlal Nehru asserts that Indian rulers were unable to foresee British expansion, M. Athar Ali insists that the British abused the alliances they made with Indian rulers.<sup>12</sup> However, M. Athar Ali’s stance is universally rejected by imperial historians, who maintain that the EIC lacked the power to assert itself in India without internal help. In particular, Ian St. John and P.J. Marshall note that

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India,” *South Asia: Journal of South Asian Studies* 19:1 (1996): pp. 71 – 72; Ian St. John, *The Making of the Raj: India under the East India Company* (Santa Barbara: Praeger, 2012), p. 8. For the newer view, see C.A. Bayly, *Indian society and the making of the British Empire* (Cambridge: Cambridge University Press, 1990), pp. 8, 9; P. J. Marshall, *The Making and Unmaking of Empires: Britain, India and America c. 1750 – 1783* (Oxford: Oxford University Press, 2005), p. 121; Muzaffar Alam and Sanjay Subrahmanyam, “L’état Moghol et sa fiscalité, XVIe – XVIIIe siècles,” cited in P. J. Marshall, “Presidential Address: Britain and the World in the Eighteenth Century: III, Britain and India,” *Transactions of the Royal Historical Society*, 6<sup>th</sup> Series 10 (2000): pp. 4 – 5.

<sup>10</sup> Linda Colley qualifies the British victories at Plassey (1757) and Buxar (1764) as victories against the French. L. Colley, *Captives*, pp. 248 – 249.

<sup>11</sup> According to P.J. Marshall, conflict with the French convinced the British that they could manipulate Indian rulers. P.J. Marshall, “The British in Asia: Trade to Dominion, 1700 – 1765,” in *The Oxford History of the British Empire*, vol. 2. *The Eighteenth-Century*, ed. P.J. Marshall (Oxford: Oxford University Press, 1998), pp. 500 – 501, P.J. Marshall, *The Making and Unmaking of Empires*, p. 121; C.A. Bayly, *Indian society*, p. 45; P. Lawson, *The East India Company*, pp. 81 – 82, 89.

<sup>12</sup> Jawaharlal Nehru, *The Discovery of India* (Bombay: Asia Publishing House, 1964), pp. 291, 292; Mandar Oak and Anand V. Swamy, “Myopia or strategic behavior? Indian regimes and the East India Company in late eighteenth century India,” *Explorations in economic history* 49:3 (2012): p. 353; M. Athar Ali, “Recent Theories of Eighteenth-Century India,” *Indian Historical Review* 13:112 (1986): pp. 107 – 109.

European and Indian factions continually tried to manipulate one another as of the 1740s and the British fought in *Indian* conflicts as allies to certain rulers, while Robert Travers adds that the British were only able to build an Eastern empire through the relationships that they maintained with native princely states, bankers and merchants.<sup>13</sup> Though British expansion in India came at the price of Indian subjection, it also depended on a level of Indian cooperation.

Despite nationalist and imperialist disagreement over the state of the Mughal Empire in the eighteenth century, there is consensus that the EIC adopted a more overt form of aggression at the end of the 1750s as evidenced by its confrontations with the Nawabs of Bengal.<sup>14</sup> British victories over the Nawabs at the battles of Plassey (1757) and Buxar (1764) culminated in the Treaty of Allahabad (1765), where the Mughal Emperor invested the EIC with the *diwani* of Bengal, that is, the right to collect tax revenues in the province.<sup>15</sup> This important turning point in the history of British India resulted in the greater involvement of the British government in the administration of India after 1770.<sup>16</sup>

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<sup>13</sup> P.J. Marshall, *The Making and Unmaking of Empires*, p. 119; St. John, *The Making of the Raj*, p. 10. See also Paul Kléber Monod, *Imperial Island: A History of Britain and Its Empire, 1660 – 1837* (Malden and Oxford: Wiley-Blackwell, 2009), p. 202; R. Travers, *Ideology and empire*, pp. 40 – 41.

<sup>14</sup> The tipping point was the attack by the Nawab Siraj-ud-Daula on the British factory at Calcutta in 1756, where several British citizens died in an episode called the Black Hole of Calcutta. However, Joseph Sramek points out that the Nawab's actions were actually in response to British abuses of trade permits. Joseph Sramek, *Gender, Morality, and Race in Company India, 1765 – 1858* (New York: Palgrave Macmillan, 2011), p. 20; P.J. Marshall, "The British in Asia," p. 502; C.A. Bayly, *Indian society*, pp. 49 – 50.

<sup>15</sup> P.J. Marshall, "The Seventeenth and Eighteenth Centuries," p. 23.

<sup>16</sup> For the power struggle between the EIC and the British government, and its resolution through the government's annual review of EIC affairs, see H.V. Bowen, "British India, 1765 – 1814: The Metropolitan Context," in *The Oxford History of the British Empire, vol. 2. The Eighteenth-Century*, ed. P.J. Marshall (Oxford: Oxford University Press, 1998), pp. 531 – 533; Bernard S. Cohn, *Colonialism and Its Forms of Knowledge: The British in India* (Princeton: Princeton University Press, 1996), p. 58; C.A. Bayly, *Indian society*, p. 76.

Throughout this period, the British were confronted with an unfamiliar society that was vastly different from any they had previously encountered. British ignorance of the subtleties and complexities of Indian society led to the development of a clichéd view of Indians, which is reflected in the British histories of India, travel accounts and matters of law, and was used to reinforce the belief that the British nation was superior to India. Among the most prevalent themes to emerge was the stereotype of Asiatic despotism, in which the population was governed by cruel and arbitrary rulers. Centering on the notion of “native depravity”, Asiatic despotism was widely used to depict Indians as tyrants and further the justification for Britain intervention.<sup>17</sup>

In addition, there was the complex question of religion and its role in Indian society. Religious differences between Hindus and Muslims unquestionably existed during the Mughal era; that being said, Michael Fisher, Shompa Lahiri, Shinder S. Thandi and C.A. Bayly indicate that the British failed to understand that Indian identities included, but were not defined by, religion. M. Fisher chiefly believes that Britain’s own history of religious conflicts and previous wars fought against the Muslim Ottoman Empire led to the conviction that religion had a significant role in Indian identity, especially concerning Hinduism and the controversial question of caste.<sup>18</sup> The British insistence on looking at India through a European focus, therefore, led to the creation of

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<sup>17</sup> Robert Travers, “Ideology and British expansion in Bengal, 1757 – 72,” *Journal of Imperial & Commonwealth History* 33:1 (2005): p. 9.

<sup>18</sup> Hindu caste rules were more flexible than the British thought. Michael Fisher, Shompa Lahiri and Shinder S. Thandi, *A South-Asian History of Britain: Four Centuries of Peoples from the Indian Sub-Continent* (Westport: Greenwood World Publishing, 2007), p. 4; C.A. Bayly, *Empire & Information: Intelligence gathering and social communication in India, 1780 – 1870* (Cambridge: Cambridge University Press, 1996), p. 28; C.A. Bayly, *Indian society*, p. 29.

stereotypes which became characteristic of the British perception of India through the ensuing centuries.<sup>19</sup>

The British histories of India were primarily intended to justify British intervention in India over and beyond trade concerns and to highlight the differences between an ancient civilised Hindu state and the degeneracy of contemporary Indians. However, these histories also reflect the ongoing debates in Britain over the appropriate course of action for India. In the late eighteenth century, British writers still drew heavily on the Roman example to validate their position in India. Citing the Roman practice of assimilating aspects of conquered societies in order to strengthen the bonds between conqueror and conquered, some historians even suggested that specific Indian customs and peculiarities should be adopted.<sup>20</sup> Conversely, individuals such as Sir George Colebrooke feared that a larger empire would become too unwieldy and upheld the Roman example as a symbol of the dangers of empire building, using the argument as a means to dissuade further expansion in the East.<sup>21</sup> Classical history was thus invoked both by the proponents and the detractors of territorial expansion in India as a historical example of imperial success and failure, as well as a warning of the dangers which Britain could face in India should the undertaking fail.

The educational component to history which developed during the early modern period, in which lessons were meant to be drawn from the past, remained throughout the eighteenth century, as seen by the frequent invocation of Rome. Within the Indian

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<sup>19</sup> C.A. Bayly, *Empire & Information*, p. 47.

<sup>20</sup> B. Cohn, *Colonialism and Its Forms of Knowledge*, p. 67.

<sup>21</sup> See Sir George Colebrooke's Speech in the House of Commons, 27 February 1769, as cited in H.V. Bowen, *Revenue & Reform*, p. 71; P.J. Marshall, "Cornwallis Triumphant: War in India and the British Public in the Late Eighteenth Century," in *Trade and Conquest: Studies on the rise of British dominance in India*, ed. P.J. Marshall (Aldershot: Variorum, 1993), p. 66.

context, this further translated into an effort to explain current events through past ones and to research the ways in which the British administration could be made more efficient.<sup>22</sup> Notably, historians such as Alexander Dow believed that Britain would have to become familiar with Indian history in order to formulate successful policies in the future.<sup>23</sup> Since these histories were written in the midst of British expansion, during a time in which they only held formal control of Bengal but began to look towards increasing their zone of influence, current events contributed to the direction of the histories. Nicholas Dirks expands on this idea by showing that although late eighteenth-century Orientalists (British scholars who translated and studied ancient Indian texts) were genuinely interested in and appreciative of Indian society, their historical works were used to validate the British administration.<sup>24</sup>

Beyond references to ancient Rome, the histories of India were also influenced by two characteristic trends of the eighteenth century: the Scottish enlightenment concept which divided humans into different stages of society, and the idea of contemporary India being concomitant with a medieval Europe.<sup>25</sup> In this spirit, Bernard Cohn claims that the

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<sup>22</sup> See B. Cohn, *Colonialism and Its Forms of Knowledge*, pp. 5 – 6; H.V. Bowen, *The Business of Empire: The East India Company and Imperial Britain, 1756 – 1833* (Cambridge: Cambridge University Press, 2006), pp. 174, 176.

<sup>23</sup> J.S. Grewal, *Muslim Rule in India: The Assessment of British Historians* (Oxford: Oxford University Press, 1970), p. 10.

<sup>24</sup> Nicholas B. Dirks, *Castes of Mind: Colonialism and the Making of Modern India* (Princeton: Princeton University Press, 2001), p. 28; William A. Green and John P. Deasy, Jr. “Unifying Themes in the History of British India, 1757 – 1857: An Historiographical Analysis,” *Albion* 17:1 (1985): pp. 26 – 27. See also Tony Ballantyne, *Orientalism and Race: Aryanism in the British Empire* (New York: Palgrave, 2002), pp. 18 – 55; Rosane Rocher, “British Orientalism in the Eighteenth Century: The Dialectics of Knowledge and Government,” in *Orientalism and the Postcolonial Predicament*, ed. Carol A. Breckenridge and Peter van der Veer (Philadelphia: University of Pennsylvania Press, 1993), pp. 215 – 249; Thomas R. Metcalf, *Ideologies of the Raj* (Cambridge: Cambridge University Press, 1995), pp. 7 – 15.

<sup>25</sup> “[T]he Indian present was the European past”. S. Sen, *Distant Sovereignty*, p. 30; B. Cohn, *Colonialism and Its Forms of Knowledge*, p. 121. Moreover, for a future elaboration of the “stages theory” in Enlightenment thought, see J.G.A. Pocock, “Cambridge paradigms and Scotch philosophers: a study of the relations between the civic humanist and the civil jurisprudential interpretation of eighteenth-century social thought,” in *Wealth & Virtue: The Shaping of Political Economy in the Scottish Enlightenment*, ed. Istvan

British believed that eighteenth-century India was in a period of decay and had fallen into a permanent state of despotism through continual conquests.<sup>26</sup> This pervasive theme was even found in the works of sympathetic Orientalists such as William Robertson, who believed that although Indian culture had once been great, contemporary India was inferior to Britain.<sup>27</sup> This view gave rise to the standard depiction of Indians as weak individuals unable to free themselves from the tyrannical rulers who had brought the country down from a previous degree of civility. Sudipta Sen explains that the British actively promoted this stereotype to draw comparisons with European history and reinforce their own higher degree of civility. This, in turn, encouraged the British belief that they could reinstate civility in India by assuming control of the administration.<sup>28</sup>

The argument that India had once been a great and ancient civilisation was a prevalent theme in pre-1800 histories of India. In *The History of Hindostan* (1772), Alexander Dow claimed that an ancient Hindu empire extending over India “came from the darkest and most remote antiquity”.<sup>29</sup> William Robertson expanded on this idea, presenting ancient India as a place of civility and of learning. Throughout *An historical disquisition* (1791), Robertson effusively praised the remote Indian past, claiming that “the natives of India were not only more early civilized, but had made greater progress in

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Hont and Michael Ignatieff (Cambridge: Cambridge University Press, 1983), pp. 242 – 243; Donald Winch, “Adam Smith’s ‘enduring particular result’: a political and cosmopolitan perspective,” in *Wealth & Virtue: The Shaping of Political Economy in the Scottish Enlightenment*, ed. Istvan Hont and Michael Ignatieff (Cambridge: Cambridge University Press, 1983), pp. 258 – 260; Istvan Hont, *Jealousy of Trade: International Competition and the Nation-State in Historical Perspective* (Cambridge, MA: The Belknap Press of Harvard University Press, 2005), pp. 101 – 103, 106 – 108, 364 – 368.

<sup>26</sup> Not unlike, one may note, the prevalent imperialist view of eighteenth-century Mughal India until the 1760s. B. Cohn, *Colonialism and Its Forms of Knowledge*, p. 79; N. Dirks, *Castes of Mind*, p. 28; J. Sramek, *Gender*, p. 3.

<sup>27</sup> Peter Hardy, foreword and J.S. Grewal, *Muslim Rule in India*, pp. xii, 57 – 58.

<sup>28</sup> S. Sen, *Distant Sovereignty*, p. 30; Barbara Harlow and Mia Carter, ed. *Archives of Empire, vol. 1. From the East Indian Company to the Suez Canal* (Durham and London: Duke University Press, 2003), p. 14.

<sup>29</sup> Alexander Dow, *The History of Hindostan, from the death of Akbar, to the complete settlement of the empire under Aurungzebe* (London: Printed for T. Becket and P.A. de Hondt, 1772), pp. xl – xli.

civilization than any other people”.<sup>30</sup> This Hindu society is presented in idealised terms: an ordered civilisation where each individual had a clearly defined role in society, ensuring that each man would excel in his role. In a clear reference to the perceived instability of the late Mughal administrations, each level of this Hindu society’s governing body kept the others in check, thereby ensuring stability and fair kingship.<sup>31</sup> Henry Thomas Colebrooke was one of the final authors in this period to emphasise the idea of a former Indian “golden age”: this was particularly important to Colebrooke because it served as a point of comparison to contemporary society and demonstrated how India had become “debased and backward”.<sup>32</sup> The constant allusions to the former splendours of ancient India throughout the histories were made to fulfill a specific agenda. By drawing attention to ancient India, the readership was able to contrast India’s evolution with that of Britain and gain a better appreciation of the lack of civility in current Indian society.

The deliberate emphasis on the civility of an ancient Hindu society and its subsequent fall provided an important way to legitimise British rule as the rehabilitator of India. The early seventeenth-century description of India by Samuel Purchas put considerable emphasis on the historical separation between Hindus and Muslims, in which the latter were portrayed as foreign invaders.<sup>33</sup> The subjugation of the Hindus was taken up by subsequent British writers and was widely used as proof that they were

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<sup>30</sup> William Robertson, *An historical disquisition concerning the knowledge which the ancients had of India* (London: A. Straham and T. Cadell, 1791), pp. 2, 257.

<sup>31</sup> For a detailed analysis of caste, see the section on travel accounts. Also *Ibid.*, pp. 258 – 261, 265 – 266.

<sup>32</sup> T. Ballantyne, *Orientalism and Race*, pp. 30 – 31.

<sup>33</sup> The emphasis on religious distinctions throughout this period was deliberately done to portray the British “as outsiders, and not unwanted invaders, in India”. Samuel Purchas, *Purchas his pilgrimes* (London: Printed by William Stansby for Henrie Fetherstone, 1625), p. 1473; S. Sen, *Distant Sovereignty*, pp. 103 – 104.



unable to govern themselves. William Robertson traces this subjugation even further back than Purchas, to the ancient Greek accounts of Alexander the Great's Indian campaign. With the exception of King Porus, the indigenous tribes of India are shown to have readily submitted to the Greek army<sup>34</sup>, thereby providing a longstanding tradition of the native Hindus as a conquered people. Following in the tradition of Muslim conquest, Robert Orme uses the creation of the Maratha state in the seventeenth century, which shared a common culture, language and religion, to argue that the Mughals were not indigenous to India but were instead, to borrow from Indian nationalist historians such as M. Athar Ali and J. Nehru, an alien race.<sup>35</sup> The distinction between Hindus and Muslims was, therefore, part of a larger concerted effort to undermine Mughal rule in India and, by extension, to validate British expansion.

Tied to the legitimisation of British power in India was the histories' emphasis on the degenerate state of contemporary Indian society. By associating this degeneracy with Mughal rule and depicting the eighteenth century as a collapse of the Mughal system, historians were able to present an inherently superior Britain as the one nation capable of returning India to its former state of civility.<sup>36</sup> Dow specifically argues that the Mughal Empire disintegrated because of a combination of conniving courtiers and weak rulers, which, in turn, caused the erosion of central power as regional deputies rose to

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<sup>34</sup> W. Robertson, *An historical disquisition*, p. 18.

<sup>35</sup> The Marathas are "recover[ing] the land of their inheritance". Robert Orme, *Historical fragments of the Mogul Empire, of the Morattoes, and of the English concerns in Indostan* (London: F. Wingrave, 1805), p. 95.

<sup>36</sup> P.J. Marshall, "Indian Officials under the East India Company in Eighteenth-Century Bengal," in *Trade and Conquest: Studies on the rise of British dominance in India*, ed. P.J. Marshall (Aldershot: Variorum, 1993), pp. 105 – 106; R. Travers, *Ideology and empire*, p. 7.

prominence.<sup>37</sup> Even Indian scholars who were largely sympathetic to contemporary India, such as Colebrooke, stressed the fact that Indian society had fallen from a former – better – state.<sup>38</sup>

Orme concurs with Dow and Colebrooke's analyses of eighteenth-century India as a state close to anarchy. In his account, Mughal India provides a cautionary tale in which the Emperors overextended their reach and were thus no longer able to govern the outlying territories of the empire. This premise is particularly significant because it functioned as propaganda: by stressing the current state of Indian society, Orme was attempting to showcase the superiority of the British Empire, which had manifestly not collapsed despite difficulties with overseas colonies.<sup>39</sup> Within this context, the language used to describe the power struggle between the emerging local rulers and the core Mughal administration is highly suggestive. Orme concludes that "if the subjects of a despotic power are every where [sic] miserable, the miseries of the people of Indostan are multiplied by the incapacity of the power to controul [sic] the vast extent of its dominion"<sup>40</sup>, providing an indictment of the Mughal government's weakness, and aimed at garnering popular support for future British expansion.

This repeated emphasis on the collapse of the Mughal system was intended to provide lessons for the British administration concerning the proper – and improper – policies to adopt in India. Although Dow's portrayal of Akbar is glowing, subsequent

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<sup>37</sup> A. Dow particularly emphasises that "every idea of loyalty was, towards the decline of the empire, destroyed among the people of the distant provinces". J.S. Grewal, *Muslim Rule in India*, p. 19; A. Dow, *The History of Hindostan*, p. xxxii.

<sup>38</sup> Foreword, in Michael Franklin, ed. *The European Discovery of India: Key Indological Sources of Romanticism*, vol. 6. *Essays on the Religion and Philosophy of the Hindus*, Henry Thomas Colebrooke (London: Ganesha Publishing, 2001), p. xiv.

<sup>39</sup> R. Travers, *Ideology and empire*, p. 58.

<sup>40</sup> R. Orme, *Historical fragments*, pp. 399 – 400, see also p. 402.

Emperors are depicted as violent, impulsive and subject to their own whims. Jahangir, in most respects a fair ruler, conspired to commit murder in order to obtain a woman with whom he had fallen in love and who, afterwards, “ruled over him with absolute sway”. Equally controlled by their own emotions, Shah Jahan and Aurangzeb were power hungry and ruthless, rebelling against their fathers and assassinating other contenders to the throne (including brothers).<sup>41</sup> Through the succession crises, Dow attributes particular weight to the fact that the Mughals did not follow primogeniture, which he considers necessary for stability. This was shown to have had disastrous results, since “a door was opened to intrigue, to murder, and to civil war”.<sup>42</sup>

Beyond descriptions of specific Indian characteristics, these histories are noteworthy since they denied the existence of an authentic Indian history written by native Indians. In the second half of the eighteenth century, this gave rise to a debate between the Orientalists, who argued that India had no valid written history which was not constituted by mythology, and the Utilitarians and Anglicists, who argued that it went beyond a question of written documents and that Indians actually did not have a concept of history.<sup>43</sup> Despite the fact that this debate originated in the British bias against Indians, historians such as O.P. Kejariwal have pointed out that there might be some truth to these claims. In fact, he believes that India did not have a proper history at this time,

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<sup>41</sup> A. Dow, *The History of Hindostan*, pp. 1 – 110, 246 – 265.

<sup>42</sup> *Ibid.*, p. 113.

<sup>43</sup> Thomas R. Trautmann, “Does India Have History? Does History Have India?” *Comparative Studies in Society and History* 54:1 (2012): p. 189.

evidenced by a lack of historical accounts relating to ancient Indian history and the fact that most Indians were unfamiliar with pre-Muslim Indian history.<sup>44</sup>

However, regardless of the denial argument's accuracy, it became an important weapon in the British arsenal with respect to demonstrating British superiority. By claiming that there was no Indian history, the implication was that the Indians did not have the ability to write their own histories. The British, on the other hand, *did* have this ability and could overcome language differences to do so. In explaining his reasons for studying Indian culture, the influential Orientalist Sir William Jones noted that "it will bring to light their various forms of government, with their institutions civil and religious".<sup>45</sup> The negation of an Indian historical perspective represents a concerted effort to demean the native population and reinforce the British position in India by establishing their superior abilities.

The uses of history in British India all crystallised in James Mill's *The History of British India*, published in 1820. Held to have set the standard for nineteenth-century Indian histories, Mill was the first British historian to look at a comprehensive history of India – Hindu, Muslim and British.<sup>46</sup> *The History* represents a transition point in the British outlook on India where the Orientalist tradition was replaced by a Utilitarian/Anglicist approach, the latter arguing that the West as a whole was superior to

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<sup>44</sup> For instance, few Indians would have known who were Asoka and Buddha. Furthermore, no historical Sanskrit accounts survived other than the *Rajatarangini* of Kalhana. O.P. Kejariwal, *The Asiatic Society of Bengal and the discovery of India's past, 1784 – 1838* (Delhi: Oxford University Press, 1988), pp. 5, 7.

<sup>45</sup> For a more detailed analysis of this theme, see chapter 3. William Jones, "A Discourse on the Institution of a Society for Inquiring into the History, Civil and Natural, the Antiquities, Arts, Sciences, and Literature of Asia (1784), in *Archives of Empire, vol. 1. From the East India Company to the Suez Canal*, ed. Barbara Harlow and Mia Carter (Durham and London: Duke University Press, 2003), p. 225.

<sup>46</sup> J.S. Grewal goes so far as to claim that J. Mill was "one of the greatest British historians of India". See J.S. Grewal, *Muslim Rule in India*, pp. 68 – 69; N. Dirks, *Castes of Mind*, p. 32; R. Inden, *Imagining India*, p. 45.

the East. Mill himself attacked the Orientalist position that there were admirable elements in ancient India, taking particular issue with Robertson's admiration for Hindu law, while Thomas Babington Macaulay demanded that Indians should learn English and adopt British customs, instead of obliging the British to adapt.<sup>47</sup> Furthermore, the Utilitarians firmly adopted the notion that knowledge of history could bring about changes in contemporary India by informing British policies – the undertone being that these changes would guide India towards a more civilised state.<sup>48</sup>

Another important difference between Mill's history and earlier Orientalist efforts was the fact that he used Indian history to talk more broadly about British concerns. While William A. Green and John P. Deasy, Jr. note that Mill continued to compare India unfavourably to Britain, Javed Majeed believes that Mill's overall purpose was actually to "criticis[e] the ideology of the British establishment in its entirety" rather than merely to comment on Indian society.<sup>49</sup> For early nineteenth-century historians, the history of India could be used to convey two very different messages: India was inherently inferior to Britain, which justified the latter's increasing hold on the administration of the country; and India could be used to identify problems with British institutions.

Within the context of his agenda to discredit previous Orientalist scholarship, Mill denied that India had once had an ancient civilised society. Although the Orientalists had already accepted the fact that Indian mythology greatly exaggerated the history of Indian

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<sup>47</sup> "It is curious, though somewhat humbling, to observe how far great men may let authority mislead them". Footnote 5, Notes and References to Chapter 4: The Laws, in James Mill, *The History of British India*, vol. I (New Delhi: Associated Publishing House, 1972), p. 115; B. Harlow and M. Carter, *Archives of Empire*, p. 203; J.S. Grewal, *Muslim Rule in India*, p. 83.

<sup>48</sup> J.S. Grewal, *Muslim Rule in India*, pp. 63 – 65; R. Inden, *Imagining India*, pp. 45, 53.

<sup>49</sup> W. Green and J. Deasy, "Unifying Themes in the History of British India," p. 27; Javed Majeed, *Ungoverned imaginings: James Mill's The History of British India and Orientalism* (Oxford: Clarendon Press, 1992), p. 4.

society, Mill expanded on this idea to argue that India was not an ancient society; instead, its texts simply made it appear so.<sup>50</sup> Although he concedes that Hindu society did achieve some measure of civilisation, Mill breaks away from Robertson's assessment that India was one of the earliest civilised societies. In fact, he denies that this was achieved earlier than any other society and further posits that India never evolved from this original point.<sup>51</sup> In other words, whatever benefits India gained from an early introduction to civility were nullified by the fact that it was never able to move beyond this initial stage of civility and was, therefore, not progressive.

Furthermore, Mill was fiercely critical of any society claiming ancient origins, calling such claims symptomatic of *uncivil* societies. According to *The History*, "rude nations seem to derive a peculiar gratification from pretensions to a remote antiquity. As a boastful and turgid vanity distinguishes remarkably the oriental nations they have in most instances carried their claims extravagantly high".<sup>52</sup> In order to reinforce his point about the incivility of societies claiming ancient origins, Mill draws a parallel to Ireland: the "wild Irishmen" claimed descent from the Biblical character of Noah's son Iaphet.<sup>53</sup> Mill concludes his argument on the incivility of Hindu society by contending that there is no evidence suggesting that the Muslim conquests caused Hindu degeneracy. Instead, Mill posits that the Mughals were already a superior civilisation when they conquered

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<sup>50</sup> For instance, Sir William Jones estimated that "the recorded history of India did not go beyond two thousand years before the birth of Christ". O.P. Kejariwal, *The Asiatic Society of Bengal*, pp. 85 – 86, 87; J. Majeed, *Ungoverned imaginings*, pp. 143 – 144.

<sup>51</sup> J. Mill, *The History of British India*, vol. I, p. 46.

<sup>52</sup> *Ibid.*, p. 24.

<sup>53</sup> J. Mill seems to conveniently forget that it was the English who emphasised this association in their sixteenth- and seventeenth-century histories of Ireland. Footnote 1, Notes and References to Chapter 1: Chronology and Ancient History of the Hindus, in J. Mill, *the History of British India*, vol. I, p. 33.

India, as evidenced by the fact that Hindu India had never produced any histories and remained rooted in “rude” traditions such as the caste system.<sup>54</sup>

As a last point, throughout *The History* Indian historical events before and after the British victory at Plassey are used to argue for reforms in India and Britain, as well as to justify British rule. Mill maintained that the British had made an important mistake in assuming that India was civilised, which had led to bad administrative measures.<sup>55</sup> Until the early 1800s, the belief in an ancient state of India had consequently clouded British judgment. Nonetheless, Mill never doubted that Britain should maintain authority over India. Inspired by the Scottish enlightenment concept of stages of civility, Mill introduced the concept of a ladder of civilised nations, arguing that it was the obligation of higher societies to govern lower ones “until they were capable of self-government”.<sup>56</sup> Mill believed that India ranked somewhere in the middle of the ladder, arguing that although the country was not completely uncivilised, it had remained rooted in centuries-old traditions and had not evolved as it should have.

The early nineteenth century represents a transition period for the histories of India. The Orientalists advocated for reforms in contemporary Indian society, but still greatly admired ancient India. In contrast, while Mill and other Utilitarians perpetuated the theme of Indian degeneracy, new ideas about social evolution – the ladder of civilisation for instance – pushed them to explain this degeneracy in different terms. By denying the ancient history and civility of India, Mill sought to highlight the need for

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<sup>54</sup> In connection to caste, J. Mill pointedly remarks that such a system existed in Anglo-Saxon Britain, over a thousand years before. *Ibid.*, pp. 26, 697 – 698. For discussions of caste, see pp. 47 – 50, and Footnote 3, Notes and References on Chapter 2: Classification and Distribution of the People, *Ibid.*, p. 57 – 58.

<sup>55</sup> J. Mill primarily argued that since the British “discovered” India and North America at the same time, the former could not help but look good in relation to the latter. *Ibid.*, pp. 456 – 460.

<sup>56</sup> J. Majeed, *Ungoverned imaginings*, pp. 135 – 136.

major reforms, since he clearly did not believe that previous efforts had been sufficient. However, he added a new dimension to the British mission in India: the British were no longer merely to restore India to its former state, but rather to educate and raise – so to speak – a society which had never attained a significant level of civility.

Until the turn of the nineteenth century, the British travel accounts of India illustrate a constant theme of comparing India to Britain, usually to India's detriment. By the seventeenth century, there existed a clear vision of India which had been transmitted by classical authors, who viewed the East with distrust and believed it to have a destabilising influence on ordered society.<sup>57</sup> However, despite numerous prejudices which were standard by the second half of the seventeenth century, British travel accounts of India are intriguing because they show little of the vitriol present in early modern Irish travel accounts.<sup>58</sup>

While the seventeenth-century accounts remain largely impersonal, there is an evident shift to a more judgmental stance in the eighteenth-century ones. Discussing the peculiarities of the seventeenth-century accounts, P. Lawson shows that they are representative of the dichotomy opposing a fascination for, and a prejudice against, the East.<sup>59</sup> O.P. Kejariwal builds on this dichotomy by reflecting on the readership's interpretation of the accounts either as a way to demonise the East and demonstrate European superiority, or to romanticise India. Most of the accounts had no fixed agenda

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<sup>57</sup> P. Stern, "Corporate virtue," p. 510.

<sup>58</sup> For instance, the favourite trope of despotism is absent from sixteenth-century accounts and only gradually develops during the seventeenth and eighteenth centuries. Brendan O'Leary, *The Asiatic Mode of Production: Oriental Despotism, Historical Materialism and Indian History* (Oxford: Oliver Blackwell, 1989), pp. 51, 59.

<sup>59</sup> The sentiment would later become more "violent". P. Lawson, *The East India Company*, p. 59.



and were basically observations by the travellers.<sup>60</sup> On the other hand, while the travel accounts did not yet attack Indian customs and manners (as they began in the later 1700s), they reveal a growing English confidence in their own superiority. Pramod Nayar claims that the prevalent themes in seventeenth- and eighteenth-century accounts were mystery and darkness: India was a “dangerous place which could be understood, framed, and conquered by the Englishman”.<sup>61</sup> Similarly to the histories of India, these travelogues became a way for the British to show their own strength by ‘uncovering’ and ‘exposing’ India, while at the same time resisting the lure of Oriental ways.<sup>62</sup>

The greatest hurdle that the British faced in ‘uncovering’ India and which permeates the travel accounts was how to classify and define the various peoples of India. While it was not necessarily intentional, seventeenth-century travel accounts instilled preconceived ideas of India in the British psyche. As a result, the growing number of Britons who went to India during the eighteenth century did so with firmly entrenched prejudices that molded their experiences.<sup>63</sup> One of the most notable prejudices which emerged, and which was widely deployed to demonstrate Indian administrative incompetence, was the association of gender and class. J. Sramek and M. Fisher both show how the British frequently compared Indian men to women or children. J. Sramek in particular picks up on the infantilising process, which was used to demonstrate that

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<sup>60</sup> The use of travel accounts to criticise Britain itself became popular in the eighteenth century. O.P. Kejariwal, *The Asiatic Society of Bengal*, p. 14; Isobel Grundy, “The barbarous character we give them: White women travellers report on other racers,” *Studies in Eighteenth Century Culture* 22 (1993): p. 75.

<sup>61</sup> Pramod Nayar, “The ‘Discourse of Difficulty’: English Writing and India, 1600 – 1720,” *Prose Studies* 26:3 (2003): pp. 357, 370, 372.

<sup>62</sup> The fear of possible assimilation and degeneracy was always present among the British, who were highly conscious of the fact that they were vastly outnumbered in India. For a fuller analysis, see chapter 3. L. Colley, *Captives*, p. 253.

<sup>63</sup> Ainslie Embree, “Bengal as the Image of India in the Late Eighteenth and Early Nineteenth Centuries: Notes Towards the Definition of an Imperial Experience,” in Ainslie Embree, *Imagining India: Essays on Indian History*, ed. Mark Juergensmeyer (Delhi: Oxford University Press, 1989), p. 103; R. Travers, “Ideology and British expansion,” pp. 9 – 10.

since Indians were like children, they were unable to govern themselves and needed British guidance.<sup>64</sup>

British travel accounts also described clear-cut distinctions between the major religious communities in India, which were portrayed as irreconcilably different.<sup>65</sup> However, it is interesting to note that these distinctions did not change throughout the eighteenth century, even with greater numbers of travellers and increased exposure. A late seventeenth-century letter written by John Fryer describes the Hindus as “the *Aborigines* [of India], who enjoyed their freedom, till the *Moors* or *Scythian Tartars* (...) undermining them, took advantage of their Civil Commotions”.<sup>66</sup> His contemporary, the ambassador Sir William Norris, also distinguishes between Muslims (Moors) and Hindus (Gentiles), the latter of which he attempted to depict as a degenerate form of Christianity.<sup>67</sup> A century later, the former governor of Bengal, Harry Verelst’s depiction of Bengal society demonstrates how religious and social classification had become intertwined in India. According to Verelst, the cohabitation of Muslims and Hindus was not a sign of mutual cooperation and dependency, but rather “the condition of conquerors living amidst a timid and submissive race”.<sup>68</sup>

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<sup>64</sup> In contrast, the “masculine” character of Britain was always stressed. Michael Fisher, *Counterflows to Colonialism: Indian travelers and settlers in Britain 1600 – 1857* (Delhi: Permanent Black, 2004), p. 9; J. Sramek, *Gender*, p. 9.

<sup>65</sup> This remained central to A. Embree’s claim that the British never accepted the idea “that India represented a united group”. Ainslie Embree, “Indian Civilization and Regional Cultures: The Two Realities,” in Ainslie Embree, *Imagining India: Essays on Indian History*, ed. Mark Juergenmeyer (Delhi: Oxford University Press, 1989), pp. 24 – 25.

<sup>66</sup> Letter 1, in John Fryer, *A New Account of East-India and Persia, in eight letters being nine years travels* (London: Printed by R.R. for Ri. Chiswell, 1698), p. 27.

<sup>67</sup> W. Norris was the first British ambassador to India (1699 – 1702) after the early seventeenth-century embassy of Sir Thomas Roe. S. Subrahmanyam, “Frank Submissions,” pp. 85 – 89.

<sup>68</sup> This despite the fact that at this point, the Mughals had been in India for several centuries. Harry Verelst, *A view of the rise, progress, and present state of the English government in Bengal* (London: Printed for J. Nourse and co., 1772), p. 130.

The differentiation between Hindus and Muslims also resulted in stereotypical representations of each religion. The general consensus dictated that Hindus were the original inhabitants of India but had been subjected to continual conquests.<sup>69</sup> P.J. Marshall thinks that the conquest motif was deliberately drawn out in travel accounts and histories in order to influence British administrative policies. Since Hindus were always portrayed as a conquered people, the British believed that they were, therefore, used to conquest and “would accept any authority that did not attempt to disrupt their way of life”.<sup>70</sup> This portrayal of the submissive state of the Hindu nations fed the belief that they were weak. Writing in 1767, Jemima Kindersley portrays the Hindu character as one of extreme timidity and submission, and emphasises their untrustworthy nature as oath-breakers.<sup>71</sup> The association of Hindus with meekness persisted throughout the century and was taken up in William Hodges’ highly influential travel account from the 1780s.<sup>72</sup> In contrast, C.A. Bayly notes that the main characteristics of the Muslim population according to British travel accounts were violence and aggression, and appear to be

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<sup>69</sup> See, for example, A Letter from Surat in India, 18 January 1672, in Sir William Hedges, *The Diary of William Hedges, Esq. During his Agency in Bengal, as well as on his voyage out and return overland (1681 – 1687)*, vol. II, ed. R. Barlow, Esq. and Colonel Henry Yule (New York: Reprint by Burt Franklin, 1964), p. cccx.

<sup>70</sup> See chapter 3 for a more detailed analysis. P.J. Marshall, *The Making and Unmaking of Empires*, p. 258.

<sup>71</sup> “They follow the maxim of all black powers”. Letter XXX, July 1767, Jemima Kindersley, *Letters from the Island of Teneriffe, Brazil, the Cape of Good Hope, and the East Indies*, in *Life-Writings by British Women, 1660 – 1815*, ed. Carolyn A. Barros and Johanna M. Smith (Boston: Northeastern University Press, 2000), p. 179.

<sup>72</sup> William Hodges, *Travels in India During the Years 1780, 1781, 1782 & 1783*, in *British Encounters with India, 1750 – 1830: A Sourcebook*, ed. Tim Kevin and Norbert Schürer (New York: Palgrave Macmillan, 2011), p. 107.

directly linked to Islam.<sup>73</sup> Described as “very grave and haughty” by Fryer, the travel accounts generally depict Muslims as religious fanatics with explosive tempers.<sup>74</sup>

The travel accounts prior to 1650, comprising the embassy notes of Sir Thomas Roe and EIC letters, provided a template for later descriptions of India. Sanjay Subrahmanyam sees the formation of stereotypes in the first decades of the seventeenth century through Roe’s account of the embassy sent to India between 1615 and 1619. Dismissing Jahangir as an “overgrown Elephant”, Roe notably describes the untrustworthiness of the Indian population and the effeminate Mughal court.<sup>75</sup> Indian dishonesty is further emphasised in a contemporary account by EIC Captain William Keeling, who portrays the governor of Surat as a liar and would-be assassin.<sup>76</sup> The first early modern accounts of India repeatedly accentuated the fact that Europeans could not trust Indians, who appeared to have no integrity.

In keeping with P. Nayar and P. Lawson’s observations, the seventeenth- and eighteenth-century accounts reflect a sense of “darkness” in India and reveal many authors’ struggle between fascination and prejudice. The great seventeenth-century traveller Peter Mundy describes India as a place of weird and wonderful oddities which,

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<sup>73</sup> Paraphrasing James Grant in correspondence with Warren Hastings between 1780 and 1781, it was widely accepted that “the Persians and Afghans (...) were barbarians fired with the zeal of Islamic conquest”. C.A. Bayly, *Empire & Information*, p. 52.

<sup>74</sup> Only Akbar is excused of religious fanaticism. Letter 1, in J. Fryer, *A New Account of East-India and Persia*, p. 30; William Hodges, *Travels in India*, in *The European Discovery of India: Key Indological Sources of Romanticism*, vol. 3. *Gitagóvinda (1807), William Jones, and Travels in India (1793)*, William Hodges, ed. Michael Franklin (London: Ganesha Publishing, 2001), p. 34; W. Robertson, *An historical disquisition*, p. 272.

<sup>75</sup> W. Foster, ed. *The Embassy of Sir Thomas Roe to India, 1615 – 1619* (1926), p. xliii, cited in S. Subrahmanyam, “Frank Submissions,” pp. 71, 73 – 75.

<sup>76</sup> Nothing, however, came of the assassination attempt since W. Keeling was warned by an acquaintance. See Journal Entries 1 October 1615 and 7 January 1616, in *The East India Company Journals of Captain William Keeling and Master Thomas Bonner, 1615 – 1617*, ed. Michael Strachan and Boies Penrose (Minneapolis: University of Minnesota Press, 1971), pp. 110, 121.

nonetheless, carry a more disturbing undertone. Mundy describes the unusual sights of a Jugghee (yogi) in Rajapur and the religious practice of hook-swinging, both of which achieve a considerably darker sense when Mundy explains that the Jugghee rendered himself an invalid and could no longer feed himself, while hook-swinging involved suspending an individual by attaching hooks into his back.<sup>77</sup> Emphasising the incivility among certain Indian states in the late seventeenth century, Fryer likens Maratha soldiers to “our old *Britains*, half naked, and as fierce, where all lies open before them”. More generally, he also attacks Hindu religious practices – including hook-swinging – claiming that they are possessed by “a base Superstition”.<sup>78</sup>

The dichotomy between fascination and prejudice is even more present in eighteenth-century travel accounts. Writing in the 1750s, John Henry Grose rejects many of the stereotypes found in other accounts, including an eastern predilection for poison. However, Grose does draw attention to the Indian consumption of *bang*: the drug induced a “temporary madness” causing many partakers to kill the people they came upon. While Grose stresses that this practice is no longer prevalent,<sup>79</sup> it is significant that he still chose to describe the effects of *bang* in such detail, adding to the impression that violence was prevalent in India. As with Grose, Eliza Fay’s account of her time in India between 1779

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<sup>77</sup> The Jugghee had rendered himself an invalid by letting his nails grow so long that he lost the use of his hands. Relation XXXVI, 3 November 1655 and Relation 18 November 1655, in Peter Mundy, *The Travels of Peter Mundy, in Europe and Asia 1608 – 1667*, vol. V. *Travels in South-West England and Western India*, ed. Lt.-Col. Sir Richard Carnac Temple and Lavinia Mary Anstey (Nendeln: Kraus Reprint, 1967), pp. 58 – 59, 61 – 62.

<sup>78</sup> Hook-swinging reappeared in the eighteenth-century travel accounts of Jemima Kindersley and Eliza Fay. Letter 4, in J. Fryer, *A New Account of East-India*, pp. 147, 179; Letter XXIX, July 1767, J. Kindersley, in C. Barros and J. Smith, *Life-Writings*, p. 178; Letter XX, Calcutta, 5 September 1781, in Eliza Fay, *Original Letters From India (1779 – 1815)*, ed. E.M. Forster (London: The Hogarth Press, 1986), p. 205.

<sup>79</sup> John Henry Grose, *A Voyage to the East Indies with Observations of Various Parts There (1757)*, in *British Encounters with India, 1750 – 1830*, ed. Tim Kevin and Norbert Schürer (New York: Palgrave Macmillan, 2011), pp. 90 – 91.

and 1783 reveals an affinity for certain elements of Indian culture as well as a rejection of others.<sup>80</sup> Fay is highly complementary of Madras, claiming that “its whole appearance charms you from novelty, as well as beauty”.<sup>81</sup> However, the remainder of her account contains disturbing elements of violence. Having been taken prisoner by Haidar Ali of Mysore in 1780, Fay presents native India (non-British India) as an extremely dangerous place for Britons. Describing her capture and subsequent treatment at the hands of Ali’s men, Fay stresses that “little did I imagine that, any power on this Continent, however independent, would have dared to treat *English* subjects with such cruelty”.<sup>82</sup>

Simultaneously showing examples of native cruelty and expressing a firm belief in the supremacy of Britain, this passage suggests that India would remain unsafe until it was subdued by the British and rid of such ‘independent powers’. Hodges’ contemporary account also presents a picture of both wonder and instability. Like Fay, Hodges shows that there are many admirable things in India: he rapturously praises the Taj Mahal and depicts Calcutta as a place of wonder and surprise. That being said, there are allusions to violence. When Hodges’ expedition tour through India is delayed, he attributes this to “war, which, with horrors perhaps unknown to the civilized regions of Europe, descended like a torrent over the whole face of the country”.<sup>83</sup> Notwithstanding centuries of involvement in warfare, it appeared inconceivable to Hodges that any violence in Europe could equal that found in the parts of India not yet under British control.

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<sup>80</sup> Eliza Fay is one example of a Briton who used her travel account to denigrate Western traditions, particularly with regards to the status of women. I. Grundy, “The barbarous character we give them,” p. 77.

<sup>81</sup> Letter XIV, Madras, 13 April 1780, in E. Fay, *Original Letters From India (1779 – 1815)*, p. 161.

<sup>82</sup> Letter XII, Calicut, 12 February 1780, in *Ibid.*, p. 128. For further accounts of British prisoners in India, see L. Colley, *Captives*, pp. 241 – 346.

<sup>83</sup> W. Hodges, *Travels in India*, in M. Franklin, *The European Discovery of India*, vol. 3, pp. 5, 124 – 126, and in T. Kevin and N. Schürer, *British Encounters with India*, p. 103.

Added to an increasing sense of danger are the themes of corruption and degeneracy, which became more significant as the British began to assume administrative control in Bengal. As shown in the histories of India, the British believed that although India had once attained some form of civilisation, contemporary society had degenerated and become corrupt.<sup>84</sup> By the 1680s, images of tyranny had taken hold of the English mind, causing Sir William Hedges to characterise the administration of Ray Bulchund, Governor of Hooghly (Bengal) as “ye [the] most cursed proceeding of Cruell Tyranny yt [yet] ever I heard of in my life”.<sup>85</sup> P.J. Marshall believes that descriptions of corruption became even more rampant with the British involvement in the Bengal revenue collecting scheme, where the image of the scheming native became widespread.<sup>86</sup> When the EIC Preparer of Reports concluded in the last decade of the eighteenth century that “painful experience authorises me to say (...) that the generality of the natives of this province, particularly the Hindus, are absolutely lost to every sentiment of religion and morality, when their temporal interests, their prejudices or their possessions interfere”<sup>87</sup>, it is clear that this picture of the corrupt and degenerate native had become a standard one.

The final subject which receives considerable attention in the British travel accounts of India is the Indian treatment of women. The noted literary scholar, Isobel Grundy, shows that this was an increasingly important trend particularly among male

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<sup>84</sup> In addition to those works previously cited, see Jack P. Greene, “Empire and Identity from the Glorious Revolution to the American Revolution,” in *The Oxford History of the British Empire*, vol. 2. *The Eighteenth-Century*, ed. P.J. Marshall (Oxford: Oxford University Press, 1998), p. 219 and A. Pagden, *Lords of all the World*, p. 8.

<sup>85</sup> Entry 7 November 1683, W. Hedges, *The Diary of William Hedge, Esq. During his Agency in Bengal, as well as on his voyage out and return overland (1681 – 1687)*, vol. 1, ed. R. Barlow and Colonel Henry Yule (New York: Reprint by Burt Franklin, 1964), p. 136.

<sup>86</sup> It was widely assumed that Indian revenue collectors were not honest about the revenue amounts they collected. P.J. Marshall, “Indian officials under the East India Company,” p. 98.

<sup>87</sup> I.O.R., B.R.C., 19 August 1789, range 51, vol. 42, p. 239, in *Ibid.*, p. 105.

European travellers, who partially judged the civility of a society through the ways in which that society treated its women.<sup>88</sup> This is primarily seen in Mill's *History of British India*, in which he asserts that "among rude people, the women are generally degraded; among civilized people they are exalted."<sup>89</sup> In this respect, India did not rate highly. Going back to 1625, Purchas provided an account of the purdah (seclusion) tradition enforced on Muslim women, who were at the mercy of their lustful husbands.<sup>90</sup> In a section on contemporary observations of Indian society, Dow shows that this had not changed and presents Muslim women as prey to possible oppression because of their subordinate position in society. Describing their social status, Dow explains that "they are degraded, divorced, chastised, and even sometimes put to death (...). No enquiry is made concerning their fate".<sup>91</sup> Both Fryer, in the 1680s, and Orme, in 1783, describe Indian women as slaves, while in the early 1800s, Mill summarised the Hindu regard for women as "contempt".<sup>92</sup> The Indian – especially Muslim – treatment of women proved to be particularly troubling for the British, who took it as yet another sign that India was not as advanced as Britain and should not be permitted to govern itself.

The relative lack of indignation over *sati* stands out throughout this general outcry over the Indian treatment of women. The early seventeenth-century depictions of the ritual burning of widows with their husbands' corpses in Purchas and Mundy are notable

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<sup>88</sup> I. Grundy, "The barbarous character we give them," p. 73.

<sup>89</sup> J. Mill, *The History of British India*, vol. I, p. 279.

<sup>90</sup> Unsupervised women were not allowed to have contact with males if their husbands were not present. If women were found committing adultery, their relations killed them. S. Purchas, *Purchas his pilgrimes*, pp. 1473, 1478.

<sup>91</sup> A. Dow, *The History of Hindostan*, p. xiv.

<sup>92</sup> The exception to this view is J. Kindersley's feminine perspective, where "the retirement of the women (...) [is] an idea of delicacy and dignity, in concealing themselves from vulgar eyes". Letter XXXI, July 1767, J. Kindersley, in C. Barros and J. Smith, *Life-Writings*, p. 181; Letter 4, in W. Fryer, *A New Account of East-India and Persia*, p. 196; R. Orme, *Historical fragments*, p. 438; J. Mill, *The History of British India*, vol. I, p. 281.



for their impersonal nature and lack of horror (particularly when the later nineteenth-century campaign to abolish the practice is considered). Mundy merely describes the practice he observed and comments that it is one of two choices available for widows. Although Purchas does express the opinion that it is a “hellish sacrifice”, he takes great pains to explain that the ritual is done of the widow’s own free will.<sup>93</sup> Andrea Major contends that the ambivalence found in the earlier accounts reflects the equally ambivalent position of women in early modern European society. Notably, she draws attention to the ways in which “patriarchal European society may have found *sati* incompatible with chivalric notions about the protection of the weaker sex, but it did find resonance with its ideals of feminine virtue”.<sup>94</sup> Because of these conflicting views on women in their own society, the ambivalence demonstrated by many of the earlier travellers is in fact a reflection of their attempts to understand and come to terms with the differences in Indian society.<sup>95</sup>

It is evident throughout the later seventeenth- and eighteenth-century accounts, that although the British did not approve of this practice, many remained unwilling to condemn it outright. Fryer appears to offer some justification for *sati* by claiming that the only other option available to a widow was to become a “whore”. Many, including Mundy and Orme, also appear resigned to the ritual because it was believed to be an ancient custom deriving from the supposed golden age of India. Orme, in particular,

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<sup>93</sup> S. Purchas, *Purchas his pilgrimes*, p. 1479; Relation V, 1629 – 1630 and Relation XII, 6 December 1632, in Peter Mundy, *The Travels of Peter Mundy, in Europe and Asia, 1608 – 1667, vol. II. Travels in Asia, 1628 – 1634*, ed. Lt.-Col. Sir Richard Carnac Temple (Nendeln, Liechtenstein: Kraus Reprint, 1967), pp. 34 – 36, 179.

<sup>94</sup> Andrea Major, *Pious Flames: European Encounters with Sati 1500 – 1830* (Oxford: Oxford University Press, 2006), p. 17.

<sup>95</sup> *Ibid.*, p. 62.

appears to endorse the fact that the custom must be endured because of its history.<sup>96</sup> It was only towards the turn of the nineteenth century that *sati* appears to have become a *cause célèbre* among Britons, as can be seen through the growing distaste evinced by Hodges, Colebrooke – who claimed that Hindu priests actively encouraged *sati* while offering no encouragement for the valid alternative – and Mill.<sup>97</sup> This shift in attitude was largely brought about by enlightenment ideas on other societies. In the Indian context, “increasingly, *sati* was explained less in terms of what the author or his sources had seen, but rather in terms of how the act conformed to a picture of India and Indians that was by this time consolidating in the European imagination”.<sup>98</sup> The British position on the status of women in Indian society, especially concerning *sati*, was, therefore, highly complex and murkier than contemporary travel accounts would imply.

Throughout the seventeenth century, British travel accounts of India distinguished themselves by their lack of overt antipathy. While specific prejudices already existed, the tone of these travel accounts only became more antagonistic towards the second half of the eighteenth century. One explanation links back to perception. In Ireland, centuries of expansionist designs meant that the English had already developed a defined sense of superiority and were actively trying to influence popular opinion in favour of the plantation policies. This was not the case in India until the second half of the eighteenth

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<sup>96</sup> P. Mundy, Relation XII, 6 December 1632, in P. Mundy, *The Travels of Peter Mundy, vol. II*, pp. 34 – 35; Letter I, in J. Fryer, *A New Account of East-India and Persia*, p. 33; Footnote on the description of *sati* by Diodorus Siculus and Note LX in the Section Notes to the Historical Fragments, in R. Orme, *Historical fragments*, pp. 261, 459.

<sup>97</sup> All three men also counter the argument put forth by other travelers that the practice was no longer common. W. Hodges, *Travels in India*, in M. Franklin, *The European Discovery of India, vol. 3*, p. 79; J. Mill, *The History of British India vol. I*, p. 202; H.T. Colebrooke, *On the Duties of a Faithful Hindu Widow* (1795), in *The European Discovery of India: Key Indological Sources of Romanticism, vol. 6. Essays on the Religion and Philosophy of the Hindus*, Henry Thomas Colebrooke, ed. Michael Franklin (London: Ganesha Publishing, 2001), pp. 70 – 73, 75.

<sup>98</sup> A. Major, *Pious Flames*, p. 76.

century as it still represented a mostly unknown entity. The accounts increasingly displayed confidence in British superiority over India, but it was not necessary to defend the reasons for this superiority until the middle of the eighteenth century. However, this began to change with a growing British presence in India. While some travellers conceded that there were positive elements to India, accounts describing hook-swinging, religious discord, violence and *sati* persuaded the British readership that Indians still maintained many barbarous practice, which consequently impacted the British reforms undertaken in the last decades of the eighteenth century.

The final element which affected British opinion on India and reinforced the justification for British expansion through the country was the law. By the end of the eighteenth century, the British still upheld their code of law as a supreme indication of civility that distinguished them from lesser societies. C.A. Bayly proves that law was central to the question of British identity, arguing that “what distinguished the Briton from the Irish, the Italian or the Bengali was moral independency enshrined in their laws, constitution and Protestant religion”.<sup>99</sup> This finds contemporary resonance in the writings of Alexander Dalrymple, who claimed that since the Indians had submitted to Britain, they lacked the “*force and elevation of mind* which has been so distinguishable in the British character”.<sup>100</sup> The early modern imitation of Roman principles, which associated law with the maintenance of a stable and healthy state, persisted throughout the 1700s. This vision fit neatly into calls to reform Indian character and government. As demonstrated by Orme, once justice was imposed in India, it would “raise that numerous,

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<sup>99</sup> C.A. Bayly, *Imperial Meridian*, p. 151.

<sup>100</sup> Alexander Dalrymple, *A General View of the East India Company* (1772), pp. 19 – 21, cited in S. Sen, *Distant Sovereignty*, pp. 94 – 95.

though feeble and submissive race, to a rank in human existence worthy of the British name”.<sup>101</sup> However, a new growing trend also had a noteworthy bearing on British legal reforms in India. Embracing the enlightenment philosophy of European commentators such as Montesquieu, late eighteenth-century Orientalists such as Jones adopted the principle that laws could not be imposed where the people were not fitted to them. Consequently, English law could not be imposed outright in India.<sup>102</sup>

Prior to the battles of Plassey and Buxar, Indian law throughout the Mughal Empire was divided into Hindu and Islamic law, both of which combined ancient texts and regional *prima facie* customs. This was especially true of Hindu law, which had already become regionalised and differentiated based on caste as of the thirteenth century: J.D.M. Derrett proves that although the *dharmasastra* constituted the basis for the Hindu legal system, it was neither viewed as static nor “was it in force universally”.<sup>103</sup> I. St. John and R. Travers concur, arguing that Indian law before the late eighteenth century operated on a regional level as there was no central legal institution.<sup>104</sup>

With regards to the British, each EIC factory – later Presidency – (notably Madras, Calcutta and Bombay) established their own courts of English law beginning in the seventeenth century, which were designed to affirm Company authority among the

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<sup>101</sup> R. Orme, *Historical fragments*, p. lxvi. See also P. Stern, “Corporate virtue,” pp. 523 – 524.

<sup>102</sup> In this sense, early modern English commentators on Ireland such as E. Spenser and J. Davies were far ahead of their time. R. Travers, *Ideology and empire*, p. 105; Sir William Jones, *Preface to the Institutes of Hindu Law: Or, the Ordinances of Menu* (1794), in *Archives of Empire*, vol. 1. *From the East India Company to the Suez Canal*, ed. Barbara Harlow and Mia Carter (Durham and London: Duke University Press, 2003), p. 261.

<sup>103</sup> J.D.M. Derrett, *Religion, Law and the State of India* (London: Faber and Faber, 1968), pp. 229 and 275, as well as Footnote 2 on p. 231.

<sup>104</sup> I. St. John, *The Making of the Raj*, pp. 113 – 114; R. Travers, *Ideology and empire*, p. 117.

inhabitants of each settlement and outsiders.<sup>105</sup> As of 1726, Mayors' Courts were also established in the three main settlements and oversaw both English and any Indian cases brought to their attention, reflecting British attempts to assert their dominance over the Indian people, even during a period in which they held no formal authority. While Nandini Chatterjee and Robert Travers contend that these courts were popular among Indians, they also indicate that there were numerous difficulties involved regarding unfamiliar customary and traditional laws.<sup>106</sup> The judges' ignorance of Indian customary laws and the resulting dependence on native scholars became highly problematic.<sup>107</sup> The theme of Indian deceit also had a great impact on legal matters: the courts' dependency on native scholars was resented by many Britons, who thought that these natives were corrupt and that their legal judgments could be influenced or bought.<sup>108</sup> Inevitably, British ignorance of Indian legal customs led to an Anglo-centric emphasis in the courts despite an official EIC policy of religious toleration.<sup>109</sup>

The fact that India undeniably had law systems predating the British and the sheer number of people living in the country made it impractical for the British to impose their own laws. In his Preliminary Discourse of the *Hedaya*, Charles Hamilton advocated that

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<sup>105</sup> For example, there was a court at Bombay as of 1668, which even dealt with Hindu and Muslim cases. P. Stern, *The Company-State: Corporate Sovereignty and the Early Modern Foundation of the British Empire in India* (Oxford: Oxford University Press, 2011), pp. 26 – 29; P. Lawson, *The East India Company*, p. 47.

<sup>106</sup> Nandini Chatterjee, "Religious change, social conflict and legal competition: the emergence of Christian personal law in colonial India," *Modern Asian Studies* 44:6 (2010): pp. 1157 – 1160; R. Travers, *Ideology and empire*, pp. 181 – 183.

<sup>107</sup> B. Cohn notes that Sir William Jones was particularly concerned because he felt that this ignorance left British judges "at the mercy of 'native' lawyers" and, therefore, urged the British to master the Sanskrit language in order to understand the ancient Indian religious texts. B. Cohn, *Colonialism and Its Forms of Knowledge*, p. 68.

<sup>108</sup> See, for example, the 1682 Court letter regarding the refusal of Sir Streynsham Master to admit native witnesses in court. J.D.M. Derrett, *Religion*, p. 232; The Court, 20 September 1682, in W. Hedges, *The Diary of William Hedges, vol. II*, pp. ccxlvii – ccxlviii.

<sup>109</sup> Niels Brimnes notes a 1736 petition in which Indians protested the use of English law instead of their own; Niels Brimnes, "Beyond Colonial Law: Indigenous Litigation and the Contestation of Property in the Mayor's Court in Late Eighteenth-Century Madras," *Modern Asian Studies* 37:3 (2003): p. 523.

the maintenance of native law was the best way of preventing unrest.<sup>110</sup> In a similar fashion, Dow and Jones argue that although it might seem imprudent to leave any legal power to the Indians, such an act would generate goodwill towards the British administration. Dow puts particular emphasis on this, as he believed that it would reinforce British authority in India: the sheer act of granting the right to maintain native laws signaled that this power derived from the British.<sup>111</sup> Arguing along a different line of thought, Edmund Burke also asserted that the British had a responsibility to uphold native laws because of the EIC position as a revenue collector for the Mughal Empire. Furthermore, the despotic system which had been in place for so long meant that the Indians would be unable to appreciate the subtleties of English law; being used to despotism, Indians would see the more civilised English law as a sign of weakness.<sup>112</sup>

Even before the British formally assumed greater responsibility for the administration of Bengal in the 1770s, P.J. Marshall demonstrates that they attempted to use the law in order to further their own agenda in Bengal. Traditionally, land revenue rights were granted by the Nawab or the Mughal Emperor but were not hereditary and reverted to the ruler; however, the British subverted this system by imposing their own legal views and took the *diwani* to mean that they had full control of Bengal and could do

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<sup>110</sup> J.S. Grewal, *Muslim Rule in India*, p. 31; B. Cohn, *Colonialism and Its Forms of Knowledge*, p. 58.

<sup>111</sup> A. Dow, *The History of Hindostan*, p. cxlii; Jones to Lord Cornwallis, 19 March 1788 (Calcutta), in Sir William Jones, *The works of Sir William Jones*, vol. III (London: Printed for G.G. and J. Robinson, 1799), pp. 73 – 74.

<sup>112</sup> Edmund Burke, on Warren Hastings' Impeachment, 15 – 19 February 1788, in *Archives of Empire*, vol. I. *From the East India Company to the Suez Canal*, ed. Barbara Harlow and Mia Carter (Durham and London: Duke University Press, 2003), p. 145; Edmund Burke, Speech on Bengal Judicature Bill, 27 June 1781, in S. Sen, *Distant Sovereignty*, p. 19; H. Verelst, *A view of the rise, progress, and present state of the English government in Bengal*, pp. 139 – 141.

with it as they pleased.<sup>113</sup> That being said, the sheer amount of people in Bengal forced the British to acknowledge that they would have to accommodate the native population in matters of law. In an attempt to justify the adoption of certain widely derided aspects of ‘Asian’ government, Dow whitewashed this aspect of Mughal rule by arguing that although despots, the Mughals were far more benevolent than their Pathan predecessors and, therefore, the British would in fact merely be benevolent despots.<sup>114</sup>

Following their receipt of the *diwani* of Bengal, and the passage of the Regulating Act of 1773 – which expected the Company to establish courts and dispense laws – the administration of Warren Hastings began to research Hindu law in the 1770s with the goal of creating a universal law code which would ensure its better administration in the courts. How accurately the final text, *A Code of Gentoo Laws* (1776), reflected contemporary practices remains the subject of controversy among historians.<sup>115</sup> While R. Travers describes the *Code* largely as a propaganda piece for the EIC<sup>116</sup>, it nonetheless reveals a significant amount of information concerning the British perception of the Indian legal system as well as their own position in India.

In the *Code*’s preface, the translator Nathaniel Brassey Halhed echoed Hamilton’s argument that the adoption of local laws was an element required for peace. Moreover, a

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<sup>113</sup> Therefore, the majority of Britons did not subscribe to Burke’s argument that the EIC had become an administrative element in the Mughal Empire. P.J. Marshall, *The Making and Unmaking of Empires*, pp. 155, 208; B. Cohn, *Colonialism and Its Forms of Knowledge*, p. 59.

<sup>114</sup> J.S. Grewal points out that while “no one seriously entertained the idea that Muslim laws were as good as the English”, Muslim laws were still believed to have some value. A. Dow, *The History of Hindostan*, pp. xxii – xxiii, lii, 5, 165; J.S. Grewal, *Muslim Rule in India*, p. 30.

<sup>115</sup> The historians who exemplify the two major positions are J.D.M. Derrett, who believes that the code does not reflect Indian law because Hastings only included what he thought most relevant, and Rosane Rocher, who believes that it is a typical representation of Indian law. B. Cohn, *Colonialism and Its Forms of Knowledge*, p. 67; Nathaniel Brassey Halhed, *A Code of Gentoo Laws, or, Ordinations of the Pundits* (1776), in *British Encounters with India, 1750 – 1830: A Sourcebook*, ed. Tim Kevin and Norbert Schürer (New York: Palgrave Macmillan, 2011), pp. 118 – 119.

<sup>116</sup> R. Travers, *Ideology and empire*, p. 124. See also O.P. Kejariwal, *The Asiatic Society of Bengal*, p. 20.

deeper significance is revealed through his explanation of the history of Hindu law in India. According to Halhed, knowledge of the law was limited in India because only a select few pundits still spoke Sanskrit. However, the translation ensured that the whole corpus of Hindu law would become available to the *British* population.<sup>117</sup> Through the *Code*, the British, therefore, exposed the secrets of Indian law, which had remained unknown to the bulk of the population for centuries. Setting the standard for the British perception of Hindu law, the *Code* repeats traditional Hindu stereotypes: laziness, which became a characteristic of all Asians, immutable traditions unchanged since their inception, a caste-ridden society and the complete subjection of women to Indian men.<sup>118</sup>

When the 1781 Act of Parliament awarded the courts the right to deal with Hindu and Muslim law, the British also promulgated the re-establishment of indigenous law courts throughout their jurisdiction. Following the Mughal system of law, *diwani* (civil) and *nizamat* (criminal) courts were set up through Bengal and the high courts of appeal, the *Sadr Diwani Adalat* (civil) and the *Sadr Nizamat Adalat* (criminal), were reinstated.<sup>119</sup> By reaffirming and, more importantly, attempting to clarify Mughal and Hindu legal traditions, the British refashioned themselves into the guardians of Indian law – whereas the Indians had been unable to maintain order in their legal institutions, the British could and did reinstate order.

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<sup>117</sup> Translator's Preface, in Nathaniel Brassey Halhed, *A Code of Gentoo Laws, or, ordinations of the pundits* (London: Unknown, 1777), pp. ix, x.

<sup>118</sup> *Ibid.*, pp. xlvii, lii – liii, 249 – 253.

<sup>119</sup> The *diwani* courts used Hindu and Muslim law, whereas the *nizamat* used strictly Muslim law. See B. Cohn, *Colonialism and Its Forms of Knowledge*, p. 62; R. Travers, *Ideology and empire*, pp. 117 – 118; N. Chatterjee, "Religious change, social conflict and legal competition," p. 1166; J. Majeed, *Ungoverned imaginings*, pp. 17 – 18.



Despite their intention to preserve Indian law and to not impose their own legal system, historians stress that the British nevertheless fundamentally changed it. The basic problem with law in India was that the British assumed that Hindu law worked along the same principles as their laws, notably the use of precedents, the impartiality of the judges and a lack of social distinction before the law – none of which were used the same way in India. Consequently, the law codes which were ‘recreated’ by Orientalists were not accurate.<sup>120</sup> For instance, C.A. Bayly sees the insistence on dividing Hindu and Muslim law as significant because it implied that Indian law practices were enshrined and widespread. In *The History of Hindostan*, Dow contends that there would be chaos should the two communities not have their own laws; three decades later, the resident of Mysore, Mark Wieks, carried the argument forward by reaffirming the idea that Hindu and Muslim laws were based on religion.<sup>121</sup> Moreover, B. Cohn, C.A. Bayly and J.D.M. Derrett also contend that the British insistence on basing their codes only on *written* Indian sources had an immense impact on the law because it did not account for the flexibility of contemporary Hindu law and reinforced the argument that Indian institutions were static.<sup>122</sup>

In addition to ‘clarifying’ the questions of Hindu law and Indian courts, the British were determined to reform the law, which they saw as inherently corrupt.<sup>123</sup>

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<sup>120</sup> J.D.M. Derrett, *Religion*, pp. 233, 285 – 286.

<sup>121</sup> C.A. Bayly, *Indian society*, p. 75; A. Dow, *The History of Hindostan*, p. cxliii ; Mark Wieks, *Historical Sketches of the South of India in an Attempt to Trace the History of Mysore*, vol. 1 (1810 – 17), in *British Encounters with India, 1750 – 1830: A Sourcebook*, ed. Tim Kevin and Norbert Schürer (New York: Palgrave Macmillan, 2011), p. 53.

<sup>122</sup> B. Cohn, *Colonialism and Its Forms of Knowledge*, p. 71; C.A. Bayly, *Imperial Meridian*, p. 212; J.D.M. Derrett, *Religion*, p. 269.

<sup>123</sup> See, for example, A. Dow’s argument about how the EIC initially left the administration of Bengal in the hands of the natives, notably Mohammed Reza Khan, only to have them mislead the British and prove to be highly corrupt. A. Dow, *The History of Hindostan*, pp. xcv – xcvi.

Going back to the widespread British discontent at the consultations with native scholars (pundits) in the earlier Mayors' Courts, there was a general consensus that the untrustworthiness of individual Indians could also be extended to Indian courts. This, in turn, led to gradual attempts to limit Indian participation in the law as well as the desire to learn Indian languages by individuals such as Sir William Jones.<sup>124</sup> In 1772, Verelst noted with disgust that the Bengal law courts could be manipulated by those with influence and complained that "certain it is that almost every decision of theirs is a corrupt bargain with the highest bidder".<sup>125</sup> This coincided with Hastings' attempt to limit the power and influence of pundits in the law courts, through his Plan for the Administration of Justice Extracted from the Proceedings of the Committee of Circuit. This plan notably aimed at restricting the number of cases for which the judges could confer with pundits to a series of religious-based issues such as marriage and caste.<sup>126</sup>

More than a decade later, Jones expresses a deep distrust of natives, claiming that "we can never be sure that we have not been deceived by them". The language that he uses to describe the whole process of creating a corpus of Hindu and Muslim laws is equally revealing. Jones explains that by creating a comprehensive law book, the British would free themselves from the influence of the Hindu pundits and Muslim maulavis. In particular, referring to the stereotype of the untrustworthy native, Jones exults that "[we] should never perhaps be led astray". Finally, Jones appeals to classical references to

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<sup>124</sup> For instance, a Chair of Persian was established at Oxford in 1769. R. Rocher, "British Orientalism in the Eighteenth Century," p. 224.

<sup>125</sup> H. Verelst, *A view of the rise, progress and present state of the English government in Bengal* (1772), in R. Travers, *Ideology and empire*, p. 79, see also p. 116.

<sup>126</sup> J.D.M. Derrett argues that such elements were singled out because of their perceived link with religion and the fact that such matters would fall under ecclesiastical law in Britain. J.D.M. Derrett, *Religion*, pp. 232 – 234. On the matter of caste, see also Susan Bayly, *Caste, Society and Politics in India from the Eighteenth Century to the Modern Age* (New York: Cambridge University Press, 1999), pp. 97 – 143.

repeat the idea that Britain should act as a guardian for proper Indian law. Invoking the Roman Emperor Justinian, who produced a universal law code for the entire empire, Jones expresses the belief that an Indian corpus of laws would recast Britain in the benevolent light of Justinian's Rome. He concludes that "it would not be unworthy of a British Government, to give the natives of these Indian provinces a permanent security for the due administration of justice among them".<sup>127</sup> Jones' vision of Britain was, therefore, that of a latter-day enlightened Rome which would ensure stability and order in a country which had, through the last days of the Mughal Empire, descended into chaos.

The legal reforms introduced by the Governor-General Lord Cornwallis as of the 1780s marked the beginning of a shift in imperial thinking which was significantly different from the earlier Indian experience. Inspired by the growing influence of racial matters in determining British superiority, these reforms marked a definitive move towards the argument, found in many of the British histories of India, that Indians were unfit to govern themselves.<sup>128</sup> Convinced that English law could not be imposed in India, Cornwallis, nonetheless, felt that it was imperative that Indian laws be 'cleaned up'. In 1790, he notably declared that "if we cannot introduce a system of jurisprudence as perfect as might be wished, it is our interest as rulers of the country, and a duty we owe to our subjects, to see that the law, as it exists, is duly administered".<sup>129</sup>

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<sup>127</sup> Jones to Lord Cornwallis, in W. Jones, *The Works of Sir William Jones*, pp. 74 – 75.

<sup>128</sup> R. Travers, "Ideology and British expansion in Bengal," p. 21 and R. Travers, *Ideology and empire*, p. 30; Rajat Kanta Ray, "Indian Society and the Establishment of British Supremacy, 1765 – 1818," in *The Oxford History of the British Empire*, vol. 2. *The Eighteenth-Century*, ed. P.J. Marshall (Oxford: Oxford University Press, 1998), pp. 520 – 521.

<sup>129</sup> Governor-General-in-Council Progs. Rev-Jud. Dept, 3 December 1790, in Phanindra Nath Banerjee, "Background to the Cornwallis Code," *Quarterly Review of Historical Studies* 9:2 (1969): p. 85.

As in the case of the histories, Mill's work exemplifies this transition to a new form of empire in India, while also providing a critical retrospective of British institutions. J. Majeed suggests that Mill took his section on contemporary Indian law as a means to criticise the British legal system. Indeed, Mill advocated for the creation of a new and universal system of law which could be implemented anywhere in the empire, and for which India would provide a testing ground – in this sense, Mill's argument pushes for a quite literal Justinian law corpus.<sup>130</sup> Unlike the earlier Orientalists – and indeed, the early modern English commentators on Ireland – Mill, ever the Utilitarian influenced by Jeremy Bentham, was fiercely disparaging of the state of English law at the turn of the nineteenth century.<sup>131</sup> Claiming that it has “less capacity of adaptation to the state of other nations, than any scheme of law, to be found in any other civilized country”, Mill dismisses those who laud English law for its superiority as “the vulgar”.<sup>132</sup>

Despite a distinct focus on the evils of the English law system, Mill clearly disliked the Indian system to an even greater extent and consequently believed that the new and universal system of law to be created would benefit both the British and the Indians. While the Orientalists displayed discomfort with certain elements of Indian law, they generally also found elements worthy of praise. This is not case for Mill as his account provides a lengthy catalogue of items which he considers offensive. The treatment of women and the sick is indignantly described in some detail with regards to matters of inheritance and status, while the sections touching on sexuality are raised as proof of the lustful depravity of the Indian character. It is also with a deep sense of

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<sup>130</sup> According to J. Majeed, Mill saw India as a type of *tabula rasa* for legal innovations. J. Majeed, *Ungoverned imaginings*, p. 144.

<sup>131</sup> T. Metcalf, *Ideologies of the Raj*, pp. 28 – 43.

<sup>132</sup> J. Mill, *The History of British India*, vol. II (New Delhi: Associated Publishing House, 1972), p. 469.

horror that Mill notes the continued use of trial by ordeal, which was only used in Europe “in the dark ages”, and the unusually harsh punishments meted out by Hindu law, leading him to the conclusion that the laws “could neither begin, nor exist, under any other than one of the rudest and weakest states of the human mind”.<sup>133</sup>

The section on law in *The History* ends with a grim assessment of the legal institutions in India at the turn of the nineteenth century. In doing so, Mill depicted a period of danger in which Indian society was riddled with crime, deliberately attempting to demonstrate that previous British accommodations in India had failed. To reinforce his position, Mill cites an 1802 report from the judge and magistrate of Burdwan, who declares that “I am sorry that of the moral character of the inhabitants, I cannot report favourably; or give it, as my opinion, that the British system has tended to improve either the Mahomedan or Hindu moral character”.<sup>134</sup> Mill argues that the failure to improve the character of the Indians and the rise in crime rates was caused by the remnants of oriental despotism and a system which mixed English and Islamic law without ever being either. By the nineteenth century, British opinion on legal matters in India had undergone a radical change: while major reforms were needed, English law was not good enough to effect this change.<sup>135</sup>

Despite the fact that the British attempted to reform and regulate Hindu and Muslim law in the second half of the eighteenth century without imposing their own legal system, they nonetheless transformed Indian law. I. St. John describes this process as the creation of an entirely new legal system, which combined English, Muslim and Hindu

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<sup>133</sup> J. Mill, *The History of British India*, vol. I, pp. 94 – 96, 102, 108, 201 – 202, 279 – 283, 461.

<sup>134</sup> J. Mill, *The History of British India*, vol. III (New Delhi: Associated Publishing House, 1972), p. 370.

<sup>135</sup> *Ibid.*, pp. 371 – 372, 375 – 376, 397.

laws, while adding far more weight and scope to the latter two systems than had existed previously. Likening this to a “patchwork” system, J. Majeed maintains that the British added elements of procedure and “uniformity” to indigenous systems.<sup>136</sup> Furthermore, certain aspects which were considered offensive, such as punishment by amputation of limbs, were removed from the codes during the Cornwallis reforms.<sup>137</sup> In doing so, the British effectively asserted their own superiority over Indian forms of government. As N. Chatterjee and R. Travers show, despite the fact that they maintained native law systems, the British chose every element to be included in the law books, pronounced judgment on the significance of each of these elements, and oversaw all cases involving native claimants.<sup>138</sup>

The early 1800s marked a renewed shift towards a more aggressive policy of territorial expansion under the Governor-General Richard Wellesley and an increasing exclusion of native participation from EIC service. P.J. Marshall adds that by this point, the British clearly saw India as a colonial possession.<sup>139</sup> Furthermore, a developing racial sense of superiority led the British to differentiate themselves from native Indians, whom they depicted as serfs to be freed from the indigenous rulers’ oppression. Whatever ancient history India might have once had became increasingly secondary to the theme of the barbarous nature of contemporary society.<sup>140</sup> While he did not share the sentiment, Robertson highlights the predominance of this view at the turn of the century, lamenting

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<sup>136</sup> I. St. John, *The Making of the Raj*, pp. 115 – 117; J. Majeed, *Ungoverned imaginings*, pp. 26 – 27.

<sup>137</sup> The simple definition of “crime” in the Muslim code was also modified. P. Banerjee, “Background to the Cornwallis Code,” pp. 83, 86.

<sup>138</sup> N. Chatterjee, “Religious change, social conflict and legal competition,” p. 1168; R. Travers, *Ideology and empire*, p. 122.

<sup>139</sup> C.A. Bayly, *Indian society*, p. 79; M. Fisher, *Counterflows to Colonialism*, pp. 14 – 15; P.J. Marshall, “Cornwallis Triumphant,” pp. 61 – 62.

<sup>140</sup> See, for instance, P.J. Marshall’s analysis of the Third Mysore War and the defeat of Tipu Sultan in 1799. P.J. Marshall, “Cornwallis Triumphant,” pp. 62 – 64.

that “the colour of the inhabitants, [and] their effeminate appearance, (...) confirmed Europeans in such an opinion of their own pre-eminence, that they have always viewed and treated them as an inferior race of men”.<sup>141</sup> The British experience in India represented a continuation of the colonial undertaking begun in early modern Ireland. Though the context of each experience varied widely, in both cases the British began with an assumption of superiority which was then reaffirmed and reinforced through the histories and travel accounts that they wrote on both countries, as well as the legal reforms they attempted to implement in a bid to bolster their own authority.

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<sup>141</sup> W. Robertson, *An historical disquisition*, p. 335.

## CHAPTER 3

## Models of Behaviour: Irish lessons transposed to India

By the time the British focused their expansionist interests on India, the empire had undergone numerous changes, growing in scope and diversity. By 1750, the “Atlantic” colonies represented the bulk of the empire, Ireland being the earliest one. Although issues persisted, the British had successfully imposed their authority over the island by 1707. However, growing tensions in the American colonies – which eventually led to the American Revolution and the secession of these territories – significantly influenced the British and forced them to rethink their view of the empire. Colonies in the Atlantic, including Ireland, were maintained, but the main focus shifted to East Asia, more specifically to India, where the British had commercial interests through the East India Company (EIC).<sup>1</sup> Despite the fact that the East proved significantly different from the existing Atlantic colonies – which on the surface shared commonalities with respect to race, religion, culture and geography – the settlement approach utilised in India was actually guided by a similar mindset of superiority relative to the native population that was evident in Ireland nearly two hundred years earlier. In many respects, the experience in Ireland was used as a template for the colonisation of India.<sup>2</sup>

Many historians comment on how late eighteenth-century Britons perceived societies as existing in various stages of development, notably pointing to Adam Smith’s

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<sup>1</sup> See the introductory chapter for the “swing to the East” theory and its proponents.

<sup>2</sup> See Nicholas Canny, “The Origins of Empire: An Introduction,” in *The Oxford History of the British Empire*, vol. 1 *The Origins of Empire: British Overseas Enterprise to the Close of the Seventeenth Century*, ed. Nicholas Canny (Oxford: Oxford University Press, 2005), pp. 12, 22; Thomas R. Metcalf, *Ideologies of the Raj* (Cambridge: Cambridge University Press, 1997), pp. 2 – 3.



four stages thesis and, in the early nineteenth century, to James Mill's ladder of civilisations.<sup>3</sup> However, the germination of this concept began in early modern Ireland. While expressed differently, the basic premise of varying degrees of civility – and the mission of higher civilisations to educate lower ones – runs through English commentators' discourses on Ireland. As early as the Middle Ages, Giraldus Cambrensis used his Irish accounts to create an “explicitly evolutionary model of civilization” to prove that certain societies – in this case, Ireland – were inferior to others.<sup>4</sup> A constant, perhaps even routine, depiction by the English of the Irish as inferior eventually became the basis for colonial arguments in the medieval and early modern periods.<sup>5</sup> While time and context had changed by the end of the eighteenth century, this pattern of manipulative imagery repeated itself in India.

In addition to giving evidence (at the lower end!) of the concept of “evolutionary” societies, Ireland and India were held to support the argument that there existed an “Other”, which was inherently different from – and more importantly – dangerous to Britain. One common refrain throughout the early modern period was an insistence on the treacherous nature of the Irish. At the turn of the seventeenth century, one Englishman attempted to explain the causes for rebellion in Ireland by claiming that “surely there is a general infection in the brains of all the Irish, and their malice is fully

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<sup>3</sup> See chapter 2, footnote 57. Additionally, see Donald Winch, “Adam Smith's enduring particular result: a political and cosmopolitan perspective,” in *Wealth & Virtue: The Shaping of Political Economy in the Scottish Enlightenment*, ed. Istvan Hont and Michael Ignatieff (Cambridge: Cambridge University Press, 1983), pp. 258 – 260; Istvan Hont, *Jealousy of Trade: International Competition and the Nation-State in Historical Perspective* (Cambridge, MA and London: The Belknap Press of Harvard University Press, 2005), pp. 101 – 103, 106 – 108.

<sup>4</sup> Joep Leerssen, “Wildness, wilderness, and Ireland: Medieval and early-modern patterns in the demarcation of Civility,” *Journal of the History of Ideas* 56:1 (1995): p. 30.

<sup>5</sup> These depictions stressed that the Irish were unable to reach a “higher” form of civilisation”. Andrew Hadfield, “English Colonialism and National Identity in Early Modern Ireland,” in *Shakespeare, Spenser and the Matter of Britain*, ed. Andrew Hadfield (New York: Palgrave Macmillan, 2004), p. 35.

bent against us”.<sup>6</sup> This sentiment was echoed in a letter written by Sir William Parsons a quarter of a century later, which demonstrated the extent to which the English viewed their presence in Ireland in terms of “us” against “them”. In one telling instance, Parsons comments that “I heard Sir John Perrot [sic] said that the peace we had made was of the kind princes of civil nations make with others more barbarous who do break when they see advantage. It was so here”.<sup>7</sup> This letter highlights the English conviction that they were different and, more importantly, better than the Irish. Moreover, it indicates the level of distrust felt towards the Irish, who were portrayed as unreliable opportunists.

Similarly, Indians were also depicted as untrustworthy and inclined to deceit. British accounts from the eighteenth century reflect a deep suspicion regarding the intentions of the natives, especially concerning matters of British interest. Discussing an account of India by the historian Robert Orme, Major William Davy underlines the “fatal consequences” which had befallen previous Europeans who had relied on native interpreters in their dealings with Indian rulers. He insinuates that these interpreters deliberately misled their European employers during negotiations. His assessment concludes with the estimation that “nothing indeed can be more absurd or dangerous, than for the [British] government of India to rely on the honour and integrity of natives for the transaction of such weighty, political matters, as I have pointed out”.<sup>8</sup> Here, Davy’s language is revealing: the Indians, like the Irish, represent a potential danger to

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<sup>6</sup> Entry 126, “Paper on the causes of the rebellion in Ireland”, December 1600, in *Calendar of State Papers relating to the reign of Elizabeth, November 1600 – July 1601*, ed. Ernest George Atkinson (London: Mackie and Co., 1905), p. 125.

<sup>7</sup> Entry 165, Sir William Parsons to Lord Conway, 12 December 1625, in *Calendar of State Papers relating to Ireland, of the reign of Charles I, 1625 – 1632*, ed. Robert Pentland Mahaffy (London: Eyre and Spottiswoode, 1900), pp. 57 – 58.

<sup>8</sup> Major William Davy, “Letter” (1780), in *British Encounters with India, 1750 – 1830: A Sourcebook*, ed. Tim Kevin and Norbert Schürer (New York: Palgrave Macmillan, 2011), pp. 25 – 26.

the British which must be contained. The Irish and the Indians were considered to be untrustworthy and deceitful, strengthening the assertion that they represented lesser societies. Though separated by over a century, in both cases, British “superiority” justified administrative, territorial and political expansion.

The manipulation of Irish and Indian histories was one of the primary ways in which the British simultaneously denigrated these societies and advocated a British-run administration in each colony. One consistent pattern occurring in both contexts was the justification of contemporary acts by referencing prior ones. Relying on medieval arguments, sixteenth- and seventeenth-century writers contended that English rule in Ireland derived legitimacy from previous English conquests. British rule in India was similarly justified by the fact that prior Muslim conquests had rendered the Hindus a conquered, not a governing, race.<sup>9</sup>

In addition to putting forward the argument that Ireland pledged allegiance to King Arthur in the fifth century, the twelfth-century historian Cambrensis further asserted that the Anglo-Norman conquest of Ireland effectively provided the English with a claim to the sovereignty of Ireland. Although the Gaelic Irish retook most of Ireland outside of the Pale in the ensuing centuries, the English never viewed this as a legitimate reconquest since “they [the Irish] had never established legal title to it and could therefore be considered trespassers”.<sup>10</sup> Nicholas Canny believes that Cambrensis’ texts were so influential that they resulted in the establishment of a firm sense of superiority among the

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<sup>9</sup> See chapter 1, pp. 35 – 37 and chapter 2, pp. 68 – 69.

<sup>10</sup> Nicholas Canny, “The Ideology of English Colonization: from Ireland to America,” *William and Mary Quarterly* 30:4 (1973): p. 579. For a contemporary example, see Entry 75, 1598, in *Calendar of State Papers relating to Ireland, of the reign of Elizabeth, January 1598 – March 1599*, ed. Ernest George Atkinson (London: Eyre and Spottiswoode, 1895), p. 441.

English even before the end of the Middle Ages; and as such, was not a creation of the early modern period. Instead, commentators such as Edmund Spenser, influenced by these older ideas, took and adapted them to suit the political needs of Elizabethan expansion programs in Ireland.<sup>11</sup>

Moreover, Sir Thomas Smith drew inspiration from this idea and went on to depict England as the rightful ruler of Ireland despite its historically weak hold on Ireland. Although never amounting to more than a “footyng”, this was the result of English domestic problems, and not of Irish strength.<sup>12</sup> Smith maintains that setting aside Irish concerns for considerations of ongoing conflicts with France as well as civil unrest in England and the repercussions of the Reformation contributed to “weak[en] and dec[ay] all at home”, underscoring the dangers faced by colonial enterprises in the absence of total submission of the colonised. He also utilised the dual argument of an existing or prior right to sovereignty over Ireland together with the historical failure to secure the country as a way to bolster his own agenda of implementing a plantation in Ireland.<sup>13</sup> In effect, Smith advocated for an extension of English control in Ireland, which he believed was now possible since England would be able to devote more attention to resolving ongoing tensions with the Gaelic Irish population.<sup>14</sup>

Finally, following Smith, Sir John Davies used Anglo-Irish history to argue a need to intervene because the Old English had become degenerate. Smith’s account

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<sup>11</sup> Nicholas Canny, “The Attempted Anglicization of Ireland in the Seventeenth Century: an exemplar of ‘British History’,” in *Three Nations – A Common History? England, Scotland, Ireland and British History c. 1600 – 1920*, ed. Ronald G. Asch (Bochum: Universitätsverlag Dr. N. Brockmeyer, 1993), pp. 56 – 58.

<sup>12</sup> I.B. gentleman; Sir Thomas Smith, *A letter sent by I.B. Gentleman vnto his very frende Mayster R.C. Esquire* (London: By Henry Binneman for Anthonson [Anthony Hitson], 1572), folio 6.

<sup>13</sup> *Ibid.*, folios 3 – 6, 7 – 8.

<sup>14</sup> T. Smith essentially believed that Ireland could be transformed in England’s image. *Ibid.*, folio 44.

attributes this degeneracy to the constant contact between the medieval English settlers, cut off from England, and the Gaelic Irish. More than three decades later, Davies illustrates the immediacy of this problem for the new seventeenth-century plantation scheme by providing a catalogue of Old English families who had either been overrun or assimilated by the Gaelic Irish, implying that such corrupting circumstances would happen again should England be unable to impose its authority in Ireland.<sup>15</sup>

The British considered that they had a legal right to sovereignty over Ireland, which justified their territorial expansion. As Smith and Davies reveal, they also argued that England had an obligation to intervene in an inferior society so as to bring about much needed reform, particularly given the degenerate state of the Old English in Ireland. However, in India, the British believed that they had an obligation to “protect” the Hindu subjects from centuries of tyranny under despotic Muslim conquerors, and, by extension, a moral right to do so.

In India, one of the predominant British uses of Indian history was to portray the Hindus as passive “victims”, which consequently defined Britain’s own role in Indian society and history.<sup>16</sup> C.A. Bayly and Sudipta Sen see the British use of Indian history as a way to establish their own position as the successors to the Mughal state which had thrived under the sixteenth-century emperor Akbar. In particular, S. Sen expands on the fact that the British stressed the victim status of native India and their own involvement in Indian affairs because it “connoted the dominant position of the British as the most

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<sup>15</sup> T. Smith, *A letter sent by I.B. Gentleman*, folio 7; Entry 15, Sir John Davys [sic] to Salisbury, 5 August 1608, in *Calendar of State Papers relating to Ireland, of the reign of James I, 1608 – 1610*, ed. Rev. C.W. Russell and John P. Prendergast (London: Longman & Co., Trübner & Co., 1874), p. 17.

<sup>16</sup> P.J. Marshall, *The Making and Unmaking of Empires: Britain, India and America, c. 1750 - 1783* (Oxford: Oxford University Press, 2005), p. 271.

recent custodians of this ancient civilisation”.<sup>17</sup> The reference to the Mughals was deliberate: while the British thought the contemporary Mughal Empire to be on the verge of collapse, it undeniably remained the legitimate government on the subcontinent. Thus, the British inserted themselves into a long tradition of conquest to justify their own rule.<sup>18</sup>

While they recognised the legitimacy of previous Mughal administrations, the British nonetheless strongly believed that the present regime had grown ineffective and would have to be replaced; however, restoring India to its ‘rightful’ Hindu subjects remained an unacceptable solution. In the 1770s, Alexander Dow acknowledged that the Hindu civilisation was ancient but his description of the Hindus suggests that they were too ineffectual to rule because “they are of all nations on earth the most easily conquered and governed”.<sup>19</sup> Since the Hindus had lived under despotic Muslim rule for centuries, Dow further argued that they could not be freed and restored to power too quickly. In claiming that centuries of despotic governments would render “their [Hindus] return to liberty (...) arduous and almost impossible”, Dow was in fact providing a justification for the increasing British involvement in the administration of India, portraying this position as the only valid alternative to Mughal rule.<sup>20</sup>

This appeal to historical precedent also appears with Robert Orme, who drew on traditional Hindu stereotypes to prove that they could not govern themselves. Orme

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<sup>17</sup> C.A. Bayly, *Empire & Information: Intelligence gathering and social communication in India, 1780 – 1870* (Cambridge: Cambridge University Press, 1996), p. 52; Sudipta Sen, *Distant Sovereignty: National Imperialism and the Origins of British India* (London and New York: Routledge, 2002), p. 43.

<sup>18</sup> There were also several highly publicised events such as the Black Hole of Calcutta, which were upheld as examples of Muslim cruelty and which reinforced the British conviction that they were more suitable to govern India. For example, see Robert Travers, “Ideology and British expansion in Bengal, 1757 – 72,” *Journal of Imperial & Commonwealth History* 33:1 (2005): p. 12; S. Sen, *Distant Sovereignty*, p. 43.

<sup>19</sup> Alexander Dow, *The History of Hindostan, from the death of Akbar, to the complete settlement of the empire under Aurungzebe* (London: Printed for T. Becket and P.A. de Hondt, 1772), p. xxxv.

<sup>20</sup> *Ibid.*, pp. ix – xii, xxi.

notably points to the fact that the Mughals, a minority group, maintained control over a majority Hindu population, explaining that only the latter's weakness and timidity, "not to be paralleled in the world, could make it conceivable how these can remain subjected to masters whom they outnumber ten to one".<sup>21</sup> This carried particular weight because of the implication that a new conquest would occur should the Hindus be reinstated as the administrators of India. Orme concludes that two particular defects of the generally mild Hindus signified that no Hindu should be allowed to rule: their "avarice" and their propensity towards viciousness when in power. Instead, someone else – the British – would have to do so.<sup>22</sup> The invocation of past events to justify contemporary British policies had admittedly different aims in these two colonial contexts. In Ireland, the British used historical events to claim prior legitimacy as the rightful rulers of the country. They did not do this in India, but claimed to be the inheritors of the previous rulers. Despite this distinction, there remains a pattern in both cases whereby the British positioning of their own status as rulers was bequeathed to them by the past.

Common in the British histories of Ireland and India are the denials of indigenous traditions through the recreation of these histories from an *English* perspective. In *A View of the State of Ireland*, Spenser depicts native Irish history as false.<sup>23</sup> Countering the argument that there was some merit to previous Irish chronicles, Spenser's character Eudoxus dismisses his interlocutor Irenius' objections by professing that "you (...) leane

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<sup>21</sup> Robert Orme, *Historical fragments of the Mogul Empire, of the Morattoes, and of the English concerns in Indostan* (London: F. Wingrave, 1805), p. 421.

<sup>22</sup> This position represents an apparent contradiction to R. Orme's earlier statement that there was, in India, "the foundation of an universal benevolence". However, Orme's implication remains that the Hindus must not be allowed to govern themselves. *Ibid.*, pp. 433, 434 – 435.

<sup>23</sup> See chapter 1, footnotes 43 and 44.

(sic) too confidently on those Irish Chronicles which are most fabulous and forged”.<sup>24</sup>

Andrew Hadfield further draws attention to Spenser’s insistence on providing a link between Ireland and England by maintaining that Ireland was colonised by the ancient Britons. In addition to feeding the claim to prior sovereign rights over Ireland, this association had a symbolic implication tying the history of Ireland to that of England. As A. Hadfield shows, by playing up this ancient association the English were able to depict themselves as “restoring an Arthurian empire rather than establishing a new one”.<sup>25</sup>

In the second half of the seventeenth century, while the *Present State of Ireland* acknowledges that there were many stories concerning the origins of the Irish, it rejects them all because they derived from Irish sources.<sup>26</sup> Furthermore, the account echoes Spenser’s argument that the original inhabitants of Ireland were Britons, upholding as proof that Irish laws and customs closely resembled those of the Britons before the Roman invasion. By providing a list of the peoples who conquered Ireland throughout the centuries, including Saxons and Scandinavians, the account primarily argues that the Irish were unable to withstand any attacks and whatever civilised customs they retained derived from conquering peoples.<sup>27</sup> The remainder of the account is devoted to the English experience in Ireland. The early modern histories of Ireland are, therefore, noteworthy in that they represent an English interpretation of Irish history, with elements carefully selected by English authors.

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<sup>24</sup> Edmund Spenser, *A View of the State of Ireland*, ed. Andrew Hadfield and Willy Maley (Oxford: Blackwell Publishers, 1997), p. 46.

<sup>25</sup> Andrew Hadfield, “Briton and Scythian: Tudor representations of Irish origins,” *Irish Historical Studies* 28: 112 (1993): p. 391.

<sup>26</sup> Anonymous, *The Present state of Ireland* (London: Printed by M.D. for Chr. Wilkinson and T. Burrell, 1673), pp. 1 – 2.

<sup>27</sup> *Ibid.*, pp. 2 – 5.



The same denial of indigenous history occurred in India, although in this case, it was more than an accusation that indigenous accounts were falsified. Instead, the British were split between those who denied that Hindu India had any written history post-dating their mythologized period, which was recognised as palpably false and exaggerated, and those who denied that it had any historical consciousness whatsoever.<sup>28</sup> Mill was especially critical of post-mythology Hindu India, because “we hear no more of the Hindus and their transactions, till the era of Mahomedan conquest; when the Persians alone became our instructors”.<sup>29</sup> This assessment proved as damning as the earlier English attitudes towards Irish history: the Hindus wildly exaggerate their mythologies and were never able to produce ‘real’ history.

One of the most common themes found in the Indian histories written by British historians was that Indians did not understand their own historical traditions. The Sanskrit scholar Henry Thomas Colebrooke devoted considerable study to ancient Hindu religious texts and was convinced that the Indians had misinterpreted them, whereas by contrast learned Europeans were able to interpret them correctly.<sup>30</sup> In his account *On the Vedas, or Sacred Writings of the Hindus* (1805), Colebrooke gives his own analysis of the practice of human sacrifices in India and concludes that they were not sanctioned by the *Vedas*. Instead, the practice was “fabricated by persons who, in this as in other matters, established many unjustifiable practices, on the foundation of emblems and

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<sup>28</sup> Thomas R. Trautman, “Does India Have History? Does History Have India?” *Comparative Studies in Society and History* 54:1 (2012): pp.191 – 192, 197. For a more detailed analysis of the debate, see also chapter 2, pp. 71 – 72.

<sup>29</sup> James Mill, *The History of British India, vol. I* (New Delhi: Associated Publishing House, 1972), p. 26.

<sup>30</sup> Michael Franklin, Foreword, and H.T. Colebrooke, “On the *Vedas*, or Sacred Writings of the Hindus (1805),” in *The European Discovery of India: Key Indological Sources of Romanticism, vol. 6: Essays on the Religion and Philosophy of the Hindus. Henry Thomas Colebrooke*, ed. Michael Franklin (London: Ganesha Publishing, 2001), pp. xiv – xv, 36.

allegories which they misunderstood”.<sup>31</sup> In another instance, Colebrooke addressed the issue of *sati*, arguing that while contemporary religious men pushed this particular angle, the foundational texts maintained that there were two separate options for Hindu widows.<sup>32</sup> This insistence on the British ability to decipher ancient Hindu texts is highly significant. Just as the English wrote the ‘correct’ version of Irish history, so would Britons successfully master Indian languages in order to reveal the secrets of Indian history to the Indians, who had remained ignorant of their own history for centuries.

The Anglo-centric perspective of Indian history is markedly present in British attempts to cast themselves as the enlightened saviours of India. In the preface to Orme’s *Historical fragments of the Mogul empire, of the Morattoes, and of the English concerns in Indostan*, Britain is portrayed as a liberating force which delivered the Hindus from subjection. Extolling the British for their admirable conduct in the face of “Asian” despotism, the preface exults that “the noble acts of humanity which the British conquerors have exercised among the poor and oppressed Indians, will ever shine with the brightest lustre”.<sup>33</sup> Though in fact a travelogue, George Annesley’s account repeats the saviour motif introduced by Orme. Adopting the common view of the Mughals as tyrannical despots, Annesley shows that the British saved the Hindu population at the battle of Plassey in 1757 and finally imposed peace in India.<sup>34</sup>

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<sup>31</sup> H.T. Colebrooke, “On the *Vedas*,” p. 36.

<sup>32</sup> H.T. Colebrooke, “On the Duties of a Faithful Hindu Widow (1795),” in *The European Discovery of India: Key Indological Sources of Romanticism*, vol. 6: *Essays on the Religion and Philosophy of the Hindus*. Henry Thomas Colebrooke, ed. Michael Franklin (London: Ganesha Publishing, 2001), pp. 70 – 73.

<sup>33</sup> Preface in R. Orme, *Historical fragments*, p. lxvi.

<sup>34</sup> George Annesley, Viscount Valentia, *Voyages and Travels to India, Ceylon, the Red Sea, Abyssinia and Egypt in the Years 1802, 1803, 1804, 1805 and 1806* (1811), in *British Encounters with India, 1750 – 1830: A Sourcebook*, ed. Tim Kevin and Norbert Schürer (New York: Palgrave Macmillan, 2011), p. 109.

The final theme employed by the British in the Irish and Indian histories was the charge that these societies had remained static for centuries and were, therefore, unable to evolve into civilised states. In *A View*, Spenser acknowledges the great antiquity of the Irish people but implies that the contemporary Irish were not much more advanced than their ancestors. The description of the Scythian origins of the Irish – a people described as highly barbarous by the Romans – was primarily made to draw parallels to customs still practised among the Gaelic Irish, such as a semi-nomadic lifestyle.<sup>35</sup> Spenser's allusions to the pagan practices still maintained in Ireland further emphasised the barbarous character of contemporary Irish society.<sup>36</sup> This was later picked up by Sir John Davies, who believed that while ancient Irish society was praiseworthy with respect to some elements such as poetry and music, the Gaelic Irish had been unable to move forward from this point and remained in a sort of time warp. According to Davies, "modern" elements were only introduced into Ireland with the advent of the Norman Conquest.<sup>37</sup> Both Spenser and Davies insinuated that Irish society remained in a stagnant state for centuries, a circumstance from which only the English could extricate them.

In the Indian histories, a transparent example of this same approach is found in William Robertson's account. In his analysis of the classical accounts of India, Robertson attempts to prove that Indian society remained unchanged for several millennia. Citing, among other things, the Greek descriptions of caste and *sati*, Robertson comments that "in a country where the manners, the customs, and even the dress of the people are almost as permanent and invariable as the face of nature itself, it is

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<sup>35</sup> E. Spenser, *A View*, pp. 44, 55 – 56.

<sup>36</sup> *Ibid.*, pp. 63 – 64.

<sup>37</sup> Sir John Davies, *A Discovery of the True Causes Why Ireland was Never Entirely Subdued* (1612), in *Strangers to that Land: British Perceptions of Ireland from the Reformation to the Famine*, ed. Andrew Hadfield and John McVeagh (Gerrards Cross: Colin Smythe, 1994), pp. 78 – 79.

wonderful how exactly the descriptions (...) delineate what we now behold in India, at the distance of two thousand years".<sup>38</sup> However, Robertson makes a telling comment about the history of Hindu interactions with the Mughals and Europeans. By stating that those who had been exposed to India for some time noticed how the Mughal and European conquests had affected the manners and customs of the Hindus<sup>39</sup>, Robertson is suggesting the possibility of greater British reforms in India.

As in the case of the history accounts, British travel writings on Ireland and India similarly stressed the alien quality of these two societies, which both fascinated and repelled British travellers. Pramod Nayar, Andrew Hadfield and John McVeagh all comment that British travellers usually looked for similarities and differences in other cultures.<sup>40</sup> However, in both Irish and Indian instances the British consistently vaunted their own culture and traditions as infinitely superior while depicting the indigenous populations as uncivilised and in need of help.

Although early modern commentators on Ireland debated whether the Gaelic Irish could be brought to some form of civility, there was widespread agreement that they were barbarians.<sup>41</sup> Commonly referred to by such terms as "so wild and barbarous a people", Oliver Cromwell went so far as to defend the bloody retributions against the native population following the 1641 Rebellion as "a just judgement" because of their

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<sup>38</sup> William Robertson, *An historical disquisition concerning the knowledge which the ancients had of India* (London: A. Straham and T. Cadell, 1791), pp. 20 – 21.

<sup>39</sup> *Ibid.*, p. 342.

<sup>40</sup> Andrew Hadfield and John McVeagh, ed. *Strangers to that Land: British Perceptions of Ireland from the Reformation to the Famine* (Gerrards Cross: Colin Smythe, 1994), p. 53; Pramod K. Nayar, "The 'Discourse of Difficulty': English Writing and India, 1600 – 1720," *Prose Studies* 26:3 (2003): p. 380.

<sup>41</sup> See Brian Lockety's comments on the debate between reform and violence in chapter 1, pp. 41 – 42.

irredeemable character and the supposed cruelties they had inflicted on the Protestants.<sup>42</sup> Although the Indians were not necessarily considered barbarians in the same way as the Irish, the travel accounts nonetheless indicate that the British did not consider contemporary Indian society to be civilised either. Notably, Indians were shown to be deceitful and duplicitous, as well as unable to control their own emotions. A 1631 account by John Barnes already reveals stereotypes which would recur throughout the eighteenth century, where Barnes dismissively states that “pride, drunkenness, and idleness are the chief Indian virtues”.<sup>43</sup> Two travellers in the second half of the eighteenth century, Jemima Kindersley and Eliza Fay, refer to the image of the untrustworthy Indian to further reinforce the idea of incivility. Kindersley highlights the difficulties of dealing with household servants, to whom she attributes “a thousand tricks to distress you”.<sup>44</sup> Fay echoes Kindersley’s complaints and portrays the situation as a struggle against the Indians, who constantly seek to abuse their relationships with the British.<sup>45</sup> Despite the fact that there was no real debate in India, as there had been in Ireland, over the question of violence or reform in order to bring the indigenous population to civility, the travel accounts demonstrate the lack of civility among the indigenous inhabitants of both colonies and stress the superior nature of British society.

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<sup>42</sup> Entry 40, Sir Henry Wallop to Sir Robert Cecil, 24 July 1596, in *Calendar of State Papers relating to Ireland, of the reign of Elizabeth, July 1596 – December 1597*, ed. Ernest Geroge Atkinson (London: Eyre and Spottiswoode, 1893), p. 47; Cromwell to Speaker [William] Renthall, [1]4 October 1649, in *A Contemporary State of Affairs in Ireland from 1641 – 1652, vol. II.II*, ed. John T. Gilbert (Dublin: Irish Archaeological and Celtic Society, 1880), p. 293.

<sup>43</sup> John Barnes to the East India Company, 30 November 1631, in *Calendar of State Papers, Colonial Series: East Indies and Persia, 1630 – 1634*, ed. W. Noel Sainsbury (London: Eyre and Spottiswoode, 1892), p. 225.

<sup>44</sup> Jemima Kindersley, *Letters from the Island of Teneriffe, Brazil, the Cape of Good Hope, and the East Indies* (1777), in *British Encounters with India, 1750 – 1830: A Sourcebook*, ed. Tim Kevin and Norbert Schürer (New York: Palgrave Macmillan, 2011), p. 155.

<sup>45</sup> Letter XV, 20 July 1780 (Calcutta) and Letter XVII, 27 September 1780 (Calcutta), in Eliza Fay, *Letters From India (1779 – 1815)*, ed. E.M. Forster (London: The Hogarth Press, 1986), pp. 177, 186.

The single most important element found in the Irish and Indian travel accounts is the fear of degeneracy through prolonged contact with the natives. Jane Ohlmeyer shows that the Gaelic Irish were derided throughout the early modern period as unsophisticated and primitive, so that “contemporaries from the King down clearly regarded the Gaelic Irish (...) both mentally and culturally as a lower form of humanity”.<sup>46</sup> The fact that the Old English were thought to have adopted Irish ways and severed their ties with England, even learning the Irish language,<sup>47</sup> was seen as a betrayal and a constant reminder of the dangers of assimilation. This overwhelming fear of degeneracy gained prominence with the early seventeenth-century attempts to implement plantations in Ireland. A letter by Sir Richard Moryson in 1607 demonstrates the extent of this English fear, urging that the settlers not be too dispersed so as “the better to conserve their language and manners without mixture with the Irishry”.<sup>48</sup> Confirming English fears, the traveller Fynes Moryson wrote about his firsthand encounters with the degenerate Old English, claiming that they “have by little and little been infected with the Irish filthiness”.<sup>49</sup>

Fear of degeneracy was just as strong in India, particularly given its distance from Britain and various incidents throughout the expanding empire. Possibly influenced by current events in Ireland, where Old English degeneracy was still bitterly felt, an anonymous Englishman confided in 1672 that many acquaintances had “charge[d] me to

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<sup>46</sup> Jane Ohlmeyer, “Civilizing of those Rude Partes: Colonization within Britain and Ireland, 1580s – 1640s,” in *The Oxford History of the British Empire, vol. 1. The Origins of Empire: British Overseas Enterprise to the Close of the Seventeenth Century*, ed. Nicholas Canny (Oxford: Oxford University Press, 2005), p. 131.

<sup>47</sup> See Patricia Palmer, *Language and Conquest in Early Modern Ireland: English Renaissance literature and Elizabethan imperial expansion* (Cambridge: Cambridge University Press, 2001), pp. 41 – 43; A. Hadfield, “English Colonialism and National Identity in Early Modern Ireland,” p. 28.

<sup>48</sup> Entry 156, Sir Richard Moryson to Salisbury, 20 February 1607, in *Calendar of State Papers relating to Ireland, of the reign of James I, 1606 – 1608*, ed. Rev. C.W. Russell and John P. Prendergast (London: Longman & Co. and Trübner & Co., 1874), p. 119.

<sup>49</sup> Fynes Moryson, *An Itinerary* (begun in 1606), in *The English Traveller in Ireland: accounts of Ireland and the Irish through five centuries*, ed. John P. Harrington (Dublin: Wolfhound Press, 1991), p. 96.

have good heed that I did not forgett God nor be shaken in those Principles which I had been educated in by observing the customes of the heathen Indians”.<sup>50</sup> The notion that there was something insidious about India, which could corrupt the British, is clearly prevalent in Mill’s *The History of British India*. In his description of the British victory over Tipu Sultan of Mysore in 1799, Mill puzzles over the British reaction to news of the victory. In particular, he states that this reaction “more resemble[ed] the passion of savages against their enemy, (...) than the feelings with which a civilized nation regards the worst of his foes”.<sup>51</sup> In other words, there was something about India which made the British less so and rendered them more primitive. Complicating this idea was the growing British fear (influenced by “Asiatic despotism”) of the returning nabobs – Britons who had made their fortunes in India and were believed to have adopted Indian ways. As had been the case with Ireland, the British remained terrified that returning nabobs would carry eastern ways with them back to Britain and thereby infect the general population. The concept of British degeneracy in India carried just as much threat as it had in Ireland, because of its implications: “that a single Briton could be seduced by South Asia proved that Britons writ large could be as well”.<sup>52</sup>

One of the reasons why the British feared the potential degeneracy of their own was due to the undesirable attributes associated to the Irish and Indians, especially with regards to the corrupt and corrupting nature of their character. English commentators of

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<sup>50</sup> Possibly Streynsham Master. Anonymous, A Letter From Surat, 18 January 1672, in Sir William Hedges, *The Diary of William Hedges, Esq. During his Agency in Bengal, as well as on his voyage out and return overland (1681 – 1687)*, vol. II, ed. Colonel Henry Yule (New York: Reprint by Burt Franklin, 1964), p. cccv.

<sup>51</sup> Footnote 5, Notes and References to Chapter 4: Tipu Sultan (Contd.), in James Mill, *The History of British India*, vol. III (New Delhi: Associated Publishing House, 1972), p. 308.

<sup>52</sup> Tillman W. Nechtman, *Nabobs: Empire and Identity in Eighteenth-Century Britain* (Cambridge: Cambridge University Press, 2010), pp. 10 – 12, 91.

Ireland frequently raised the issue of Irish deceit to advocate for a reformation of the country and its people(s). In his description of the Ulster Plantation scheme in the early seventeenth century, Thomas Blenerhasset painted a picture of marauding bands of Irishmen, who “doe threaten every houre, if opportunitie of time and place doth serve, to burne and steale whatsoever”.<sup>53</sup> In doing so, Blenerhasset drew a stark comparison with the English settlers, highlighting the dangers in which they did and would continue to find themselves should Ireland not be reformed.

The propensity to depict the indigenous population as untrustworthy was even more prevalent in India. Seventeenth-century traveller John Fryer provides a highly unflattering portrayal of Hindus, in which he maintains that “the chief Pleasure of the *Gentiles*, or *Banyans*, is to cheat one another”.<sup>54</sup> Descriptions such as this set a precedent for later British prejudices against Indians and figured prominently in British arguments to exclude the natives from administrative institutions in the late 1700s. William Hodges’ travelogue from the 1780s demonstrates that this prejudice was still highly prevalent among British travellers. Talking about Governor-General Warren Hastings, Hodges makes the far from subtle observation that the pundit Berar Vakuland Bissumber’s loyalty to Hastings, as well as his disregard for his own safety, was “extraordinary”.<sup>55</sup> Through their discussions of the corrupt nature of the natives’

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<sup>53</sup> Thomas Blenerhasset, *A direction for the Plantation of Ulster* (1610), in *Strangers to that Land: British Perceptions of Ireland from the Reformation to the Famine*, ed. Andrew Hadfield and John McVeagh (Gerrards Cross: Colin Smythe, 1994), p. 112.

<sup>54</sup> Letter 3, in John Fryer, *A New Account of East-India and Persia, in eight letters being nine years travels* (London: Printed by R.R. for Ri. Chiswell, 1698), p. 111.

<sup>55</sup> William Hodges, *Travels in India, during the years 1780, 1781, 1782, 1783*, in *The European Discovery of India: Key Indological Sources of Romanticism*, vol. 3. *Gītāgōvinda* (1807), *Sir William Jones, and Travels in India* (1793), William Hodges, ed. Michael Franklin (London: Ganesha Publishing), p. 52.



character in travel accounts, the British made pointed comments about indigenous societies which reinforced their position that these societies needed reformation.

Lastly, one intriguing difference between the depictions of the Irish and the Indians in British travelogues was the tendency to portray each population as on the polarised edges of extreme conduct. While the Irish were depicted as war-mad and prone to irrational acts of violence, the Indians were described as highly effeminate and indolent to the point of submission; both cases represented unacceptable and irrational extremes of behaviour. The tendency to describe other territories in gendered language was highly prevalent – and deliberate – in British travel accounts because it invariably served to reinforce the “paternal” aspect of British rule. According to Anna Suranyi, while “a ‘warlike’ national character” was viewed as desirable for a successful coloniser, “a bellicose disposition could arise as the result of tyranny” whereas “effeminacy in regions, as in men, was evidence of weakness and overindulgence”.<sup>56</sup> Thus, the Irish were considered “warlike”, but not in a positive way, while conversely, Indians were believed to have grown indolent.

Referring to County Donegal, Sir Arthur Chichester disparagingly claims that the inhabitants are “a people inclined to blood and trouble”.<sup>57</sup> Even more detailed is Barnaby Rich’s account of the Irish character, which he depicts as war-mad and blood-crazed. Declaring that the Elizabethan regime struggled for several decades to curb the violent tendencies of the Irish, Rich indicates that this had not yet been achieved, since “that which is hateful to all the world besides, is only beloved and embraced by the Irish. I

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<sup>56</sup> Anna Suranyi, “Virile Turks and Maiden Ireland: Gender and National Identity in Early Modern English Travel Literature,” *Gender & History* 21:2 (2009): pp. 242, 243.

<sup>57</sup> Entry 97, Sir Arthur Chichester’s Instructions to Sir James Ley and Sir John Davys, 14 October 1608, in *Calendar of State Papers, 1608 – 1610*, pp. 57 – 58.

mean civil wars and domestic dissension”.<sup>58</sup> In keeping with A. Suranyi’s argument that warlike qualities could be the product of tyrannical rulers, the Lord Deputy of Ireland explained continued Irish intransigence to English rule in 1621 through their strict adherence to the Irish overlords. Although A. Suranyi shows that in many accounts, Ireland was described as a feminine entity in order to touch a cord with the paternalist aspect of the growing British imperial undertaking, there is also an undeniably darker tone to many of the accounts with regards to the too-violent nature of its inhabitants.<sup>59</sup> In Ireland, the warlike qualities usually applauded by the English were, therefore, carried to excess, encouraging mindless anarchic violence and blind subservience to local lords.

In complete contrast, British travel accounts repeatedly mention the feminine and indolent qualities of the Indians – both Hindu and Mughal – which were usually attributed to the climate of India. The embassy of Sir Thomas Roe (1615 – 1619) laid the groundwork for the association of gendered qualities and indolence with Indians. Roe himself contemptuously called the Mughal government “an effeminate court dominated by women”, whereas one of the East India Company (EIC) seamen on the journey, Thomas Bonner, described the very un-martial qualities of the Hindus by claiming that the villagers they encountered on an expedition along the river Sena “were readye to run all away out of the towne at the first sight of us”.<sup>60</sup> These early accounts served to

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<sup>58</sup> Barnaby Rich, *A New Description of Ireland* (1610), in *The English Traveller in Ireland: Accounts of Ireland and the Irish through five centuries*, ed. John P. Harrington (Dublin: Wolfhound, 1991), p. 85.

<sup>59</sup> Entry 728, Lord Deputy and Council to the Privy Council, 6 February 1621, in *Calendar of State Papers relating to Ireland, of the reign of James I, 1615 – 1625*, ed. Rev. Charles W. Russell and John P. Prendergast (London: Longman & Co., Trübner & Co., 1880), p. 314; A. Suranyi, “Virile Turks and Maiden Ireland,” p. 248.

<sup>60</sup> Sanjay Subrahmanyam, “Frank Submissions: The Company and the Mughals between Sir Thomas Roe and Sir William Norris,” in *The Worlds of the East India Company*, ed. H.V. Bowen, Margarette Lincoln and Nigel Rigby (Woodbridge: Boydell Press, 2002), p. 75; Thomas Bonner, 18 October 1615, in *The Journal of Thomas Bonner Kept on His Voyage to the East Indies*, in *The East-India Company Journals of Captain William Keeling and Master Thomas Bonner, 1615 – 1617*, ed. Michael Strachan and Boies

underline a fundamental difference between Britain and India: the latter was presented as feminine and cowardly, the underlying implication being that it was weaker. This image persisted into the late eighteenth century. In the 1670s, Fryer generalised all Hindus as being “of Disposition timorous [sic]”; this still found resonance a century later in Hodges’ and Verelst’s accounts, in which they compared the subservience of the Hindus to the tyrannical over-lordship of the violent Mughals – who, in these particular accounts, were transformed from effeminate to war-crazed, like the Irish.<sup>61</sup>

In both Ireland and India, repeated emphasis on the extreme and irrational behaviours of the native populations in British travel accounts served to highlight their incivility. These excessive codes of conduct – extreme violence as well as extreme indolence – were considered to be unacceptable by the more ‘rational’ Britons. While martial qualities were considered a staple of imperial colonisers, the British considered that the Irish carried this trait too far. In India, the Hindu population was shown to be the exact opposite, showing no military prowess whatsoever and being completely subjugated to their Muslim conquerors. With regards to the Mughals, British descriptions varied between effeminacy, when trying to establish their own position of superiority as a paternalist society, to extreme violence like the Irish, when trying to explain their tyrannical hold on the Hindu population. Thus, in each of these two colonies the British were able to justify their growing political and territorial expansion by portraying themselves as attempting to restore a balance to these extreme types of behaviour.

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Penrose (Minneapolis: University of Minnesota Press, 1971), p. 197; T. Metcalf, *Ideologies of the Raj*, pp. 104 – 105.

<sup>61</sup> Letter 1, in J. Fryer, *A New Account of East-India and Persia*, p. 31; William Hodges, *Travels in India*, in *British Encounters with India, 1750 – 1830: A Sourcebook*, ed. Tim Kevin and Norbert Schürer (New York: Palgrave Macmillan, 2011), p. 107; Harry Verelst, *A view of the rise, progress, and present state of the English government in Bengal* (London: Printed for J. Nourse and co., 1772), p. 130.

The law represents a final lever used by the British in Ireland and India to assert their own primacy, though in different ways. In Ireland, English law was enforced to implement uniformity throughout the country; in India, though English law was not imposed, the British set out to implement uniformity on existing laws. Between the mid-sixteenth and early nineteenth century, one enduring feature in the British world was the belief in the supremacy of law – it was even described by Davies as “the most vital of institutions for the maintenance of civilised life”.<sup>62</sup> In Ireland, and later in India, the British believed that they could set an example for civilised society through the use of law, thereby transforming it into a medium for reform.

In *Croftus, sive, de Hibernia Liber*, William Herbert depicts the law as a requisite for any good society and contends that the absence of English law in Ireland was one of the main causes for the degeneracy of the Old English. He concludes his argument for the imposition of English law by describing the utopian-like atmosphere which would pervade Ireland should this happen, in which “conformity in laws, dress and habits together with similarity and customs would all induce harmony, unity of spirit and friendship”.<sup>63</sup> That being said, while English law was eventually imposed in Ireland during the seventeenth century, the main difference in India was the fact that the British appeared to have learned from the Irish experience. In both cases, the British eventually realised that there were obstacles necessitating a form of compromise on their part; conversely, in both cases the British also believed that it was unacceptable for the laws to remain as they initially found them. Thus, in India the British heeded the arguments of

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<sup>62</sup> Christopher W. Brooks, *Law, Politics and Society in Early Modern England* (Cambridge: Cambridge University Press, 2009), pp. 128 – 129.

<sup>63</sup> Sir William Herbert, *Croftus, sive, de Hibernia Liber*, ed. Arthur Keaveney and John A. Madden (Dublin: Irish Manuscripts Commission, 1992), p. 107.

commentators such as Spenser and Smith, who believed that while the ultimate goal of the Irish legal system should remain the introduction of English common law, this could not be imposed on an uncivilised society. Instead, they advocated that laws be tailored to the specific needs of the people, or as Smith put it, “according to the nature of the people”.<sup>64</sup>

By the end of the eighteenth century, most Britons agreed that English law could not be arbitrarily imposed in Ireland and India. This was particularly true in India, where there was a very obvious legal system. Many, including Mill and Verelst, now believed that it would be unfair to try Indians under laws with which they were unfamiliar: Indian laws – Hindu and Muslim – thus had to be maintained.<sup>65</sup> At the same time, the British viewed these laws as despotic and widely agreed that they would have to be reformed. Dow and Verelst both railed against the Indian systems, which they viewed as corrupt, implying that they could be manipulated by the wealthy.<sup>66</sup> Therefore, instead of attempting to impose English law in India, the British sought to gain control of the native legal systems and assert their own dominance. In doing so, they were able to portray their reformation endeavours as a restoration of order, or, as expressed by Justice Robert

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<sup>64</sup> See Andrew Hadfield, “Spenser, Ireland, and Sixteenth-Century Political Theory,” *The Modern Language Review* 89:1 (1994): pp. 6 – 7; Sir Thomas Smith, *The common-vvelth of England* (London: Imprinted by Iohn Windet for Gregorie Seton, 1589), p. 26.

<sup>65</sup> See J. Mill’s scathing description of Warren Hastings’ feud with Nadakumar. Bernard Cohn, *Colonialism and Its Forms of Knowledge: The British in India* (Princeton: Princeton University Press, 1996), pp. 63 – 64; J. Mill, *The History of British India*, vol. I, pp. 564 – 566; H. Verelst, *A view of the rise, progress, and present state of the English government in Bengal* (1772), in *Archives of Empire*, vol. I. *From the East India Company to the Suez Canal*, ed. Barbara Harlow and Mia Carter (Durham and London: Duke University Press, 2003), p. 131.

<sup>66</sup> A. Dow, *The History of Hindostan*, pp. civ – cviii; H. Verelst, *A view of the rise, progress and present state of the English government in Bengal* (1772), in R. Travers, *Ideology and empire in eighteenth century India: The British in Bengal* (New York: Cambridge University Press, 2007), p. 79.

Chambers, “an Effort of benevolent power endeavouring to rescue an oppressed and declining People from Insecurity and Unhappiness”.<sup>67</sup>

One major problem encountered by the British in Ireland and India was the fact that neither society had an established *written* law code. As far as the British were concerned, this raised serious questions as to whether the laws were actually being applied correctly. The Brehon laws of Ireland were customary ones; that they were transmitted orally and varied from region to region were causes for alarm because it meant that there was room for arbitrariness, which convinced the English that the courts were corrupt. Davies addressed this issue in 1607, expressing concern over the fairness of Irish trials. Referring once again to the common belief that the Gaelic Irish were tyrannised by their lords, Davies comments that the verdicts were often skewed because the jurors were afraid to condemn powerful lords – in fact, this was so widespread that some juries had even been fined for *not* finding men guilty.<sup>68</sup> In the latter half of the seventeenth century, long after the complete imposition of English law in Ireland, the anonymous *The Present State of Ireland* shows that the view of the Brehon laws as arbitrary and unfair persisted. Stressing its oral quality, the account triumphantly points to the fact that many serious crimes such as murder were only punished by an *eriach* (fine).<sup>69</sup> The absence of a written definitive law code also presented numerous challenges in India and provided the inspiration for British-produced codes in the late eighteenth century. There too, law was considered arbitrary because of its “distributive” and localised nature, leading to its potential abuse. Nathaniel Halhed, the translator of the

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<sup>67</sup> Justice Robert Chambers to Lord North, 31 October 1776, in Thomas M. Curley, *Sir Robert Chambers* (1998), as cited in R. Travers, *Ideology and empire*, p. 184.

<sup>68</sup> A letter from Sir John Davies, Knt. Attorney General of Ireland, to Robert earl of Salisbury (1607), in Sir John Davies, *Historical Tracts* (London: Imprinted for John Stockdale, 1786), p. 284.

<sup>69</sup> Anonymous, *The Present State of Ireland*, pp. 105 – 106.

first Anglo-Indian law code, highlights this particular perception by explaining that “the Hindoos have no written laws whatever, but such as relate to the ceremonious peculiarities of their superstition”.<sup>70</sup> The matter of written versus unwritten laws in both Ireland and India, therefore, became linked to arguments of uniformity, which were themselves linked to questions of control: unless the legal system was the same throughout the country, the British could not hope to understand the laws and, by consequence, could not hope to control the polity.

Beyond the questions of uniformity and control, legal matters in Ireland provided Britain with a model for justifying its presence in colonial settings. While the primary basis for the English claim to sovereignty in Ireland rested on the justification of prior rights through the conquests of King Arthur and the Anglo-Normans, the renewed conquest of the late sixteenth century was also depicted as a way to free the native population from the oppressive regime of the Irish lords – which would be finalised through the introduction of English law. Drawing a parallel between the Irish lords and the “tyrannical” Ottoman Empire, a 1594 entry from the Carew Manuscripts stipulates that they “by all means do strive to keep that tyrant Justice – for so they esteem her – out of their countries, that they might live uncontrolled to exercise their extortions upon their poor tenants and followers”.<sup>71</sup> Similarly, Davies firmly believed that the Gaelic Irish

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<sup>70</sup> Translator’s Preface, in Nathaniel Brassey Halhed, *A Code of Gentoo Laws, or, ordinations of the pundits* (London: Unknown, 1777), p. x; Radhika Singha, *A Despotism of Law* (1998) and R. Singha, “Civil Authority and Due Process: Colonial Criminal Justice in the Banaras Zamindari, 1781 – 95,” in *Changing Concepts of Rights and Justice in South Asia* (2000), cited in R. Travers, *Ideology and empire*, p. 117.

<sup>71</sup> Entry 151, A Discourse for Ireland, 1594, in *Calendar of the Carew Manuscripts, preserved in the Archiepiscopal Library at Lambeth, 1589 – 1600*, vol. 3, ed. J.S. Brewer and William Bullen (London: Longmans, Green & Co., 1869), p. 106.

lived in a state of “slavery” at the hands of the Irish lords, from which they could be freed by increased English control and the imposition of English laws throughout the country.<sup>72</sup>

This type of justification was also extensively used by the British in India to explain their initial confrontation against native rulers at Plassey, as well as their subsequent expansion throughout other Indian states. George Ducarel, the Supervisor of the Purnea district in the Punjab, argued that the British goal in India was to transform the Indian people and lead them away from a system of “Oppression” under the Mughals. The depiction of the Mughals as despotic tyrants also found its way into Halhed’s *A Code of Gentoo Laws*, in which his unflattering description of Islam provided a validation for the code. Halhed uses this imagery to portray the Hindus as victims in need of help, since “the immediate magistrate decided all causes according to his own religion; and the laws of Mahomed were the standard of judgment for the Hindoos. Hence terror and confusion found a way to all the people, and justice was not impartially administered”.<sup>73</sup> British expansion and attempted legal interventions were thus recast as attempts by self-proclaimed ‘freeborn Britons’ to ‘liberate’ the native populations from the oppression of their rulers.<sup>74</sup>

The final point in which the British followed a notable pattern in both Ireland and India was the growing sense that the natives’ participation in the legal systems should be regulated – if not downright excluded – by the more responsible Britons. In both cases,

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<sup>72</sup> A Discovery of the true causes why Ireland was never entirely subdued, in J. Davies, *Historical Tracts*, p. 248.

<sup>73</sup> Ducarel Papers, G.G. Ducarel to his Mother, 15 December 1769, D2091, fo. 11, Gloucestershire country Record office, as cited in R. Travers, *Ideology and empire*, p. 98; Translator’s Preface, in N. Halhed, *A Code of Gentoo Laws*, p. lxxiv.

<sup>74</sup> On the concept of ‘freeborn Britons’, see for example Linda Colley, *Britons: Forging the Nation 1707 – 1837* (New Haven: Yale University Press, 2009), pp. 48 – 49.



this tied back to the British belief in the corrupt nature of the native courts. In a letter to the Lord Chief Justice of Ireland in 1592, Irish informers expressed concern over the lack of prosecutions against Irish rebels and traitors, which they attributed to the Catholic bias of the judges and juries.<sup>75</sup> In the early seventeenth century, this translated into increasing attempts to block Irish representatives from holding positions in the law system. Sir Geoffrey Fenton expressed unease at the idea of Irish participation in the legal hierarchy in a letter to Sir Robert Cecil in 1600. His statement that the Irish would be unable to properly administer English justice is suggestive because it alludes to the arguments found among commentators such as Spenser and Smith that the Irish were not yet civilised enough to appreciate the common law.<sup>76</sup> Even the fairly sympathetic Vincent Gookin, who wrote against the English transplantation policies proposed in the aftermath of the 1641 Rebellion, argued that one of the causes for the Rebellion was the Irish presence in the legal system. Signifying that earlier efforts to exclude the Irish had not been completely successful, Gookin staunchly maintained that the Irish perverted justice so that “in all Disputes between Irish and English, the Irish were sure of the favour”.<sup>77</sup>

In keeping with Dow and Verelst’s belief that the Indian court system was highly corrupt, the British also believed that Indian participation in the legal system should be limited – that being said, it was very clear that in India, Indian participation could not be fully excluded or necessarily prevented. One significant factor to influence this position

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<sup>75</sup> A Letter to the Lord Chiefe Justice of Irelande, 22 July 1592, in *Acts of the Privy Council of England*, vol. XXIII, July 1592 – December 1592, ed. John Roche Dasent (London: Mackie & Co., 1901), p. 60.

<sup>76</sup> Entry 57, Sir Geoffrey Fenton to Sir Robert Cecil, 21 January 1600, in *Calendar of State Papers relating to Ireland, of the reign of Elizabeth, April 1599 – February 1600*, ed. Ernest George Atkinson (London: The Norfolk Chronicle Company, 1899), p. 412.

<sup>77</sup> Vincent Gookin, *The Great Case of Transplantation Discussed* (1655), in *Strangers to that Land: British Perceptions of Ireland from the Reformation to the Famine*, ed. Andrew Hadfield and John McVeagh (Gerrards Cross: Colin Smythe, 1994), p. 126.

was that unlike the situation in Ireland, Indian laws were maintained; consequently, the British needed natives who were familiar with these laws. Despite this need for native participation, rampant stereotypes of native corruption pushed the British to attempt to severely limit the power and influence of these natives. Sir William Jones' primary motive in translating Sanskrit law texts was to produce an "accurate" law digest voiding the courts' dependence on native religious scholars. Writing to Lord Cornwallis that "we can never be sure that we have not been deceived by them [native lawyers]", Jones and his British compatriots' efforts to translate Indian law inscribed themselves into a larger question of control. Since the British had access to English translations of the law codes, the need for native participation in the legal system became far more limited. Power was, therefore, transferred from this native class to the British.<sup>78</sup>

Through the British struggles in Ireland to impose English law, several lessons were learned which influenced the ways in which matters of law were settled in India. Most importantly, the British recognised that it was both impractical and unfeasible to introduce English law to a recalcitrant and hostile population. While the Irish Brehon laws were eventually abolished, correspondence throughout the seventeenth century indicates that this caused a high level of Irish discontent as well as periodic resistance to English authority. India was far more populated than Ireland and, consequently, the dangers of unrest due to the imposition of a foreign law system were far greater. Indian laws were, therefore, maintained, but dramatically modified by the numerous reforms pushed through by the British, who were determined to regularise the legal system. However, the Irish experience did provide one other notable influence: continual

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<sup>78</sup> Sir William Jones to Lord Cornwallis, 19 March 1788, in Sir William Jones, *The works of Sir William Jones*, vol. III (London: Printed for G.G. and J. Robinson, 1799), p. 74.

resistance and a belief in the corrupt nature of the native population convinced the British that the most prudent course of action was to limit native participation in the legal systems of the colonies. In doing so, the British were effectively taking charge of the administration of law and asserting their own dominance over a subject nation.

Discussing British rule in India under the EIC, historian Joseph Sramek claims that the British placed a great deal of importance on others' perception of them and that they "believed their empire was one largely based on 'opinion', by which they usually meant 'reputation' or 'image'".<sup>79</sup> This was certainly the case in Ireland, which taught the British that complete subjugation of the native population was necessary, or they would find themselves in possession of another uncontrollable colony. Thus, over and beyond a fundamental belief in an inherent superiority of self, a necessary element to imperial expansion was the instilment of a sense of British superiority among the colonised – the Irish and the Indians had to believe that the British were a dominant force so that they would believe in British rule. Similarly, the British themselves had to believe that they were superior to the colonised in order to justify their appropriation of sovereignty over foreign peoples. The histories of these peoples, the travel accounts of the Irish and Indians and the numerous legal reforms Britain imposed upon both polities served as tools to introduce and then reinforce notions of English, and later British, superiority and inferiority.

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<sup>79</sup> Joseph Sramek, *Gender, Morality, and Race in Company India, 1765 – 1858* (New York: Palgrave Macmillan, 2011), p. 2.

## CONCLUSION

To a considerable degree, throughout the period between 1550 and 1800 the British Empire rested on perspective and perception: not only in the ways in which Britons viewed other people, but also in the ways in which they themselves were viewed by their colonies. An emphasis on the superiority of Britons was essential because it provided an overarching justification for colonisation – the British could not claim the rights of sovereignty over other peoples unless they had established that they were more advanced.<sup>1</sup> The early colonial experience in Ireland was instrumental in shaping this vision of superiority by making the British increasingly draw distinctions between themselves and other peoples, a distinction in which they always emerged as a superior society. This laid the groundwork for later imperial endeavours, notably in India, which produced one of the enduring symbols of the British Empire at its height, the British Raj.<sup>2</sup>

Ireland represented the first English attempt to assert its authority on a foreign polity and became the site of numerous debates over the proper approaches to empire. Furthermore, it was also the first colonial site where the English began to classify people according to their perceived level of civility and undertook a widespread propaganda

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<sup>1</sup> Tillman W. Nechtman, *Nabobs: Empire and Identity in Eighteenth-Century Britain* (Cambridge: Cambridge University Press, 2010), pp. 32 – 33.

<sup>2</sup> See C.A. Bayly, *Imperial Meridian: The British Empire and the World 1780 – 1830* (London and New York: Longman, 1989), p. 12; Linda Colley, “Britishness and Otherness: an argument,” *Journal of British Studies* 31:4 (1992): p. 327; Thomas R. Metcalf, *Ideologies of the Raj* (Cambridge: Cambridge University Press, 1997), pp. 2 – 3; Jane Ohlmeyer, “A Laboratory for Empire? Early Modern Ireland and English Imperialism,” in *Ireland and the British Empire*, ed. Kevin Kenny (Oxford: Oxford University Press, 2006), p. 21; Michael Hechter, *Internal Colonialism: The Celtic fringe in British national development, 1536 – 1966* (London: Routledge and Kegan Paul, 1975), p. 73; Nicholas Canny, *Making Ireland British 1580 – 1650* (Oxford: Oxford University Press, 2001), pp. 6 – 7, 27, 249 – 250; Jane Ohlmeyer, “‘Civilizing of Those Rude Partes’: Colonization within Britain and Ireland, 1580s – 1640s,” in *The Oxford History of the British Empire, vol. 1. The Origins of Empire: British Overseas Enterprise to the Close of the Seventeenth Century*, ed. Nicholas Canny (Oxford: Oxford University Press, 2005), pp. 127 – 128, 131 – 132.

campaign to assert the barbaric qualities of the native inhabitants. The most contentious issue which arose in early modern Ireland was the debate over the need for violence, embodied by commentators such as Edmund Spenser and Fynes Moryson, and reform, advocated by Sir John Davies among others, to transform the Gaelic Irish and the Old English, into civilised subjects of the crown.<sup>3</sup> Commonly, the government chose the side of reform over violence until the tumultuous civil wars of the seventeenth century and the 1641 Rebellion, which put an end to the period of religious tolerance in Ireland. The ensuing half century, and especially the fallout from the Glorious Revolution in 1688, signaled the final nail in the Irish Catholic coffin and heralded the beginning of the Protestant ascendancy and supremacy in Ireland.<sup>4</sup>

Throughout this debate there remained one constant which was used to argue for English superiority: a confidence in Irish barbarism. The manipulation of history as well as travel accounts of Ireland represented important mediums to convey this sense of barbarity and to justify why British expansion in Ireland was necessary. Writers such as William Herbert, Raphael Holinshed and Edmund Spenser appealed to history in order to claim that earlier Irish lords had sworn allegiance to King Arthur and that the sovereignty of Ireland had passed to Britain with the Norman Conquest. These authors also sought to explain the failure in subduing Ireland throughout the centuries by blaming the Old

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<sup>3</sup> See T.C. Barnard, "Protestantism, ethnicity and Irish identities, 1660 – 1760," in *Protestantism and National Identity: Britain and Ireland, c. 1650 – c. 1850*, ed. Tony Claydon and Ian McBride (Cambridge: Cambridge University Press, 1998), pp. 207 – 208; Patricia Palmer, *Language and Conquest in Early Modern Ireland: English Renaissance literature and Elizabethan imperial expansion* (Cambridge: Cambridge University Press, 2001), pp. 40 – 43; Brian Lockey, "Conquest and English Legal Identity in Renaissance Ireland," *Journal of the History of Ideas* 65:4 (2004): pp. 548 – 549; Andrew Hadfield, "English Colonialism and National Identity in Early Modern Ireland," *Eire-Ireland* 28 (1993), pp. 78 – 79.

<sup>4</sup> D.W. Hayton, *Ruling Ireland, 1685 – 1742* (Woodbridge: Boydell Press, 2004), pp. 1 – 95.

English and playing up the continued intransigence of the natives – both pressing reasons for the English to complete the conquest.<sup>5</sup>

Sixteenth- and seventeenth-century travellers also highlighted the wild and degenerate qualities of the Gaelic Irish and Old English in order to demonstrate that the latter were unable to govern themselves. Inspired by the works of Giraldus Cambrensis, Thomas Blenerhasset maintained that the Gaelic Irish were savages while Edmund Campion, Barnaby Rich and Fynes Moryson depicted the dangers of degeneracy which could befall English settlers.<sup>6</sup> Whether sympathetic or not to the native Irish, English travellers sought to compare the Irish to English society and always found them wanting in this respect. Both the histories and travel accounts of Ireland written during this period reinforced the assumptions that the native Irish and Old English were not only different from the English, but also potentially dangerous and thus had to be contained.

The English sense of a superior self in Ireland was further reinforced by their vision of the law and the subsequent attempts to abolish the Brehon laws. Convinced of the inherent superiority of English law, which was considered an essential component for the stability of the nation, the English believed the orally transmitted Brehon laws to be

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<sup>5</sup> Sir William Herbert, *Croftus, sive, de Hibernia Liber*, ed. Arthur Keaveney and John A. Madden (Dublin: Irish Manuscripts Commission, 1992), pp. xxxv, 43, 81, 85; Section 2, The First Inhabitation of Ireland, in Raphael Holinshed, *Holinshed's Chronicles of England, Scotland, and Ireland*, vol. VI. Ireland, ed. John Hooker (New York: AMS Press, 1965), p. 77; Edmund Spenser, *A View of the State of Ireland*, ed. Andrew Hadfield and Willy Maley (Oxford: Blackwell Publishers, 1997), pp. 51 – 53.

<sup>6</sup> Thomas Blenerhasset, For the Plantation of Ulster (1610), Appendix X, in *A Contemporary History of Affairs in Ireland from 1641 to 1652, with appendix of original documents, 1567 – 1642*, vol. I.I, ed. John T. Gilbert (Dublin: Irish Archaeological and Celtic Society, 1879), p. 319; Edmund Campion, *Two Bokes of Histories of Ireland* (1571), Book 1, ch. 5, in *Strangers to that Land: British Perceptions of Ireland from the Reformation to the Famine*, ed. Andrew Hadfield and John McVeagh (Gerrards Cross: Colin Smythe, 1994), pp. 38 – 39; Barnaby Rich, *The Anatomy of Ireland* (1615), in *Strangers to that Land: British Perceptions of Ireland from the Reformation to the Famine*, ed. Andrew Hadfield and John McVeagh (Gerrards Cross: Colin Smythe, 1994), pp. 45 – 47; Fynes Moryson, *An Itinerary* (begun in 1606), in *The English Traveller in Ireland: Accounts of Ireland and the Irish through five centuries*, ed. John P. Harrington (Dublin: Wolfhound Press, 1991), pp. 91 – 92, 96.

vague, arbitrary and potentially destructive. Sustained efforts were made to exclude the Gaelic Irish – who were viewed as highly corrupt – from participating in the legal system, which eventually did become highly Anglo-Centric.<sup>7</sup> English law, therefore, became not only a way to establish English authority over Ireland, but also a means to restore stability and to implement civility in a country viewed as lawless and in constant turmoil.

Likewise, the histories and travel accounts written by the British on India frequently had the same purpose as those written on Ireland, namely a justification for increasing British expansion and influence. The early histories of India, written in the later eighteenth century by Orientalists such as William Robertson, Alexander Dow and Robert Orme, contained many positive assessments of Indian history, but their primary goal was to depict India as a former golden society which had since stagnated and remained unable to progress under the current tyrannical government. Although the belief in a former golden age was later denied by James Mill, the argument that contemporary Indian society had to be reformed by outsiders remained.<sup>8</sup> Throughout the late eighteenth-century accounts, the overarching theme in the histories was that whatever state of civility India may once have had no longer pertained. Portrayed as a beacon of civility, Britain, therefore, became a symbol of hope for the reformation of the country.

Similarly, travellers John Fryer, Jemima Kindersley and Eliza Fay among others, depicted the country with a continuous combination of fascination and horror, dwelling on the oddities of India in order to reinforce the argument that it was inherently different from Britain. By emphasising practices which were considered distasteful, such as *sati*,

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<sup>7</sup> Hans S. Pawlisch, *Sir John Davies and the Conquest of Ireland: A study in legal imperialism* (Cambridge: Cambridge University Press, 1985), pp. 11 – 12, 57, 60.

<sup>8</sup> Peter Hardy, foreword and J.S. Grewal, *Muslim Rule in India: The Assessment of British Historians* (Oxford: Oxford University Press, 1970), pp. xii, 57 – 58.

hook-swinging, and polygamy, Indian travel accounts created a vivid picture in the British mind of irrational Muslim and submissive Hindu inhabitants, who maintained many elements of barbarity.<sup>9</sup> As far as the British were concerned, these descriptions also crystallised divisions in Indian society, which had not necessarily been previously present, but which would have enduring repercussions on the British perception of India.

The law also became an important component of comparison in India.

Throughout this period, the belief in the supremacy of law – especially English law – endured in Britain. However, the sheer magnitude of India, as well as the undeniable presence of previous legal codes, forced the British to compromise on this question and prevented the imposition of their own legal system. Instead, Muslim and Hindu laws were maintained, but drastically altered through the reforms carried out in the last decades of the eighteenth century to “clean up” the native law systems. While it was thus not deliberate, the British nonetheless changed the face of law in India by creating more rigidly codified law texts and formalising previously fluid systems.<sup>10</sup> Most importantly, within the context of British expansion, this assumption of control over the law added weight to the establishment of British supremacy in India.

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<sup>9</sup> See Letters 1 and 4, in John Fryer, *A New Account of East-India and Persia, in eight letters being nine years travels* (London: Printed by R.R. for Ri. Chiswell, 1698), pp. 33, 147, 179, 196; Letters XXIX and XXXI, July 1767, Jemima Kindersley, *Letters from the Island of Teneriffe, Brazil, the Cape of Good Hope, and the East Indies*, in *Life-Writings by British Women, 1660 – 1815*, ed. Carolyn A. Barros and Johanna M. Smith (Boston: Northeastern University Press, 2000), pp. 178, 181; Letter XX, Calcutta, 5 September 1781, in Eliza Fay, *Original Letters From India (1779 – 1815)*, ed. E.M. Forster (London: The Hogarth Press, 1986), p. 205.

<sup>10</sup> J.S. Grewal, *Muslim Rule in India*, p. 31; Bernard S. Cohn, *Colonialism and its Forms of Knowledge: The British in India* (Princeton: Princeton University Press, 1996), p. 58; C.A. Bayly, *Imperial Meridian*, p. 212; J.D.M. Derrett, *Religion, Law and the state of India* (London: Faber and Faber, 1968), p. 269.



Despite representing unquestionably different colonial experiences, one in the early modern Atlantic archipelago<sup>11</sup> and the other over the course of a century and a half in the East, the formative British experience in Ireland proved highly instructive for colonial endeavours in India. The most significant influence which Ireland provided was the conviction among Britons of their own superiority. In Ireland, this belief was based on sacred and secular – but not necessarily racial – concerns, which posited that the Gaelic Irish were an uncivilised and lesser society. Racial elements did play a far larger role in the British perception of India from the late eighteenth century, as exemplified through Adam Smith's stages thesis and later James Mill's ladder of civilisations; however, the British were already asserting their superiority either subtly or blatantly through travel accounts as far back as Sir Thomas Roe (1615 – 1619).<sup>12</sup> Furthermore, Ireland represented the first foray into a propaganda campaign which depicted the dangerous influences of "other" societies on Britons, in which prolonged contact with native inhabitants would result in assimilation. This theme was picked up in the Indian context with the 'nabobs', who were thought to bring with them upon their return to Britain such undesirable customs of the East as indolence and despotism.<sup>13</sup>

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<sup>11</sup> See J.G.A. Pocock, "British History: A Plea for a New Subject," in *The Journal of Modern Ideas* 47:4 (1975): pp. 603 – 604, 606 – 607, 620.

<sup>12</sup> Joep Leerssen, *Mere Irish and Fíor-Ghael: Studies in the Idea of Irish Nationality, its Development and Literary Expression prior to the Nineteenth Century*, 2<sup>nd</sup> ed. (Notre-Dame: University of Notre Dame Press, 1997), pp. 34 – 35; John Gillingham, "The English Invasion of Ireland," in *Representing Ireland: Literature and the origins of conflict, 1534 – 1660*, ed. Brendan Bradshaw, Andrew Hadfield and Willy Maley (Cambridge: Cambridge University Press, 1993), p. 24; C.A. Bayly, "The British and indigenous peoples, 1760 – 1860: power, perception and identity," in *Empire and Others: British Encounters with Indigenous Peoples, 1600 – 1850*, ed. Martin Daunton and Rick Halpern (Philadelphia: University of Pennsylvania Press, 1999), p. 20; Donald Winch, "Adam Smith's 'enduring particular result': a political and cosmopolitan perspective," in *Wealth & Virtue: The Shaping of Political Economy in the Scottish Enlightenment*, ed. Istvan Hont and Michael Ignatieff (Cambridge: Cambridge University Press, 1983), pp. 258 – 260; Javed Majeed, *Ungoverned imaginings: James Mill's The History of British India and Orientalism* (Oxford: Clarendon Press, 1992), pp. 135 – 136.

<sup>13</sup> T. Nechtman, *Nabobs*, pp. 10 – 11, 91 – 92.

In both Ireland and India, history writing and the evocation of ‘history’ were used to promote contemporary policies and to justify increased British influence or territorial expansion. The British maintained that they held prior legitimacy to Ireland through earlier conquests. Notably, Thomas Smith maintained that England had been the legitimate ruler of Ireland for some time, but had been unable to prosecute its interests in the country because of domestic and continental concerns. In India, historians such as Dow and Orme strove to depict the British as the rightful successors of the Mughals, who had grown corrupt, and were no longer fit to govern the country.<sup>14</sup> British claims to sovereignty over these nations were further underlined by their refusal to acknowledge the native history of Ireland and India: indigenous historical accounts were dismissed as untrustworthy and false, thereby negating a truly indigenous history. Instead, the British set themselves up to represent ‘accurate’ interpretations of these histories and to expose the true Irish or Indian versions, since the inhabitants of each colony were considered insufficiently enlightened to do so.<sup>15</sup>

Irish and Indian travel accounts further emphasised the alien qualities of these countries in comparison with Britain and suggested that the indigenous inhabitants were unable to govern themselves because of their corrupt and deceitful natures – only the British could do so. A constant theme running through all of these travelogues was an

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<sup>14</sup> I.B. Gentleman; Sir Thomas Smith, *A letter sent by I.B. Gentleman vnto his very frende Mayster R.C. Esquire* (London: By Henry Binneman for Anthonson [Anthony Hitson], 1572), folios 3 – 6, 7 – 8; Alexander Dow, *The History of Hindostan, from the death of Akbar, to the complete settlement of the empire under Aurungzebe* (London: Printed for T. Becket and P.A. de Hondt, 1772), p. xxxii; Robert Orme, *Historical fragments of the Mogul Empire, of the Morattoes, and of the English concerns in Indostan* (London: F. Wingrave, 1805), pp. 399 – 400.

<sup>15</sup> For example, see E. Spenser, *A View*, pp. 46 – 47; William Jones, “A Discourse on the Institution of a Society for Inquiring into the History, Civil and Natural, the Antiquities, Arts, Sciences, and Literature of Asia (1784), in *Archives of Empire, vol. 1. From the East India Company to the Suez Canal*, ed. Barbara Harlow and Mia Carter (Durham and London: Duke University Press, 2003), p. 225.

overwhelming fear of possible degeneracy caused by contact with the Gaelic Irish or Indians. Letters by Britons such as Sir Richard Moryson or the anonymous author of “A Letter from Surat” highlight the extent to which British confidence in their own superiority affected their vision of others: because they felt themselves so advanced, Britons believed that any contact with lesser societies would cause them to degenerate and lose the qualities which rendered them unique and British.<sup>16</sup> The stereotypes of the wild Irishmen and disloyal Indians which pervaded contemporary travelogues added a sense of danger to these countries, and gave the impression that the British were under constant threat – or, even worse, that they might “go native” themselves.

Finally, the law represented another way in which the British compared themselves to the Gaelic Irish and Indians, and allowed them to establish their authority over the colonies. In both cases, the law became a synonym for civility and stability. In Ireland, the British believed that a uniformly applied English law system would bring peace and lead the native population away from savagery. While English law was not enforced in India, the law was also seen as a tool of uniformity: instead of making allowance for local traditions, the British created a carefully selected standard text of law for both Hindus and Muslims as part of a larger process to guide India towards civility.<sup>17</sup>

The fact that the British recognised that the imposition of English law in India was unpractical as well as undesirable is significant because it demonstrates the natural

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<sup>16</sup> Entry 156, Sir Richard Moryson to Salisbury, 20 February 1607, in *Calendar of State Papers relating to Ireland, of the reign of James I, 1602 – 1608*, ed. Rev. C.W. Russell and John P. Prendergast (London: Longman & Co. and Trübner & Co., 1874), p. 119; Anonymous, A Letter from Surat, 18 January 1672, in Sir William Hedges, *The Diary of William Hedges, Esq. During his Agency in Bengal, as well as on his voyage out and return overland (1681 – 1687), vol. II*, ed. Colonel Henry Yule (New York: Reprint by Burt Franklin, 1964), p. cccv.

<sup>17</sup> Ciaran Brady, *The Chief Governors: The rise and fall of reform government in Tudor Ireland, 1536 – 1588* (Cambridge: Cambridge University Press, 1994), p. 246; B. Cohn, *Colonialism and Its Forms of Knowledge*, pp. 63 – 64.

evolution of attitudes towards the law which were first seen in Ireland. Men such as Thomas Smith and Edmund Spenser maintained that laws were characteristic of a specific people and, as such, could not be imposed elsewhere because they were unsuited to the needs of others.<sup>18</sup> This was not the eventual policy chosen by the government, which itself caused numerous problems for much of the seventeenth century and met with fierce resistance by the Gaelic Irish. In contrast, by the end of the eighteenth century, the British acknowledged that they were unlikely to meet with success should they attempt to impose English law in India; moreover, Edmund Burke, Harry Verelst and James Mill among others also felt that it was unfair to expect Indians to follow foreign laws.<sup>19</sup>

Both in Ireland and in India, the British believed that the law was, however, in serious need of reform. Believing the native systems to be arbitrary, the British dramatically changed the nature of law in these two colonies. While these actions were deliberate in the case of Ireland but not for India, the British legal reforms added new elements, removed those legal elements considered to be offensive, and created more rigid legal structures.<sup>20</sup> In Ireland, British involvement in the legal system added weight to their claims of sovereignty. This pattern repeated itself in India, where control of the law signaled a larger control of Indian society. The transformation process was completed in both countries through the gradual exclusion of the indigenous society from

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<sup>18</sup> Sir Thomas Smith, *The common-vvelth of England* (London: Imprinted by Iohn Windet for Gregorie Seton, 1589), p. 26; E. Spenser, *A View*, p. 135.

<sup>19</sup> Edmund Burke, on Warren Hastings' Impeachment, 15 – 19 February 1788, in *Archives of Empire, vol. 1. From the East India Company to the Suez Canal*, ed. Barbara Harlow and Mia Carter (Dunham and London: Duke University Press, 2003), p. 145; Harry Verelst, *A view of the rise, progress, and present state of the English government in Bengal* (1772), in *Archives of Empire, vol. 1. From the East India Company to the Suez Canal*, ed. Barbara Harlow and Mia Carter (Durham and London: Duke University Press, 2003), p. 131; James Mill, *The History of British India, vol. I* (New Delhi: Associated Publishing House, 1972), pp. 564 – 566.

<sup>20</sup> J.D.M. Derrett, *Religion*, pp. 233, 285 – 286; Ian St. John, *The Making of the Raj: India under the East India Company* (Santa Barbara: Praeger, 2012), pp. 115 – 117; J. Majeed, *Ungoverned imaginings*, pp. 26 – 27.

the legal systems. This sent out a powerful message reaffirming British superiority in the colony: native participation in the law was not necessary, as the British would assume control of the law books and responsibility for the prosecution of cases in the law courts.

The colonial experiences in Ireland and India represent two important phases in the development of the British Empire: one laid the groundwork for future enterprises while the other became its most prized possession. Although they were superficially separate experiences, the British transferred many of the tools they had used in Ireland to assert their superiority in India. By comparing themselves with the Gaelic Irish and with the Indian peoples, Britons developed the conviction and the historical theory that there existed different stages of development within which they represented the highest order. In such a world view, both Ireland and India embodied lesser societies which Britons were to civilise. The manipulation of history in Ireland, the description of the natives in travel accounts and the application of the law as a tool of reform provided valuable patterns for the ways in which the British structured their later empire in India. At the same time, these experiences powerfully influenced and shaped their perception of themselves not only as a divinely inspired and superior people, but ultimately in the early nineteenth century as imperious and imperial Britons.

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