

Arson in Modern Ireland: Fire and Protest before the Famine

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The act of deliberately setting fire to property with the intent to cause damage is a crime. In early nineteenth-century Britain and Ireland, arson was a statutory offence punishable by death;¹ even after its removal from the list of capital crimes, in 1837,² fire setting remained a serious offence that could incur a life sentence or transportation. Since the eighteenth century, arson has also evolved from an individual malicious act to an effective means of collective violence.³ By burning valuable shelter, crops, infrastructure, etc., arsonists shape the behaviour of their (local, political, other) enemies. In the pre-Famine rural Irish context, for example, fire might drive out a rival landholder from his farm, or impede the tithe collector in his duties. This chapter does not dismiss private vengeance as a key motivator for house and crop burning. David Fitzpatrick, for example, has convincingly reinterpreted many ‘outrages’ – previously deemed class or communal conflicts – as intra-familial violence: competition for resources and a ‘lack of clear criteria for disposing of property’ within Ireland’s vast kinship networks might often explain serious acts of rural violence,

¹ A ‘consolidating Act’ (1828), of the Malicious Injuries to Property Act (1827), clarified as capital crimes the setting fire to domestic and commercial premises, and ‘any stack of corn, grain, pulse, straw, hay or wood’: Edmund Hayes, *Crimes and Punishments; Or, an analytical digest of the criminal statute law of Ireland* (Dublin: Hodges and Smith, 1837), 36–37.

² S. Poole, ‘A lasting and salutary warning’: Incendiarism, rural order and England’s last scene of crime execution’, *Rural History* 19, no. 2 (October 2008), 163–177.

³ Research on the development of arson as a protest tool includes: R. Kuhlken, ‘Settin’ the woods on fire: Rural incendiarism as protest’, *Geographical Review* 89, no. 3 (July 1999), 343–363; C.A. Frierson, *All Russia is burning! A cultural history of fire and arson in late Imperial Russia* (Seattle: University of Washington Press, 2002); G. Clark, ‘Burn after reading: A short history of arson’, *The Conversation*, 4 December 2014: <http://theconversation.com/burn-after-reading-a-short-history-of-arson-32161> [accessed 26 July 2016].

including arson.⁴ 'Family' is also, perhaps, especially more useful than 'class' as a 'unit of analysis' of rural violence, in Ireland,⁵ given the 'complexity' of landholding before the Famine and lack of clear distinction between, say, farmers, tenants, sub-tenants and labourers.⁶ However, as an unavoidably public attack – fire is highly visible and potentially devastating in its impact – I argue that incendiarism is particularly effective in communicating (broadly defined) communal or collective grievances.

Having re-established control of Ireland via the Act of Union (1800), the British state certainly saw the rebellious potential of fire setting: the contemporary label 'protest crime' – which encompasses other acts of 'agrarianism' including association, forcible possession, assault, animal maiming and intimidation – recognizes arson's status in the official mindset as a simultaneously violent, criminal and insurrectionary act.⁷ Indeed, one of the major methodological problems we face, in analysing arson, is our reliance for evidence on government records concerned primarily with arson as protest (fires set during riots, rebellions and other pre-Famine 'peaks' of agitation,⁸ in other words) – as distinct from criminal acts deemed non-political. The state quickly categorises arson without investigating fully its rationale, in other words. This chapter draws on State of the Country and Outrage Papers submitted by local police officers and magistrates to the Lord Lieutenant and his Chief Secretary at Dublin Castle, as well as the Registered Papers of the Chief Secretary's

⁴ D. Fitzpatrick, 'Class, family and rural unrest in nineteenth-century Ireland', in P.J. Drudy (ed.), *Irish Studies*, Volume 2: *Ireland: land, politics and people* (Cambridge: Cambridge University Press, 1982), 37–75 at 43–44, 57.

⁵ Fitzpatrick, 'Class, family and rural unrest in nineteenth-century Ireland', 57.

⁶ J. Mokyr, *Why Ireland starved: A quantitative and analytical history of the Irish economy, 1800–1850* (London: George Allen and Unwin, 1983), 17.

⁷ G. Rudé, *Protest and punishment: The story of the social and political protesters transported to Australia, 1788–1868* (Oxford: Clarendon Press, 1978), 32. See later discussion on the methodological problems facing historians of arson.

⁸ Largely coincident with periods of depression, agrarian disturbances were relatively high during 1813–16, 1819–23 and 1831–34: S.J. Connolly, 'Agrarian protest', in Connolly (ed.), *The Oxford companion to Irish history*, Oxford Paperback Reference (Oxford: Oxford University Press, 2011), 5–6.

Office itself. Whilst these archives record the opinions and attitudes of officialdom towards violence, we hear little if anything from the arsonists on their own (alleged) motives. As Fitzpatrick observes on the violence of the later revolutionary (1912–23) period, the issue of motivation is ‘notoriously resistant to historical analysis’;⁹ the reasons for which individuals set fires are especially diverse and often unknowable.¹⁰

Given, perhaps, the difficulties in accessing alternative (perpetrator) perspectives,¹¹ there persisted for a long time in the historiography impressions of pre-Famine Ireland as a ‘moral economy’,¹² in which incendiary and other violent acts were ‘committed by the offenders as administrators of a law of opinion, generally prevalent amongst the class to which they belong’.¹³ In this interpretation, locally agreed behavioural codes (regarding, for example, fair employment practices and food prices) operated in direct opposition to a British political and legal system that

⁹ Fitzpatrick, ‘Protestant depopulation and the Irish Revolution’, *Irish Historical Studies* 38, no. 152 (Nov. 2013), 643–70 at 643.

¹⁰ Varied motivations for arson (profit, revenge, mental illness, etc.) are today the concern of applied research directed towards fire safety and prevention; see, for example, R. Doley, ‘Making sense of arson through classification’, *Psychiatry, Psychology and Law* 10, no. 2 (2003), 346–52.

¹¹ One potential resource for such perspectives, however, which are to be investigated in the next stage of this research project, on late-nineteenth and early-twentieth-century arson, are petitions of clemency to the Lord Lieutenant, from prisoners and/or their families, as recorded in the Prisoners Petitions and Cases and Convict Reference Files, National Archives of Ireland (NAI).

¹² E.P. Thompson, ‘The moral economy of the English crowd in the eighteenth century’, *Past and Present*, no. 50 (February 1971), 76–136.

¹³ G.C. Lewis, *On local disturbances in Ireland, and on the Irish Church question* (London: B. Fellowes, Ludgate Street, 1836), 94–7. See also: S. Clark, ‘The importance of agrarian classes: Agrarian class structure and collective action in nineteenth-century Ireland’, *The British Journal of Sociology* 29, no. 1 (March 1978), 22–40; M. Beames, *Peasants and power: The Whiteboy movements and their control in pre-Famine Ireland* (New York: St Martin’s Press, 1983);

struggled to meet the challenges of local violence and disorder;¹⁴ those who broke the unwritten laws were more severely punished by the community than by the authorities. To critique this analysis is not to say that E.P. Thompson's famous theory should never be applied to the early nineteenth-century Irish context; we ought indeed to seek function and purpose in even apparently spontaneous rebellions – to examine violent and criminal acts (as George Cornwall Lewis advises) 'with reference to the motive, or effect they are intended to produce'.¹⁵ However, there is also room for new research models and reflection on the complex and shifting relationship between law and society, in Ireland at the time. This chapter thus aims to add to understanding on crime and protest through a close study of a single type of violence, arson.

In terms of recorded incidents, non-incendiary destruction of property and attacks on the person were much more common than were burnings during key periods of pre-Famine unrest, 1813–16, 1819–23 and 1831–34. Local Justices of the Peace wrote to the central administration at Dublin Castle of much general damage to property during riots and attacks involving gangs ('banditti') or more specifically members of what traditionally have been called agrarian secret societies (Carders, Threshers, White Feet, Ribbonmen and Whiteboys are all mentioned in the files I examined). The purpose of these attacks was to intimidate the property owner: houses were 'wrecked',¹⁶ pelted with stones,¹⁷ even 'pulled down' altogether;¹⁸ oats were maliciously 'scattered',¹⁹ corn stacks 'torn down';²⁰

¹⁴ V. Crossman, 'Emergency legislation and agrarian disorder in Ireland, 1821–41', *Irish Historical Studies* 27, no. 108 (November 1991), 309–23; Crossman, *Politics, law and order in nineteenth-century Ireland* (New York: St Martin's Press, 1996).

¹⁵ Lewis, *On local disturbances in Ireland*, 94, 98.

¹⁶ NAI, State of the Country Papers Series 1 (SOC 1), 1718/28 (Longford, 1815).

¹⁷ NAI, Outrage Reports, Monaghan 1835, 23/25: Catholics attacked with stones the houses of Protestants in Clones because 'an Orange Lodge sits' in one, belonging to 'Irwin'.

¹⁸ NAI, Chief Secretary's Office Registered Papers, Private Papers, CSO/RP/PRV/1832/1800: A party of 'Whitefeet' took this action against a small cabin in Kilkenny, on 3 October 1832, on finding the owner (who allegedly they had intended to kill) not at home.

¹⁹ CSO/RP/PRV/1832/1826.

²⁰ SOC 1, 1565/29 (Monaghan, 1814): Catholics were punished in this way for working with Protestants.

armed gangs raided homes for money and weapons; men were assaulted and killed. In 'nocturnal attacks' in Waterford, five labourers were beaten 'in the most inhuman manner' because they were thought to be 'natives of another county' (and perhaps, therefore, outsiders and 'grabbers' of jobs or land).²¹ 'Shot guns, pistols and sticks' were used in that attack; others were maimed by having their 'ears cut off',²² for example, or subjected to the traditional form of torture using metal wool combs that gave 'Carders' their name.²³ James Donnelly's history of the second main wave of pre-Famine agrarian rebellion emphasizes the cruelty of the interpersonal violence that characterized the 'Rockite' response, c.1821–4, to agricultural depression across central and southwest Ireland. Followers of the fictitious 'Captain Rock' murdered, mutilated and raped in a 'deliberate, carefully orchestrated' movement against high rents and tithes, evictions and the employment of strangers.²⁴

What was the relevance of arson, then, within this vast rural repertoire of destruction, intimidation and harm? Was fire especially effective in achieving the aims of, for example, commandeering arms, chasing away an uneconomical tenant or undermining the local magistracy? Or, was arson – as opposed to non-incendiary destruction involving stones and sticks, for example – enacted on a whim, or out of concern for 'ease and safety of withdrawal' and 'silence and surprise' of attack, because easily combustible targets (such as dry straw, hay, etc.) usually stand away from the main farm building, in a haystack (or hayrick) or yard (also called a haggard).²⁵ One of the universal attractions of incendiarism undoubtedly is its simplicity and accessibility. Requiring

²¹ SOC 1, 1540/22 (Waterford, 1813).

²² SOC 1, 1564/55: 'ears and cheek' cut; SOC 1, 1718/25: ears 'cut off by Ribbonmen'.

²³ SOC 1, 1564/7 (Westmeath, 1814): 'A party of men st[y]ling themselves Carders' tore off the victim's (John Gannon of Loughnavalley) clothes 'and forced him on his knees and tore his back with some sharp instrument and drew blood'.

²⁴ J.S. Donnelly, Jr., *Captain Rock: The Irish agrarian rebellion of 1821–1824* (Madison, Wis.: University of Wisconsin Press, 2009), 18.

²⁵ Donnelly, *Captain Rock*, 267. See also J.E. Archer, *By a flash and a scare: Incendiarism, animal maiming, and poaching in East Anglia, 1815–1870* (Oxford: Clarendon Press, 1990), 149.

little effort and manpower, arson is a quintessential weapon of the weak;²⁶ fire-setting tools have indeed changed little in modern times. On the night in 1803 that a number of houses in Limerick village, Ballingaraine, were burned, Joseph Ruckle saved his father's place from destruction by removing from the thatch a 'coal of fire' placed there by the perpetrators.²⁷ Kettles of red-hot lumps of turf or coal were similarly found on sites visited by 'Captain Rock' (1821–24)²⁸ and, nearly a century later, the IRA drew on these old techniques by throwing paraffin-soaked sods of earth at Royal Irish Constabulary barracks.²⁹

However, this chapter argues that arson had a greater appeal and more complex motivations than accessibility alone; by examining the function of arson beyond its immediate application (destruction) we can better understand why fire became (and remains) such a persistent 'icon of resistance'.³⁰ Fire is visible from up to forty miles away (claims John Archer in his study of arson in nineteenth-century England) and attracts widespread attention.³¹ Damage to property through combustion thus produces an instant and frightening public spectacle – light, heat and smoke. Fire also engenders deeper personal and collective dread because of man's primal understanding of how quickly and completely it can claim not only life but also the rudiments of survival (shelter, farming implements, animals/animal fodder, potato stocks).³² Arson's capacity for intimidation certainly is huge; fear of being burned out induces action and compliance with

²⁶ James C. Scott, *Weapons of the weak: Everyday forms of peasant resistance* (New Haven: Yale University Press, 1985).

²⁷ SOC 1, 1025/31 (Limerick, 1803).

²⁸ Donnelly, *Captain Rock*, 6, 266–7. 'Hot coals or cinders' and 'smouldering peat' were also popular incendiary devices in England around this time: Archer, *By a flash and a scare*, 73.

²⁹ Clark, 'Fire and Revolution: Arson in Ireland, c.1916–23', in J.D. Stover (ed.), 'Environmental Destruction and the Irish Revolution, 1916–23', *Environmental History* (submitted, 2016).

³⁰ M. Hinds-Aldrich, 'The seductions of arson: Ritualized political violence and the revelry of arson', *Journal of Criminal Justice and Popular Culture* 16 (2009), 103–35 at 104.

³¹ Archer, *By a flash and a scare*, 163.

³² Outrage Reports, Tipperary 1835, 27/126.

demands. In an intense campaign of arson that destroyed hundreds of houses and out-offices,³³ for example, the Rockites became particularly adept at exploiting the vulnerability of the one-storey thatched dwelling, the most common accommodation of the relatively 'poorly housed' rural Irish.³⁴ As the burnings peaked in the summer of 1822, the prospect of one's home being reduced 'to ashes' acted as 'social paralysis' against resistance to Rockite calls for lower rents and an end to evictions.³⁵ A crown solicitor, Maxwell Blacker, interviewed by a House of Commons select committee on 'disturbances in Ireland', in 1824, similarly described the punitive power of fire – used in his experience to inhibit convictions for insurrectionary crimes at the assizes: defendants 'constantly' found alibis from witnesses 'almost universally' residing in thatched houses. 'Why should a person living in a thatched house be more prone to give a good character than any other? –Because he is afraid of his house being set on fire.'³⁶

The threat of fire was very real: crown witnesses,³⁷ solicitors³⁸ and alleged informers³⁹ had their homes and crops burned. 'The word Spye either in truth or lies is very bad', said Charles Farrell of Westmeath, who claimed in 1820 that his life was in danger after he was 'pointed at ... by

³³ Donnelly, *Captain Rock*, 271.

³⁴ Mokyr, *Why Ireland starved*, 10; R.A. Gailey, 'Housing', in Connolly (ed.), *Oxford companion to Irish history*, 261–63 at 262–63.

³⁵ Donnelly, *Captain Rock*, 267.

³⁶ *State of Ireland: Minutes of evidence taken before the Select Committee appointed to inquire into the disturbances in Ireland, in the last session of Parliament, 13 May–18 June, 1824*, p. 73, House of Commons Papers 1825 (20) vii, 1: <http://parlipapers.proquest.com/parlipapers/docview/t70.d75.1825-009421?accountid=10792> [accessed 5 Aug. 2016].

³⁷ SOC 1, 1558/27 (Roscommon, 1814). On the intimidation of witnesses in homicide trials, through interpersonal violence and attacks on property, see R. McMahon, "For fear of the vengeance": The prosecution of homicide in pre-Famine and Famine Ireland', in McMahon (ed.), *Crime, law and popular culture in Europe, 1500–1900* (Cullompton: Willan, 2008), 138–89 at 161–69.

³⁸ SOC 1, 1713/17 (Mayo, 1815).

³⁹ SOC 1, 1565/21, 22, 25 (Armagh, 1814); SOC 1, 1718/25 (Longford, 1815); NAI, Chief Secretary's Office Registered Papers, CSO/RP/1821/1547 (Meath, 1821): property destroyed 'in revenge' for giving information that led to the conviction of the perpetrator of a house burning.

incendiarys as being an informer to the Government'.⁴⁰ The burning of Wildgoose Lodge, for another, infamous example, was a gruesome act of revenge against a farmer who had informed on Ribbonmen in Co. Louth in October 1816.⁴¹ ('Informers' may have also included those who refused to show loyalty to a cause: the turf belonging to 'several poor people' in Kildare, for example, allegedly was burned because they declined the Ribbonmen's oath.⁴²)

The usage of fire as intimidation – to shape behaviour and control the flow of information to the authorities – might on the one hand be seen as an act of resistance against new, formal mechanisms for social control in pre-Famine Ireland. 'Intensive' police reform, 1814–40, for example, replaced local watchmen, and parish and baronial constables, with the 'Peace Preservation Force' (1814) and national constabulary (1822), which merged into the Irish (later Royal Irish) Constabulary (1836).⁴³ As law and order became more centrally organized – with the intention, at least, to lessen the local autonomy of the landed magistrates⁴⁴ – some communities seemingly favoured more traditional methods of justice, to which the cooperation, or at least complicity, of local people was crucial. Individuals and small groups set fires often anonymously, under cover of night;⁴⁵ for the act fully to impact its target, the house, crops or other property in question has to be left to burn. When Rockites set fire to tithe corn, for example, farmers living near by 'never helped put them out'. Neither did the 'neighbouring peasants' of a burning Limerick rectory (Killeedy) 'dowse the flames'.⁴⁶

⁴⁰ CSO/RP/1820/562/A.

⁴¹ T.A.M. Dooley, *The murders at Wildgoose Lodge: Agrarian crime and punishment in pre-Famine Ireland* (Dublin: Four Courts Press, 2007).

⁴² CSO/RP/1821/293.

⁴³ S.H. Palmer, *Police and protest in England and Ireland 1780–1850* (Cambridge: Cambridge University Press, 1988), 31.

⁴⁴ R. Hartigan, 'One law, many justices: An examination of the magistracy in Pre-Famine Ireland, 1830–1846' (PhD, Mary Immaculate College, University of Limerick, 2016): <http://hdl.handle.net/10395/2068> [accessed 5 Aug. 2016].

⁴⁵ See later discussion on the methodological challenges associated with the study of arson.

⁴⁶ Donnelly, *Captain Rock*, 163, 79. See later discussion on anti-tithe burnings.

On the other hand, communities also united against criminal acts and threats to their security. During the burning of a house and stack of turf belonging to father and son James and Brian Murry of Tullaghan (Leitrim) in October 1832, for example, their neighbours ‘all assembled and succeeded in extinguishing the fire and saved’ half the turf, the house ‘and another adjoining it from being burned’.⁴⁷ A member of the Ruckle family (above) similarly claimed that the family home would have been ‘consumed if not for the activity of the persons about them, who covered the thatch with ... clothes’, to extinguish the maliciously started fire.⁴⁸ The ‘immediate success’ of the new petty sessions, from 1823, suggests further a ‘move away’ from extra-legal settlement of local scores (over trespass, wages and hiring practices, etc.) and towards acceptance of the authority of the courts.⁴⁹ Richard McMahon observes the people’s willingness not only to prosecute serious crimes (murder, rape) via the appropriate channels (the assizes and quarter sessions), but also to use the petty sessions to resolve ‘sensitive’ family issues that – as Fitzpatrick has shown – could otherwise lead to severe violence.⁵⁰ Indeed, whilst there was ‘no blind allegiance to ... the courts and the law’, in pre-Famine Ireland, McMahon cautions us not to exaggerate the restrictions placed upon the submissions of evidence by witnesses. ‘Ordinary people’ in fact played a ‘direct and strong’ role in crown prosecutions.⁵¹

Some deep-seated tensions, though, could not easily be resolved through the authorized channels. The concentration of land and power in the hands of a settler-elite had shaped Ireland’s development since at least the Plantations of late sixteenth century. In a predominantly agricultural society (outside the more industrialised Ulster), the rural masses desperately sought access to land for tillage.⁵² The calamity of the Great Famine, 1845–49, undoubtedly colours our view of the

⁴⁷ CSO/RP/PRV/1832/1826.

⁴⁸ SOC 1, 1025/31 (Limerick, 1803).

⁴⁹ McMahon, ‘The regional administration of a central legal policy’, in L. Litvack and G. Hooper (eds), *Ireland in the nineteenth century: Regional identity* (Dublin: Four Courts Press, 2000), 156–68 at 156, 158.

⁵⁰ McMahon, ‘The regional administration of a central legal policy’, 160, 165.

⁵¹ McMahon, “For fear of the vengeance”, 169–70.

⁵² In Ireland, before the Famine, six out of seven persons lived in rural areas (that is, settlements with fewer than 2,000 inhabitants): Mokyr, *Why Ireland starved*, 16.

health of this rural economy and economic historians advise us to place the ‘fragility’ of Irish agriculture in perspective: the sector was ‘highly commercialised’ and not in fact an ‘insulated subsistence-bent’ economy inevitably prone to catastrophe.⁵³ However, centuries of colonization and confiscation – and closer economic and political control by Britain through the Union – arguably had made rural Ireland more vulnerable to famine than its British and European neighbours, before the potato blight arrived in 1845.⁵⁴

With pressure on the land increasing with the rising population,⁵⁵ the plight of those at the very bottom of the rural hierarchy – landless (or near landless) cottiers and labourers scratching out an existence on ever-decreasing potato plots – concerned the British Government to a degree. However, royal commissions of inquiry made only ‘timid’ recommendations; belief in the ‘inviolability of property rights’ constrained attempts at land reform.⁵⁶ Grievances were also redressed through collective action, with fire playing an important role in protesting injustices. Many arson attacks I studied targeted directly those who administered or benefitted from what were perceived as the unfair economic practices. The ‘alleged cause’ of the burning of cattle and a plough in his Wicklow parish in May 1821, reported Reverend Moore Morgan, for example, was the ‘farmer having used his plough – instead of employing men to plant his potatoes’.⁵⁷ In other words, the farmer was punished for usurping through the use of machinery the human bedrock of pre-Famine, labour-intensive Irish agriculture. Particular vitriol was reserved for the land grabber or land canter, that is, the farmer who had expanded his holdings by taking the plot of a tenant

⁵³ C. Ó Gráda, *Ireland before and after the Famine: Explorations in economic history 1800–1925* (Manchester: Manchester University Press, 1988), 67.

⁵⁴ D.P. Nally, ‘The colonial dimensions of the Great Irish Famine’, in J. Crowley, W.J. Smyth and M. Murphy (eds), *Atlas of the Great Irish Famine, 1845–52* (Cork: Cork University Press, 2012), 64–74.

⁵⁵ From 5 million in 1800 to a peak of c.8.7 million in mid-1846, prior to the death and devastation wrought by the Famine: Smyth, ‘Mapping the people’: The growth and distribution of the population’, in Crowley, Smyth and Murphy (eds), *Atlas of the Great Irish Famine*, 13–22 at 13.

⁵⁶ Ó Gráda, *Ireland: A new economic history, 1780–1939* (Oxford: Clarendon Press, 1994), 129–30.

⁵⁷ CSO/RP/SC/1821/392.

recently removed from his land by eviction, which was frequent before the Famine.⁵⁸ William Gumbleton JP characterized the burning of his barn in 1813 not as a 'symptom of rebellion' but an act of the widespread 'villainy' to 'landed property'; he claimed that those who had 'taken grounds last year' in Cos Cork and Waterford were 'to be murdered'.⁵⁹ Patrick Hogan 'bid' (at auction) for a dwelling house in Borrissleigh (Tipperary) from which the previous tenant had been evicted just a few days before for 'non-payment of rent'; Hogan's new purchase was consequently burned.⁶⁰ And the 'only cause to be assigned' to the malicious burning, on 4 September 1835, of two stacks of turf belonging to William Quinn, was that the victim had 'dispossessed a tenant who held the land some time ago'. Arrested on suspicion of the attack was a man who had previously threatened Quinn, though a local magistrate commented on the perennial problem, in prosecuting arson cases, that 'evidence may be hard got sufficient to convict'.⁶¹

Resentment of those who enjoyed the favour of the predominantly Protestant, Anglo-Irish landowning elite, as estate employees, also manifested itself through violence during this period. The Rockites, for example, burned dwellings of land stewards and herdsmen,⁶² in attacks foreshadowing Irish Civil War vendettas against 'big house' staff who were marked out as guardians of landlord advantage and consequently were intimidated, assaulted and had their houses burned during 1922–23.⁶³ However, where pre-Famine fires differ from later campaigns is that the gentry themselves were not burned out during the earlier years.⁶⁴ Despite the 'disturbed' state of Tipperary in 1814,⁶⁵ for example, gentlemen magistrates Francis Trench and John Bagwell reported no attacks on their own mansions; it was not until the Revolutionary period that their

⁵⁸ Ó Gráda, *Ireland: A new economic history*, 122.

⁵⁹ SOC 1, 1540/28.

⁶⁰ Outrage Reports, Tipperary 1835, 27/159/A.

⁶¹ Outrage Reports, Monaghan 1835, 23/18. See introduction, and later discussion, on the methodological problems involved in the study of arson.

⁶² Donnelly, *Captain Rock*, 80.

⁶³ Clark, *Everyday violence*, 50–51, 139, 187–88.

⁶⁴ Donnelly, *Captain Rock*, 268: Rockites burned only a few 'gentry-occupied residences'.

⁶⁵ SOC 1, 1559/3.

ancestors, Cosby G. Trench and Senator John Bagwell, were forced out of Sopwell and Marfield by violence.⁶⁶ Arson apparently was not used in the pre-Famine period, as it was during later conflicts, to bring down the underlying ownership system (landlordism), but rather to demand better treatment of the cheap labour upon which the system was based.

Protest against tithes, by contrast, as expressed through the burning of property, suggests a more radical rejection of an entire system, that is, the perceived iniquity of the collection by the Church of Ireland of a tax on agricultural produce from a largely poor, Catholic populace.⁶⁷ The burning of the haggards of the reverend and lay rector of Ballingarry (Limerick) in 1813, for example, was 'occasioned by a considerable advance in the demands of a new tithe-proctor'. Ballingarry, having a relatively large 'Church of England' population,⁶⁸ was not an area known for violence, which may encourage interpretation of this particular fire as a compulsive reaction to a sudden tax increase. However, the use of arson against a variety of targets connected to the system (including tithe corn) indicates endemic opposition to the temporal power exerted by a foreign denomination. While serving the religious needs of only a minority of the population, Church of Ireland clergymen exercised other forms control (as magistrates, informants to the authorities and so on) across the community as a whole. Edmund Chichester JP, of Co. Donegal, reported a hayrick belonging to Reverend Samuel Montgomery, rector of the parish of Lower Moville, for example, was burned 'in revenge for the assistance which he has given me on many occasions in the execution of my duty as a magistrate'.⁶⁹ Thus long resentments of the Church of Ireland as the state church of Ireland, which it enjoyed until disestablishment in 1870, found a particular focus in anti-tithe agitation.

In perhaps the most obvious acts of resistance to unfair taxation, Protestant churches and

⁶⁶ Marfield was burned in January 1923 and in July 1922 Sopwell was the site of a vicious sexual assault: Clark, *Everyday violence*, 71–72, 188–90.

⁶⁷ Catholics comprised 80.9% of the population of Ireland in 1834, Anglicans made up 10.7% and Presbyterians 8.1%: Connolly, *Religion and society in nineteenth-century Ireland* (Dundalk: Dundalgan Press, 1985), 3.

⁶⁸ SOC 1, 1540/16.

⁶⁹ SOC 1, 1537/45

associated buildings were occasionally burned down. In November 1821, for example, the Church of Ireland Bishop of Limerick, Thomas Elrington, reported to the Chief Secretary the malicious burning, at night, of the church at Knockane. 'The only motive he [the reverend, Conyers] can assign is that a cess had been levied for building a wall around the church yard'; Conyers was subsequently advised by Elrington to take 'proper steps' to 'levying the damages'.⁷⁰ In another reported church burning in Limerick – a county which stands out as something of a hotbed of arson during 1819–23 – Reverend Edward Gerraty wrote to Dublin of the 'corruption and wickedness' infecting the people of his county: the burning of the Church of Killeedy 'by a party of Whiteboys' was followed, two nights later, by an attack on his residence. Valuable books, farming implements, wines and so on were looted and the house and offices 'totally consumed' by fire. Gerraty's account of his great loss reminds us of the particular capacity of arson (compared with other acts of damage) to make irrevocably useless and unrecognisable personal property: his 'labour for eighteen years to render his demesne an ornament to the county were annihilated and the place reduced to a frightful scene of ruin and desolation'.⁷¹

Can such an apparently vicious, personal attack be explained entirely in terms of anti-tithe feeling? Donnelly does not ascribe the Rockites' church burning phase (which 'quickly passed') 'simply to anti-Protestant animus'; the burning of Killeedy (above), for example, was allegedly a reprisal attack for the rector's cooperation with authorities (resulting in the arrest of several rebels).⁷² However, the strong Catholic sectarianism of the time fuelled, Donnelly claims, by excitement surrounding the 'Pastorini prophecy' that God would end Protestant rule in Ireland, probably did contribute to the 'severity' of Rockite violence including their recourse to arson and interpersonal attacks as a 'weapons of war'.⁷³ The prophecy did not, of course, come to pass; in fact, the millenarian predictions of 'Pastorini' (English Benedictine, Charles Walmesley) did not translate into protest violence far beyond the region (West Limerick and surrounds) examined by Donnelly. Other local studies suggest a much weaker sectarian agenda in outbreaks of

⁷⁰ CSO/RP/SC/1821/911. On the repairs needed to a burned church, see CSO/RP/1822/2785.

⁷¹ CSO/RP/1822/149.

⁷² Donnelly, *Captain Rock*, 136, 271, 79.

⁷³ Donnelly, *Captain Rock*, 4.

agrarianism elsewhere in Ireland at this time.⁷⁴ However, calls for the abolition of tithes, 1819–23, probably drew strength from the intensity of religious feeling. Later, energized by Daniel O’Connell’s successful campaign for Catholic Emancipation (1830) and with the support of the Catholic Church hierarchy, opposition to tithes became organized, 1830–33, during the Tithe War.

Local authorities periodically explain months of heightened ‘disturbance’, during the early 1830s, in terms of the ‘great opposition to rent and tithes’.⁷⁵ In addition to non-payment of tithes, tactics included, for example, the intimidation of tithe collectors. Magistrates in Co. Tipperary reported that John Cusack, of the parish of Caher, for example, ‘received many threatening letters not to visit’ his local parishes ‘to collect and receive tithes’.⁷⁶ And, in keeping with the traditional Irish practice of social ostracism and exclusive dealing (to be christened ‘boycotting’ during the Land War, 1879–82)⁷⁷ employees of Cusack were also threatened and told not to work for him. Cusack was consequently left in ‘dread and terror of his life’ to do his job without the protection of the ‘civil authorities’⁷⁸ (though the problem was that skirmishes often broke out when the British government used police – and the briefly resurrected yeomanry – to seize cattle and goods in lieu of tithes owed). It was indeed these other (non-incendiary) modes of intimidation that were used much more often than was arson, which did not play a central role in the Tithe War because of opposition to the tactic amongst large farmers – because of the burden malicious damage placed on them as ratepayers.⁷⁹ However, whilst fire setting clearly was not the only means by which individuals and groups used threats to shape behaviour – and in doing so resist against the social, political and economic systems upheld by their enemies – I argue that arson nonetheless holds a particular significance in the pre-Famine protest sphere because of its power as symbolic violence.

Fire not only damages or destroys property or human life, but it also has the capacity to

⁷⁴ D. Ryan, ‘Ribbonism’ and agrarian violence in County Galway, 1819–1820’, *Journal of the Galway Archaeological and Historical Society* 52 (2000), 120–134.

⁷⁵ Outrage Reports, Monaghan 1835, 23/37.

⁷⁶ CSO/RP/1831/3595.

⁷⁷ Clark, *Everyday violence*, Chapter 4, Section 6b.

⁷⁸ CSO/RP/1831/3595.

⁷⁹ Donnelly, *Captain Rock*, 203, 281.

render almost unrecognizable any signs of habitation or existence. Houses are ‘totally burned’ to the ground;⁸⁰ a hayrick or barn is entirely ‘consumed’ by flames;⁸¹ Gerraty’s possessions (above) were ‘annihilated’ by fire.⁸² Arson has immense destructive capacity; it opens a house ‘to the elements’, reclaiming the landscape beneath.⁸³ By physically destroying evidence of its target, arson symbolically ‘purifies’ the community of that target, which accounts for the systematic use of fire, around the world, in inter-racial violence and ethnic cleansing.⁸⁴ What is notable about Irish incendiarism, though, is the comparative scarcity of lethal arson. There are some horrific exceptions to the rule: the Scullabogue massacre (1798),⁸⁵ murders at Wildgoose Lodge (1816), and the ‘inhuman’ burning to death of sixteen individuals in Co. Tipperary when, on 19 November 1821, the home of strong farmer, Edmund Shea, was set alight allegedly by Whiteboys searching for arms.⁸⁶ However, occupants of burning houses usually (if sometimes ‘narrowly’⁸⁷) escaped death in Ireland. It was with ‘some difficulty’, for example, that James Shea’s family ‘escaped the flames’ engulfing their house in Moyne (near Thurles, Co. Tipperary) in 1835: one of Shea’s daughters was ‘burned on the arms and face’.⁸⁸

Yet, whilst Irish arson claimed relatively few human casualties, the destruction of property

⁸⁰ CSO/RP/SC/1821/911

⁸¹ CSO/RP/SC/1821/480.

⁸² CSO/RP/1822/149.

⁸³ On the burning of the ‘big house’ as the physical and symbolic undoing of Plantation, see Clark, *Everyday violence*, 75–7.

⁸⁴ Clark, Unpublished papers: ‘Dangerous, but rarely deadly: Irish arson in international perspective’, American Conference of Irish Studies, University College Dublin: ‘Latitudes: Irish Studies in an international context’, 12 June 2014; ‘Dangerous, but rarely deadly? Irish arson in perspective’, Centre for the Study of War, State and Society Workshop: ‘Incendiarism and the Violence of Fire’, University of Exeter, 3 February 2016.

⁸⁵ T. Pakenham, *The year of liberty: The story of the great Irish rebellion of 1798* (London: Hodder and Stoughton, 1969), 198–99.

⁸⁶ CSO/RP/SC/1821/168/A.

⁸⁷ CSO/RP/PRV/1832/950: William Corrigan and family, Co. Longford.

⁸⁸ Outrage Reports, Tipperary 1835, 27/126.

by fire nonetheless demonstrated – more sharply than simple wrecking or smashing of property, or other physical or psychological threats – the symbolic purging of the enemy. Enemies were selected, as this chapter has shown, because they had committed some (perceived) social, economic or political misdemeanour. Or, because they were religious outsiders: when the hayricks of two ‘industrious and inoffensive’ brothers in Moville, Donegal, were burned in 1813, for example, ‘no motive can be assigned for the outrage committed against them except that they were Protestants’.⁸⁹ No arson attack, of course, can be attributed solely to sectarianism or any other single factor. Neither are official accounts of pre-Famine violence entirely reliable, as indeed I noted at this chapter’s beginning. It is not surprising, for example, that it is the allegedly anti-Loyalist and anti-Protestant burnings that are reported to Dublin Castle by the governing classes charged, in the tumultuous years following the 1798 rising and Act of Union, with maintaining law and order in rural Ireland. In addition, some magistrates were reliable, whilst others exaggerated their ‘apprehensions of disturbance’.⁹⁰ George Hewitt JP of Co. Tipperary, for example, wrote to the Chief Secretary in February 1814 that the ‘state of the country about Fethard does not appear to justify the alarming reports made ... by [his fellow magistrates] Messrs Bagwell, Palliser and Bradshaw’.⁹¹ Wrote Palliser of ‘the people’ under his jurisdiction, for example: ‘They are better organized, better armed and more desperately inclined than they were in 1798’.⁹² Some 30,000 people were killed during the insurrection of that year; the fusion of the United Irishmen’s French-inspired, middle-class and largely Protestant movement for parliamentary reform with the wider agrarian revolutionary concerns of the Catholic Defenders produced ‘probably the most concentrated episode of violence in Irish history’.⁹³ However, whilst there was no resurgence in the 1800s of the mass atrocities and naked sectarianism witnessed during the close of the eighteenth century, religious enmities clearly lingered and communities divided along denominational lines as, for example, the social ostracism of ‘obnoxious’ Protestants (and the Catholics who dealt with

⁸⁹ SOC 1, 1537/48.

⁹⁰ SOC 1, 1561/ 30, 40.

⁹¹ SOC 1, 1559/11.

⁹² SOC 1, 1559/3.

⁹³ R.F. Foster, *Modern Ireland 1600–1972* (London: Allen Lane, The Penguin Press, 1988), 280.

them) was enforced in some communities.⁹⁴

Without access to all the social and psychological processes of the perpetrator, the motive of any act of violence is difficult to know for sure; there are, further, specific problems associated with the classification of the crime of arson, which I faced in the preparation of this chapter. In 1813, the *Ennis Gazette* calls incendiarism the ‘heap of disgrace that is daily, or rather nightly accumulating on our County’.⁹⁵ Nocturnal burnings were indeed common throughout the pre-Famine period. Thus when attacks in the ‘dead hour of night’⁹⁶ became ‘frequent’ in certain neighbourhoods (such as Killala, Co. Mayo, during 1813),⁹⁷ the authorities encountered some of the difficulties faced by researchers today: as a crime of darkness, incendiaries are difficult to trace and conviction rates historically are low.⁹⁸ And rarely have arson’s perpetrators (unlike its victims, whose experiences may be found in compensation claims, and court and insurance papers) set down in personal records the motivations for, or pleasures taken in, fire setting. For historians, this often means taking on trust the accuracy of the available official evidence, bearing in mind that local authorities inspected burnt-out sites for signs of genuine malice (which was in their interest because compensation claims for malicious damage were payable, as we have seen, through parish – or, in the case of very costly claims – county taxes).⁹⁹ A field of wheat between Westport and Newport, for example, supposedly ‘destroyed’ by fire, was investigated and the damage found

⁹⁴ SOC 1, 1538/27; SOC 1, 1559/3: ‘no Papist will now deal with any Protestant in that town [Fethard, Tipperary], by which several Papist industrious men ... suffer materially in their trades’.

⁹⁵ Cited in *Limerick Evening Post*, 6 February 1813.

⁹⁶ SOC 1, 1020/6; SOC 1, 1025/31.

⁹⁷ SOC 1, 1538/7.

⁹⁸ Examination of Irish arson is hindered further by the ‘patchy’ provision of some legal and criminal records as a result of the burning of the Four Courts archive in 1922: B. Griffin, *Sources for the study of crime in Ireland, 1801–1921*, Maynooth Research Guides for Irish Local History (Dublin: Four Courts Press, 2005), 40.

⁹⁹ Donnelly, *Captain Rock*, 201, 203, 281. Better-off farmers opposed the use of arson as a tactic during the Tithe War for this very reason – the cost of damages; see discussion above.

to be 'trifling', with 'no apparent connection with politics'.¹⁰⁰ How the authorities identify the true cause of the fire is another matter; magistrates, constables and others repeatedly note the difficulty of this task,¹⁰¹ whilst victims commonly have 'not the most distant suspicion' of the identity of the arsonists.¹⁰² However, there are ways, argues Archer, to tell malicious burning from accidental fire or scam, such as simultaneous fires breaking out in different places on one night, a phenomenon evident in some early-nineteenth-century arson attacks in which a number of houses – at such a distance that the 'fire could not communicate' – were burned in the same vicinity.¹⁰³

Evidently writing histories of local violence with sources from above (particularly the often-paranoid State of the County reports) is problematic. I intend that future research within my broader project, 'A History of Arson in Modern Ireland', will look beyond the mid-nineteenth century – to the present day – and use a wider variety of sources to address more fully the arsonist's experience of, and changing legal and governmental attitudes towards, fire setting. What I hope this preliminary survey of pre-Famine arson nonetheless has shown is the value of applying to the history of Irish crime and protest global developments in study of violence, that is, to evaluate on their own terms single aggressive acts (arson, rape, hooliganism, for example) that traditionally were avoided as topics for scholarly analysis.¹⁰⁴

A study of Irish arson adds, first of all, to wider scholarship on fire setting as both dangerous act of individual malice and powerful means of collective violence. Arson is easy, but its appeal runs deeper than accessibility: fire (including the threat of fire) is particularly frightening because of its potential to wreak irreparable damage to the basic components of rural life. We have seen that incendiarism shapes the behaviour of, for example, magistrates, crown witnesses, tithe collectors and large farmers; by driving the target out of his home and/or frustrating the

¹⁰⁰ SOC 1, 1538/11.

¹⁰¹ CSO/RP/SC/1821/480; Outrage Reports, Tipperary 1835, 27/126.

¹⁰² SOC 1, 1025/31. See also Outrage Reports, Monaghan 1835, 23/40.

¹⁰³ SOC 1, 1025/31, 1538/7.

¹⁰⁴ J. Bourke, *Rape: A history from 1860 to the present* (London: Virago, 2007); R. Collins, *Violence: A micro-sociological theory* (Princeton: Princeton University Press, 2008), C. Tilly, *The politics of collective violence* (Cambridge: Cambridge University Press, 2003).

administration of his official, legal or other duties, arson punishes perceived (economic, social, political, other) injustices. As symbolic violence, too, fire demonstrates clearly that a victim has been marked out as an enemy of the community; in a society emerging from the horror of 1798 – and with rising resentment amongst the majority Catholic populace of the privileged position of the Church of Ireland – arson (more so than other forms of non-incendiary destruction) served as an effective ‘emblem of ... hostility’.¹⁰⁵

By burning buildings, crops and other property, rural agitators interacted violently with their natural and built environments, but protestors’ flames rarely eradicated human life. A history of arson also contributes, therefore, to understanding of Ireland’s supposed propensity for certain modes of violence – and the relative scarcity of brutality during periods of conflict. Early-modern British society largely tolerated assault and attached great seriousness to crimes against property. Social change and urban growth in the nineteenth century raised new fears about violence against the person, which were codified in the Offences Against the Person Act, 1861. However, property offences continued ‘to account for the majority of prosecutions’ in the nineteenth century,¹⁰⁶ particularly it seems in Ireland where industrialization naturally played less of a role in shaping socio-legal change. Thus the significance of non-lethal arson as a protest tool might also be explained in terms of an Irish framework in which property – and especially access to and ownership of land – was highly prized and often bitterly contested.

¹⁰⁵ D.L. Horowitz, *The deadly ethnic riot* (Berkeley and Los Angeles: University of California Press, 2001), 113.

¹⁰⁶ P. Handler, ‘Crime and punishment, 1600–1900’, in P. Cane and J. Conaghan (eds), *The new Oxford companion to law* (Oxford: Oxford University Press, 2008). Online version, *Oxford Reference*, 2009: <http://www.oxfordreference.com/view/10.1093/acref/9780199290543.001.0001/acref-9780199290543-e-521> [accessed 31 March 2014].

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