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The Irish Hunger and its Alignments with the 1948 Genocide Convention

Young Historians Conference, April 28, 2015

Over one million people died of starvation in the Great Hunger of Ireland in the 1840s, and millions more were forced to permanently emigrate from their home country. It was a tragedy so catastrophic that Ireland today still has not regained its population prior to the Hunger numbers.¹ In 1997, British Prime Minister Tony Blair apologized for Irish suffering during the Hunger, stating that “Those who governed in London at the time failed their people through standing by while a crop failure turned into a massive human tragedy”.² To imply that Britain’s involvement in the famine was merely a negligent one, though, is incorrect. While there were those who sought to bring aid to the people of Ireland, the general sentiment of the Parliament, and England in general, towards the Irish was an overwhelmingly discriminatory one. The Assistant Secretary of the Treasury at the time, Sir Charles Trevelyan, went so far as to say that the Hunger was brought on “by a direct stroke of an all-wise and all-merciful providence”.³ Politicians like Trevelyan, Charles Wood, and William Gregory, created legislation Like the Poor Law Amendment Act that exacerbated the Hunger and did not structure or fund the relief efforts in place efficiently, under the justification of their belief in laissez-faire economics and moralism; they were certainly not passive. While at the beginning the Hunger was the doing of widespread, persistent potato blight, it is the work of these prejudiced national leaders that make the term genocide, as defined by the 1948 Genocide Convention,⁴ more applicable than famine for the Irish Hunger after the initial catastrophe.

¹ According the Irish Census of 1841 (before the famine) and 1851 (after the famine) the populations were 6.5 and 5.1 million respectively.

² Francis A Boyle, *United Ireland, Human Rights, and International Law*. (Atlanta: Clarity Press, Inc, 2012), 62.

³ Charles Edward Trevelyan, *The Irish Crisis* (London: Longman, Brown, Green & Longmans, 1848), 201.

⁴ Definition of Genocide as defined by Article II of the 1948 Genocide Convention:

- a. Killing members of the group;
- b. Causing serious bodily or mental harm to members of the group;

The Irish Hunger began in the fall of 1845 when it became evident that a potato blight, *Phytophthora Infestans*, had ruined half of the entire crop.⁵ Potatoes were the crop that many Irish depended upon almost exclusively, so it became quickly obvious that this foodstuff failure would have dire consequences not only in that it would bring about a short-term food shortage, but a long-term crisis as well. If potatoes appeared sound, but were even slightly affected by the blight, they would quickly “decompose into a putrid mass when stored”, causing people to wonder where they would be able to obtain unaffected seed for planting in the spring.⁶ The following year, only one quarter of the crop was saved, plunging Ireland even further into famine.⁷ The loss of the potato was particularly catastrophic for the Irish because they could afford little else. At the time of the initial blight, legislation called the Corn Laws were in place that created high tariffs on imported foodstuffs like corn, and this made it difficult for the people of Ireland, many of whom were poor, to afford it. Although the Corn Laws were repealed in 1846, that did not reduce food cost enough for the many Irish in destitution to afford to buy the food that they needed.⁸

In addition to understanding why the failure of one crop in Ireland could lead to widespread starvation, it is also important to note the deep prejudice towards the Irish by many British people, as it gives insight into why there was not more of an outcry for aid to be sent either from British politicians or the British people at large. This prejudice had incredibly deep roots, traced to medieval times before Ireland was under England’s rule. The Irish were viewed more harshly than the Scots or the Welsh; they were “savages simultaneously despised and

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- c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
 - d. Imposing measures intended to prevent births within the group;
 - e. Forcibly transferring children of the group to another group.

Francis A Boyle, *United Ireland, Human Rights, and International Law*. (Atlanta: Clarity Press, Inc, 2012), 25.

⁵ Brendan Ó Cathaoir, *Famine Diary* (Dublin: Irish Academic Press, 1999), 10.

⁶ *Ibid.*, 4.

⁷ “British Policies During the Great Famine,” *Mount Holyoke College*, accessed December 3, 2014, <http://www.mtholyoke.edu/~ebstork/famine.html#anchor2787665>

⁸ *Ibid.*

feared,” and journalists Don Jordan and Michael Walsh assert that this was one of the reasons England had no qualms about invading Ireland in the first place.⁹ This prejudice persisted, and around the time of the Irish Hunger gave rise to such stereotypes as the Irish being lazy and hedonistic.

Punch, a satirical magazine, portrayed the Irish as looking like an ape, and this was more than just a hateful representation, with the advent of the pseudoscience known as phrenology, it was seen as a proved, scientific fact.¹⁰ Phrenology claims that certain physical appearances are indicative of certain mental capabilities and temperaments. For example, geniuses had less prominent jawbones, but the Irish were observed as being prognathous, having more prominent jawbones, therefore more closely resembling the Cro-Magnon, or more primitive man, physically, and, following the phrenologists logic, mentally.¹¹ This discriminatory rhetoric was aired regularly in the media and contributed to the “famine fatigue” that grabbed hold of Britain. Public sympathy that may have encouraged political will to take immediate, effective action petered out very early, therefore doing little good for the starving Irish.¹² This prejudice certainly made it difficult to gain the sympathy and momentum needed to rally aid for the Irish, and it is also this prejudice and the apathy it engendered that paved the way for men with corrupt intentions to step into power.

One such man was Charles Trevelyan. He was the Assistant Secretary to the Treasury in London throughout the Hunger and, due to his position, had great control over the Government

⁹ Jordan Don and Michael Walsh, *White Cargo: The Forgotten History of Britain's White Slaves in America* (New York City: New York University Press, 2008), 139.

¹⁰ Gregory Lee, “Making and Maintaining the Irish Diaspora” (English version of an article to be published in Catalan, HAL archives-ouvertes, 2009), 3.

¹¹ Ibid.

¹² Jim Donnelly, “The Irish Famine.” *BBC*. Feb. 17, 2011, accessed December 6, 2014, http://www.bbc.co.uk/history/british/victorians/famine_01.shtml

relief efforts to the Irish like public works via the distribution of funds.¹³ Trevelyan was very famously a proponent of laissez-faire economics, and prejudiced against the Irish people, despite having Irish roots himself. He considered himself a “reformed Celt”, and had little sympathy for those of his same background who were suffering in Ireland.¹⁴ From his documented opinions of the Irish people it is easy to see how his views may have prevented him from taking more action to alleviate suffering. More than that though, his actions, and the actions of some of his peers, do indeed line up with several of the tenets of the definition of genocide according to the 1948 Genocide Convention, particularly, “Causing serious bodily or mental harm to members of the group,” and, “Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.”¹⁵

Trevelyan caused serious bodily and mental harm among the Irish when he decided to organize relief efforts through the form of public works. His impetus sprung from the ideology known as moralism, which was the notion that the problems the Irish suffered from were moral rather than political or financial. In his book *The Irish Crisis*, Trevelyan talks about how he wished to use the “great opportunity” of the famine to reform the character of the Irish people.¹⁶ Trevelyan, and others who subscribed to moralism, believed the Irish to be violent, filthy, lazy, and, worst of all in their minds, lacking in self-reliance.¹⁷ In order to teach the Irish a lesson, Trevelyan championed public works as a means to provide relief. This caused serious bodily and mental harm to the Irish because by the time the public works system was set in motion in the spring of 1846, many of them were already starving. The work largely involved making roads and breaking stones, which is difficult work enough for able-bodied people, let alone people who

¹³ Tomás O’Riordan, “Multitext Project in Irish History: Charles Edward Trevelyan,” *University College Cork, Ireland*, accessed December 6, 2014, http://multitext.ucc.ie/d/Charles_Edward_Trevelyan.

¹⁴ Francis A Boyle, *United Ireland, Human Rights, and International Law*. (Atlanta: Clarity Press, Inc, 2012), 55.

¹⁵ *Ibid.*, 25.

¹⁶ Charles Edward Trevelyan, *The Irish Crisis* (London: Longman, Brown, Green & Longmans, 1848), 201

¹⁷ Jim Donnelly, “The Irish Famine.” *BBC*. Feb. 17, 2011, accessed Dec. 7, 2014, http://www.bbc.co.uk/history/british/victorians/famine_01.shtml

are hungry and poorly clothed.¹⁸ Oftentimes there were not enough positions to meet the demand, and even when people could get a position, they were not paid enough to afford the food they needed to survive. Some households were only allowed to send one representative to the works and this was very difficult give that the public works operated on a task rate system. This meant members were being paid by how much work they accomplished. The sick and feeble could not work enough to sustain themselves, and a worker from a family, even a healthy young man, had to work to earn enough for food for all the members of his family.¹⁹ The degradation and hopelessness of this situation, as the Irish suffered through working long hours for pay that did not support them, could only lead to serious bodily and mental injury, despite being in the name of teaching self-reliance. The public works was not the only area where Trevelyan exercised his power to reform the Irish people through trials and further hardship.

Another area where Trevelyan used his power in a way that further hurt the Irish was by closing food depots and refusing to halt or slow exportation. Robert Peel, the Prime Minister at the start of the Hunger, resigned due to political fallout from his repealing of the Corn Laws, but before he left, he had ordered two boatloads of inexpensive Indian corn and set up food depots to distribute the food to the starving Irish.²⁰ Peel's resignation was the entryway for Trevelyan to step into the large amount control that he had in Famine policy, and one of the first things that he did was close the food depots, as well as sending back a third boatload of the Indian corn that was already headed for Ireland.²¹ He also refused to halt the exportation of food from Ireland, even when his own administrators dubbed this continual exportation a "most serious evil" or

¹⁸ Cormac Ó Grada, *Black '47 and Beyond* (Princeton: Princeton University Press, 1999), 66.

¹⁹ Ibid.

²⁰ Phillip Gavin, "The Great Hunger," *The History Place*, accessed December 8, 2014, <http://www.historyplace.com/worldhistory/famine/hunger.htm>

²¹ Ibid.

even in the heaviest hit areas where a decrease in the exported goods could have saved lives.²²

Trevelyan's justification for his acts was a consummation of his dogmatic adherence to the principles of laissez-faire economics and his belief that "If the Irish once find out there are any circumstances where they can get free government grants... we shall have a system of mendicancy such as the world never saw."²³ Again with this moralist perspective he attempted to reform Irish character by causing bodily and mental harm to the people. This harm is evident in the outbreak of rioting in protest to the continued exportations, to which Trevelyan responded by sending in two thousand troops, all of which were provisioned with meat and biscuits.²⁴

The past several paragraphs of this paper have shown how Trevelyan violated the second tenet in Article two of the 1948 Genocide Convention, causing serious bodily or mental harm to members of the group. But, in 1847, he violated the third tenet, deliberately inflicting conditions on the group calculated to cause its physical destruction in whole or in part, as well. The potato crop did not fail that year as it had the two previous, but only about one sixth of the usual amount was planted due to seed shortage, and it was obvious famine conditions were set to continue (and the crop did fail again the following year).²⁵ At the same time, there was also a severe outbreak of cholera in Ireland, one of the many diseases that were occurring among the malnourished population. Despite these facts, Trevelyan ended government aid to the Poor Law districts, also known as the workhouse system, leaving the Irish landlords and impoverished districts to fund the relief.²⁶ This lack of funding, coupled with the advent of the disease, forced some districts to

²² Tomás O'Riordan, "Multitext Project in Irish History: Charles Edward Trevelyan," *University College Cork, Ireland*, Accessed Dec. 6, 2014, http://multitext.ucc.ie/d/Charles_Edward_Trevelyan.

²³ Brendan Ó Cathaoir, *Famine Diary* (Dublin: Irish Academic Press, 1999), 96.

²⁴ Tomás O'Riordan, "Multitext Project in Irish History: Charles Edward Trevelyan," *University College Cork, Ireland*, accessed December 6, 2014, http://multitext.ucc.ie/d/Charles_Edward_Trevelyan.

²⁵ Brendan Ó Cathaoir, *Famine Diary* (Dublin: Irish Academic Press, 1999), 129.

²⁶ Tomás O'Riordan, "Multitext Project in Irish History: Charles Edward Trevelyan," *University College Cork, Ireland*, accessed December 6, 2014, http://multitext.ucc.ie/d/Charles_Edward_Trevelyan.

divert money intended to purchase food for the starving people in order to obtain provisions to treat those dying of cholera.²⁷

The Office of the UN Special Adviser on the Prevention of Genocide (OSAPG) states that genocidal acts can include destructive methods that may not be as obvious such as “deliberate deprivation of resources needed for the group’s physical survival and which are available to the rest of the population, such as... food, and medical services.”²⁸ Trevelyan was well informed of all that was occurring in Ireland, and food and medical supplies were readily available for those who could afford to purchase it, but the dying Irish could not. Historian Jim Donnelly says that in 1847 there was a sufficient amount of food to prevent starvation if it had been made available and distributed effectively.²⁹ The government’s renunciation of providing aid, especially under Trevelyan was not accepted or welcomed by all the English though. In 1849 the Irish Poor Law Commissioner and English citizen Edward Twistleton resigned to protest the lack of aid his government was giving the Irish.³⁰ The Lord Lieutenant of Ireland told the British Prime Minister that Twistleton thought himself “an unfit agent for a policy that must be one of extermination.”³¹

Trevelyan found a strong supporter in Britain’s Chancellor of the Exchequer, Charles Wood. Wood shared Trevelyan’s anti-Irish, moralistic views, as well as his belief in laissez-faire economics, and, again, this combination of ideologies led to some decisions whose effects match up with some of the 1948 Genocide Convention’s definition.³² Wood’s beliefs went beyond a resistance to government interaction; he wanted to use the opportunity afforded by the famine to

²⁷ Cecil Woodham-Smith. *The Great Hunger* (London: Penguin Books, 1991), 381

²⁸ “OSAPG Analysis Framework,” *The United Nations*, accessed December 12, 2014, http://www.un.org/en/preventgenocide/adviser/pdf/osapg_analysis_framework.pdf (see page 3, note 6).

²⁹ Jim Donnelly, “The Irish Famine.” *BBC*. Feb. 17, 2011, accessed Dec. 7, 2014, http://www.bbc.co.uk/history/british/victorians/famine_01.shtml

³⁰ Francis A Boyle, *United Ireland, Human Rights, and International Law*. (Atlanta: Clarity Press, Inc, 2012), 50.

³¹ *Ibid.*

³² *Ibid.*, 55.

Britain's advantage. At the time of the Hunger, the Irish often had to decide whether to pay their rent or buy food. There was little relief due to politicians like Wood who knew that if the rate collection was continually imposed, "the pressure will lead to some emigrating...what we really want to obtain is a clearance of small farmers," and Wood's words were echoed by Trevelyan who also held a similar sentiment.³³ Part of Wood's desire to clear these small farmers was to consolidate the land of the emigrating farmers in order to convert Ireland from a nation that mostly produced potatoes, to having them produce more grain.³⁴ Many in power in Britain wanted to transition Ireland from subsistence to a wage-earning economic system.³⁵ This calculated pressure aligns with the third tenet of the recognized definition of genocide as it intentionally inflicts conditions on the Irish meant to bring about physical destruction in part. The UN states that there is evidence of intent of genocide if practices are used to exclude a particular group from social and political life, and besides killing, there is nothing that does this more effectively than forcing part of a group to leave their home country all together.³⁶ In their own time, this pressure to emigrate allowed for people like Wood to meet their end of consolidating farmland.

Of course, while Trevelyan and Wood were two of the most outspoken politicians when it came to expressing certain ideologies and wishes to use the opportunity of the famine to meet their moralist and laissez-faire driven ends, they would not have gotten far if they had not possessed great support from Parliament. Parliament showed this support when it passed the Poor Law Amendment Act of 1847, which added changes to the existing Poor Laws so that Irish

³³ Brendan Ó Cathaoir, *Famine Diary* (Dublin: Irish Academic Press, 1999), 163-164.

³⁴ *Ibid.*, 66.

³⁵ *Ibid.*, 161.

³⁶ "OSAPG Analysis Framework," *The United Nations*, accessed December 12, 2014, http://www.un.org/en/preventgenocide/adviser/pdf/osapg_analysis_framework.pdf

landlords were responsible for paying for the Irish aid. Instead, many landlords passed the payment down to their already struggling tenants.³⁷

Throughout the passing of these measures the Poor Law Amendment Act had the support of the British public at large, even the Gregory clause, which was much hated by the citizens of Ireland.³⁸ The Gregory clause stated that no farmer who owned more than a quarter acre of land could get any type of relief since they supposedly had enough land to live off of and the government did not want the Irish to grow dependent on aid. The problem was that many of the Irish had land that was just over a quarter of an acre, and that was not enough to live on.³⁹ In 1848, a newspaper in Waterford traced “much of the pauperism by which the country is at present overrun,” to the Gregory clause since it pushed many people to decide whether to buy food and lose their land, or to keep their land and starve.⁴⁰ Many Irish people started turning towards a third option: emigration.⁴¹ When William Gregory, a member of Parliament and the architect of the Gregory clause, was confronted about the fact that his clause would wipe out a class of small farmers, Gregory said that he, “Did not see of what use such small farmers could possibly be,” and other men within the Parliament agreed with this sentiment.⁴² Such a crass statement demonstrates how the Irish were degraded by some of these prejudiced politicians until ultimately they were just viewed as a nuisance to get around. Again it hints at that prevailing moralist ideology that insisted that the Irish were lazy, did not contribute to society, and therefore were useless. The Poor Law Amendment Act and the Gregory Clause in particular inflicted on the Irish conditions that Parliament knew would bring about destruction to the Irish in part. Whether through eviction, which, the House of Commons was informed, was,

³⁷ “British Policies During the Great Famine,” *Mount Holyoke College*, accessed December 14, 2014, <http://www.mtholyoke.edu/~ebstork/famine.html#anchor2787665>

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ Brendan Ó Cathaoir, *Famine Diary* (Dublin: Irish Academic Press, 1999), 162.

⁴¹ *Ibid.*

⁴² Francis A Boyle, *United Ireland, Human Rights, and International Law*. (Atlanta: Clarity Press, Inc, 2012), 60.

“Tantamount to a sentence of death by slow torture,” or through the Irish people feeling they had no options left to them but to flee their homeland permanently.⁴³

There are those that defend Britain’s response to the Irish Hunger. Two arguments in favor of the British government are that Britain was going through a monetary crisis during the years of the Irish famine,⁴⁴ and that it also did as much as any other government at the time would have.⁴⁵ While it is true there was a monetary crisis occurring around the time of the famine, it was a minor one, especially when compared to one that occurred earlier in the decade before the famine had begun, but was aggrandized by special-interest lobbies.⁴⁶ The data on public expenditure of that time barely implies a fiscal crisis, and not only that, but Irish relief had very little impact on the budgetary situation as a whole anyways, so the argument that the crisis had a big affect on relief spending seems specious.⁴⁷ As for the argument on Britain’s behalf that its relief effort was as much as any other country would have done at the time, this may have been true historically at the exact date of the famine, but forty years later, bearing in mind relative wealth, Britain’s response measures up poorly when weighed against Russia’s response to an even less dangerous famine.⁴⁸ Saying that Britain is justified in its actions because its response is about what any other country would do at the time is faulty, because the statistics show that Britain had the means to do more than it did. Many thousands of lives were lost because it did not take extra measures.

The Irish Hunger was undoubtedly an instance where many politicians let money and their own biases lead them to make decisions with catastrophic results that changed the landscape of a nation. While there is still controversy today among historians about whether to

⁴³ Ibid.

⁴⁴ Cormac Ó Grada, *Black '47 and Beyond* (Princeton: Princeton University Press, 1999), 78.

⁴⁵ Cecil Woodham-Smith. *The Great Hunger* (London: Penguin Books, 1991), 381.

⁴⁶ Cormac Ó Grada, *Black '47 and Beyond* (Princeton: Princeton University Press, 1999), 79.

⁴⁷ Ibid.

⁴⁸ Ibid., 83.

brand the Irish Hunger as a genocide, it is evident there are several places where the British government did cause serious bodily and mental harm and where it deliberately inflicted on the Irish situations meant to bring about its physical destruction in part as it aligns with the 1948 Genocide Convention's definition, though they justified it through their economic ideology of laissez-faire and their moralist ideology surrounding Irish character. Despite having occurred over a hundred and fifty years ago, the Irish Hunger is an event that has left a profound impact on the Irish people. And, considering the first apology made by any British authority for the undue suffering of the Irish was not until 1997, it is evident there is still healing that needs to be done. Many who believe that the British did commit genocide want it to be recognized publicly. Frances A. Boyle, an international lawyer who successfully prosecuted Yugoslavia for genocide against the Republic of Bosnia and Herzegovina in the International Court of Justice, feels confident he could win a similar case against Britain on Ireland's behalf.⁴⁹ Whether he or anyone else ever brings such a case to trial, it is important for history to address that it was not just *Phytophthora Infestans* that led to the deaths of over a million people in the Great Hunger, but that prejudice also played a part in the many deaths.

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⁴⁹ Francis A Boyle, *United Ireland, Human Rights, and International Law*. (Atlanta: Clarity Press, Inc, 2012), 34.

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