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Ugo Ryckman

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**MEMOIRE DE MASTER**  
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Sous la direction de Joana Etchart

**ETUDE DES PARLEMENTS IRLANDAIS (1910-1948)**

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## **PRESENTATION OF THE CREATION PROCESS**

This year of research has led me to a better understanding of my thinking and creation process. The determination of the subject of this dissertation has been laborious and has confronted with my ambitions. It took about three months to define the subject and made me realise that covering a period of almost a century was too tricky and much too ambitious. The initial subject “The way towards Independence: Ireland in the 20<sup>th</sup> century” would be abandoned. The initial ambitions I had when starting this year was to study the role of economics, politics, culture and social clashes in the freeing of Ireland from British rule. Influenced by the study of the British Mandate in Palestine realised the year before, the subject mentioned above was meant to link the policy of the British in Palestine and in Ireland. The dominion status of Ireland was much different from the mandate status of Palestine. The British policy thus differed. Furthermore, the relations between Great Britain and Ireland and Great Britain and Palestine were in no point comparable. Also, the subject covered vague subjects that would have been hard to grasp in one year of time. It also required an important upstream work.

Considering this evolution in my thinking process, this dissertation has helped me to improve my objectivity as a researcher and moved me to put things into perspective. A semester in Coleraine, Northern Ireland, had already settled the basis of a nuanced point of view since. The confrontation to an unknown history of Ireland exposed me to the question of Irishness and of Britishness. Facing those elements, a retrospective was required to find a guiding principle to the making of the dissertation. My first approach to British politics being the study of the parliaments, I tried and applied it to the readings and researches. Since Home Rule and the question of parliamentary representation were evoked in the works studied, I had a hint on what direction to take. “The Unresolved Question” written by Nicholas Mansergh would be the keystone of my thinking process. The separation of each event and the scrutinizing of the Anglo-Irish relations made by Mansergh in this work has helped me to grasp and differentiate the different issues of Parliamentary Representation. After gathering information on the Irish political landscape from the 19<sup>th</sup> century until the mid-20<sup>th</sup> century, on the relations between Ireland and Great Britain and on the internal conflicts to Ireland, the plan began to set itself up.

First, it was composed of a part studying the creation process of the parliaments in Ireland and of a part studying debates in Ireland. The second part studied the debates that took place in the Irish Parliaments. The third part was supposed to study the use of the Southern parliament by diverse

governments. However, it was too close to the second and nuancing had to be brought into it. Thanks to an advice provided by Mrs Etchart – the dissertation supervisor – the plan would be modified. It was indeed the case of de Valera that she oriented me towards, helping me to study the use of the parliaments through a critical prism. Hence, Cosgrave would be studied through the stagnation of his party and the successive transmission of power from him to de Valera. Then, the use of the blurred lines between the separation of powers by de Valera would be the criticism carried towards the *Fianna Fáil* government.

The first part saw a hypothesis of mine emerge, based on the works of Foster and of Mansergh. This idea is the use of enlistment during the Great War as a political tool. Wars and conflicts have always been used by politicians to gain credit or popularity, in the case of studied here, it was the position of Ireland towards Great Britain and the Empire that was explicated through enlistment. Finally, the Easter Rising would bring another nuance to the question of enlistment. Rallying the Great War to the question of Ireland has helped me to clarify the situation of Ireland, as well as the importance of the British Empire, during the 1910s.

In the second part, the study focuses on debates in parliament. Once again, it was Mrs Etchart who oriented me towards this idea as I was stagnating. In fact, Mrs Etchart stated that what would be expected in a dissertation concerning parliaments is the study of its debates. It must be said that when I first read about Ireland and the Ulster Question, I was attracted to the Civil Rights Association in Northern Ireland, mainly due to my time in Northern Ireland. Indeed, I had the opportunity to visit Derry-Londonderry twice and was struck with the heavy atmosphere of this city, as well as by its history. Even though I had already oriented my dissertation towards a period that was not linked with the Civil Rights marches I was willing to study and write about the situation of Catholics in Northern Ireland. The social and economic division I had witnessed there was of the highest importance to me when I started writing this dissertation. After studying the debates that took place in Stormont and in Whitehall from 1921 until 1948 two Bills got my attention. They had been alluded to in Foster's *Modern Ireland*, Farrell's *Northern Ireland: The Orange State* and Mansergh's *The Unresolved Question*. But, since it was the occasion for me to link political debates to the question that animated me to write about Ireland in the first place, I thought scrutinizing the debate on the Civil Authorities (Special Powers) Bill and analysing the House of Commons (Method of Voting and Redistribution of Seats) Bill would help me to provide the dissertation with raw material and objective elements. By doing so, I exploited in my dissertation the importance of

parliamentary representation and got to write about economic and social cleavage in Northern Ireland, thus bringing personal satisfaction and implication in my writing.

Finally, I would study the relationship between the political parties that animated Irish politics from 1910 until 1948. As the debates that took place in Ireland are studied in the second part, scrutinizing the components of Irish politics was essential to a further understanding of the stakes represented by the establishment of a Northern and of a Southern parliament in Ireland. Therefore, the study of the Irish Parliamentary Party and of the Ulster Unionist Party would lead to a better understanding of the relationship of the two parties in Northern Ireland. Afterwards, the policy of the successive Free State governments towards the Anglo-Irish Agreement will be questioned. We will try and link it with the parliaments.

## WORKS EXPLOITED

### *The Unresolved Question*

*The Unresolved Question* written by Nicholas Mansergh has been the keystone of the creation process of this dissertation. It has also influenced the configuration of the plan. The composition of this book has been of the highest importance in my own comprehension and approach of the Irish question and of the period studied here. I understood the evolution of the Irish question over the period 1912-1948 thanks to separation of the studies. The Home Rule study was treated in parallel to the Ulster Question, as an example. Also, it was in this work that the idea of studying both the process of creation and the consolidation of the Northern state and of the Southern state appeared.

The argumentation of Mansergh revolves around the Anglo-Irish Treaty. It starts with its background and its shaping. Then, Mansergh studies its two phases. First, the worldwide context post-Great War, where the Empire was weakened and the links between Great Britain and the dominions had to be strengthened. The second phase concerns the Independence, followed by the drafting of the Treaty and the Civil War. The two last parts focus on the relation between Southern Ireland and Great Britain under the governments of Cosgrave and de Valera. With the study of the relation between the two states, Mansergh studies the policy of the Irish governments towards the Anglo-Irish Treaty and its Constitution. *The Unresolved Question* is the work that had the most influence in both the development of this dissertation and in my own personal understanding of the Irish question. Furthermore, the diversity of material used by Mansergh in his development and the study of the Ulster Question in parallel to the Southern Irish question have helped me to nuance my vision of the period and of the stakes studied in my dissertation. The representation of the diversity of opinions and of political orientation in Ireland in this book came along with a variety of sources and of influences. The book having been published in 1991, it was part of a movement that tended towards a complete analysis of historical events.

### *Modern Ireland*

*Modern Ireland*, written by Foster was the very first book I read when beginning my research. Regarding the size of the work and the period studied by it (1600-1972), it brought me more frustration than understanding, at first. Several references in other books to Foster and *Modern Ireland* brought me back to its study. After understanding the context in which the Irish parliaments

were created and the several events that took place in Ireland during the 1910-1948 period, the use of *Modern Ireland* in the researches on the subject studied here were more relevant and efficient.

My first approach to it had been unsuccessful but it improved over the time. The ideas developed in it were essential to the advanced study of the Irish question. It also brought criticism to the depiction of political and historical events. Compared to *The Unresolved Question*, *Modern Ireland* contains more ideas and hypothesis emitted from the author. In the first part of this dissertation, we will study the influence of enlistment of Irish politics. Most of the elements I used to develop this idea came from Foster's idea of a clash of generations expressed in the fourteenth chapter.

### *Une relation unique*

*Une relation unique* written by Gillissen is the third main work that has influenced this dissertation. The focus on the relation between the United Kingdom and the different Irish parties has helped me to understand the aftermath of the Anglo-Irish Treaty and the orientation of the heirs of *Sinn Féin*. For most of the third part, 'The role of the parliaments', this book has been the basis of the development. This book quickly overlooks the historical context of the relation between Ireland the United Kingdom but its main focus concerns the aftermath of the Anglo-Irish Treaty. The construction of this book, which divides politics from economics and the situation in Southern Ireland to that in Northern Ireland has brought a more synthesised vision of the Irish question. Hence, it has helped me to have a broader vision of the Irish question, whilst remaining precise on the information emitted and on the raw material exploited. This book has helped me to develop the ideas expressed in the third part, concerning the policy of Cosgrave and of de Valera towards the Treaty, its subsequent abolishment, the declaration of the Constitution of 1937 and the Anglo-Irish Economic War. Finally, I relied on this book and on "The Unresolved Question" to understand and write about the declaration of the Republic. Indeed, this specific part has been tricky to cover since the event in itself lacked upstream preparation. Its sudden and rather unexpected aspect making raw material and analysis hard to find.

## **RECURRENT WORDS**

- Commonwealth
- *Éire*
- Ireland
- Northern Ireland
- Southern Ireland
- Ulster
- Westminster

## SUMMARY

This dissertation intends on studying the Parliaments of Northern and Southern Ireland. It is introduced by the analysing of its creation process. The scrutinizing of the political and parliamentary activity of the dominion then follows. The period studied in this dissertation goes from 1910 and stops in 1948. The structure of the dissertation is based on the chronological evolution of the parliaments. The first part focuses on the parliamentary activity in Westminster, with the debate over Home Rule, and on the extra-parliamentary activity of the Radical Nationalists. The importance of enlistment is also questioned. The second part of the dissertation concerns Northern Ireland. The period studied is 1920-1932. First, the political parties involved in the constitution of the Stormont Parliament are studied. Then, two major bills are surveyed. Finally, the Southern Irish Parliament is studied. All parties involved in the *Dáil* are not analysed, the focus is carried on the parties that governed the Free State. Here, the period studied is 1920-1948.

The role of the parliaments and their use by the governments are the main issues questioned in this dissertation. The study of their policy towards the documents that brought them into existence will be the main basis of the development. Thus, the Northern Irish Parliament policy towards Parliamentary Representation and the Government of Ireland Act will be studied in the second part of the dissertation. The analysing of the of the successive policies of the Free State governments towards the Anglo-Irish Treaty will be the point over which the second part will revolve. Finally, it is the goals of those governments that will be questioned.

## INTRODUCTION

In Ireland, the emotional attachment to the land is of the highest importance. Over the centuries, this attachment would manifest itself in different shapes and forms. In this introduction, we will study what were those shapes and forms. We will understand how it was challenged by external intrusion and internal division so as to understand the context preceding the period studied in the body of the text.

British presence in Ireland began in the 12<sup>th</sup> century, with the settling of Anglo-Norman invaders and integrating within the population. The integration of Ireland under the authority of the English Crown would be made by Henry VIII, when he proclaimed himself King of Ireland in 1541. A few years later, the settlement policy was adopted by the Crown to ensure the consolidation of British domination in Ireland. It started in 1556 and was intensified by James I Stuart in 1603 as he got on the throne. Scottish and English settlers were sent in Ulster, in the North-East of the island. In *Une relation unique*, Gillissen states that the conflict between the local population and the settlers arouse from religious disagreement. The social and economic importance of the lands transferred from the locals to the settlers was also a major issue.<sup>1</sup> The author quoted before links these issues with the massacres and risings that would take place in Ireland against the English authority. So as to illustrate this argument, Gillissen names the Rising of 1641 that triggered the fall of Charles I of England and “the reprisal war led by Cromwell a few years later”.<sup>2</sup> Those tensions would reach their climax after the siege of Derry, where the Protestants fought against the troops of James Stuart, and after the Battle of the Boyne, where William of Orange. The Protestants, led by William of Orange, established penal laws that would “reduce the majority to a state of enslaved peasantry, refused of any military, political, cultural or economic power, and so base its own domination”.<sup>3</sup> With this *enslavement* of the Catholic population and the seizing of lands from this population, Ireland experienced one of its most important traumas related to the land and saw its Protestant and Catholic population deeply divided by the question. In some radical Nationalist speeches, the legitimacy of the Protestant population to live in Ulster would be questioned, as it was inherited from the British settlers.

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<sup>1</sup> Gillissen, Christophe. *Une relation unique: Les relations irlando-britanniques de 1921 à 2001*. Presses universitaires de Caen, 2013, p.24.

<sup>2</sup> *Ibid.* « [...] la guerre de représailles menée par Cromwell quelques années plus tard ».

<sup>3</sup> *Ibid.*, pp.24-25. « [...] réduire la majorité à l'état d'une paysannerie asservie, privée de tout pouvoir militaire, politique, culturel ou économique, et d'asseoir sa propre domination ».

Catholics and Protestants would therefore experience unity facing British Rule. By the end of the 18<sup>th</sup> century, the Catholics would see their situation improve. In fact, the Irish Parliament had repealed the Penal Laws and had reached legislative independence from Westminster. Earlier, in 1778, a Catholic Relief act was passed, hence enabling Catholics to inherit and to take leases. In 1782, it would be followed by a second Catholic Relief act, which enabled the Catholics to buy land in most places and lifted laws against Catholic clergy and worship. At the same time, in the New World, the American settlers fought the British rule and established a Republic that was to become the United States. Influenced by the American settlers and by the French Revolution of 1789, the Presbyterians, considered Dissenters by the Anglicans, and the Catholics, rose against British rule. Theobald Wolfe Tone would initiate the Society of United Irishmen movement, a group planning on establishing a secular Republic based on the principles of the French Republic. This group gathered Catholic and Presbyterians and was supported by Paris, which was seizing the opportunity to weaken the British and threaten an invasion from the Western flank of Britain. The Society of United Irishmen experienced a complete defeat. French physical support first failed to reach the coasts of Ireland in time and was then defeated by the British troops. In the end, the rising of 1798 would be self-defeating for the insurgents. The Union Act would be signed, hence closing down the Irish parliament. As Gillissen puts it, “[t]he Irish Nationalist feeling lost all constitutional reality, whilst the strategic unity of the British Isles was strengthened”.<sup>4</sup> In fact, Ireland became part of the United Kingdom, which included Ireland and Great Britain. With the fall of the Society of United Irishmen, the association between Presbyterians and Catholics was put to an end. Furthermore, the question of land was brought to a different level. Should Ireland be a part of the United Kingdom, an associate of Great Britain or an independent land?

From 1727 until 1793, Parliamentary franchise in the Irish counties was specifically withheld from Roman Catholics by statute. In “The History of the Parliamentary Franchise”, Neil Johnston states that this restriction affected about 80% of the male adult population in Ireland.<sup>5</sup> Here, the attachment to the land was repudiated by the franchise system, based on the land ownership of the subjects of the Crown. By the time the Union was passed, the County Franchise was as high as 40

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<sup>4</sup> Gillissen, Christophe. *Une relation unique: Les relations irlandais-britanniques de 1921 à 2001*. Presses universitaires de Caen, 2013, pp.25-26. « Le sentiment national irlandais perdit toute réalité constitutionnelle, tandis que l'unité stratégique des îles britanniques fut renforcée ».

<sup>5</sup> Edward Porritt, “The Unreformed House of Commons: Parliamentary Representation Before 1832”, Vol. II, 1963, pp.220-2.

shillings. Hence, since Catholics had limited land purchase abilities and could not inherit from land, parliamentary representation was hard to reach. Furthermore, the Irish Parliament was mainly composed of Protestants. As part of the restrictions on Catholics rights, the Members of Parliaments and peers “had to take an oath abrogating the supremacy of the Pope and make a declaration that transubstantiation did not occur at the Last Supper”.<sup>6</sup> Hence, renounce to Catholicism was necessary to enter the Irish parliament.

Under the Union Act, the parliamentary representation of the Irish people changed. The 103 Members of the Irish Parliament were transferred to the Imperial Parliament. The Executive power in Ireland was then represented by a Senior member of Cabinet, the Lord Lieutenant. The Catholics were hardly represented in parliament, yet, this condition preceded the Act of Union as it has been showed before. Manoeuvres were undertaken to improve it. In fact, several bills were introduced in Westminster aiming at improving the Catholic situation. In 1813, Henry Grattan introduced the Catholic Relief Bill in the House of Commons, but the Bill was narrowly defeated. In 1829, a similar Bill to Grattan’s was passed in the Imperial Parliament. The Relief Act (1829) enabled the Catholics to enter parliament and hold higher offices of state. It would be described as the ‘Catholic emancipation’. Three years later, the Great Reform Act of 1832 widened the franchise in the whole of the United Kingdom. Concerning Ireland, the augmentation of the franchise was as high as 1.2 percent.

During the first half of the 19<sup>th</sup> century, there were several outbreaks of famine in Ireland because of the failure of the potato crop and typhus. The ‘Great Famine’ designs the 1845-1851 period. Starvation and agrarian issues were not contained in that period alone. The first wave of famine took place in 1816. It was to be followed by potato blights in 1845 and 1849. Few measures were undertaken to solve the issue. The Famine took the lives of one million people from 1846 to 1851, from starvation, typhus and other famine-related diseases. Alongside with the massive emigration, which was a result of that same Famine, the Irish population dropped by 20 to 25 percent. The Great Famine was one of the most important events in Ireland’s history. There was an

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<sup>6</sup> ‘William and Mary, 1691: An Act for the Abrogating the Oath of Supremacy in Ireland and Appointing Other Oaths [Chapter II. Rot. Parl. Pt. 1. Nu. 2.]’. *Statutes of the Realm*, vol. 6, John Raithby, 1685, pp. 254–57,

important psychological impact on the population that survived the famine and that did not emigrate, which changed Irish politics in its very bone, emphasizing the importance of land in it.

This tragic event would influence Irish politics and a new perspective to the attachment of the land was brought into Irish Nationalist movements. This perspective was the sovereignty of the Irish people and of self-determination. In fact, since the Cromwell rule over Ireland, the governing of Ireland by British rule was made through force, repression and land ownership. The landlords were most of the time unaware of the problems that existed on their lands. Still, they maintained to proclaim their authority through evictions, which the landlords could ask for quite freely. Hence, the rights of the people living on the lands of landlords and working that very same land had little rights and were at the bottom to a social pyramid similar to that of Western Medieval times. Finally, the landlords would be accused of being responsible for the lack of action against the starvation that the Irish population was going through.

Following the Great Famine, the goals of Irish politics had changed and a part of it got more radical. It must be noted that during the Famine, the Young Ireland rising took place. It was a failure but would be remembered by the Irish and influence its politics and the Nationalist tradition. In fact, the Young Ireland movement and the Fenians influenced the foundation of the Irish Republican Brotherhood by James Stephen, in 1858. This military group would be associated with *Sinn Féin* until the 1930s and was a radical Nationalist group. As the name suggests, the ideals defended by the IRB were Republican. Hence, they believed in the establishment of a sovereign Republic in Ireland. Agrarian revolts would also be triggered by the Great Famine and happen during most of 19<sup>th</sup> century. The Young Irelander revolt took place in 1848 and the Fenian revolt in 1867. The latter was organised by the Irish Republican Brotherhood. Both revolts were repressed by the British forces but they would be used later by to build the Nationalist tradition, which glorifies the sacrifice of Irishmen in the name of the Republic and of the Irish nation and the struggle against British rule.

With the improvement of Catholic parliamentary representation in the 1830s and the general broadening of the parliamentary franchise, a Constitutional Irish party was created: The Home Rule League. It was founded in 1870 by Isaac Butt. The demands of the movement were self-determination and the maintenance of the Union. It was much less radical than the IRB in both its demands and its methods. In fact, self-determination meant the establishment of an Irish parliament devolved from the Imperial parliament in which the Irish population would be represented more

fairly. Let us remind that at the time the Home Rule League was created the British Empire was in its heyday. Butt thus placed the issue of an Irish parliament in the context of the Empire. Furthermore, the policy led by the British government towards Canada inspired the moderate Nationalists since the North American colony had succeeded to obtain self-determination with the establishment of a parliament in Canada and Australia. The Home Rule League was first supported by a large majority in Ireland as Butt had succeeded to associate the party with Charles Stewart Parnell, who would become the leader of the HRL. Parnell would succeed to gain support in Ireland and establish the HRL as a powerful party in Westminster. He would also rename it the Irish Parliamentary Party and rule it in such a way that it was the first organised democratic party in Westminster. His clever use of parliamentary procedures and his gift as an orator would help him to impose himself as a major figure in Westminster. He was also a controversial man and his involvement in extra-Parliamentary action would cost him the distrust of a part of the Imperial parliament and discredit amongst those who fought against Home Rule. Still, he managed to emancipate the Irish Parliamentary Party from the influence of the Liberals, with whom Butt had associated with in order to gain power in Westminster.

From the creation of the Home Rule League until the fall of the Irish Parliamentary Party and of the Liberal Party in 1916, the Nationalists and the Liberals would be associates in Westminster. During the two first Home Rule Crises, Gladstone would work alongside the Nationalists to make the Home Rule Bill become an Act. In 1886, the Liberal Prime Minister gave support to the Bill but it would be stopped at the Second Reading in the House of Commons of Westminster. This bill impacted the organisation of the Liberal party. Facing the possibility that Ireland might break away from the United Kingdom in some sort of way, many Liberals MPs left the party and joined the ranks of the Conservative Party.

Gladstone, on the other hand, would remain dedicated to the Home Rule cause. The Prime Minister was indeed attracted to the potential of Home Rule. The first aspect of this potential was the strength of the Home Rule League, which had obtained a majority in Ireland. This majority led the party to be an important ally of the Liberal Party. Their seats were indeed required for the Liberals to reach a majority in the House of Commons of Westminster. Then, Gladstone believed that the pacification of Ireland would be reached through its self-determination. The goal of Gladstone differed from that of Parnell for it did not carry a Nationalist will. The Prime Minister viewed the Irish question from a British point of view, he considered that the security of Great Britain and of the Empire laid in the

unity of the members of the United Kingdom. Hence, Gladstone viewed Home Rule as a mean to resolve the unrest that agitated Ireland. Consequently, the security of Great Britain would be insured.

The Conservative Party was linked to Unionism before the introduction of the Home Rule Bill in Westminster. In 1886, as Gladstone stated to support the passing of the Home Rule Bill, several Liberal MPs left the Party and joined the Conservative ranks. With that division of the Liberal Party, the Conservative Party became openly Unionist. Furthermore, Gillissen states in *Une relation unique* that some Liberal MPs rejected the HR Bill in support towards the Anglican Landlords in Ireland, who would be threatened by the establishment of a devolved parliament. Then, the turning down of the Bill in the House of Lords in 1893 was the result of an action of the British aristocracy towards the Anglo-Irish landlords.<sup>7</sup>

The idea of Unionism was emitted with the Act of Union (1800) and defends the unity of Great Britain, its provinces, and Ireland. Quite logically, Unionism appeared throughout all provinces of Great Britain and of Ireland. Therefore, the situation in Ireland differed from the rest of the United Kingdom. It has been said before that Ireland was mainly Catholic and that the Protestants were heirs of the settler population. Let us remind that there were not only settlers in Ulster and that Dublin also had a population of Protestants descendant of the Anglo-Norman settlers who arrived in Ireland in the 14<sup>th</sup> century. Hence, during the first two Home Rule Crisis, in 1886 and in 1893, the representatives of Irish Unionism came from Dublin. Yet, with the strengthening of the Nationalist feeling, Irish Unionism intensified in the North East of Ireland, where the Protestant population was denser and more powerful. We will see in the development that the alternative brought to the Unionists by Asquith with the 3<sup>rd</sup> Home Rule Bill was the temporary partition of Ireland.

Considering the history of Ulster and the importance of the Protestant population there, the Unionists based their rhetoric on the defence of the land of their forefather. This defence of the land was a reaction to aims that evolved over the time. During the 17<sup>th</sup> century, when clashes occurred between Protestants and Catholics in Northern Ireland concerning cities such as Derry, the Protestants were in a position where they stood their ground and defended their position. Then, in the end of the 19<sup>th</sup> century and in the 20<sup>th</sup> century, Unionism intensified in Ulster and its rhetoric

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<sup>7</sup> Gillissen, Christophe. *Une relation unique: Les relations irlandais-britanniques de 1921 à 2001*. Presses universitaires de Caen, 2013, p.27.

emphasized the importance of the defence of the land. Nationalism, on the other hand, experienced a more complex evolution. The unification of Ireland was a common point to both Moderate and Radical Nationalism but the Republican tradition of struggle against the British rule was specific to Radical Nationalism. Hence, the defence of the land came back into the Nationalist rhetoric and tradition in 1916 after being left aside by the Irish Parliamentary Party from the fall of Parnell on.

The question of the land and the attachment to it is omnipresent in Irish politics during the 19<sup>th</sup> and 20<sup>th</sup> century. Its expression evolved over the time, being influenced by social and economic factors. Still, up until today, the legitimacy of the partition of Ireland is questioned. In this dissertation, we will study the attachment to the land through the prism of Parliaments and of the evolution of Northern Ireland and of Southern Ireland.

### *Introduction to the plan*

In this dissertation, the use of Parliaments by the Irish from 1910 until 1948 is studied. The configuration of the development is based on that of *The Unresolved Question* written by Mansergh. This book studies the process of creation of the Southern and Northern Irish dominions and their evolution from 1912 until 1948. The creation of the dominions being linked to the creation of the parliaments, the outline of *The Unresolved Question* was exploited in the making of this dissertation. This paper thus maintains the hegemony and the coherence of the development realised in Mansergh's book. Just as in *The Unresolved Question*, the dissertation will be divided in three main parts.

The dissertation is introduced by the study of the creation process of the Southern and of the Northern Irish parliaments entitled "Process of Creation, 1911-1921". This first part is divided in two main parts: "Parliamentary Context" and "The 'settlement' of the Irish question".

In I.1. Parliamentary context, A. Changes in Westminster, the evolution of the legislative process in the Imperial Parliament and its influence in Irish politics will be surveyed. The relation between the political parties in Westminster will also be studied. It will lead us to understand how forces were distributed in the Imperial Parliament and which forces supported or opposed the Home Rule Bill. Finally, we will try and understand the enactment of the Home Rule Bill under the new legislative process determined by the Parliament Act (1910). Then, in the subpart 'Home Rule and Ulster, we will focus on the reaction of the Ulster Unionists towards the Home Rule Bill. This subpart will be contained in the 1911-1914 period. It will enable us to understand the stakes of Home Rule from the Ulster Unionist point of view. We will also survey their reaction to the Home Rule issue. The Unionist parliamentary and extra-parliamentary actions will be the main focus in this subpart. Finally, I.1. Parliamentary Context, C. Study of the Easter Rising and D. The Rising and Politics will focus on the 1914-1921 period. Because of the Great War, British and Irish politics underwent changes. With the War, the Home Rule Act was suspended. In 1914, the will of Irish individuals to enlist or not were justified by political belief and motivation. The diversity of motivations and its use by politicians will be studied in this part. It will be linked to the rise of Radical Nationalism and the fall of the Constitutional Party. The Easter Rising will trigger a major change in Irish Nationalism. It would provoke the take-over of Republicanism in Irish politics.

In the second part of 'Parliamentary context' the attention is no longer carried on the actions undertook by the Republicans in 1916 but to the consequences of the Anglo-Irish War. The

establishment of the parliaments of Ireland is the specific point studied through the analysis of the Government of Ireland Act (1920) and the Anglo-Irish Treaty (1921). Here, a comparative study of the documents will be realised. Studying those documents enables us to link it to the previous study of the opposition of forces present in Westminster. Hence, concessions to the Nationalists and to the Unionists are indicators of the strength of each party during the negotiations over the features of the documents. This point is especially applied to the Anglo-Irish Treaty since the Nationalists had little impact in the making of the Government of Ireland Act. Comparing the documents reveals the purposes of the British government and their vision of the Irish question, as well as the influences that affected the drafting of the Bill and of the Treaty. Further than the study of the legislative body as established by the British, this part allows us to have a deeper understanding of the Anglo-Irish relations.

II. A Unionist State: the path towards consolidation focuses on the Stormont parliament and on the Ulster Unionist government. Its introduction will be led by the study of the political parties of Westminster and of Stormont. In fact, the configuration of the Stormont parliament was similar to that of the configuration of the parties involved in Home Rule debate. Linking the study of the Irish parties in Westminster enables us to create a transition between the centralised legislative power and the devolution of it. After studying the political parties involved in Northern Irish politics we will study two Bills passed in the 1920s in Stormont.

First, the Irish Parliamentary Party will be taken a look at. This subpart will enable us to have a better understanding of the fall of the Constitutional Party. The scrutinizing of the IPP evolution in the 1910s will be linked to the evolution of the Home Rule debate and the rise of Radical Nationalism. It will enable us to come back on the relation between the Nationalist party and the Liberal party. Hence, we will question the importance of the Imperial Parliament in the policy of the IPP. Furthermore, we will study the internal functioning of the party and compare it to *Sinn Féin* in its early years, in order to understand why the latter managed to overrun the first. Then, the study of Constitutional Nationalism will be carried on with the analysis of its role in the Parliament of Northern Ireland. This study will focus on the 1920-1932 period. It will enable us to have a look at the question of abstention and understand the motivations of the Nationalist to take their seats or not. Furthermore, it will lead us to observe a different point of view on the manipulation of the voting system than will be studied after in the dissertation.

From its early days on, the Stormont Parliament was ruled by the Unionists. II.2. Unionism in Stormont will enable us to understand the organisation of the Ulster Unionist Party. With the establishment of a parliament in Northern Ireland, the Ulster Unionists had a chance to establish a strongly Unionist state. After studying the organisation of the Ulster Unionist Party, we will look into Craig's policy towards the opposition and his establishment of a Unionist majority in Stormont.

The second part of 'A Unionist State: the path towards consolidation' focuses on the activity of Stormont in the 1920s. In fact, Ulster underwent an important period of troubles, a number of clashes between the Catholic and Protestant population occurred. Hence, the internal troubles of Ulster and the agitation in Southern Ireland will influence the Ulster Unionist policy. To understand the Ulster Unionist policy, a study of two controversial Acts will be realised. The debates studied concern the House of Commons (Method of Voting and Redistribution of Seats) Act and the Civil Authorities (Special Powers) Act. The first Act modified the voting system in Northern Ireland and will be linked with the fall of the Opposition in Stormont. The second Act studied concerns public life and will be linked with the treatment of minorities by the Ulster Unionist government. Concerning the Special Powers Act, the debates in Parliament will be studied. The utilising of raw material will enable us to bring another point of view to the development, and thus help us understand the Unionist rhetoric.

Finally, the third part entitled 'The way towards independence' studies the evolution of Radical Nationalism in the 20<sup>th</sup> century and its finalisation in the establishing of the Free State. This part is introduced by the study of *Sinn Féin*. The controversy of its creation will help us to understand the relation between the party and its adversary. The Republican party was indeed a threat to most of its parliamentary opponents. Hence, the study of *Sinn Féin* will be linked to the fall of the Irish Parliamentary Party and to the radicalisation of the Ulster Unionist speech. Studying *Sinn Féin* and the motivations that animated the party will enable us to link Griffith's ideals with the ideals defended by his inheritors.

*Cumann na nGaedheal* and *Fianna Fáil* will be studied in the last two subparts of 'The New Generation'. The two first parties to govern the Free State are indeed closely linked with *Sinn Féin* and are considered as the heirs of the Republican party. Here, the roles of the *Dáil Eireann* will be studied. In the part focusing on *Cumann na nGaedheal*, the General Elections will be studied, as well as the passing of power from the party that had won the Civil War to the party that had lost it.

Then, we will scrutinize de Valera's use of the separation of powers. It will be made through the study of de Valera's involvement in the passing of several Acts and official documents. It will lead us to question the legitimacy and the ethic of de Valera's actions.

# **I. Process of creation of the Parliaments**

## **1. Parliamentary Context**

### *A. Changes in Westminster*

At the beginning of the 20<sup>th</sup> century, the House of Lords of the Imperial Parliament was preventing the Home Rule Bill from being enacted. The legislative process and the Conservatism of the upper House of Westminster were defeating Irish Nationalist ambitions. In 1886, the Bill was rejected after the very first reading in the House of Commons. Later in 1893, the House of Lords would bring the Bill to a standstill.

Let us recall the importance of the Home Rule Bill. First of all, each introduction of the bill in Westminster would later be designed as ‘Home Rule Crisis’, due to the division it provoked amongst the members of the Imperial parliament. Furthermore, the very composition of the parliament was influenced by this debate, as opposed forces gathered in answer to it. During most of the 19<sup>th</sup> century and up until 1916, the parliament was polarised by the Liberal party and the Conservative party, as they were the two most powerful political parties. Yet, Westminster was not only composed of those two parties. Smaller ones were attracted by their power and were willing to use at the best their parliamentary representation. Hence, the Liberals and the Nationalists would associate in a coalition in order to reach a strong majority in parliament. The common grounds on which they fought was the passing of the Home Rule Bill. Just as much as Home Rule linked the Liberals and the Home Rulers, the Conservatives were strongly linked with the Unionist party. Yet, it must be noted that the Nationalist-Liberal relation differed from the Conservative-Unionist relation since the Conservatives and the Unionists common grounds were not only based on their position towards Home-Rule. Their vision of society, politics, economics and of the United Kingdom and of the Empire as a whole were similar. They favoured a complete Union of the United Kingdom and despised devolution. It must also be added that the Irish Unionists did not have the monopole of Unionism, since you could find Scottish Unionists, Welsh Unionists and English Unionists. The term ‘unionism’ itself is a reference to the Acts of Union passed in 1801. Those Acts linked Ireland, Scotland, Wales and England to the Imperial Parliament on the legislative, executive and economical levels. Considering the Conservative and Unionist vision of the Empire, the ruling of Ireland would impact the ruling of the Empire as a whole. Hence, bringing the importance of a centralised government when several colonies were demanding more autonomy.

The strategy employed by the Liberals-Home Rulers association was a step-by-step one. In fact, because of the successive failure of the Home Rule Bills in 1886 and in 1893, other roads were considered to reach self-government in Ireland. In 1907, the Liberal party, led by Asquith introduced an Irish Council Bill. This Bill will be the opportunity for us to study alternative solutions to Home Rule (HR) as well as the relations between the Liberals and the Home Rulers in Westminster. Our development will be based on a study of Nicholas Mansergh's "Liberal Tactics and Irish Expectations", the second chapter of the book *The Unresolved Question*. This specific chapter has been chosen to lead the study of the Liberal-Nationalist relation as well as the Irish Council Bill because it is based on raw material and offers a complete view on the question. In fact, most of the answers raised in this subpart are answered to in this specific chapter and both parties' views are expressed in it.

The General Elections of 1906 had changed the relation between the Home Rulers and the Liberals. This change in the configuration of the Imperial Parliament would have consequences on the Liberal policy towards Ireland. In fact, the latter had reached a majority of 377 seats in the House of Commons without requiring the seats of the Irish party. Since reaching a Liberal majority during the 19<sup>th</sup> century was closely linked with the Home Rule project – and so with the Irish party – the 1906 General Elections challenged the importance of the Home Rulers from the Liberal point of view. To put it in a nutshell, it meant that with the Irish party and the Home Rule project was downgraded to a lower place of the Liberal agenda. As Mansergh states, this success in the General Elections was due to Balfour's resignation in 1905, which was not followed by a dissolution of the parliament.<sup>8</sup> Earlier in 1902, the idea to introducing a 3<sup>rd</sup> HRB in parliament had been rejected by the Liberal party, for its members feared the Bill would not pass the Commons. Their fear of not seeing the Bill become an Act was nourished by its premature rejection in 1886 and in the House of Lords in 1893. Until the Parliament Act (1911), the Home Rule project would not evolve in any way. The Liberal polity towards it would not evolve either, since the maintenance of parliamentary power required to limit the Nationalists' access to it. Yet, they ensured their associates of their will to accompany them to reach HR. On that point, doubt and lack a trust rose amongst the Nationalists. They feared that the Liberal's Irish policy was 'based on lies': "it shall be no Greek horse introduced

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<sup>8</sup> Nicholas, Mansergh. *The Unresolved Question: The Anglo-Irish Settlement and Its Undoing 1912-72*, New Haven, London: Yale university press, 1991, p.29

in our camp, and that under the cloak of a measure of devolution no audacious attempt shall be made to break up' the Home Rule party"<sup>9</sup>.

Concerning the Irish Council Bill, most material can be found in "The Irish Council Bill: A Tentative First Step", in the second chapter of the *The Unresolved Question*. The idea of 'step' expressed in the title is a reference to the Nationalist step-by-step tactics used towards self-determination. Mansergh first shows that the Home Rulers hoped the Bill would fit their policy. The participation of Redmond in its drafting, who was at the head of the Irish party was supposed to lead its features as compatible with the Home Rule project.

However, the construction of that Bill and the machinery of politics made it look inefficient to the Irish. With its draft, the Liberal tried to put in the Bill such elements that would reach an understanding with the Irish on the steps towards HR and at the same time conform Liberal tactics so as to not expose the "party's flank to the Lords"<sup>10</sup>. The function of the Council that the bill intended to establish was to "control and coordinate existing activities"<sup>11</sup>. In other words, there would be no extension of them. The Council itself would be constituted of partly-nominated elements and of a representative body to oversee the work of eight boards. Those boards had divided Irish services and concerned local government, the Poor Law, agriculture and education. So as to show the Liberal point of view, Mansergh quotes Birrell and Campbell-Bannerman. Birrell's commented that even though there was no creation of a new Irish-based legislative power or authority, the Bill might "pave the way to Home Rule"<sup>12</sup> if it became an Act. He thus followed the step-by-step policy. Campbell-Bannerman remained more neutral in his assumption and described the Bill as a "little, modest, shy, humble effort to give administration powers to the Irish people"<sup>13</sup>. On the Nationalist side, the Bill was not received with such arguments and Mansergh goes as far as describing their reaction as "hostile"<sup>14</sup>. Their hostility led to the abortion of the Bill. Redmond condemned it at the National Convention of the United Irish League, even though he had worked

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<sup>9</sup> Quoted in F.S.L Lyons. *John Dillon. A Biography*, London, 1968, p.292

<sup>10</sup> Nicholas, Mansergh. *The Unresolved Question: The Anglo-Irish Settlement and Its Undoing 1912-72*, New Haven, London: Yale university press, 1991, p.32.

<sup>11</sup> *Ibid*, p.33

<sup>12</sup> *Ibid*.

<sup>13</sup> Quoted in Mansergh *The Unresolved Question* p.33. Spender, J.A. *The Life of Sir Henry Campbell-Bannerman*. London, 1923. Vol.2, pp.339-40.

<sup>14</sup> Nicholas, Mansergh. *The Unresolved Question: The Anglo-Irish Settlement and Its Undoing 1912-72*, New Haven, London: Yale university press, 1991, p.33.

on its drafting and on the improving of its technical points.<sup>15</sup> The Irish reaction to the Irish Council Bill shows that their fear of being betrayed by the Liberals was real. It eventually led to their refusal of a Bill they judged inefficient. Mansergh then quotes G.P. Gooch, Parliamentary Private Secretary to the Chief Secretary, who thought that the Bill left HR “exactly where it was before”<sup>16</sup>. As the refusal of the Bill shows, the Irish party grew weary of the flaws of their tactics. Amongst it, devolution was questioned, for it was seen by the Nationalists as possibly diminishing the prospects of HR. This questioning had no chance of being tested with the turning down of the Bill<sup>17</sup>.

The establishment of the Irish Council was a failure due to the abortion of the project. Yet, with the introduction of the Parliament Bill in Westminster in 1910, a window of opportunity was presented to the Home Rulers. It must be reminded that the introduction of the Parliament Bill in the Imperial parliament had not been triggered by the Home Rule debate. Therefore, the Parliament Act – once passed – would serve the purpose of the Irish Nationalists.

The Parliament Act concerned bills that had passed the Commons and which had been rejected by the Upper House three times. The second and the third readings in the House of Commons had to be separated by a period of at least two years. If a bill gathered each of those features, it would be granted the Royal Assent. No veto from the House of Lords could be put on it. Yet, the passing such an Act that would disturb the Parliamentary balance of powers and the legislative process was no easy task. In fact, it first failed to pass the House of Lords. Due to the configuration of the parliament at the moment the Parliament Bill was turned down, no further evolution could be worth considering. The Liberals then chose to dissolve the parliament in November 1910. They would then call for a General Election a month later so as to obtain a more solid majority in the Commons. During that General Election, the Liberals won 272 seats, the Labour party 42 and the Irish Party 84. Hence, the association between the Liberals, the Labour party and the Irish Party gained a strong majority in the Commons. The last attempt of the Lords to prevent the Bill from being enacted is

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<sup>15</sup> Quoted in Mansergh *The Unresolved Question* p.33. Gwynn, Denis. *The Life of John Redmond*. London, 1932, pp.141-50.

<sup>16</sup> H. of C. Debate, May 1907, Vol. CLXXIV, Col. 158.

<sup>17</sup> Mansergh, Nicholas. *The Unresolved Question: The Anglo-Irish Settlement and Its Undoing 1912-72*, New Haven, London: Yale university press, 1991, p.33

described by Mansergh as a “last reckless but unsuccessful bid to defeat it”.<sup>18</sup> On the 18<sup>th</sup> August 1910, the Parliament Bill was enacted.

Mansergh then goes back on the study of the Liberal-Nationalist relation. The Budget Imposition endangered it for the Irish party had expressed its resentfulness against it. In some sort of vicious circle, the Liberals were resentful of the Irish resentfulness:

I have been so busy fighting for HR in the [Constitutional] Conference that I have had no time to attend to the imaginary grievances of the Irish publicans. *We* – the entire Liberal force – are fighting a desperate battle for your national cause and staking all on our absolute loyalty to it.<sup>19</sup>

Finally, with the passing of the Parliament Act, Redmond was relieved from the power of the House of Lords that delayed his projects. Apart from the budget imposition issue, Redmond managed to improve the relation with the Liberal government, who pledged to carry HR confirmed in office. One might link that statement with the importance of the Irish Nationalist party in the House of Commons, which brought a majority to the Liberal party. In 1910, at the time the “favourable combination”<sup>20</sup> was building up for Redmond, the Boer War was taking place in South African colonies between the British forces and the Boers. Eventually, Campbell-Bannerman restored self-government to the Transvaal. His choice concerning the South Africa policy is considered by Mansergh to have influenced the “livelier support”<sup>21</sup> towards the Home project amongst the Liberal party. For that matter, Redmond would be remembered as the Nationalist leader who worked on the relation between his party and the Liberal party and succeeded to improve it.

In this part of the dissertation, we will first approach the Home Rule Bill through Asquith’s goals and ideas, which can be found in the drafted bill. This approach comes from Mansergh’s development in *The Unresolved Question*. First of all, let us remind that the Home Rule project had been part of the Liberal agenda for 26 years, in 1912. Its importance would fluctuate over the years. In the 1910s, it was at its climax due to the highest probabilities of making it become an Act. It was part of the Liberal party polity to reaffirm the government’s commitment to HR on an all-Ireland basis. What was also ensured by Asquith’s government was the unity of Ireland. The personal view of the Prime Minister was that Ireland was “a nation, not two nations, but one

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<sup>18</sup> HL Deb 10 August 1911 Vol 1-2 c13.

<sup>19</sup> *Dillon Papers*, Trinity College, Dublin Archives, Correspondence with Lloyd George 6 November 1910.

<sup>20</sup> Mansergh, Nicholas. *The Unresolved Question: The Anglo-Irish Settlement and Its Undoing 1912-72*, New Haven, London: Yale university press, 1991, p.39.

<sup>21</sup> *Ibid.*

nation”.<sup>22</sup> Even though the Bill had been drafted using the 1893 Bill as a basis, it included new ideas<sup>23</sup>. One particular innovation was “deflation by association”.<sup>24</sup> In economics, prices either go up or down. In the first case, the upward movement is called inflation. In the second case, the downwards movement is called *deflation*. The image *deflation by association* applied to the Home Rule Bill suggests a legislative association between the centralised power and the devolved power. This idea comes from Federalism, which was applied to Ireland as an alternative solution to HR. Asquith was thus willing to obtain support from the federalists present in Westminster, as stated in *the Unresolved Question*.<sup>25</sup>

When using the image *deflation by association* with a critical point of view towards the Liberal tactic, we could conclude that it revealed a will to end the debate on HR in Westminster. In fact, we must keep in mind that both parties were left weary of the decades of struggle to pass the Home Rule Bill. The coalition had showed its weaknesses due to the internal division set off by the Irish question, dragging their relations down. Finally, the Liberals had had the proof that the Irish party would not necessarily be required to reach a majority in parliament. Furthermore, the powers of the devolved parliament would remain limited and the control of the Imperial parliament and of the Crown over it would be preserved. Finally, Ireland would get a different treatment from Scotland and Wales whilst remaining on the same legislative level. Quoting the website *dictionary.com*, a province is “an administrative division or unit of a country”.<sup>26</sup>

When analysing the features of the new status of Ireland under HR, we can see that Ireland was a province of the United Kingdom rather than a dominion of the British Empire. Indeed, the devolved parliament in Ireland would not be above that of London, still be subject to the authority of the Crown and no Irish state was created. Furthermore, the matter of Irish nationality as well as the diversities of *Irishness* were not raised by the Bill. To put it in a nutshell, the Liberals were trying to devolve the Irish question to an Irish parliament, hence keeping their word and freeing the Imperial parliament from the Irish question.

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<sup>22</sup> Roy, Jenkins, *Asquith*, London: Papermac, 1964, p.279.

<sup>23</sup> Mansergh, Nicholas. *The Unresolved Question: The Anglo-Irish Settlement and Its Undoing 1912-72*, New Haven, London: Yale university press, 1991, p.49.

<sup>24</sup> *Ibid*, p.51.

<sup>25</sup> Mansergh, Nicholas. *The Unresolved Question: The Anglo-Irish Settlement and Its Undoing 1912-72*, New Haven, London: Yale university press, 1991, p.51.

<sup>26</sup> <https://www.dictionary.com/browse/province>

Concerning the powers of the legislative body presiding in Ireland, they were to be limited following the Cardinal Principle:

Notwithstanding the establishment of an Irish Parliament... the supreme power and authority of Parliament in the United Kingdom shall remain unaffected and undiminished over all persons, matters, and things within His Majesty's Dominions.<sup>27</sup>

Hence, the Imperial parliament remained above the devolved parliaments and the subjects the Irish parliament could deal with were limited by the supremacy of the former. In fact, Westminster maintained control over the question of peace and war, treaties, levying of new custom duties, coinage, postal services outside Ireland and control of the police for a period of six years. Then, the religious endowment and the imposition of religious disabilities was “debarred”<sup>28</sup> to the Irish Parliament. Its taxing ability being limited so that *inter alia* it could not add more than 10% to the rate of income tax or of death duties. Finally, Irish representation in Westminster was reduced from 103 Members of Parliament to 42. The Members of Parliament seating in the Imperial Parliament had the liberty to speak on any issue, making their voice heard on the subjects that could not be discussed in the Irish parliament. The reaction of the Irish public was quite positive for the Bill intended on establishing an all-Irish parliament, which was supposed to be more inclined on bringing back peace and order in the country. Mansergh even adds that the compensation of restrictions would put an end to some sort of humiliation.<sup>29</sup>

The drafting of the Bill in itself was an intense creation process, three parties being involved in it: The Liberals, at the head of the government, the Irish Nationalists, associated with the Liberals but having different opinions on certain points as well as different goals, and finally, the Irish Unionists, who were supported by the Conservatives. The Bill was based on that of 1893. Yet, a committee had to be formed to draft it in depth, which was composed of seven Ministers. Before getting into the study of the negotiations between the different parties, we have to clarify what was the goal of the Ulster Unionists in January 1912, when the committee was appointed, and in August 1914, when its enactment was achieved. The main focus of the Unionists and of the Conservatives was to preserve the Union between Ireland and Great Britain: “every clause, every line, and every word in it on behalf of those not only in Ulster, but in all parts of Ireland who have

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<sup>27</sup> The Government of Ireland Act 1914, 4 and 5 Geo. V, Ch. 20. Sections 1-3, 1912, Vol. XXXVI, cc.1407-23

<sup>28</sup> Mansergh, Nicholas. *The Unresolved Question: The Anglo-Irish Settlement and Its Undoing 1912-72*, New Haven, London: Yale university press, 1991, p.52.

<sup>29</sup> *Ibid*, p.52.

been the friends of this country in the past”<sup>30</sup>. In a way, the Ulster Unionists were ready to put their energy in the preservation of the Union in Ulster, but they were also ready to keep the whole of Ireland united with Great Britain. Therefore, this demand did not fit with the features of HR. As the bill was gradually threatening to become an Act, the alternative solution that was given to the Unionists was that Ulster counties would not be included in the Home Rule legislation. Therefore, this proposal evolved over the time and following the demands of each party.

On the sixth day of February 1912, Lloyd George and Churchill proposed in Cabinet an option to enable Ulster to “contract out”<sup>31</sup> of the Home Rule Bill. The Ulster resistance to the Bill had grown stronger. Ulster itself was very agitated – which Asquith knew about this and considered wiser to let the Unionist representatives deal with it. The importance of the Unionist opposition in Westminster made the drafting of the bill even more complex. In Chapter 3 of *The Unresolved Question*, Mansergh states that the Cabinet debated over the timing of the Bill proposition rather than its composition, he also says that such a method of drafting was influenced by the opposition we have alluded to right above. Hence, Asquith’s conclusion was that the bill should apply to the whole of Ireland, but that the British Government “held themselves free to make... changes, if... it becomes clear as the Bill proceeds that some special treatment must be provided for the Ulster counties...”<sup>32</sup>. At the moment of that declaration, the idea of establishing two nations in Ireland was not taken into consideration by Asquith, who considered that only one policy should be applied to Ireland and no concessions should be made to Ulster – at least in the first instance. This had to do with Asquith’s personal view quoted before. Even though the idea of nationalism is being expressed here, Ulster was not considered as such. The same argument was being used by the Unionists to discredit HR from its very first introduction in Westminster in 1886. The argument was indeed that there was no such thing as an authentic Irish identity. Considering the diversity of peoples one can find in Ireland, the argument is admissible. But, does it mean that from one community to another the way of governing has to be different? Here, the study of Mansergh’s exploration of the Ulster Question showed that the problem lay in social issues for the Unionists during the Home Rule Crisis.

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<sup>30</sup> The Government of Ireland Act 1914, 4 and 5 Geo. V, Ch. 20. Sections 1-3 deal with the establishment of an Irish Parliament and its legislative powers. 1912, Col. 1484 and Vol. XXXIX, Cols 771-3.

<sup>31</sup> Mansergh, Nicholas. *The Unresolved Question: The Anglo-Irish Settlement and Its Undoing 1912-72*, New Haven, London: Yale university press, 1991, p.50.

<sup>32</sup> Asquith Papers, Bodleian Library, Oxford, 7 February 1912, Box 6, ff.95-6.

The Home Rule debate has been introduced to you as polarising opinions amongst the Irish MPs and amongst the Imperial Parliament as a whole. Asquith's vision of HR was applied to his personal vision of Ireland: that of "a nation, not two nations, but one nation".<sup>33</sup> Hence, Ulster was not supposed to receive special treatments. Yet, such a point threatened the passing of the Bill and its application in Ulster. The Unionist opposition – supported by the Conservative party was a major threat to its passing in the House Commons as well as in the House of Lords. Furthermore, armed reaction was expected from the Ulstermen. Asquith was aware of the situation, but the ministers that composed the committee in charge of drafting the bill did not seem to be: "most ministers remained 'sublimely ignorant that Ulster might wreck their bill'.<sup>34</sup> As against to Asquith, [...], was only too well aware that Ulster would be his most formidable difficulty".<sup>35</sup> Passiveness was the policy chosen by Asquith. Mansergh states that the Prime Minister had preferred "to leave [revolt in Ulster] to the Unionists".<sup>36</sup> Facing such inaction, Lloyd George and Churchill presented the idea of giving an option to the Ulster Unionists to "contract out"<sup>37</sup> which has been studied before. Considering Asquith's attitude towards the Ulster question was qualified by Mansergh as a historic error of magnitude. Furthermore, it would have an impact on the English Unionist support of the Ulster cause and would make their persuasion towards Ulster Resistance less strong. A four-county government was meant to be established with HR in the final Bill. That feature would not satisfy the Unionist party and Craigavon had planned in all cases to establish a Provisional Government – even before the revealing of the Home Rule Bill.

As a conclusion, we will see later that the establishment of a Provisional Government that would replace the British authority was not specific to Craigavon's policy, since it was the basis of the Easter Rising. We can see here that the target of the Ulstermen and of the Republicans were different – the first were willing to remain part of a greater Unionist – and Protestant – majority whilst the latter were willing to establish a majority on their own territory. Yet we can link the tactics since it implied the use and establishment of military and parliamentary bodies meant to confirm their authority. Following Chamberlain's statement that leaving a part of the Ulster region to the

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<sup>33</sup> Roy, Jenkins, *Asquith*, London: Papermac, 1964, p.279.

<sup>34</sup> Quoted in Mansergh *The Unresolved Question*.

<sup>35</sup> Mansergh, Nicholas. *The Unresolved Question: The Anglo-Irish Settlement and Its Undoing 1912-72*, New Haven, London: Yale university press, 1991, p.49.

<sup>36</sup> Mansergh, Nicholas. *The Unresolved Question: The Anglo-Irish Settlement and Its Undoing 1912-72*, New Haven, London: Yale university press, 1991, p.49.

<sup>37</sup> *Ibid*, p.50.

Home Rule-led part of Ireland was to give credit to the separatists, Mansergh states that establishing Ulster as being independent from that very same nation was in the end similar to admitting the creation of two separate nations.

### *B. Ulster and Home Rule*

It has been said before that from the Second Home Rule Crisis on, the Unionist effort in Ireland intensified in Ulster – in the North-East of the island. It was indeed there that an important Protestant Presbyterian population lived. There was also the Orange Order and the Ancient Hibernian Order. Both those groups were created out of the tensions between Catholics and Protestants from the very beginning of Presbyterian settlement in North-East Ireland in the 17<sup>th</sup> century. Let us define the goals and features of the Orange Order. In the article “The development of Unionism before 1912”, Dr Andrew Holmes defines the Order as the embodiment of Unionist sectarianism and populism. The group would experience a rise of popularity amongst the middle and lower-middle class in Belfast during the Home Rule debate. The fear of the establishment of an Irish parliament that would be likely to diminish their power in their own province was convincing enough for the middle-class to rally to the Order. Furthermore, Dr Holmes states that the Order “provided a structure that united protestants from different classes, though it was not egalitarian and deference towards social superiors was deeply engrained”.<sup>38</sup> Coming back to politics, it must be stated that from 1905 on, the Ulster Unionist party and the Orange Order got linked. Hence, the parliamentary and the activist organisations that based their rhetoric on the defence of Ulster and of the Protestants got united.

The Orange Order, and the perpetuation of its existence over the centuries shows the will of the Protestants to defend themselves in case of a clash between them and the Catholic-Nationalists. It will be the focus of the second part of this part of the development. Before getting into the study of the Ulster Covenant, which linked the Unionist party and sectarian groups as well as military groups, we will study the situation in which the Unionist Party found itself before the triggering of Great War. With the passing of the Parliament Act (1911) and the introduction in parliament of the Third Home Rule Bill, the Ulster Unionists understood that it was a matter of time before the Bill would be enacted. Furthermore, the Parliament Bill had been passed soon before the Home Rule Bill, which increased the chances for it to become an Act. During the pre-war years, Mansergh describes the

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<sup>38</sup> Holmes, Andrew. ‘The Development of Unionism before 1912’. *Irish History Live*,

state of mind of the Unionists – as well as their British Conservative associates – as troubled.<sup>39</sup> In fact, the Parliament Bill had disturbed the balance of the Constitution, since it lowered the powers of the House of Lords. With that change of power, the Home Rule Bill had higher chances of passing.

But what was the Unionist definition of Home Rule? It has been said before that the ambition of Parnell and of several leaders of the movement was to reach self-determination and self-governance. For some of them, it also meant reaching sovereignty and breaking away from the Union so as to establish Ireland as an independent nation. Yet, the ambitions amongst the Nationalists diverged. Redmond was not willing to break away from the United Kingdom and was not supportive of the Republican ideals. His own ideals relied on a closer link with the United Kingdom and with the Empire whilst establishing Irish self-determination. Parnell, on the other hand, was willing to give to Ireland its sovereignty. Each Home Ruler had a specific vision of what HR should be. Furthermore, each Irish Nationalist had a specific vision of what the Irish nation was and how its legislative and executive power had to be expressed. Irish Nationalism can be observed on a spectrum, the Republicans being on one end and the Constitutional Nationalists on the other. Each adherent to the Nationalist cause being a different element to the one beside it. The Unionists were aware of this nuancing and it was in it that they saw a threat to the Union and to their province. Important elements of Republicanism, such as Griffith, were taken very seriously by the Unionists, in Britain and in Ireland, as we will see later.

The reliance of the Liberal party on the Irish Nationalist was criticised by their opponents since 1863. The fact that a British party associated itself with elements that stated that Irish independence and sovereignty could not be reached without bearing arms was not quite understood, nor accepted by the opposition for it arouse fear in the minds of some MPs.

The fear of the Unionist MPs in the 1910s was palpable, and the same arguments that have been quoted right above were used to discredit the Liberal government. Facing the disturbance of the Constitutional balance, the Unionists called for a General Election in Westminster, so as to try and diminish the authority of the Liberal Party. The leaders of the opposition alluded frequently to “the

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<sup>39</sup> Mansergh, Nicholas. ‘The Shaping of the Settlement’. *The Unresolved Question: The Anglo-Irish Settlement and Its Undoing 1912-72*, Yale university press, 1991, pp. 43–78.

alternative of civil war” and described the Liberals and Nationalists as “the enemy”.<sup>40</sup> Such a discourse leads to violence and animosity. The animosity in Ulster against Home Rule and the dissolution of the Union was embodied in 1912 by the Ulster’s Solemn League and Covenant.

This document was emitted the year of the introduction of the Third Home Rule Bill. It is undoubtedly linked with it. As it has been said before, the Unionists in Ulster knew they were not in position of refuting the Bill due to the position of the Liberals and of the Nationalists. Hence, publishing such a document, stating ink on paper that Ulster would fight to remain part of the United Kingdom, shows the animosity of the Ulster Unionists against HR. In some sort of vicious circle, the Unionists blamed the Nationalists for the situation of danger in which they felt to be in. This document, heavy in its statements, was supported by 471,414 signatures. Sir Edward Carson was the first to put ink on the document. He would be followed by Lord Londonderry and Sir James Craig. Alongside the emission of such a belligerent document, the relation of the British armed forces with the Protestant and Unionist population in Ulster was hard to handle for the British government too. The event we will discuss here took place two years after the passing of the Home Rule Bill and four years after the publication of the Ulster’s Solemn League and Covenant, but it proves our point that the British forces were not trustable in the case of a clash against the Ulster Volunteers. As a reminder, the Ulster Volunteers was an armed group that was created in 1912 for the same reasons the Ulster Covenant was written. It was meant to defend Ulster from any external invasion or belligerent behaviour.

Curragh, county Kildare, hosted the British forces headquarters. It was there that most of the ground troops stationed. As the Headquarters in London grew weary of the possibility of violent action from the Ulster Volunteer force because of the Home Rule Act, the officers stationing in Curragh reacted. They expressed quite quickly their will to not intervene to stop Ulster Volunteer forces if ever they triggered some sort of clash. Such a mutiny was justified by the officers by the refusal to take arms against Protestant Unionists – with whom they had connections or sympathies for. In the end, no clash happened, so the mutiny of the British forces in Ireland was harmless, but this event played an important role in justifying both the Nationalist and the Unionist discourses. The Unionists indeed used it as a mean to show that the British were beside them, which showed the support of the Union by the British. On the other hand, the Nationalists used it to express the

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<sup>40</sup> Nicholas, Mansergh. *The Unresolved Question: The Anglo-Irish Settlement and Its Undoing 1912-72*, New Haven Yale university press, 1991, pp.58-59

situation of repression they were in since the means used by the British Forces to repress Catholic movement were not the same as those used against Protestant movement. This event and the discourse that issued from it can be easily linked with Randolph Churchill's infamous sentence: "Ulster will fight; Ulster will be right." It must be said that this sentence dates back to 1886, at the time of the First Home Rule Crisis.

The organisation of a Provisional Government was planned on the Unionists and on the Republican sides – even though only the *Poblachta na HEireann* was the only Provisional Government declared. The only reason the Unionist provisional government was never declared was that from the introduction of the Third Home Rule Bill in 1912 to its enactment in 1914 they expressed their disapproval of the application of HR in Ulster, succeeding to obtain concessions that would take them out of it. The planning of the establishment of a Provisional Government in both Ulster and Dublin show the shared interests of the Unionists and of the Republicans. Both groups were intending on establishing their representation. What differentiated the plans of the groups was the area in which they wanted to be represented in and the amount of power they intended to maintain. In Ulster, the Unionists wanted to remain part of the United Kingdom and wanted to avoid the establishment of an Irish parliament in which their voice would not have the same echo as in Westminster. The Republicans wanted to establish an Irish parliament in which the Irish people would be sovereign. Finally, the Unionists never had to establish such a provisional government thanks to the concessions that were given to them by the British government. The Provisional Government established by the Republicans would be a failure on the short term as it was repressed by the British forces and government.

To put it in a nutshell, the success of the two groups was highly influenced by their relations with Britain. Ulster Unionism being part of the British Conservative Party and supported by the Army, most politicians of the time and historians doubt that the British Forces would have repressed a Unionist rising as they did with the Republican Rising in 1916, where most of the leaders of the movement were executed or interned. It shows that when entering the Imperial parliament, Irish-Unionists and Irish-Nationalists did not have the same voice, even though the seats were supposed to be equal in weight. From a broader point of view, the parliaments were being corrupted by the relations between the elements of the parties – or even from one party to another. The Constitutional Nationalists and the Unionists were guilty of taking part in this form of corruption. With the

Declaration of the Provisional Government (1916), the Republicans denounced this corruption and criticised the Irish parliamentary Party as well as the Imperial parliament itself.

### *C. Study of the Easter Rising*

In 1914, the Third Home Rule Act was passed in Westminster but was postponed for a period of twelve months because of the outbreak of the First World War. At that time, the British government as well as the members of the Great Alliance thought the conflict would be over by Christmas. Therefore, with the bogging down of the conflict, further postponements were made on the application of the Home Rule Act of 1914. Inventions and technical progress illuminated the battlefield with explosions of all sorts. Soldiers and weapons were being used in ways that had never been thought of ever before in mankind. The Irish, still part of the British Empire, were to be involved in this conflict. Therefore, what we will study here is what was the political message that each of the 200,000 Irishmen carried when enlisting alongside the British Empire. At the same period, the Nationalist-Unionist dual opposition was represented in Westminster by the Constitutional Irish Party and the Ulster Unionist Party. On the one hand, the Nationalists were aiming at reaching self-determination and obtaining a more important recognition for the role of Ireland in the British Empire whilst remaining part of the Empire. Furthermore, their means were essentially parliamentary. Furthermore, the Unionists considered that the project of HR was the expression of a lack of loyalty and intended to remain loyal to the Crown and part of the United Kingdom. Home Rule was called 'Rome Rule' by the Ulster Unionists, mainly Protestants, for they feared to be overruled by an Irish-Catholic majority. Hence, at the beginning of the conflict, both Nationalists and Unionists called for the enlisting of the Irish people, but political orientation was expressed in different ways following the party the soldiers felt represented by. In fact, Unionists were mainly involved in the fight, it must be noted that their engagement was used as a tradition of loyalty and sacrifice after the conflict.

Amongst the Irish Nationalists, one could find different opinions on the involvement of Ireland in the conflict. Redmond, who was the leader of the Irish Parliamentary party and a Constitutional Nationalist, had called for Irish implication in the conflict. His position was not immediate to the bursting of the conflict. In McMahon's "Irish Nationalism", the author reviews Maume's *The Long Gestation*, in which it is stated that Redmond was criticised for his decision-taking process. In fact, the lapse of time before him stating a decision was often longer than the usual. Therefore, Maume nuances that vision of Redmond and of his leadership by saying that he

would not take commitment unless he had taken his time to think about the consequences of his decision, and that once he had decided of something he would not go back on it, for it was a “question of honour”<sup>41</sup>. He was one of the Home Rule Leaguer who considered that Ireland could find self-determination whilst remaining close to Great Britain and to the British Empire. Yet, Redmond’s call for Irish implication in WWI would not find answers amongst his Nationalist comrades and his declaration was criticised in the Irish Nationalist ranks. We must define his call for Irish implication in the fight. He used the tradition of the Irish Volunteers to try and unite the Irish people. By doing so, he reminded each Irish party that union within the island and within the peoples of the island has existed. Furthermore, he called for Irish implication on the very Irish ground, hence he planned on not sending any of his fellow countrymen in the Western Front since the Irish Volunteers would focus on defending the Irish coasts.<sup>42</sup>

The Irish Volunteers had been created in 1913, in reaction to the creation of the Ulster Volunteer Force. In the meantime, the conflict between the United Kingdom and Germany was becoming inevitable. Redmond position towards the UK and the British Empire would be defended through his support of Irish enlistment, as we have studied before. Yet, considering the tensions rising between the Irish Catholics and the Irish Protestants, the British military headquarters feared that the association of the two communities would cause internal tensions on the battlefield. The public opinion in Great Britain was also lacking trust towards the Irish Catholics. Finally, Mansergh insists on the point that the British War Office was a Unionist ‘stronghold’<sup>43</sup>. Redmond stood his grounds for most of the Great War and defended the union between Irish Protestants and Irish Catholics in the defence of the Empire. With the worsening of the conflict and the rise of Republicanism, Redmond’s efforts were not rewarded. Here, the leader of the Home Rulers expresses his disappointment towards his policy to involve Ireland in the conflict: “From the very first hour, our efforts were thwarted, ignored and snubbed... Everything, almost, that we asked for was refused and everything, almost, that we protested against, was done”.<sup>44</sup>

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<sup>41</sup> Patrick, Maume. “Demystifying Fianna Fáil”. *The Irish Review (1986-)*, edited by Richard Dunphy, no. 20, 1997, pp. 170–71.

<sup>42</sup> Nicholas, Mansergh. ‘The Shaping of the Settlement’. *The Unresolved Question: The Anglo-Irish Settlement and Its Undoing 1912-72*, Yale university press, 1991, pp. 43–78.

<sup>43</sup> Nicholas, Mansergh. ‘The Shaping of the Settlement’. *The Unresolved Question: The Anglo-Irish Settlement and Its Undoing 1912-72*, Yale university press, 1991, pp. 43–78.

<sup>44</sup> Redmond Papers, Nationalist Library, Dublin, 15164, Redmond to Asquith 8 August 1914. H. of C. Deb., 18 October 1916, Vol. LXXXVI, Col 581-94.

The War Office we have alluded to before refused the establishment of an Irish division, favouring the creation of an Ulster Unionist division. Also, the Irish Volunteers could not be allied with the rest of the British Army.

The Easter Rising triggered changes in the Irish political landscape. We will see that Redmond's devotion to enlisting and support of the British Forces during the First World War will be closely linked to the fall of the Constitutional party. Redmond's call was not answered to: no Irish division was created by the War Office and the British troops present in Ireland were not withdrawn. In 1916, the Western Front was bogged down in loop of deadly and costly offensives and tenacious but down-the-wire defence. In Ireland, the Nationalist movement was undergoing profound changes. With the Easter Rising, Radical Nationalists were ahead of the Constitutional Nationalists, who were stuck because of the parliamentary break on the question of HR in Ireland. In this subpart, we will focus on the opinion of the Radical Nationalists towards parliamentary procedures and enlisting.

An armed revolt was led by the Irish Republicans, *Sinn Féin* and its armed branch: the Irish Republican Brotherhood. It would last six days, enough time for the rebels to proclaim the Irish Republic, or *Poblachta Na HEireann*. The declaration of the Easter Rising would not find much recognition amongst the Irish people, at first. Also, most of the people involved in it would either be killed by the British forces, be imprisoned or find exile in the United States, for example. Yet, the British violent repression of the Easter Rising would trigger sympathy for the movement. With the Rising, the Nationalist opinion concerning enlistment was even more nuanced than it was before. Since the Republicans had openly and physically resisted the domination of the Crown and of the Empire, it was logical that they demanded to exit the Empire and the United Kingdom and thus reach sovereignty. They wanted the establishment of a Republic in Ireland, which would be elected by the Irish people. Coming back to the question of enlistment, fighting alongside the British was considered as a direct infringement to Republicanism. Following the Easter Rising, the number of enlisted Irishmen was considerably reduced. The total number of Irishmen having taken part in the conflict being 200,000. Another element that is to be taken into consideration is the lack of progress in conflict that might have discouraged those who were not engaged yet, as well with the particular violence of the battles.

In *Modern Ireland*, Foster states that the shift towards Republicanism and the triggering of the Easter Rising were the result of a clash of generations that took place at the beginning of the 20<sup>th</sup> century.<sup>45</sup> He describes the situation in Ireland as an opposition between the older generation, loyal to parliamentary procedures and to the Irish representatives in Westminster, and the younger generation, who was disillusioned with parliamentary procedures. That very same situation can be applied to the question of enlistment. The opposition against enlistment amongst the Nationalists reached its climax in 1918, with the 1918 Irish Conscription Crisis. The Allies did not have the advantage over the Germans on the Western front. Furthermore, the German forces had launched a major attack over the British, French and US forces that year, hence weakening their position and their confidence. Consequently, Lloyd George, Prime Minister of the United Kingdom, decided to apply conscription in Ireland, which was the only country of the Empire where it had not been applied. Conscription would bring in 555,000 men to the war effort, 150,000 of them being Irishmen. Therefore, the situation in Ireland in 1918 was much tenser than it was at the beginning of the conflict, and the nuances over enlisting were not as numerous as they were before the fall of the Constitutional Party. Elements composing the British government were aware of it and expressed their opposition to Conscription in Ireland. General Byrne stated:

Conscription can be enforced, but with the greatest difficulty. It will be bitterly opposed by the united Nationalists and the clergy. The present time is the worst for it since I have been in Ireland, because the cry will be: 'England down, Ireland's opportunity.'<sup>46</sup>

Concerning that very specific event, Dave Hennessy considers that it has helped the rise of Sinn Fein and that it was at this moment that it ended British rule in Ireland.<sup>47</sup>

The question of Irish enlisting shows the radicalness of the Irish question. The Unionists showed that they were ready to give their life to the Crown, the Constitutional Nationalists were ready to show their implication in the British Empire by fighting alongside the Unionists, the Scottish, the Welsh and the English. Adversely, we will see that the radical Nationalists did not want to lose their life for the Crown that had let their family die and suffer from segregation and starvation. Because of the postponement of the Home Rule project and its loss of importance in Westminster, it was the Irish representatives in the Imperial Parliament itself who were losing credit amongst the Irish people. Hence, enlisting became the main way to support the Empire and/or the Union. On the other

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<sup>45</sup> Foster, Robert Fitzroy. 'War and Revolution'. *Modern Ireland, 1600-1972*, Penguin books, 1989, pp. 459–535.

<sup>46</sup> Dane, Hennessy. Introduction - The Hay Plan & Conscription In Ireland During WW1 - Waterford County Museum.

<sup>47</sup> *Ibid.*

hand, remaining neutral became a way to show one's desire to break away from the United Kingdom and the British Empire. The importance of that question is still to be considered for the understanding of Irish politics after World War I and as we have said, to grasp the radicalness of the Irish Question.

The Easter Rising and the rise of *Sinn Féin* had an important influence on the enlistment question, but it also influenced Irish politics as a whole. What we will study in this subpart is the importance of the declaration of the Irish Republic by *Sinn Féin*. In fact, even though the provisional government declared in 1916 did not last much longer than the Rising itself, the declaration would influence later declarations and negotiations between the British and the Irish Nationalists. That is the specific point that we will try to understand in this part, as it will be foundational for later developments.

The reaction of the Irish Republican Brotherhood to the bursting of the First World War is compared in *Modern Ireland* to a Pavlovian reaction.<sup>48</sup> In fact, the IRB took advantage of it to trigger physical action in Ireland, alongside with other armed groups. We will in see in detail why Foster compared the policy of the IRB to that reaction – which was the result of behaviour study by Ivan Pavlov, in the 20<sup>th</sup> century. It has been said in the introduction of this part that the Easter Rising has deeply influenced Irish politics from 1916 on. We came to this conclusion after studying the polity of the leaders of *Sinn Féin* after the War of Independence and of the declarations and official papers that have been published after that by those who will lead the Irish Free State. This will be the concern of the following parts of this paper. Yet, in *Modern Ireland*, Foster states that it was the Great War that triggered the Easter Rising and changed the landscape of Irish politics. In his words:

The First World War should be seen as one of the most decisive events in modern Irish history. Politically speaking, it temporarily defused the Ulster situation; it put Home Rule on ice; it altered the conditions of military crisis in Ireland at a stroke; and it created a rationale for an IRB rebellion.<sup>49</sup>

Since our focus here is Irish politics and the creation of parliaments, the Easter Rising will influence Irish politics but, as Foster puts, it was set off by the First World War, which was a much

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<sup>48</sup> Foster, Robert Fitzroy. 'War and Revolution'. *Modern Ireland, 1600-1972*, Penguin books, 1989, pp. 459–535.

<sup>49</sup> *Ibid*, p.471.

more important event for Irish history. As an introduction to the study of this major event of Ireland's history, we will study how it rolled out.

The Easter Rising has had consequences on the Anglo-Irish relationships at different levels. The direct clash between the British and the Republican forces was the expression of the Anglophobia that had risen amongst the Republicans for decades. Furthermore, the alliance between Germany and the Republicans expressed through the providing of weapons and of unofficial support from the German government shows the radicalness of the means undertaken by the Republicans. Yet, this alliance was not successful. Still, it can be linked to the questioning over enlistment that has been made before. In fact, in 1916, the Allied forces were not in a situation of strength. The frontline was not moving, as a proof of the stagnation of the conflict. By then, the association with the British in that conflict was not even conceivable for the Republicans. This resulted in the direct clash between Imperialist and Republican armed groups, such as the Irish Volunteers, the Irish Republican Brotherhood and the Citizen Army. When the Constitutional Nationalists led by Redmond and the Ulster Unionists were fighting alongside the British and the French during the Battle of the Somme, some Republicans chose to open the fight in Dublin, Ireland, against the British forces, whilst having associated themselves with the Germans. That philosophy was led by Roger Casement's dictum "Ireland's opportunity is England's adversity".<sup>50</sup>

The idea of a military association between Germany and the Republican forces had been emitted at the very beginning of the war. The arming of the Irish Volunteers was indeed an important question, for the leading of the Rising was to be followed by a guerrilla war aiming at freeing Ireland from British rule. Yet, the involvement of the Germans in the Rising and the following guerrilla would never be stated clearly and fluctuate over the time. Hence, there was no concrete planning of a German implication in an open fight against the British forces on Irish grounds. Following Foster's information, "German support tended to be restricted to the formal and conditional, though arms imports were arranged"<sup>51</sup> during the 1914-1915 years. The stakes for the Irish Volunteers were high, because Republican elements expected from the Volunteers to lead a war against the British that would lead London to give them concessions. Hence, hopes for a German physical support were very high amongst the Republicans, even though opinions on the probabilities for it to happen varied. On the other side of the East-Atlantic shores, the Germans were providing little information on the

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<sup>50</sup> Foster, Robert Fitzroy. *Modern Ireland, 1600-1972*. Penguin books, 1989, p.478.

<sup>51</sup> *Ibid*, p.477.

numbers of military material that would be provided, as well as on its date of delivery. The German-Irish Republican association eventually failed, for Roger Casement was arrested after coming back from Germany. With him, the arms-streamer was captured due to leaked information and missed connections, as Foster puts it, and the country-wide operation was reduced to a Dublin-centred operation. It was also delayed from the Easter Sunday to the Easter Monday.

On Easter Monday 1916, approximately 16,000 people took key buildings in Dublin. Most of the energy was used on the GPO in O'Connell Street. In *Modern Ireland* and in Collins' quotations used by Foster, the Easter Rising is compared to a Greek tragedy. We will try and understand the organisation amongst the Republicans, which was far from being peaceful and fluid, the reaction of the public to the Rising during the Rising and after its repression by the British forces. At the moment of the launching of the Rising, the British forces in Ireland were not ready to face an insurrection. First of all, Foster states that the troops present in Dublin represented only a fifth of the troops after the Rising. It shows that a massive number of men flooded to Dublin. Amongst the British troops, most of the conscripted thought they had arrived in France. The result of the week of fighting between the Republican forces and the British forces was the death of 450 people and the wounding of 2,614 others. Amongst the British, 116 soldiers lost their lives and 16 policemen were killed. With the end of the rebellion, the first Act of Collins' 'Greek tragedy' had ended. As Collins' tragedy is being described by Foster, the Irish Republicans were at the heart of the action for the first Act, but in the second Act they would be in the hands of the British forces.

Public opinion evolved over time. The main periods of changes over the question of the legitimacy of the Republicans and of the empathy they received from the public was divided in three parts. First, when the Rising actually took place, surprise was the main feeling to animate the civilians. We can see the extent of that surprise with the testimony of Austin Clarke, a Dubliner poet was witnessing the taking of the GPO and wrote down that he was astonished to see

[...] the watchful figures of armed men at the sand bagged windows. The historic hour existed with all its secret, countless memories of the past, in and of itself, so that even the feeling of suspense and coming disaster seemed to belong to a lesser experience of reality.<sup>52</sup>

Foster does not stop at Clarke's testimony and uses that of Ernie O'Malley to qualify his depiction of the event. Ernie O'Malley, who was to become an eminent figure of the Anglo-Irish Independence War, became aware of his nationalist motivations during the Rising when he got –

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<sup>52</sup> Quoted in R.F. Foster *Modern Ireland*, p.482. *Journals and Letters of Stephen MacKenna*. E.R. Dodds London, 1936, pp. 50-51.

voluntarily – physically involved against the British forces whilst he had no nationalist record before that specific event. Then, on a rather less engaged and admiring reaction to the Rising, the working-classes are said to have taken advantage of the chaos that seized the city and looted and damaged shops. Showing the nuances of reactions to the Rising, Foster shows how much of a Greek Tragedy it was. As depicted by the author, it seems that Dublin was in the eye of a storm. Hence, the reactions of the civilians were as varied as: surprise, looting and a sudden nationalist feeling that led a student to get physically involved in the assault of British soldiers.

The second Act of the Easter Rising took place at the very end of the clash between the Republican and the British forces. It must be reminded that in 1914, a Defence of the Realm Act had been passed in the Imperial parliament. It enabled the government to seize lands, buildings and regulate criminal offences. That Act was used in Ireland to establish the Martial Law, so as to enable the British forces to deal with the rebel forces. At this point of the conflict, its outcome was not certain for none of the elements involved in it. That is how Foster justifies the “draconian”<sup>53</sup> reaction of the British forces. What is therefore being questioned in the fifth part of Foster’s *Modern Ireland*, “War and Revolution” are the targets and victims of the British forces. As an illustration of that questioning, Foster reminds us that during the Rising, “householders in North King Street (Dublin) had been indiscriminately murdered by soldiers”<sup>54</sup>. Other “appalling incidents”<sup>55</sup> took place during and after the Rising. The death of another civilian has marked the memories: the murder of Sheehy-Skeffington.

Foster uses the murder of that writer to show that the consequences of the Rising had a cultural aspect and that some of the victims of the British repression carried Ireland’s culture and literature, which had a very important place in Irish politics and separatist movement. Furthermore, the reaction of the British forces somehow played in favour of the IRB movement since the arrests and executions of the Rising leaders helped to get more empathy from the public opinion. Also, it brought credit to the Rising. Since the Easter Rising used physical force to express its political views and the clash caused civilian casualties, the Republicans were in a dangerous position concerning public reaction. Indeed, the public would have been right to dissociate itself from such a violent movement. But, due to the general context and the British reaction – which was as much violent, if not more violent than the Rising itself – it showed that independency and respect of the Irish demand

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<sup>53</sup> Foster, Robert Fitzroy. *Modern Ireland, 1600-1972*. Penguin books, 1989, p.484.

<sup>54</sup> J. Clarke, Thomas, et al. ‘The Proclamation of Poblacht Na H-Eireann’. Easter Rising 1916.

<sup>55</sup> *Ibid*.

could hardly be reached by traditional means, such as parliamentary representation. We can link that to the fact that the younger generations were expecting more of ‘alternative solutions’ than the elder, as has been said.

Now that we have studied the Easter Rising itself, we can focus on what was emitted during the Rising and its political and cultural dimensions. The study of the declaration of the Provisional Government of the Irish Republic will enable us to understand the motivations of the groups that led the Rising. We will then try and link our study with an analysis provided by Foster on the cultural and political features of the Rising. Three main elements will be studied: Irish sovereignty, the denunciation of British rule, and the tradition of struggle for sovereignty. We will depict the declaration using those three tools.

Irish sovereignty is being announced in the very title of the declaration: “The Irish Republic to the People of Ireland”<sup>56</sup>. The republic is hence meant to belong to the people. As the distribution of the declaration was combined with physical force, the strategy of the Republicans was brand new in Ireland. The use of physical force to reach a political goal had existed before in Irish history, but what differed in 1916 was the combination that has been alluded to before. That way, both elements were gaining credit from the other.

Coming back to the idea of sovereignty itself, the document makes several references to it. First of all, the third paragraph ‘declares’ Irish sovereignty: “We declare the right of the people of Ireland to the ownership of Ireland, and to the unfettered control of Irish destinies, to be sovereign and indefeasible”<sup>57</sup>. Citizenship is expressed with the sovereignty of the people. What is interesting concerning the idea of citizenship as described in the declaration is that it puts men at an equal level with women. The introduction of the document shows it at first sight: “Irishmen and Irishwomen”<sup>58</sup>. Furthermore, when the document gets into the details of the organisation and functioning of the provisional government that is being declared, the right to vote does not change following the gender of the citizens: “cherishing all the children of the nation equally, and oblivious of the differences

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<sup>56</sup> J. Clarke, Thomas, et al. ‘The Proclamation of Poblacht Na H-Eireann’. Easter Rising 1916.

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*

carefully fostered by an alien government which have divided a minority from the majority in the past”, “Suffrage of all [Ireland’s] men and women.”<sup>59</sup>

The Irish question is deeply influenced by its relation with Britain. In 1916 Anglophobia had witnessed a rise in Ireland, British rule in Ireland being less and less tolerated in the minds of the Irish who sympathised with the Republican cause. In the declaration, this Anglophobia is being expressed through the criticism of the corruption of the Imperial parliament as well as the lack of legitimacy of British rule. The consequences of British rule are to be found in the reference of the “dead generations”<sup>60</sup> of Irish people and as the impossibility to be free. Thus, the British are being alluded to in the very first sentence, in the third paragraph in a subliminal way as a “foreign government”<sup>61</sup> ‘usurping’ the rights of the Irish people: “The long usurpation of [ownership of Ireland] by a foreign people and government has nor anguished the right, nor can it ever be extinguished except by the destruction of the Irish people.”<sup>62</sup>

The declaration why the Rising was legitimate. In fact, we have seen before that the use of both political and physical force to assert the Republican views was important to the Republicans for it brought credit to the movement. Yet, that aim for credit does not stop at the combination of methods. In fact, we can see traces of it in the declaration itself. The tradition of struggle for independence and sovereignty is expressed in that document at the beginning through the reference to the death of fighters in past generations: “In the name of God and of the dead generations from which she receives her old tradition of nationhood, Ireland, through us, summons her children to her flag and strikes for her freedom.”<sup>63</sup> Here, Ireland and its people are presented as a whole. That unity is expressed through the Rising and those who led it and is also embodied in the death of those who fought for its nationhood before. Previous generations of fighters became martyrs. It is interesting to see that the same process will take place after the execution of most of the leaders who had survived the Rising. Furthermore, the question of duty and of religion are deeply involved in the declaration and in the Rising itself. Following Foster’s development, it was based on Pearse’s vision of the rising, for he considered that the ‘Irish’ cause could be linked with Christ’s sacrifice.

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<sup>59</sup> J. Clarke, Thomas, et al. ‘The Proclamation of Poblacht Na H-Eireann’. Easter Rising 1916.

<sup>60</sup> *Ibid.*

<sup>61</sup> *Ibid.*

<sup>62</sup> *Ibid.*

<sup>63</sup> *Ibid.*

External support for the declaration of the provisional government and for the organisation of the Easter Rising was very important. The role of Germany has been discussed above and is being alluded to in the declaration. In the declaration, the Germans are being described as “gallant allies in Europe”<sup>64</sup>. Even though their contribution to the Rising was not as successful as the Republicans would have liked to, they are being alluded to in the declaration. Furthermore, it is the Irish diaspora that is being quoted in the document as “[Ireland’s] exiled children in America”.<sup>65</sup>

As the final element to bring credit to the establishment of a provisional government in Ireland, the voting system is mentioned at the end of the declaration:

Until our arms have brought the opportune moment for the establishment of a permanent National Government, representative of the whole people of Ireland and elected by the suffrages of all her men and women, the Provisional Government, hereby constituted, will administer the civil and military affairs of the Republic in trust for the people.<sup>66</sup>

The question of enlistment during the Great War has showed us that parliamentary procedures in the Westminster were no longer credible to the Irish Radical Nationalists. This quotation shows that it is parliamentary procedures in *London* that were criticised. Further than the Imperial Parliament, the Republicans criticised the use of democracy by Britain in Ireland. By taking over Dublin and distributing the Declaration, the Republicans tried to establish a democratic system based on the sovereignty of the Irish people. Irish matters were brought at the centre of Irish politics, getting rid of the devolution question as well as of the question of centralisation of powers in London.

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<sup>64</sup> J. Clarke, Thomas, et al. ‘The Proclamation of Poblacht Na H-Eireann’. Easter Rising 1916.

<sup>65</sup> *Ibid.*

<sup>66</sup> *Ibid.*

## 2. The “settlement” of the Irish Question

### *A. The Voting system in NI and in SI (1920) Government of Ireland Act*

In December 1920, about a year before the end of the Independence War, the Government of Ireland Act was passed in Westminster. It established the official division of Ireland. It gave a parliament to both parts of Ireland and established a Council of Ireland meant to pacificate and reunite Ireland. The parliaments were intending on “provid[ing] better government of Ireland”.<sup>67</sup> Such a policy was the result of British concessions towards the Nationalists and the Unionists. The Union between Ireland and Great Britain was preserved and legislative independency was granted to both dominions. Parliamentary representation was thus preserved.

Therefore, the Government of Ireland Act embodied the fulfilment of the idea of separation between ‘two Irelands’. Also, the authority of the newly-declared *Dáil Éireann* was challenged by the creation of the parliament issued from the Act. In 1919, closely linked to the outset of the Independence War, the First *Dáil* was declared by members of *Sinn Féin*. The members of the First *Dáil* were nominated after their election during the General Elections of Westminster in 1918. The foundation of this underground parliament was the result of the boycott of the Imperial Parliament by the *Sinn Féin* MPs, who refused to recognise the authority of the Crown. This underground parliament would be replaced by the parliament established by the Government of Ireland Act but would affect the Irish Republican tradition.

The subject of this dissertation being the parliaments of Ireland, we will thus study the legislative powers given to the parliaments and the features of the Council of Ireland, so as to understand why this Act was not enough to settle the Irish question. To do so, we will use the raw material

Both parliaments of Northern and Southern Ireland were established on the basis of the Westminster parliament. In the very first parts of the 67<sup>th</sup> chapter, the parliaments are described as composed of lower house elected by the people, an upper house and the King as head of the Executive body. In the Act, and until the Anglo-Irish Treaty, the two parts of Ireland divided by the constitution of each would be called Southern and Northern Ireland. ‘Ulster’ would not be used in the British official documents for the legislation of the parliament was controversial. The frontiers

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<sup>67</sup> Hansard. Government of Ireland Act. Vol. 151, 27 Feb. 1922, pp. cc204-24.

of Ulster were still at the heart of controversy and debates over it would go on until the end of the Commission of Demarcation in 1925. Then, the designation 'Irish Free State' would be applied to Southern Ireland with the Anglo-Irish Treaty and the Constitution that was issued from it. In this part of the dissertation, we will thus stick to the designation used in the official document to name the parts of Ireland.

When studying a parliament and what defines it, the first thing that comes to our mind is how it is composed and how its elements are chosen. In 1920, the British parliament itself had undergone recent changes in its composition. In fact, two years before, the Representation of the People Act (1918) had been passed, hence enlarging the franchise and allowing more people to be represented in the lower house of the parliament. In fact, men aged 21 and over could vote, whether or not they owned a property. Women also witnessed their franchise being extended – to a lesser extent nonetheless, but it was still an improvement. Indeed, women aged 30 and over who resided in the constituency or occupied land or premises with a ratable value above £5, or whose husbands did, could vote. Concerning local government, women were included in the franchise as soon as they were aged 21 and over. The franchise for the men for local government was similar to that of women. The voting system applied to the General Elections as well as to the local government elections was Proportional Representation. By doing so, the British Government intended on bringing representation to minorities in both Southern and Northern Ireland. In the South the main minority being the Protestants and in the North the Catholics. Therefore, as the British government was aware of the early disapproval of PR from the Ulster Unionists, that measure was limited to three years only after the opening of the parliaments.

Concerning the composition of the House of Commons, 128 Members were to compose that of Southern Ireland and 52 of Northern Ireland. Here, the separation of powers is made through the incapability for an MP to attend both parliaments of Ireland. Yet, what was witnessed during the next elections is elements of both parliaments being elected from constituencies of the part of Ireland where they would not seat in. A famous example being de Valera, who was elected in the Southern parliament and representing Co. Down, in Ulster. The system of election of MPs was not the only feature issued from the Westminster parliament. The legislative process was also similar to it. First, bills were introduced in the House of Commons, where a majority of votes were required to be passed in the Senate. In the Upper House, the same principle was applied on the bills once they had passed the Lower House. Finally, the Royal Assent was required for the bill to be enacted. In the case of the parliaments of Ireland, the power to provide or withhold the Royal Assent was contained

in the person of the Lord Lieutenant, representative of the Executive Power in Ireland. It must be noted that the Lord Lieutenant was able to create departments so as to delegate the executive power. Those departments were established through the naming of officers. Those officers would then administer the departments. Here, the separation of powers was established with the interdiction to nominate MPs as members of the executive departments. The Irish Council was not concerned by this separation of power. Finally, the Lord Lieutenant had the ability to dissolve and call for a new parliament. This specific power was the most important responsibility the Lord Lieutenant had and was directly drawn from the King's power over the parliament of Westminster.

The jurisdiction of the parliaments is also defined in the Government of Ireland Act. Yet, the frontiers of Northern Ireland being the most controversial point of the partition of Ireland, its constituencies are made explicit in the Act. Clarifying the frontiers was a way for the British government to suspend the debate over the legitimacy of Ulster. There was division concerning the frontier between Northern and Southern Ireland on the political and religious level. As the main influence in political orientation was religious affiliation, the Northern Irish legislature as defined by the Anglo-Irish Treaty was not politically homogenous. When studying a map of Northern Ireland in the 1920s, one can observe that the river Bann separates it in two halves. In the West, Nationalism and Catholicism prevail, in the East, Unionism and Protestantism prevail. Up until 1925, negotiations concerning the limits of the frontier of Northern Ireland would animate all parties involved in the partition. Most of the Nationalists considered that mainly-Nationalist and Catholic constituencies should be included in Southern Ireland. The constituencies that were used as an example of Nationalist dominance in Northern Ireland were Tyrone and Fermanagh. On the other hand, the dense Unionist-Protestant population in the Eastern part of Northern Ireland was willing to defend the traditional frontiers of Ulster and its economic and social interests. Hence, during the negotiations over the borders of Northern and Southern Ireland, the question of Ulster focused on the number of constituencies that composed it: would it be a six-constituency state or a nine-constituency state? With the Government of Ireland Act, the question was settled and Northern Ireland was defined as such:

For the purposes of this Act, Northern Ireland shall consist of the parliamentary counties of Antrim, Armagh, Down, Fermanagh, Londonderry and Tyrone, and the parliamentary boroughs of Belfast and Londonderry, and Southern Ireland shall consist of so much of Ireland as is not comprised within the said parliamentary counties and boroughs.<sup>68</sup>

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<sup>68</sup> Hansard. Government of Ireland Act. Vol. 151, 27 Feb. 1922, pp. cc204-24.

The powers of the parliaments of Ireland were limited, since it was a devolved Parliament. The Government of Ireland Act was defined in such a way as to avoid any misreading or misunderstanding concerning the abilities of the parliaments. Hence, it defined the subjects on which the parliaments could not debate, so as to preserve peace between Northern and Southern Ireland, or because it came under the responsibility of the Imperial parliament. That way, the Irish parliaments could not discuss the Crown and the succession of the Crown, nor the status of the Lord Lieutenant. The goal of that article was to protect the Executive power and so to maintain Irish allegiance to the Crown. Then, the “making of peace and war” was not a subject that could be debated in the parliaments. Here, the Imperial aspect of the British parliament was being protected, and the Irish parliaments’ powers were being limited. Then, as a global matter, relations and commerce with foreign states to Ireland were not debatable in Ireland and the parliaments had no influence over it. Hence, the parts (3)-(7) from the 4<sup>th</sup> article of the Act were protecting Westminster’s power over Imperial affairs.

From the study we have made of the Irish parliaments as defined by the Government of Ireland Act, we can see that Lloyd George and his government put an important focus on the preservation of peace within Ireland. One of the main elements that enabled this government to preserve peace was the British control over Irish Affairs. Even though the British did not have access to the legislation in itself – that is to say in the choice of the Bills introduced in the parliaments – representation was protected and the Royal Assent were acting as a filter at the use of the British government. Yet, there seems to have hopes for the establishment of a pan Irish parliament in the act of 1920. In fact, it must be reminded that at this point, the partition of Ireland was not yet established and considered only as a temporary solution. The establishment of a Council of Ireland is a proof of it. This Council was supposed to be an alternative solution to the creation of two different parliaments for the whole of Ireland. The first phase of the Council was to ease relations between the two parliaments. The second phase would be to unify the parliaments once the first phase is complete. It was aiming at “homogeneity”. The Irish Council was an important concern to the British government, which put it in the first businesses to deal with of both parliaments: “The election of members of the Council of Ireland shall be the first business of the Senates and Houses of Commons of Southern Ireland and Northern Ireland.” By doing so, the government of Lloyd George tried to trigger the establishment of the Council and to get both parliaments involved in it. Furthermore, the Council saw itself given legislative powers. Its ability to pass acts was yet limited

to matters reaching both legislations and had to be passed in the Imperial Parliament after having been presented to the Lord Lieutenant to receive Royal Assent.

*B. Final features of the Parliaments (Anglo-Irish Treaty 1921)*

The Government of Ireland Act was an important piece of legislation that was passed in the middle of the Anglo-Irish War. Therefore, the attention of Irish politics would be drawn on the Anglo-Irish Treaty. Southern Irish history would also be much more influenced by that Treaty. The interval between those two documents is of a year, but it would be the Treaty that put an end on the Anglo-Irish War. And that started another one. In this document, the establishment of an Irish dominion in Southern Ireland is stated. From it would be issued the Constitution of the Irish Free State and from it the Irish Civil War would be triggered. Since the Civil War and the disagreement that animated the ranks of Sinn Fein over the Treaty will be the subject of following parts, we will focus our attention on the features of the Treaty in this subpart here.

The Anglo-Irish Treaty was the result of long-lasting and exhausting negotiations between an Irish delegation and the British government. The Irish party was composed of elements part of the provisional government of de Valera, including Collins and Griffith, important figures of Sinn Fein. On the other side, the British government was led by Lloyd George. The negotiations were put to an end when military and time pressure were put on the Irish delegations, hence resulting in the drafting of a document that fitted more the will of the British government rather than the Irish delegation. The subject of this subpart will thus be focused on the features of the Treaty, as it has been said earlier, whilst trying to remain critical of the extent of British implication in Irish affairs and Irish legislation. Thus, the study will be based on the same elements as those exploited in the precedent subpart, that is to say the voting system established, the role of the British government and of its Executive body in the Irish legislation.

The main point of the Anglo-Irish Treaty that divided Sinn Fein and led to the Civil War was the Oath of Allegiance each MP had to vow when entering the parliament. Loyalty to the Crown was indeed expressed through it so as to secure Ireland's place in the Empire – which was now to be called the Commonwealth. Furthermore, the Royal Assent, asserted to Acts passed in both houses of the parliament were another way to secure British control over the Irish legislation. Hence, we can see that the system used by the British government was the same as in 1920 with the Government of Ireland Act. Putting the King at the top of the enactment of laws was a way for the British to maintain a homogenous legislative process in all of its dominions. Hence, the Executive power

embodied in the King and in the Crown was common to the Imperial parliament as well as to the dominion parliaments:

The Executive Authority of the Irish Free State (Saorstát Eireann) is hereby declared to be vested in the King, and shall be exercisable, in accordance with the law, practice and constitutional usage governing the exercise of the Executive Authority in the case of the Dominion of Canada, by the Representative of the Crown.<sup>69</sup>

Therefore, all executive authority was not contained in the Governor General only, since an Executive Council was established in the Constitution. This Council was composed of an appointed President on nomination of the lower house of Parliament – the *Dail Eireann* – of a Vice-President as well as Ministers. The latter were to be given an assent by the *Dail Eireann* before entering the Council. Therefore, British influence was still sensed in the creation of that Council since the Ministers were to be appointed by the Representative of the Crown. This Council, had for a purpose to “aid and advise in the government of the Irish Free State (*Saorstát Eireann*)”. Hence, we can compare the Executive Council to the devolution of Executive powers by the Lord Lieutenant established in the Government of Ireland Act.

The voting system and the legislation body in the newly-created Irish Free State remained in most parts similar to that established in the Government of Ireland Act. It must be noted that with the Irish Free State Constitution, “Every citizen who has reached the age of twenty-one years and who is not placed under disability or incapacity by the Constitution or by law shall be eligible to become a member of Dáil Eireann”.<sup>70</sup> Hence, the Irish Free State was in 1920 one of the first European countries to give men and women equal citizenship at the age of 21. Furthermore, it must be noted that the progress between the Government of Ireland Act and the Anglo-Irish Treaty concerning women’s right was considerable. Alongside citizenship, the franchise was extended to all people aged of 21 and over. In 1920, the right of vote for women was still linked to their social status and to their marriage, whilst there was no such concern in the Treaty. From a more global point of view, the abolishment of access to the franchise following one’s property was also a considerable move forward in the Treaty.

All citizens of the Irish Free State (Saorstát Eireann) without distinction of sex, who have reached the age of twenty-one years and who comply with the provisions of the prevailing electoral laws, shall have the right to vote for members of Dáil Eireann, and to take part in the Referendum and Initiative. All citizens of the Irish Free State (Saorstát Eireann) without distinction of sex who have reached the age of thirty years and who comply with the provisions of the prevailing electoral laws, shall have the right to vote for

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<sup>69</sup>Article 17, Irish Delegation, and British Delegation. Constitution of the Irish Free State Act. 1922.

<sup>70</sup>Article 14 Irish, Delegation, and Delegation British. Constitution of the Irish Free State Act. 1922.

members of Seanad Eireann. No voter may exercise more than one vote at an election to either House, and the voting shall be by secret ballot.<sup>71</sup>

Yet, those progresses were hidden by the controversy revolving over the Oath of Allegiance. Coming back to the legislative body, the IFS parliament was composed of a lower house, the *Oireachtas*, and of a Senate, *Seanad Eireann*. Also, as we have said before, the Executive body vested in the Governor General was able to finalise the enactment of a bill by providing the royal assent. The composition of the *Oireachtas* was based on Proportional Representation, which established the election of a certain number of members of parliament for each constituency following its size and demography. Here again, we can see that the Constitution is based on the statements of the Government of Ireland Act:

Dáil Eireann shall be composed of members who represent constituencies determined by law. The number of members shall be fixed from time to time by the *Oireachtas*, but the total number of members of Dáil Eireann (exclusive of members for the Universities) shall not be fixed at less than one member for each thirty thousand of the population, or at more than one member for each twenty thousand of the population<sup>72</sup>

In the Senate lied Protestant protection by the British government. In fact, the nomination of members. In fact, one-fourth of the elements of the Seanad Eireann were elected every three years. Its total number of members was of sixty. The selection of nominated elements went under strict selection, as stated in the 33<sup>rd</sup> article of the Constitution:

Before each election of members of Seanad Eireann, a panel shall be formed consisting of:

- (a) Three times as many qualified persons as there are members to be elected, of whom two-thirds shall be nominated by Dáil Eireann voting according to principles of Proportional Representation and one-third shall be nominated by Seanad Eireann voting according to principles of Proportional Representation; and
- (b) Such persons who have at any time been members of Seanad Eireann (including members about to retire) as signify by notice in writing addressed to the President of the Executive Council their desire to be included in the panel.

The method of proposal and selection for nomination shall be decided by Dáil Eireann and Seanad Eireann respectively, with special reference to the necessity for arranging for the representation of important interests and institutions in the country: Provided that each proposal shall be in writing and shall state the qualifications of the person proposed and that no person shall be proposed without his own consent. As soon as the panel has been formed a list of the names of the members of the panel arranged in alphabetical order with their qualifications shall be published.

Another element that brought frustration to de Valera and to the Sinn Fein members who did not accept the Anglo-Irish Treaty as a valid authority was the partition of Ireland. Even though the

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<sup>71</sup> Article 14 Irish, Delegation, and Delegation British. Constitution of the Irish Free State Act. 1922.

<sup>72</sup> Article 12, Irish Delegation, and British Delegation. Constitution of the Irish Free State Act. 1922.

partition of Ireland was blocked from the very moment the Treaty was signed – and would hardly be modifiable after that – it remained the subject of intense debate until late in the 1940s. Indeed, on the long term, the question of the partition of Ireland was one of the most important consequences to the Government of Ireland Act and of the Anglo-Irish Treaty. In 1920, the creation of two separate parliaments was meant to pave the way for one Irish parliament. The Council of Ireland helping in the achieving of that goal. The first choice of London, which was to give the people two parliaments and ask them after a period of six years what parliamentary situation suited them better was never achieved. Pressure from the Conservatives – and so of the Unionists – was the reason why. Furthermore, the Council of Ireland was meant to bring a constitutional reality to the unity of Ireland, even with the separate parliaments. It was also solution brought to the Protestant community by London to protect the Protestants in the South. In *Une relation unique*, Gillissen tries to show that the government of Lloyd George did not try to cut Ireland in two pieces. He claims that the Conservative and Unionist worked their way to the achieving of that separation through pressure and lobbying.

With the Anglo-Irish Treaty and the declaration of the Irish Free State, the dismembering of Ireland was finalised. The declaration of an independent state and of a state united with Great Britain was the last strike given to the splitting of Ireland. Yet, here again alternative solutions were brought to the Unionists to nuance the result of the negotiations, and so of the condition of Ireland from a constitutional point of view. Furthermore, partition was presented as a temporary solution, just as the creation of two separate parliaments in 1920. The alternative solution brought by Lloyd George and his parliament was the Commission of Demarcation, which intended on drawing lines between the Southern and Northern jurisdiction that would fit better the respective governments as well as the people living in the disputed areas. Due to the Civil War that had hit the newly-created Free State, and to the period of violence that Northern Ireland went through, this Commission was only called into creation in 1924 and saw no concrete results.

## II. A Unionist State

### 1. Inheritors of the Home Rule vision

#### *A. The Irish parliamentary Party*

Two movements can be distinguished in Irish Nationalism: Constitutional Nationalism and Republicanism. Both parties demanded self-determination. During most of the 19<sup>th</sup> century they were part of the same political party: The Home Rule League (HRL), which became the Irish Parliamentary Party. Before the foundation of the HRL, Irish radical Nationalism already existed. Therefore, radical nationalist groups such as the Fenians and the Society of United Irishmen were not looking for parliamentary representation. The Republic in the name of which they fought was meant to be created by the Irish people. The association with Great Britain was not considered. Yet, with the foundation of the HRL, Irish Nationalists were represented in the Imperial Parliament. With it, the establishment of an Irish devolved parliament became conceivable, and the movement was much less likely to be crushed, as has been the case of the radical Nationalists in the 17<sup>th</sup> and 18<sup>th</sup> centuries.

During the 19<sup>th</sup> century, there was a diversity of Nationalist visions within the HRL. This diversity revolved around important individuals, but the HRL as a whole was united. It focused on the enactment of the Home Rule Bill. At the two ends of the Nationalist spectrum could be found radical Nationalism and moderate Nationalism. Those two groups were embodied in Parnell, the leader of the HRL and of the Irish Parliamentary Party, which replaced the HRL in 1882. Parnell was one of the main representatives of Radical Nationalism during the 19<sup>th</sup> century. He would regularly express the necessity to bear arms in order to establish a Republic in Ireland. Then, Isaac Butt, who had founded the Home Government Association, was the representative of moderate Nationalism. The Home Government Association, created in 1870 was replaced by the Home Rule League, founded in 1874.

Separatism is the point that differentiated the groups. Butt wanted to include Ireland as a main part of the United Kingdom, and so of the British Empire. Parnell had emitted the idea of Irish sovereignty. In 1882, the Home Rule Party was dissolved. But, the idea of self-determination was not abandoned and was defended by the Irish Parliamentary Party (IPP) in Westminster. The IPP kept using parliamentary procedures as a mean to reach self-determination. With the emergence of radical groups such as *Sinn Féin* and of armed branches, the Irish party would be designed as leading

a Constitutional Nationalist policy. At the beginning of the 20<sup>th</sup> century the United Kingdom was as powerful as it would ever be. Following the economic situation and their legacy, the aim of the IPP was to remain part of the United Kingdom, whilst obtaining a better place in the Empire as well as a recognition for the Irish effort in the establishing of that Empire. The Irish party fought in Westminster for a devolved parliament in Ireland. Considering those arguments and the subsequent Nationalist tradition that had been created over the Home Rule debate, the Irish party found strong support in Ireland from the beginning of the 20<sup>th</sup> century up until the Great War. Eventually, the opportunity came to them in 1911 with the Parliament Act, which enabled the Home Rule Bill to become an Act, in 1914.

Searching for information concerning *Sinn Féin*, I came across a review written by the author Deirdre McMahon on several books, including *The Long Gestation* and *The Resurrection of Ireland: the Sinn Féin Party 1916-1923*, written by Laffan. The reviews also studied the creation of *Sinn Féin* and its rise in Irish politics. The second part of the review in the subpart of this dissertation dedicated on *Sinn Féin* will thus use it.

During the first years of the 20<sup>th</sup> century, the Irish party found little satisfaction in Westminster. None of the proposals made to the Liberal government, or those emitted by the government itself came to be implemented. There was no concretisation of the Home Rule project. By 1910, there was a major crisis. *The Long Gestation* written by Patrick Maume studies the history of the Irish Parliamentary Party “from the fall of Parnell to its extinction in December 1918”.<sup>73</sup> To Maume, Irish Nationalism in the beginning of the 20<sup>th</sup> century had inherited from Parnell’s ambition. It also inherited a difficult context in which to evolve. The Irish party seemed to be stuck between his past and his future, leaving little room for Redmond, who recently got at the head of it, to manoeuvre it. First of all, the Irish Party was the result of the “Parnell split”.<sup>74</sup> Therefore, McMahon considers that there was much more optimism amongst the party and the “war of attrition”<sup>75</sup> between the “party’s two most prominent renegades”:<sup>76</sup> Healy and O’Brien.

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<sup>73</sup> McMahon, Deirdre. ‘Irish Nationalism: Formative Years’. *The Irish Review* (1986-), edited by Patrick Maume et al., no. 26, 2000, p. 134.

<sup>74</sup> *Ibid*, p.135.

<sup>75</sup> *Ibid*.

<sup>76</sup> *Ibid*, p.134.

There was a general discontent with parliamentary procedures. Other events not related to parliamentary procedures also made the evolution of the Home Rule project difficult. McMahon gives three reasons. First, the celebration of the 1798 centenary celebrations showed that the parliamentary way was not the only solution to reach self-government. The credit of the IPP suffered from the physical alternative. Then, the wide support for the Boers during the Boer War in Southern Africa showed that physical opposition to the Empire was considered a possibility. Coming back to parliamentary procedures, the 1898 Local Government Act is described as a dry run in the effort to reach self-determination. Finally, the foundation of O'Brien's United Irish League in 1898, a group that expressed the agrarian discontent as well as the "political discontent with the party"<sup>77</sup> was an important obstacle to the plans of the IPP.

Then, in *The Long Gestation*, the organisation of the party is discussed. In fact, Maume goes over the organisation of the party and its structure. By doing so, he raises questions about the fundamental problems that surrounded the party and how the rise of *Sinn Féin* was too big an obstacle to be overcome or even bypassed. First of all, Maume blames the relationship between Westminster and the IPP. Then, he states that the efficiency of the IPP MPs was affected by the lack of payments until 1911. Concerning the leadership of Redmond, there are diverging opinions. Maume seems to nuance Redmond's portrait by stating that he would not take commitment unless he had taken time to think about it, but as soon as he would get committed he would not come back on it. As the author puts it, it was a question of honour. Maume uses an example of such a behaviour with the enlistment question during the First World War. After 1912, he gave full support to the Irish struggle of war alongside the British when most of Nationalist politicians did not support it, as well as a part of the people. This full support and engagement are described by Maume as a "political suicide".<sup>78</sup> One of the criticisms carried upon Redmond concerning his leadership was that he was not surrounded by the right people. "[H]is reliance on a small core of advisers who left little trace in the historical record".<sup>79</sup> Furthermore, the fact that Redmond stood away from Dublin politics and that MPs of the Irish Parliamentary Party were often exposed in public scandals, the image of the

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<sup>77</sup> McMahon, Deirdre. 'Irish Nationalism: Formative Years'. *The Irish Review* (1986-), edited by Patrick Maume et al., no. 26, 2000, p.134.

<sup>78</sup> Quoted in 'Irish Nationalism: Formative years', p.135. Patrick Maume: "The Long Gestation: Irish Nationalist Life 1898-1918", Dublin, Gill & Macmillan, 1999.

<sup>79</sup> McMahon, Deirdre. 'Irish Nationalism: Formative Years'. *The Irish Review* (1986-), edited by Patrick Maume et al., no. 26, 2000, p.135.

party and its elements were not a strong basis on which Redmond could rely. It could even be argued that the image of the party was softened because of Redmond's wrong choices.

After discussing Redmond's leadership and the flaws of the Irish Parliamentary Party, McMahon studies the external causes to the fall of the party. He then quotes Douglas Hyde to show that the party lacked communication. Or at least, it did not enjoy the means of communication. It is stated here that the voice of nationalism in Ireland at the beginning of the 20<sup>th</sup> century was rallied by the railways and in the press. In some sort of a paradox, Maume considers that they were "prime agents of denationalisation"<sup>80</sup> – for they cut down distances within the country – "failing to appreciate [...] that they were in fact the main agents for the dissemination of nationalist thought".<sup>81</sup> Maume also writes on the importance of reading clubs and associations that revolved around the exchanging of ideas which occurred at different levels of society. As the Redmondites were not involved in such clubs, Griffith was unchallenged in it and was able to monopolise the attention of the clubs and win their loyalty. In fact, Maume considered that Griffith succeeded to do it by paying attention and giving a voice to "the extent of nationalist discontent with the British state, and the ability of a determined minority in time of crisis to channel these discontents into a nationalist project more radical than seemed possible in 1900".<sup>82</sup>

The Irish Parliamentary Party revolved around the Home Rule Bill and the will to reach self-determination and self-government. In Maume's book, the "cloudiness"<sup>83</sup> of the party's expectations concerning that Act is being discussed. In fact, the party's regard on it had never been clearly identified. It was unknown if the party considered it a final settlement or not. Furthermore, the question of enlistment and support of the British in a "Home Rule Ireland" were not clear in 1914 whilst it was certain before that date.<sup>84</sup> In fact, there was a general discontent of constitutional politics by 1914. Maume considered that it came from the "threat of conscription, (...) arrests and deportation, censorship, police raids, and prohibited meetings".<sup>85</sup> With all those elements, the social reforms and the advantages of the British connection did not have the same value for the Irish population. Still, during the 1914-1916 period the Irish Parliamentary Party received support from

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<sup>80</sup> McMahon, Deirdre. 'Irish Nationalism: Formative Years'. *The Irish Review* (1986-), edited by Patrick Maume et al., no. 26, 2000, p.135.

<sup>81</sup> Quoted in 'Irish Nationalism: Formative years', p.135. Patrick Maume: "The Long Gestation: Irish Nationalist Life 1898-1918", Dublin, Gill & Macmillan, 1999.

<sup>82</sup> *Ibid.*

<sup>83</sup> *Ibid.*

<sup>84</sup> *Ibid.*

<sup>85</sup> *Ibid.*

the rural population during the local elections. Here, Paul Bew considers that this support came from the lack of “alternative”.<sup>86</sup>

An alternative was proposed in 1916 with the Easter Rising, which mixed political engagement and physical action. It also “heralded a new moral order”.<sup>87</sup> After discussing the fall of the Irish Parliamentary party, Maume shows that the ideas it carried found supporters after the 1918 GE. Indeed, elements of *Fine Gael* intended on improving the relations with the British and which carried its agenda with a step-by-step strategy. The final step of this strategy being the Declaration of the Republic. *Fianna Fail* was also made of MPs who had connections with the Irish Party, such as Patrick Lynch, Tom O’Donnell, P.J. Little and Jack Lynch.

The fall of the Irish Parliamentary Party was provoked by the rise of *Sinn Féin*. Constitutional Nationalism could not challenge Radical Nationalism in its rising. By 1916, the Irish Parliamentary Party was diverted from its goal of establishing Home Rule at the end of the Great War by a succession of clashes taking place in Ireland. On a more political level, the IPP represented what the younger Irish generation could not believe in any longer: parliamentary politics. Therefore, we will see in the following subpart that in places where strength is not the required method, or the efficient one, the Nationalists would get back into parliamentary procedures.

#### *B. Nationalism as the Opposition in Stormont (1925-1933)*

When studying the consolidation of the Unionist government in the second part of this dissertation, we have seen that the Nationalist opposition in Northern Ireland was weak and could not oppose the Unionist majority in Stormont. Furthermore, the Irish Parliamentary Party had nearly disappeared from Irish politics with the Easter Rising and the rising of different questions on the national and on the constitutional level. The bearing of arms had won popularity amongst the Irish people sympathetic to Radical Nationalism, and so Home Rule and the parliamentary process were bypassed. It must be noted that, during the 1910s, the Unionists were the first to express their will to bear arms with the Ulster Covenant (1912). It would only be after 1916, and a severe repression of the Easter Rising, that the Radical nationalists had gathered around *Sinn Féin* to obtain

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<sup>86</sup> Bew, Paul. *Ideology and the Irish Question: Ulster Unionism and Irish Nationalism, 1912-1916*. Clarendon Press, 1998.

<sup>87</sup> Quoted in ‘Irish Nationalism: Formative years’, p.135. Patrick Maume: “The Long Gestation: Irish Nationalist Life 1898-1918”, Dublin, Gill & Macmillan, 1999.

sovereignty in Ireland. It was in the study of Nationalism in Northern Ireland that information on the Irish Parliamentary Party was found in the making of this dissertation. Michael Farrell, in *Northern Ireland: the Orange State* dedicates a chapter to the Nationalist opposition in Stormont. He establishes the period of the Nationalist party began in 1925 and ended in 1932. The title of the chapter being “The Opposition Enters... And Leaves”, it lets us understand the fate of the Nationalists. In this subpart, we will study the use of the Stormont parliament by the Nationalists and the different groups that existed.

We have discussed previously the abnormality of the Stormont parliament in the fact that Lord Craigavon built up the majority as well as the opposition, hence getting rid of debates and of democratic dialogue. This issue is also exploited in Farrell’s work. The introduction of the chapter is meant to sum up the pattern that would rule Northern Irish politics for the duration of the Stormont parliament. First, in order to express their disagreement with the partition of Ireland, the Constitutional Nationalists did not take their seats, neither in Stormont or in Whitehall. It must be noted that the Constitutional Nationalists led by Joe Devlin were anti-Republican. It can be linked to the study of enlistment. As Devlin’s opinion on the matter was the same as Redmond’s, who supported Irish enlistment and the creation of an Irish battalion in the British army. Hence, the Constitutional Nationalists denounced the Easter Rising and Republicanism. The political ambition of the Irish Parliamentary Party studied above was similar to the constitutional Nationalists’ in Northern Ireland.

Then, forced by the public opinion, the Catholic Church and the Catholic business class, the Nationalists put a temporary end to abstentionism in Northern Ireland. They hoped to improve the situation of the Catholic population. At that time, the Constitutional Nationalists were supposed to represent the Catholic population and tried to improve their conditions of living. The Catholic population were weary of the systematic backlash over them after violent actions enacted by the IRA.<sup>88</sup> Hence, the main issue in 1925 when the Nationalists returned to Stormont was no longer partition, but social and political issues. With the entry of Independent and Labour MPs in parliament the building up of a semblance of opposition brought an “air of normality”<sup>89</sup> to Stormont. It must be noted that the Labour and Independent MPs had carefully avoided to take a stance on the partition question, so as not to lose votes from each population. Finally, by 1929, the importance of

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<sup>88</sup> Farrell, Michael. *Northern Ireland: The Orange State*. Second, Pluto Press, 1980, p.98.

<sup>89</sup> *Ibid.*

the Labour Party and of the Independents Members in Stormont was deeply affected by the Method of Voting Act, which we have studied earlier. With the establishing of this parliament, the Nationalists had been manipulated by Craigavon and his government. It would eventually lead them to abstention once again. As Farrell puts it, “[t]he pattern was set for the future”.<sup>90</sup>

In the introduction, we have differentiated Republicanism from Home Rule. As the Home Rule Act had been suspended before the Great War and was buried after it by the Anglo-Irish War, the Irish Parliamentary Party saw its project being put to a halt. However, in Northern Ireland, Constitutional Nationalism was not put to an end and the United Irish League would associate with the inheritors of the IPP in Northern Ireland. Farrell Michael would describe them as “remnants of the UIL”.<sup>91</sup> The opposition between the Radical and the Moderate Nationalists would carry on in Northern Ireland. This opposition would be expressed through the methods used by both parties in Stormont, starting from 1922 until 1925. Here, what we will study is the relationship between those two groups in Northern Ireland through the study of the election campaigns of 1925 and of 1929. Studying the General Elections will help us to understand the Nationalist confrontation. In Ulster, the stakes of parliamentary representation for the Catholics and for the working class differed from the rest of Ireland. Hence, this subpart is meant to bring nuance to the development that has been made yet over parliamentary representation in Northern Ireland.

### *C. Parliamentary Representation in Northern Ireland (1920-1929)*

The local elections of 1924 saw the come-back of *Sinn Féin* in Northern Ireland. Before then, the party was not organised because of the Civil War going on in Southern Ireland. Here, the relation between the Nationalists and the Republicans was to be demonstrated through their election campaign. It must be reminded that the Single Transferable Vote and Proportional Representation had been abolished for the local elections in 1922. Hence, the come-back of *Sinn Féin* meant that there would be a Mexican standoff that would favour the Unionist party.<sup>92</sup> The Nationalists led by Dillon had foreseen the situation that was awaiting them, so they decided to withdraw from the campaign and boycott the election. The boycott campaign led by the Nationalists was based on two arguments. First, *Sinn Féin* was the embodiment of the Civil War. Second, the party was to be blamed for the backlashing of violence over the Catholic population for they were closely linked to

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<sup>90</sup> Farrell, Michael. *Northern Ireland: The Orange State*. Second, Pluto Press, 1980, p.98.

<sup>91</sup> *Ibid*.

<sup>92</sup> *Ibid*, p.99.

the IRA.<sup>93</sup> *Sinn Féin* also led an intensive campaign based on Republican tradition and symbolism. Yet, the Nationalist campaign found much more supporters than the Republican did. Farrell states that the boycotting campaign was particularly effective in Fermanagh and Tyrone, where the Unionists won the seats with a majority of 38,026 and 37,904.<sup>94</sup> Furthermore, the struggle between the Republicans and the Nationalists led to an exceptional result in a religiously divided Northern Ireland. In the West-Belfast constituency, a particularly significant Catholic working-class area saw the gathering of a high number of votes towards a Labour candidate. Here, Farrell underlines the will of the population to work for “reforms within the structure of the new state and putting more emphasis on social and economic issues [rather] than on Irish unity”.<sup>95</sup> Indeed, just as much as the precedent and following campaigns, the main subject on the agenda for the Unionist and Nationalist parties was the partition question. From this result, Devlin feared to lose his seat to the Labour Party again. This pushed to take his seat. He would push his party to do the same.

The building up of an opposition would reach its climax when facing the possibility of the abolishment of PR, in 1929. Yet, it would take some time to organise it. In 1925, the all Nationalists had not yet agreed to attend in parliament. In *Northern Ireland: A Protestant State*, Farrell states that Craig himself had asked for the Nationalists to take their seats.<sup>96</sup> Yet, it was part of his plan to build a polarised parliament. With the question of old-age pensioners raised by Jack Beattie, Labour MP, Devlin took a stance and criticised the parliament. His statement would mark his will to associate with the rest of the opposition to face the government and pass the paying of old-age pensions to sixty and not to seventy.<sup>97</sup> His criticism was carried on the social cleavage between those represented in parliament and those who needed to be represented.

This Ulster parliament is a parliament of rich men. Those who are not rich are representatives of the rich and therefore it is our business, this small minority, let it come from the ranks of Labour or Independent or those I represent, it is our business to come here in face of the powerful body behind the Prime Minister and his friends to see that justice is done to those people.<sup>98</sup>

Farrell links Devlin’s statement marked the beginning of a real and powerful opposition in parliament, the author compares it to the “honeymoon”<sup>99</sup> of state. Therefore, the lack of exchange

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<sup>93</sup> Farrell, Michael. *Northern Ireland: The Orange State*. Second, Pluto Press, 1980, p.100.

<sup>94</sup> *Ibid*, 1980.

<sup>95</sup> *Ibid*.

<sup>96</sup> *Ibid*, p.107.

<sup>97</sup> *Ibid*.

<sup>98</sup> Parliament of Northern Ireland, *Parliamentary Debates: Official Report, House of Commons*, Hansard, 28 April 1925, Vol.6, Col.268.

<sup>99</sup> Farrell, Michael. *Northern Ireland: The Orange State*. Second, Pluto Press, 1980, p.108.

between the government and the opposition – or the lack of response from the government – disappointed the Nationalist MPs. Eventually, they would decide to stay out of the parliament. This lack of satisfaction of the opposition was shared by the Nationalist party as a whole.

By the beginning of the 1930s, the situation in Southern Ireland had changed. It would have consequences in Northern Irish politics. The *Fianna Fáil* party had been created and de Valera had accepted to take the Oath and enter the Southern Parliament.<sup>100</sup> Partition was then tolerated in both Southern and Northern Ireland. Abstention was linked to *Sinn Féin* and its loss of power in Stormont made it temporarily refuted by the parties forming the opposition. In the first part of this dissertation, we have linked the fall of the Irish Parliamentary Party to a clash of generations. In Northern Ireland, the Nationalist Party – closely linked to the IPP – was in no way seen as an overrun political party. It carried the voice of most of the Catholic-Nationalists in Northern Ireland and defended parliamentary procedure. Hence, Republicanism was no longer credible in Stormont. Furthermore, Devlin stated the importance of separating religion from politics so as to focus on social and economic matters. The goal of the James Craig, the Northern Irish Prime Minister, to configure the Northern parliament under the Nationalist-Unionist duality was criticised by the opposition. Furthermore, the link between political orientation and political orientation influenced the constitution of the constituencies. What was contradictory in the Nationalist critics is that they campaigned for Catholic constituencies only. None of the constituencies contested by the Nationalists was composed of a Protestant population. Furthermore, in conferences meant to organise the opposition, Devlin invited only those who got along with the ideas of constitutional Nationalism. Quite logically, *Sinn Féin* was not invited. Yet, anti-Partitionist MPs from the Labour party were not invited either. In a fear of experiencing further divide, Devlin focused on his kin: the “middle-class Catholic, constitutional Nationalists”.<sup>101</sup> The Conference would eventually create the National League of the North, hence establishing a strong and active party organisation.

The opposition we have alluded to before is composed of the Nationalists and of the Labour party. Hence, after the abolishment of PR in 1929, General Elections were held. Opposition parties found stronger links in their opposition to the Method of Voting Act. Those very same links were to be challenged after the passing of the Act, since the opposition could do nothing to stop it. The

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<sup>100</sup> Farrell, Michael. *Northern Ireland: The Orange State*. Second, Pluto Press, 1980, p.109.

<sup>101</sup> *Ibid.*

organisation of the National League of the North as an entity was to be put to test during that campaign. Surprisingly, the manifesto of the Nationalist Party displayed a radical agenda. The ideas put forward were: the peaceful unification of Ireland, “old age pensions of £1 a week, the raising of school-leaving age to thirteen [...], town planning, slum clearance and public utility works to help relieve unemployment”.<sup>102</sup> Social and economic problems were put forward. Yet, the attempt to bypass religious politics was only an appearance as all Nationalist contenders were introduced in Catholic constituencies. The Nationalist Party thus favoured constituencies where the Catholic vision of Irishness and of Nationalism would bring them more votes. By doing so, the Nationalists minimised the damages and maximised their chances to obtain the seats they ran for. The Catholic vision of Nationalism and of Irishness relies on the unity of Ireland and on the sovereignty of the Irish people, rather than the sovereignty of the United Kingdom.

The result for the Nationalists was the winning of the eleven seats they had intended to win. Furthermore, the common work of the Liberals and of the Nationalists was put to an end by the abolishment of PR. Since single seat constituencies were now used as the voting system, the authority of each party was challenged by the presence of the other. Such an opposition was demonstrated in the constituency of West Belfast, where Billy McMullen and Richard Byrne ran for the same seat. It resulted in the victory of Byrne but the campaign led against him by the Nationalist party showed that the arguments used before by the party to put an end on religious politics were hypocritical. The elements used against Byrne relied for the most on religious profession. Farrell depicts the campaign as a “dirty fight”.<sup>103</sup> Finally, as the author puts it, the National League was a “Catholic party claiming to represent the Catholic population without distinction of class or politics but therefore in practice representing the Catholic Church and the Catholic middle-class”.<sup>104</sup>

After the setting up of the Nationalist political party under strict regulation and cohesion, the Nationalist still failed to get the attention of the Unionists. Their arguments were once again ignored and underestimated. Also, the position adopted by the Nationalists towards social and economic issues was the cause of further pressure. In fact, the number of unemployed workers had gone up from 35,000 in 1929 to 76,000 in 1932 because of the Great Depression.<sup>105</sup> No answer from the government was provided to the strikers. Farrell justifies the silence of the government with its

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<sup>102</sup> Farrell, Michael. *Northern Ireland: The Orange State*. Second, Pluto Press, 1980, p.113.

<sup>103</sup> *Ibid*, p.114.

<sup>104</sup> *Ibid*, p.116.

<sup>105</sup> *Ibid*, p.117.

composition, for it was made of “industrialists and landowners”.<sup>106</sup> Furthermore, “with the abolition of PR, it wasn’t even likely to affect their majority in elections”.<sup>107</sup> To the lack of reaction of the government, Devlin reacted publicly, and Farrell quotes:

I only want to say in conclusion that I believe this is the last time we shall meet in this House. Well thank God for that. My colleagues and I who represent democracy have no reason to rejoice at the years we have been there... You had opponents willing to co-operate. We did not seek office. We sought service. We were willing to help. But you rejected all friendly offers. You refused to accept co-operation... You went on on the old political lines, fostering hatreds, keeping one third of the population as if they were pariahs in the community, refusing to accept support from any class but your own and relying on those religious differences and difficulties so that you could remain in office for ever.<sup>108</sup>

Facing the failure of the parliamentary process, militant action was enhanced by the election of de Valera and his slogan ‘On to the Republic’. Pressure towards London was considered. None of this made the Northern Irish government react and a six-month long summer break was adjourned. At the same time, violent rioting took place in Belfast. None of the actions in the street changed the views of the parliament. The failure of the opposition in Stormont was now obvious.

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<sup>106</sup> Farrell, Michael. *Northern Ireland: The Orange State*. Second, Pluto Press, 1980, p.117.

<sup>107</sup> *Ibid.*

<sup>108</sup> Quoted in *Northern Ireland: the Orange State*. Parliament of Northern Ireland, *Parliamentary Debates: Official Report, House of Commons*, Hansard, 12 March 1930, Vol.12, Cols. 107-8.

## 2. Unionism and Stormont

### *A. The Ulster Unionist Party*

Unionism in Ireland was deeply influenced by the legislation in Westminster. In fact, the study of its evolution coincides with major Acts concerning Ireland passed in the Imperial Parliament. Unionism would be based in Ulster from the 3<sup>rd</sup> Home Rule Crisis on. Before that crisis, Unionism intended on keeping the whole of Ireland as a part of the United Kingdom. In 1893, the Unionists found more support in Ulster than anywhere else in Ireland. In the 20<sup>th</sup> century political orientation was highly influenced with religious profession in Ireland. An important population of Presbyterians and Protestant sectarian groups, such as the Orange Order, could be found in the North-East of Ireland. However, even though religious profession influenced voting in Ireland in the 20<sup>th</sup> century, it did not define the political orientation of people generally. Protestant-Nationalist as well as Catholic-Unionist political groups existed, which nuances the political landscape of Ireland.

The Unionist was a “umbrella party” gathering those who defended the unity of Ireland with the United Kingdom and with the British Empire. From the very foundation of the first Irish Unionist party in the 19<sup>th</sup> century on, this was the main element that animated Unionism. Similar movements were observable in Scotland and in Wales. Indeed, in each case Unionism rose where there was Nationalism and separatism growing.

In order to understand the constitution of the Ulster Unionist Party, we will base our study on a document entitled “Ulster Unionist Party” found in the website CAIN. As stated by the holder of the website CAIN Melaugh Martin, this document was a briefing paper written for a Minister or in advance of a meeting. The reference that can be read on the document “PRONICENT/1/17/38A” indicates the archiving of the document in the Public Record Office of Northern Ireland. Then, we will study the relation between the Unionist party and the parliament. It will lead us to look at the reaction of its leader – Lord Craigavon – when facing the Labour Party threat. So as to remain coherent and consistent in our development, we will base our development on the Ulster Unionist Party in this subpart alone, hence covering the whole period studied in this dissertation.

In the document quoted before, it is stated that the Ulster Unionist Party emerged from the need to oppose Home Rule. It is clarified here that the Unionist organisation of political defence

against the Home Rule project was at first not a political party but a “Council”.<sup>109</sup> It first met in 1905 in response to the Wyndham Land (Purchase) Act of 1903, which made the government pay for the difference of price between what was offered by tenants and what was asked by landlords. Landowners in the South of Ireland opposed that reform and organised a group to resist it. The Unionists in Ulster saw such a grouping as “the onset of Home Rule by degrees”.<sup>110</sup> Whether that reaction from the Ulster Unionist is justified or not is not relevant. The fact is that it triggered the concentration of Unionist effort in Ulster with the replacement in Parliament of the Irish Unionists – who came from the whole of Ireland, even though most of the seats came from Ulster Unionists – with the Ulster Unionists.

The structure of the party is discussed in the second part. When Irish Unionism was embodied in a Council, it consisted of 200 members. The nomination of 100 of them was made by local Unionist Associations. 50 of them nominated by the Orange Order and the rest of them were co-opted “distinguished Unionists”.<sup>111</sup> Then, a Standing Committee served the Council. It was composed of 30 to 10 members nominated by the Chairman of the Parliamentary Unionist Party and of 20 members elected by the Council. The constitution of the Council respecting such a structure enabled the Council to maintain a composition of elements close to the Unionist tradition. Those elements came from the landowners, the aristocracy, the clergy and the middle-classes that had emerged with the industrialisation of Ulster. Following the document, it enabled the organisation to be “inflexible and resistant to changing times and values”.<sup>112</sup> The unity and strength of the structure is emphasized and compared to a machine. In the late 1940s, the Council had opened its doors to more representation and the number of members had rose to 996 persons. Yet, the opening to representativeness was superficial.

In the third part of this document, the author studies the political philosophy that ruled the Ulster Unionist Party. As an introduction to this part, it is claimed that what brought the Ulster Unionist Party into existence and into movement is comparable to a tradition rather than to a philosophy:

Because the Unionist Party was borne of opposition to Home rule, and post-partition opposition to unification, much of unionist thinking stems from a negative, not-an-inch, perception rather than any

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<sup>109</sup> n.a. (1988). 'Ulster Unionist Party', (n.d.), [PRONI Public Records CENT/1/17/38A; 10 pages], Belfast: PRONI.

<sup>110</sup> *Ibid.*

<sup>111</sup> *Ibid.*

<sup>112</sup> *Ibid.*

forward-looking plan for progress or policies formed around a central core of political thinking. Thus, it has been said that unionism is not a political philosophy but a tradition.<sup>113</sup>

The conditions and the forces that brought into existence the Unionist Party have greatly influenced its philosophy. In fact, the goal of the Unionist Party was not to reach a target over the long time, but to face the threat of the creation of a parliament for the whole of Ireland, which would not benefit them. Hence, the author describes the thinking of the party as that of a “not-an-inch”<sup>114</sup> plan. Finally, he differentiates the thinking bone of the party as a tradition rather than a political philosophy.

What the Ulster Unionist Party lacked, even after remaining in power for most of the duration of the Stormont parliament, was cohesive political philosophy that usually bounds political parties. Once again, the context of creation and the sectarian nature of the party kept it from getting rid of their “defensive sectarian posture”.<sup>115</sup> The author also considers that the Unionist party expected to be “the party of Government but not necessarily the Party who governed”.<sup>116</sup> The author then nuances the description of the party’s politics by describing it as “fairly far right of centre, allied with an inflexibility and reaction against change of any sort – all of this based on the principle that any change might rock the applecart”<sup>117</sup>

The conclusion of the article can be linked to what have been said in the introduction: The Unionist party is an umbrella party gathering its members around the unity of Ireland with the United Kingdom. Therefore, the vision of the author is much more nuanced than that enunciated in the introduction. Put in his words:

the Party is split into a number of opposing factions each with its own view on how matters may develop in the future. What does hold the party together at this stage is a commitment to oppose a united Ireland (which sounds the same as, but is not synonymous with, maintenance of the Union) and an inflexible opposition to the Anglo-Irish Agreement.<sup>118</sup>

Here, the reaction of the party towards the Anglo-Irish Agreement does not concern us. Therefore, we can easily link it with the repudiate of Home Rule by the Unionists, which also provoked “inflexible opposition”<sup>119</sup> amongst the Unionist ranks. To put it in a nutshell, the Ulster Unionists,

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<sup>113</sup> n.a. (1988). 'Ulster Unionist Party', (n.d.), [PRONI Public Records CENT/1/17/38A; 10 pages], Belfast: PRONI.

<sup>114</sup> *Ibid.*

<sup>115</sup> *Ibid.*

<sup>116</sup> *Ibid.*

<sup>117</sup> *Ibid.*

<sup>118</sup> *Ibid.*

<sup>119</sup> *Ibid.*

after finding a decent alternative to Home Rule that enabled them to secure the Union, exploited its resources so as to secure the internal functioning of the state they had founded.

Over the period we are studying in this dissertation, the Ulster Unionist Party underwent minor changes in its authority and parliamentary power. In appearance, this political party is known for its unity and its internal cohesion. In spite of that, the greatest enemy of Unionism was Unionism itself. To explicit this idea, let us remind that it was the Independent Unionists that threatened the Ulster Unionist Party's position in Stormont. It would lead to the taking down of Proportional Representation as well as to the gerrymandering of constituencies. Stakes had changed by the 1920s. The Free State had been created and clear borders erected between the North and the South. Because of it, the opposition between the Nationalists and the Unionists took a different perspective. In fact, the use of parliamentary procedures was now limited for both parties. The Nationalists lacked power in Stormont. The Unionists' focus was no longer carried on the Nationalists, who were no longer a threat to them, but on the Independent and Labour MPs. What we have also understood with the study of the gerrymandering and of the modification of the voting system in Northern Ireland is that Craig's plan was to establish the Nationalists as the main opposition. As they lacked power, the Ulster Unionists Party would remain unchallenged. The Nationalist opposition was also disadvantaged by the cohesion of the Unionist party and its own internal division. Hence, Craig's idea of using the old and passionate opposition between Nationalists and Unionists was an efficient way to get rid of any powerful and threatening opposition. In fact, the Labour and Independent Unionist voices were taken either by the Nationalists or by the Ulster Unionists contenders during the General and the local Elections because of the First Past the Post System newly established.

### *B. Establishing a majority*

Now that the configuration of the Ulster Unionist Party has been studied, we can focus on the position of the party in Stormont. In the previous part, we have scrutinized the results of the General Elections from 1920 until 1929 and the manipulation of the voting system by the Unionists. This study has revealed that Lord Craigavon, the leader of the UUP, had succeeded in establish a two-party parliament where Unionists and the Nationalists confronted each other. The establishment of such a parliament did not go uncontested. The plans of the UUP were threatened by the Independent Unionist MPs as well as by the Labour party. The focus of this subpart will thus be carried on the handling of the Independent and Labour threat by the UUP during the 1925 General Elections.

During the 1925 GE, the Unionist government saw the rising of the Labour party and of Independent Unionists candidates. The UUP had managed to impose the question of partition in the electoral campaign. The Nationalists were taking stance against it and the Unionists supported it. The Labour Party bypassed this obstacle by not alluding to it. Three members got elected.

The results of the 1925 GE were marked by an important change in the Unionist results. The Protestant working-class population of East Belfast, North Belfast and West Belfast had chosen the Labour Party to represent them in Stormont. Hence, each of the Labour candidates nominated for the 1925 GE was elected. Jack Beattie even topped the poll in East Belfast. In *Northern Ireland: The Orange State*, Farrell links the Labour victory with the election of an Independent Unionist in County Antrim. This seat had been won because of the transfer of seats from the Nationalist to the Unionist candidate.

In *Northern Ireland: The Orange State*, Farrell exposes the results of the General Elections of 1925 and then puts it back into context. The author then comes back to 1919 and scrutinizes the tensions that rose in Belfast and in industrialised districts in Ulster. Thus, he tries and brings further explanation of Craig's will to abolish Proportional Representation. In order to understand how the Labour Party won popularity amongst the Protestant working-class of Belfast, we shall study the social events that took place from 1919 until 1925, based on the development of Farrell's *Northern Ireland: The Orange State*. It will also enable us to understand the relationship between the government and the working-class, for it is linked to the rising of the Labour Party in the first half of the 1920s.

The first association between the Labour Party and the working-class in Belfast precedes the partition of Ireland. This association is used by Farrell to depict the first "shock"<sup>120</sup> of the Unionist leaders. Indeed, the government and the employers – who were closely linked in Belfast – faced a major strike. The strike took place from the 25<sup>th</sup> January to the 20<sup>th</sup> February 1919. It was linked to a general movement of strikes taking place in Britain. In Belfast, the strikers were for the most shipyards and engineering workers who demanded a reduction of working hours. Because of the war effort, work time was as high as 54 hours a week. The workers were "[l]eaving home before dawn and returning after dark most of the year round and having to work several hours before

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<sup>120</sup> Farrell, Michael. *Northern Ireland: The Orange State*. Second, Pluto Press, 1980, p.105.

breakfast.”<sup>121</sup> By 1919, the weekly time of work of the workers had been maintained, even though the war was over. At the beginning of the strike, 20,000 shipyard and engineering workers marched to the City Hall in Belfast. 20,225 to 558 then voted to strike for the continuance of the strike.

As a result of the strike, the operation of the city as a whole was compromised. There was no longer gas supply, which limited electricity to the hospitals and essential services. The trams were no longer operating. The workforce was drastically diminished, there were 40,000 strikers. 20,000 workers were unable to attend work because of the first group. The press received the strike with animosity, accusing the strikers of being Bolsheviks or even of being working for Germany. The strike would be limited to industries only. Commerce would have kept going if there had been no trade recession. From this point, the strike turned into “an endurance test”<sup>122</sup> with which the strikers struggled to deal for they had “empty stomachs”.<sup>123</sup> Hunger was gaining ground amongst the workers, their weekly income missing, they had no economic resources. Moreover, the response of the authorities gave a severe blow to the strike. In Glasgow, several members of the strike committee were arrested and charges had been operated on the strikers. Troops were then deployed in the centre of the city. Under the Defence of the Realm Act, the government had made the strike illegal. Yet, 11,963 votes had been collected to reach an agreement with the authorities amongst the strikers. By the 14<sup>th</sup> of February, British troops were sent into the power stations. Eventually, the return to work was voted by the strikers and a reduction of 7 hours was obtained.

The “industrial militancy”<sup>124</sup> of the engineering and shipyard workers had consequences on the policy of the Stormont government who did not offer solutions adapted to the working-class and to the economic issues. Their policy was to remove any kind of working-class representation external to Unionism and Nationalism from Stormont. By doing so, the government pulled out the party that opened the dialogue with the working-class from the parliament. Hence, as the Labour Party was seen as the right political party to represent the working class in Stormont and was consequently the target of the Unionist government.

Farrell uses the May Day march of 1919 as an example to depict the government’s policy and to explain how the Labour Party saw its popularity rise. The march went from the City Hall to the Ormeau Park. It was joined by 100,000 workers. The speakers called for more Labour representation

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<sup>121</sup> Farrell, Michael. *Northern Ireland: The Orange State*. Second, Pluto Press, 1980, p.104.

<sup>122</sup> *Ibid*, p.105.

<sup>123</sup> *Ibid*.

<sup>124</sup> *Ibid*.

in parliament. Another example of the rise of the Labour Party amongst the working-class is the Belfast Corporation elections. Twelve seats were won by the Labour Party. Furthermore, Farrell states that the “upsurge”<sup>125</sup> of the Labour Party extended to all urban district elections in Ulster. Then, the author links this sudden rise of the Labour Party with the “prompted Carson’s violent anti-Labour outburst”.<sup>126</sup> Here, the Labour Party is described as the main threat to the Unionist government, for it was able to attract the Protestant working-class. Considering the configuration of the Unionist government it is understandable that such an attraction occurred. In fact, Lord Craigavon and his ministers were closer to the employer than to the employees. The interests defended by the UUP in parliament were thus at the opposite of those defended by the LP in representation to the working class. As the LP was associated with Socialism, Farrell also links their fear of the Party to their personal business interests: “The Unionist leaders [...] had a greatly exaggerated fear of the socialist menace.”<sup>127</sup>

As a reaction, the Unionist government introduced the First Past the Post System in 1925. It replaced Proportional Representation. The government also tried and approached the working-class with an alternative branch of the main party, but this operation was a failure because it was only a superficial approach to social and economic issues. In the end, it was the cohesion and unity of Unionism that Lord Craigavon tried to maintain by focusing the attention on the partition and on the constitutional question.

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<sup>125</sup> Farrell, Michael. *Northern Ireland: The Orange State*. Second, Pluto Press, 1980, p.106, p.105.

<sup>126</sup> *Ibid*, p.106.

<sup>127</sup> *Ibid*.

### **3. Activity in Stormont**

During the 1920s, Northern Ireland went through years of violence and of clashes between Catholic and Protestant groups. Those groups were directly or indirectly affiliated to political parties. The province was deeply influenced by religion in its politics. Just as in Southern Ireland, the Anglo-Irish Treaty polarised politics in Northern Ireland. The constitutional question of partition was the main issue. During the 1918 GE, The UUP imposed itself as the main Northern Irish political party. It won 4 of the Northern Irish seats during the Westminster General Elections. Thanks to the 1921 Stormont GE, the position of the Ulster Unionist party had found a solid basis. James Craig thus managed to establish a Unionist majority in Stormont. From the very beginning of his time as Northern Irish PM, Craig claimed to be willing to establish a strongly Unionist government. His way towards this consolidation would be animated by the Stormont parliament.

The subject of this part is the study of the consolidation of the Unionist majority in Stormont. We will try and bring criticism onto the Ulster Unionist parliamentary methods. Two of the most important controversies of Craigavon's government will be studied. First, the attention will be carried on the legislative system and on its functioning. Hence, we will analyse the House of Commons (Method of Voting and Redistribution of Seats) Act (1929). It will enable us to understand the fall of the opposition in Stormont. Then, we will study the Civil Authorities (Special Powers) Act (1922), which was meant to put an end on the violence that troubled Northern Ireland since the end of the Great War. It was passed soon after the establishment of the Northern Irish parliament and is closely linked with the government's relations with the Catholic population.

#### *A. Method of Voting and Gerrymandering*

In 'Northern Ireland: the path towards consolidation' we will study the modification of the voting system and of the constituencies in Northern Ireland. As a reminder, the Government of Ireland Act (Westminster, 1920) established Northern Ireland as composed of the counties of Armagh, Antrim, Armagh, Down, Fermanagh, Londonderry and Tyrone, and the parliamentary boroughs of Belfast and Londonderry. The opening of the devolved parliament was much quicker in the North of Ireland than in the South. A few days after the enactment of the Government of Ireland Act, the King George V went to Belfast to open Stormont. The opening of the Southern Parliament was delayed by the ongoing Civil War. From its opening on, Craig and the Unionists expressed their desire to get rid of the Proportional Representation voting system, which was based on the Single Transferable Vote. This voting system was applied to both parliaments of Ireland in

the Government of Ireland Act and were meant to protect minorities and their fair representation in parliament.

In this subpart, we will thus study the electoral results of the first three Northern Irish GE, as well as the first local government election. Then, we will get into the study of one of the most controversial measures undertaken by Craig's government: the redrawing of the Constituencies and the subsequent changes on minority representation. The voting system changes had serious effects on the relations between the government and the Catholic population. With a broader perception of the situation, we will try and understand who was really advantaged and disadvantaged by those Parliamentary changes.

The devolved parliament and the government of Northern Ireland were born out of the Government of Ireland Act (1920). The depiction of the establishment of a Unionist government was for a long time influenced by the Nationalist-Unionist opposition. Hence, analysis of the Acts passed by the Northern Irish parliament lacked non-partisanship. In this subpart, we will study the successive abolition of PR in local government elections in 1923, of the GE in 1929. Finally, we will study the redrawing of the boundaries of the constituencies. By doing so, we will understand how the representation of the Catholic population was influenced by the Acts modifying the system of voting in Northern Ireland. To do so, we will study Pringle's "Electoral Systems and Political Manipulation: A Case Study of Northern Ireland in the 1920s". This article reviews the elections of 1921, 1925 and 1929. Pringle studies the influence of the system of voting by comparing the election results. The author combines it with a study of the electoral changes triggered by the redefining of the constituencies. The main body of development will be based on the analysis of Pringle's work, for he succeeded to bring different point of views to his development. Furthermore, he used numbers to explicit the Unionist plan. Pringle was part of a new movement of historians trying to bring a more complete and a more nuanced vision to the Irish question, which will be useful in this dissertation.

Before getting into the study of the modification of the voting system in Northern Ireland, it must be stated that in the Government of Ireland Act, the PR system of voting for the GE was to be maintained for a period of three years after the opening of the parliament. The objective of the 14<sup>th</sup> section of the Act was to protect the right of representation of the minorities. Nonetheless, after that period of three years, the parliament was allowed to change the system of voting. This point is stated

in Pringle's introduction, where he explains the political context in which Northern Ireland was during the 1920s. Then, he explains which sources he has chosen to exploit and the degree of agreement with those sources. He states that he based his development on the source material presented by Knight and Baxter-Moore. Concerning the analysis of the gerrymandering, Pringle considers that his article does not revolve so much around it. He then compares it to Osborne's "The Northern Ireland Parliamentary Electoral System: The 1929 Reapportionment" and states that the two works are complementary, rather than contradictory.

Concerning Pringle's position of the question, he states that "the electoral law was manipulated to serve partisan party-political class and objectives".<sup>128</sup> The consequences of those changes are studied in his work. Then, he announces his view on the matter. He states that the changes led to securing the councils for the Unionists at the expense of the Nationalists. He also differentiates local government elections, GE and the influence of the system voting on the latter elections. The GE are meant to nominate elements of the Northern Irish Parliament. The local government elections focus on the leading of smaller constituencies. In fact, changes on the GE voting system had for a goal to maintain unity amongst the Unionists. Finally, Pringle nuances Clifford's idea that the Method of Voting Act had little impact on representation, stating that the Protestant and Catholic seats won balance.

Pringle's development follows the chronological evolution of the system of voting. In order to understand the changes that occurred following the voting system Acts, the author compares the first two GEs of the Northern Irish parliament – 1921 and 1925 – and the first election to be passed under the First Past the Post system, in 1929. We will follow Pringle's development for it is more relevant to study the voting system through its chronological evolution.

In 1921, the GE in Northern and Southern Ireland were the first in Europe to use the Single Transferable Vote. In Northern Ireland, the 10 multiple seat constituencies were based on county boundaries. Hence, Antrim, Armagh, Down and Londonderry were regarded as different constituency. Fermanagh and Tyrone constituted one constituency and Belfast County Borough was divided in four different constituencies. Queen's University was the last constituency of Northern Ireland. The number of seats for one constituency could go from four to eight, depending on the

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<sup>128</sup> Pringle, D. G. 'Electoral Systems and Political Manipulation : A Case Study of Northern Ireland in the 1920s'. St. Patrick's College, Maynooth, vol. 11, no. 3, Apr. 1980, p.188.

population.<sup>129</sup> The constituencies were the same for the Westminster and Stormont GE. In fact, Members of Parliament were still sent to the Imperial parliament.

When paying attention to the Knight and Baxter Moore's source material, we can see that the voters per seat ratio is higher Antrim than in Down by about 2,000 people. Yet, the Parliamentary representation of the first County is lower than the second. However, the electorate in those two constituencies is closer than the voter per seat ratio, the electorate in both counties being respectively 93,566 and 93,138. Still, the electorate in Antrim is higher than in Down. Pringles then questions who is favoured by such a measure. He considers that if the Belfast constituencies were united in one constituency, it would trigger the loss of Unionist seats. He also takes into consideration the fact that the augmentation of one seat for the constituencies with higher voter per seat ratio would have favoured the Unionists in the winning of seats. His conclusion on the questioning is that: "It would, therefore, appear that the constituency boundaries were not purposely designed to favour one side or the other, or else that they were done so in a strangely incompetent manner".<sup>130</sup>

After studying the manipulation of the constituencies, Pringle studies the stakes of the first GE of Northern Ireland. The 1921 electoral campaign was revolving around the constitutional position of Ireland. Pringle links the partition and the constitutional debate with religious profession and the demography of Northern Ireland. Hence, in the East of Ulster, where the proportion of Protestants is higher, the results favoured the Unionists. The author nuances that data, reminding us that in Queen's University, Belfast, no anti-Partitionist candidate ran for the seats.<sup>131</sup> Hence, it explains the percentage of 100 towards the Unionists in that constituency. With a percentage as high as 100, the numbers of the East of Northern Ireland have been greatly influenced. In the West, the votes towards the Nationalists tended to differ, as the Republican and the Constitutional Nationalists both ran the elections. Pringle claims that *Sinn Féin* took over the Constitutional Nationalists in rural areas. In Northern Ireland as a whole, *Sinn Féin* obtained a percentage as high as 20.5. Even though they almost doubled the Nationalists in percentage, the number of seats won in the end was the same for both parties. They won six seats each.

When going back on the source material of the 1921 GE, we can see that what seemed to favour the Unionists was the rounding off of the number of seats. To illustrate it, as soon as the seat

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<sup>129</sup> Pringle, D. G. 'Electoral Systems and Political Manipulation : A Case Study of Northern Ireland in the 1920s'. St. Patrick's College, Maynooth, vol. 11, no. 3, Apr. 1980, p. 189.

<sup>130</sup> *Ibid.* p.190

<sup>131</sup> *Ibid.* p.191.

justified was above 0.2, the number of seats won one. The discrepancy was important for the UUP and advantaged the party. As an example, in Co. East Belfast, the Unionists got 3.3 seats justified and won four seats. Oppositely, in County Down, *Sinn Féin* had 1.6 seats justified but won only one seat.<sup>132</sup>

Another element emphasized by the author is the perception of the votes the Unionists might get and their subsequent placing of candidates. Pringle states that the number of seats they won would not go under the number of seats they would run for. The Unionists were also aware of the constituencies in which they could not win, and so they did not run at all for those constituencies. All in all, the efficiency of the Unionist placement of candidates was of the highest precision. Pringle links the Unionists' understanding of the voting system and of their abilities to win seats with the religious affiliation.<sup>133</sup>

Pringle considers that the anti-Partitionist candidates under-representation led to the transfer of votes outside of their parties, or to their wasting. "As a result, in five constituencies the last candidate elected failed to reach the quota".<sup>134</sup> It must be noted that even though Protestant Nationalists and Catholic Unionists could be found during the Home Rule debate, from 1886 to 1914, the situation had changed in Ulster. There was little electoral diversity and the issues defended in the campaign revolved around the question of partition. It must be noted that during the 1921 local elections, the Commission of Boundaries had not yet been called over. Hence, the lack of nuance in Northern Irish politics during the 1920s was closely linked with the boundary issue.

By 1925, the situation had changed. However, the partition issue was not evolving. Little changes were applied on the borders established by the Government of Ireland Act. Hence, the territories of Northern Ireland would remain the same ever since. Concerning Northern Irish politics, the Unionists had lost seats to Labour and to Independent Unionists and *Sinn Féin* had lost seats to the Nationalists. Furthermore, only eight constituencies were contested during the second Stormont GE. Pringle uses that argument to show that the 1921 and the 1925 elections are hardly comparable.

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<sup>132</sup> Pringle, D. G. Table 2: Percentages of first preference votes gained by each party, 'Electoral Systems and Political Manipulation: A Case Study of Northern Ireland in the 1920s'. St. Patrick's College, Maynooth, vol. 11, no. 3, Apr. 1980., 1921.

<sup>133</sup> *Ibid.*, p.192.

<sup>134</sup> *Ibid.* p.193

In fact, the database of the two elections changes radically because of the redrawing of the constituencies.

During the second Stormont GE, the Unionists results had dropped by 12%. There was indeed a regional variation. Protestant affiliation still brought votes to the Unionists and results in the West did not evolve. Therefore, there was a consistent “Protestant working-class disillusionment with the Unionist party”<sup>135</sup> in Belfast. Pringle specifies that it concerned all four of Belfast constituencies. Hence, the Ulster Unionist Party was losing support in the very constituencies that brought it into existing. The disillusionment Pringle mentions is explained by economic issues. It led to transfer of vote from the Unionists to Labour in North, East and West Belfast and to Independent Unionists in North, East, South and West Belfast. Furthermore, the constitutional question that had deeply influenced the 1921 GE was exceeded by “bread and butter issues”.<sup>136</sup> The UUP tried to create an alternative solution that would answer to those bread and butter issues: the Belfast Labour Unionist party. It was created in 1918 following the insistence of Edward Carson. It was meant to “broaden the Unionist party’s class base”<sup>137</sup> so as to counter opposition. The opposition to the UUP was embodied in the Labour Party. Yet, the Belfast Labour Unionist failed to bring votes to the Unionist party for their programme and actions lacked of support towards the working class. In other words, they failed their mission to act like a Labour party.

Compared to the 1921 GE, the elections of 1925 saw a switch from Republicanism towards Constitutional Nationalism. Hence, a majority of the Catholic-Nationalist votes went towards the Nationalist Party, at the expense of the Republican party. Due to several factors, *Sinn Féin* had lost the position it had obtained in 1921. It was due to several factors. In fact, there were as much reasons for the Catholics to vote for the Nationalist Party as to vote against the Republicans. Pringle links the fall of the party with the 1924 local elections, which was the climax of the rivalry between the two parties. In fact, the 1924 local elections were passed under the First Past the Post voting system. The Nationalists asked their voters to boycott those local elections. They would not campaign under such a voting system. Therefore, *Sinn Féin* still contested the elections, hence earning two of the Tyrone – Fermanagh seats. The public, on the other hand, had expected full boycott of the elections

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<sup>135</sup> Pringle, D. G. ‘Electoral Systems and Political Manipulation: A Case Study of Northern Ireland in the 1920s’. St. Patrick’s College, Maynooth, vol. 11, no. 3, Apr. 1980, p.193.

<sup>136</sup> *Ibid*, p.194.

<sup>137</sup> *Ibid*.

from the anti-Partition parties. Finally, Pringle explains the poor results of *Sinn Féin* in 1925 with the bitterness of the public, which had already turned towards the Nationalist Party.

The acts of violence in which *Sinn Féin* was involved was no longer supported by the Nationalist population in Northern Ireland. Also, the fact that the Nationalist Party abandoned the politics of abstention had put representation in parliament on the forefront of the Nationalist agenda. Hence, another way of dealing with the segregation the Catholics were going through was introduced. Following a campaign of abstentionism led by both Nationalists and Republicans, Dillon and his party decided to take their seats. It was decided after the public demand of the Church and of the upper class of Catholics to gain representation in Stormont. It must be reminded that in Northern Ireland, religion had a place of the highest importance amongst the population. The Catholic church was deeply involved in an association with the Nationalists. Eight of the eleven Nationalist candidates of the 1925 Stormont GE had been proposed by Catholic priests. This association was publicly showed, as expressed by the public statement of Archdeacon Convery of Belfast in the *Irish News* “to see all the Catholic voters united like a bar of steel over the six counties”.<sup>138</sup>Pringle’s conclusion on the association between the Catholic Church and the Nationalist party was that:

[t]he association of the Nationalist Party with the Catholic Church was partly a reaction to the association of the Unionist Party with Protestantism, but it also facilitated the later recovery of the Unionist Party. A Protestant class alliance could only be re- forged I f there was an obvious common enemy. The Nationalists played their role admirably.<sup>139</sup>

As an introduction to this part of the article, Pringle summarizes what the data of the 1925 has revealed. The main threat to the UUP was neither the Republican Party or the Nationalist Party: it was the Independent Unionist MPs and the Labour Party. As he puts it, “whenever the Unionists were opposed by candidates other than Republicans or Nationalists they had been defeated”.<sup>140</sup> Concerning the influence of religion over the LP and Independent Unionist MPs, Pringle claims that there was none and that they both received as much support from both communities.

After putting things back into context and explaining the stakes of the creation of a dangerous opposition to the Unionist government, Pringle goes into the reaction of the government against it. As he puts it, they used the means that had been put in their hands with the Government of Ireland

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<sup>138</sup> Farrell, M. *Northern Ireland: The Orange State*, London: Pluto Press, 1976 p.103.

<sup>139</sup> Pringle, D. G. ‘Electoral Systems and Political Manipulation : A Case Study of Northern Ireland in the 1920s’. St. Patrick’s College, Maynooth, vol. 11, no. 3, Apr. 1980, p.195.

<sup>140</sup> *Ibid*, p.196.

Act (1920). In other words, they triggered the abolition of Proportional Representation. In fact, it is stated in the Act quoted before that the PR system could be abolished three years after the creation of the Stormont parliament. Before studying the Act, Pringle scrutinizes the objective of it as well as its features. He introduces it with a quotation of the PM Craigavon, who justifies the modification of the voting system so as to focus the parliamentary composition and thus debates towards the national question:

What I want to get in this house and what I believe we will get very much better in this house under the old-fashioned plain and simple system, are men who are for the Union on the one hand, or who are against it and want to go into a Dublin parliament on the other<sup>141</sup>

As well as the voting system, the constituencies were modified. Hence, the nine constituencies became 48 smaller constituencies. Queen's University constituency remained under the PR voting system and gathered four seats.

Pringle states then claims that the modification of the constituencies had no influence over the results of the elections. PR impacted the election results, the modification of the constituencies did not. The elections were influenced by those modification on two main points. First, under a single-seat constituency system, the candidate that gathered more votes is meant to obtain the seat. It gave less chances to smaller parties to win seats which had a spatially divided support. Second, there was a reduction of issues. For example, the Labour candidates who had refused to get into the national debate were disfavoured since they took no stance. As we can see in Craig's quote, the parliament was bound to revolve around the national question. Hence, there was no room for a party that remained neutral over the main issue. Pringle quotes the Prime Minister to illustrate the idea that anyone who is non-Unionist is anti-Partitionist:

What I have been afraid of under the proportional representation system was that certain members might be returned to the House who in a crisis upon the one point of vital importance to the Ulster people, might not stand on which side it was intended they should stand when elected<sup>142</sup>

During the 1929 election, the effects of the change of voting system were visible. In fact, the minor parties had only four seats left. The Independent Unionists lost two seats to the Unionists, gained one in Queen, and two others from maverick elements. Finally, Labour lost two of their three seats to the Unionists and to the Nationalists.

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<sup>141</sup> Farrell, M. *Northern Ireland: The Orange State*, London, Pluto Press, 1976, p.111.

<sup>142</sup> Bell, G. *The Protestants of Ulster*, London, Pluto Press, 1976. p.101.

Craigavon's plan to build a fake and weak opposition facing a strong Unionist government was a success from the very first election under the FPTP system. In fact, the number of Nationalist seats did not increase much – they won only one seat. The LP and Independent Unionist MPs had been whipped away from representing any kind of a threat to the Unionists, gathering 4 seats for the two of them. Considering the point of view of the public, which expressed a will to focus on social and economic matters rather than constitutional, we can see that the stability of the government ruled Craig's priorities. When we talk about the public's point of view, we talk about their speech represented in the results: "the Unionist gains were at the expense of the candidates who had challenged them on class issues, and not at the expense of the anti-Partitionist section of the community".<sup>143</sup>

So as to get into the study of the Gerrymandering of parliamentary constituencies, we will base our study on both Pringle's "Electoral Systems and Political Manipulation" and on "How much discrimination was there under the unionist regime, 1921-68", written by Whyte. In the second work, the author quotes Osborne's conclusion on the modification of the constituencies of 1929. Osborne states that the accusations of gerrymandering were unfounded in Antrim, possible in Armagh and definite in Fermanagh. Osborne considers that "it is hardly possible to call the 1929 redistribution a general exercise in gerrymandering".<sup>144</sup> Whyte then states that "Osborne, Pringle and Buckland focus their criticisms, not on what the 1929 reapportionment did to nationalists, but on its other effects".<sup>145</sup> Those other effects were the fossilisation "and stereotype attitudes and alliances in Northern Ireland",<sup>146</sup> providing "a structural prop to the communal divisions of Northern Ireland".<sup>147</sup> Hence, those who suffered from it were the Labour party and the Independent Unionists. Rather than directly attacking the nationalists, the changes of 1929 harmed political life in Northern Ireland. In other words, Craig consolidated his state and regime by creating a bi-party opposition in Parliament made of the Nationalists and of the Unionists. Hence, Craig chose the opposition with the Nationalists. This party would not represent a threat to the Unionist government, on the contrary of the Labour party.

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<sup>143</sup> Pringle, D. G. "Electoral Systems and Political Manipulation: A Case Study of Northern Ireland in the 1920s". St. Patrick's College, Maynooth, vol. 11, no. 3, Apr. 1980, p.199.

<sup>144</sup> Osborne, Robert. "Denomination and unemployment in Northern Ireland", *Area*, vol.10, No.4, 1978 p.53.

<sup>145</sup> Whyte, John. "How Much Discrimination was There under the Unionist Regime, 1921-1968?". *Contemporary Irish Studies*, Tom Gallagher and James O'Connell, 1983.

<sup>146</sup> Osborne, Robert. "The Northern Ireland parliamentary Electoral System: the 1929 reapportionment", *Irish Geography*, vol.12, p.226.

<sup>147</sup> *Ibid*, pp.54-5.

In order to define how the gerrymandering was made possible in Northern Ireland, Pringle goes back on the features of that gerrymandering. First of all, the author reminds us that the lack of a strong majority supporting the minority parties was one of the main elements that enabled the Unionists to launch an important modification of the constituency boundaries. Such a situation had happened in Westminster during the Home Rule debate. The Liberals were associated with the Irish Nationalists and the Conservatives were allied with the Irish Unionists. As the FPTP system favours the establishment of two-party oppositions, smaller parties lacked space to develop in. In 1923, the local government elections were no longer made under the PR system. It must be reminded that at that moment, the state of Northern Ireland was only two years old. The drawing of the new boundaries had been made by Sir John Leech, who had been called by the Unionist government. With the following elections, the result of Leech's work was partly showed, and it was for the most a success. In fact, the Nationalist lost 23 of their 25 seats. Therefore, it has been said that it was a partial demonstration of Leech's success because of the important abstention of the Nationalists. That abstention found its motivations in the passing of the 1923 Act that modified the boundaries. It must be noted that Pringle emphasizes Leech's work in the result of the elections, and puts it as a more important reason for the Nationalists' results than their very choice not to contest the seats.

After showing the results of the 1923 local elections and the efficiency of the gerrymandering, Pringle studies the elections of 1929 and how the Unionists managed to build a parliament composition that would last until the end of the Stormont parliament, in 1972. All in all, the idea of an efficient gerrymandering would be to "produce small majorities for the governing party and large majorities for the opposition"<sup>148</sup> so as to reach "maximum efficiency"<sup>149</sup>. By doing so, each vote supported the government. Votes for the opposition were wasted, making them too numerous in one place or very limited in others. Therefore, that is a theoretical idea which has not been operated in 1929. The situation in Northern Ireland has concentrated a lot of attention and made a lot of ink run with the opposition between Catholics and Protestants. That opposition was expressed through the different groups that animated the political life and the social life in Northern Ireland. The Unionists were aware of that situation. They would use it by different means, in order to protect the majority which had been established. Hence, the number of Catholic constituencies was reduced, so as to ensure substantial Catholic majorities during the elections. In order to illustrate

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<sup>148</sup> Pringle, D. G. 'Electoral Systems and Political Manipulation: A Case Study of Northern Ireland in the 1920s'. St. Patrick's College, Maynooth, vol. 11, no. 3, Apr. 1980, p.199.

<sup>149</sup> *Ibid.*

those re-shaping, Pringle describes the constituencies that resulted in the gerrymandering. In Derry, “the Unionist constituency of Derry City was extended by an irregular boundary to include rural Protestant areas which would otherwise have formed part of the Nationalist Mid-Londonderry constituency”.<sup>150</sup> By doing so, East and Mid-Londonderry-Derry went under the control of the Unionists, hence including the Nationalist constituency. On the other side of Ulster, in Belfast, the gerrymandering also showed its efficiency: “the Belfast Central constituency was horseshoe-shaped to include a number of Catholic areas, but to exclude the Protestant Sandy Row area which was included in the Unionist constituency of St. Anne’s”.<sup>151</sup>

The one data that shows the extent of the success of the 1929 gerrymandering is the fact that in the whole of Northern Ireland only two constituencies saw a Unionist and a Nationalist contest the same seat. Finally, Pringle’s conclusion on the Unionist tactic was that their aim was not to get a narrow majority but to reach a large majority after separating the people according to the “one point of vital importance”.<sup>152</sup> If ever the Protestant population was no longer relying upon the UUP vote in favour of the LP, the Unionists would lose seats and see their majority threatened. It was this fear that motivated Craig to adopt such a tactic. The establishment of FPTP for the GE would thus put a stop on the Labour progress. As we have said before, the reaching of a majority for minor parties was a hard task under the such a voting system.

As a conclusion to the study of the gerrymandering in Northern Ireland, Pringle states that there was an actual gerrymandering, but the aim of it was not to disturb the Unionist-anti-Partitionist balance.<sup>153</sup> In fact, its goal was to take back the seats that had been lost to the Labour and Independent Unionist parties. As it has been said before, it was made easier by “changing the electoral system”.<sup>154</sup> The author also notes that the Nationalists, even though they suffered from the gerrymandering, were “impotent anyway”.<sup>155</sup> It means that even though they represented the opposition in numbers, they were not considered as such by the majority in parliament. It would lead to the exiting of the party in 1932. It must also be noted that it was social problems that the

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<sup>150</sup> Pringle, D. G. Figure 2 ‘Electoral Systems and Political Manipulation: A Case Study of Northern Ireland in the 1920s’. St. Patrick’s College, Maynooth, vol. 11, no. 3, Apr. 1980, p.199.

<sup>151</sup> *Ibid.*

<sup>152</sup> *Ibid.*, p.197.

<sup>153</sup> *Ibid.*, p.191.

<sup>154</sup> *Ibid.*, p.201.

<sup>155</sup> *Ibid.*, p.200.

Nationalist party tried to discuss in parliament, with no success whatsoever. In the last part of this extract, Pringle discusses the aims and vision we have studied of the modification of the constituencies boundaries by summing up what has been said earlier. In fact, he claims once again that the “malpractices”<sup>156</sup> that have been discussed were not aimed at the Nationalist minority, but at “reasserting the Unionist dominance over Protestant voters by changes in the method of voting”.<sup>157</sup>

With the modification of the voting system and of the boundaries of the constituencies, the Unionist government suffered from heavy criticism from the opposition and from press coverage. Because of those two measures they were blamed of establishing segregation between the Catholics and the Protestants, favouring Protestant Unionist representation in parliament over Catholic Nationalist representation. Therefore, we have seen that it was not the case. The political parties that suffered the most from the Voting System modifications were the Unionist Independent and the Labour parties. The Unionist government on the other hand suffered only from the press coverage of the question. It must be noted that the Unionist unity was conserved thanks to the question of partition. Also, since the Acts were passed in the late 1920s, it shows that the government has succeeded to maintain the debate ongoing for about ten years. Here, the protection of the newly-born state was the main element of the Ulster Unionist agenda, and those who dared to contest its integrity did not find their place in the parliament. It is in that point that the government of Craig should be criticised. In fact, due to the polarisation of politics in Ireland following the Anglo-Irish Treaty, Northern Ireland sank deeper in religious cleavage, giving no other solution to the Catholics to vote Nationalist and to the Protestants to vote Unionist so as to defend at least a bit their interest. This last point can be put into question since the results of the Labour contenders during the 1925 GE show that the Protestant working-class population was looking for a more diverse parliament, which would be more able to answer to their economic interests. The other side effect to such legislative modifications was the lack of parliamentary representation for the Catholic-Nationalist population from 1932 on, with the complete loss of credit of the Nationalist party in Stormont. Political representation is meant to give a voice to the diversity of a people from a cultural, economic and social point of view, the Method of Voting Act led to the denial of that diversity.

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<sup>156</sup> Pringle, D. G. ‘Electoral Systems and Political Manipulation: A Case Study of Northern Ireland in the 1920s’. St. Patrick’s College, Maynooth, vol. 11, no. 3, Apr. 1980, p.203.

<sup>157</sup> *Ibid.*

### *B. Special Powers Act*

We have seen in the previous subpart that Northern Ireland was not spared from the troubles that animated the South of the island during the Civil War. Yet, the opposition observed in the North differed from that in the South. In Ulster, the constitutional question and the clashes that ensued found their sources in the partition. In the South, the Treatyites considered the partition as a temporary solution, the anti-Treatyites saw it as an infringement to their project of establishing of a Republic. Northern Nationalists and Catholics thought they had been left behind by the Treatyites – who were responsible for the signing of the Treaty – and considered themselves as victims of the Treaty. Furthermore, the party that would lead Nationalism in Stormont was highly critical of Republicanism. Northern Unionists, on the other hand, had saw their goal to protect their land reached. With the Government of Ireland Act and the Anglo-Irish Treaty, they would be able to establish a parliament that represented them and over which they would gain control.

We have seen before the legislative process of the consolidation of the Unionists state in Northern Ireland. Hence, the focus of this part will be over the Civil Authorities of Northern Ireland (Special Powers) Bill (1922). It will enable us to have a better understanding of the vision of the Catholics the Ulster Unionists had. It must be reminded that in 1922, the Nationalists and the Republicans gathered 12 seats. Oppositely, the Unionists had a majority of 76.92% in parliament, with 40 seats. The establishment of a settled state comes with peace and order, which the Ulster Unionist party claimed to be willing to protect. The Ulster Covenant was one of those statements, for it followed the idea “*si vis pacem, para bellum*”, in English, “If you want peace, prepare for war”. With the establishment of Stormont, the Ulster Unionists found a peaceful way to end war and unrest, at least on paper.

On the 14<sup>th</sup> March of 1922, the Unionist MP Coote introduced the First Reading of the Civil Authorities of Northern Ireland (Special Powers) Bill in the House of Commons of Stormont.<sup>158</sup> It is his defence that we will study in this subpart. Coote was elected unopposed as Member of parliament for South Tyrone at the February 1916 by-election caused by the death of the incumbent Andrew Horner. He was re-elected at the 1918 general election and served until the constituency was abolished in 1922. In 1921, he was elected to the Stormont House of Commons for the

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<sup>158</sup> MP Coote defended the Bill before the House of Commons in Stormont (NI HC Deb 14 March 1922, cc31-38).

constituency of Fermanagh and Tyrone. He died in 1924 and his seat remained vacant at dissolution. The introduction of the Bill was a reaction of the government to the agitation Northern Ireland was going through since the bursting of the Civil War. The stakes of passing that Bill were high for the Unionists. As introduced by the MP, the Bill represents “special methods of dealing with the wretched state of lawlessness”.<sup>159</sup> The stakes and the fear of the Unionists and of the Protestant population in Ulster are being expressed through Coote’s speech. We will also see that he uses that fear to gain credit when introducing the bill. In fact, the MP states that his approach on the question will adopt the “point of view of the man in the street”.<sup>160</sup> Here, we can see that he tries to gain credit with his audience, and presents his arguments as those of an honest man – his arguments thus being honest, by proxy. Furthermore, it will allow the MP to be crude in his words and use a violent imagery in his speech.

Then, Coote states “We hate bloodshed, we detest attacking a man in the dark, and strike him in the back. It is not a plant which grows in Ulster”,<sup>161</sup> he carries the attention of the audience on the relation between the Northern Irish government and the Southern Irish government. The plant alluded to being Nationalism, or Republicanism. Considering his views on the Southern Government, he does not seem to make much different between the two movements. With that quotation, we can see that the will to defend Ulster from an external enemy is present, as following the Ulster Unionist tradition of fighting for its land. Furthermore, Coote denounces the actions the government forces are struggling with by discrediting it, making it look like it does not come from Ulster and its people. It is expressed through the ‘plant’ imagery. Furthermore, he emphasizes the role of the Ulster people in the struggle against that plant. The Southern Government is blamed for having planted it in Ulster. Here, Coote expresses his fear of Southern actions to overthrow the Northern government. In fact, the Ulster Unionists felt threatened that those parliaments might not last. They suspected the British government to be willing to establish a pan-Ireland parliament, as the Irish Council showed. Here, the intrinsic Unionist fear is being expressed through Coote’s speech. Political rivalries make an appearance in Coote’s speech after the MP introduced the stakes of the Bill. He then links it with the importance for the lasting of the Northern Irish parliament. In fact, the MP blames the last session of parliament and its lack of action.

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<sup>159</sup> NI HC Deb 14 March 1922, c.32.

<sup>160</sup> *Ibid.*, c.31.

<sup>161</sup> *Ibid.*

That being so, and the state of the city being what it is, we ask the Home Secretary and the Home Office why nothing has been done? They know that there are parts of the city which have been in this state for four months. Why did they not last session of Parliament ask for these powers?<sup>162</sup>

The blame concerns the several murders and violence of all kinds committed during the Civil War. There is no specific accusation on that matter concerning those who committed those acts: no blame is put either on the Catholics nor on the Protestants. Hence, the criticism is put on the previous parliament. Then, as the MP uses the death of the victims to urge the audience, the MP calls for the passing of the Bill in the shortest terms possible.

Now that the stakes of the Bill have been introduced, Coote brings the attention of his audience on the complexity of the situation itself. First, he questions the call for Sir Henry Wilson. To the MP, it is not adequate. Coote praises Wilson's devotion to Ulster, but he claims that to the lack of administration abilities and liberties will not be able to take down crime in Ulster. He then calls for the formation of a strong police corporation. Then, using politic rivalries once again, Coote denounces the government's reliance on the British authority and its lack of energy. Before getting into a study of the abilities of the policemen, Coote talks about the relationship between the Northern Irish government and the British government and authority. First, he reminds the audience that the Northern Irish government is only under the British authority. Yet, he considers that it should mean putting into the hands of the Northern Irish Home Secretary the control of the "new force"<sup>163</sup> and the military in those of the War Office. Then, the MP studies the actual situation of delegation of authority amongst the police corporation. He then analyses the abilities of the policemen in the field. The inability of the police to search people and to transfer people from a station to another is considered as a "humiliation"<sup>164</sup> for the MP. Concerning the transfer of people, the inability of the policemen to do so is due to the intervention of a *Sinn Féin* liaison officer. Hence, Coote put the blame on the government. The MP puts himself as a judge putting in trial the previous government. Here again, Coote tries and discredit the previous government.

The lack of abilities of the police force also laid in direct intervention. Indeed, they were not able to intervene directly after witnessing a threatening situation. The MP showed that this point was his main concern. The process of intervention was divided as such. The officer contacted the Commissioner of Police to report the situation. Then, the Commissioner contacted military authorities so as to trigger military intervention – or not. Finally, Coote blamed the corruption of

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<sup>162</sup> NI HC Deb 14 March 1922, c.32.

<sup>163</sup> *Ibid.*

<sup>164</sup> *Ibid.*, c.33.

the system which tended to slow, or even to stop, the police and the military from intervening in time and to hit the target. At this point, the facts that are used by the MP are credible and his argumentation makes sense. Coote provides in his speech a solid basis that enabled him to make a point. He would use an example in which a sniper would be able to threaten civilian lives because of the delay caused by delegated intervention. The example was well-described and well-used and served his point for it simulated the intervention process clearly. Still, it must be reminded that the main tool of his development was fear and is served through realist situations. Coote thus implemented fear in facts so as to give more credit to his point. After having claimed that he brought the point of view of the “man in the street”<sup>165</sup>, Coote claims that the Bill, if passed, will bring support to the government in power from the “whole country”.<sup>166</sup> The word country assumingly describing Ulster, since the MP has put a lot of emphasis on Ulster in his previous sentences.

It has been said in the introduction that the Special Powers Bill was a way for the Unionist government to assert its authority and consolidate peace and order in the state. Coote joined this idea when saying: “If we fail now we fail in everything. If we succeed now we shall succeed in spite of all the powers that may be arrayed against us”.<sup>167</sup> Here, the MP made a valid point. In fact, in 1922, Northern Ireland was only one year of age, at least in the constituency that was established and the creation of two separate states on the island of Ireland. Such moments are critical and can lead to the creation of totalitarian states, or to chaos. Therefore, what is questionable is the means to reach a peaceful and prosperous state. Is public repression – which can be deemed as unfair – the right way to it? Or is it more likely to lead to public dissatisfaction, frustration and a feeling of oppression? When it comes to the centralisation of powers, the points made by Coote are credible, based on facts and seemingly fair. Yet, when he goes onto the subject of boycotting and the bypass of the economic situation on the rising of corruption, criminality and extortion amongst the citizens, his examples are less credible. In fact, dealing in a “drastic manner”<sup>168</sup> with people that are viewed as threatening can lead to overuse of one’s powers, making it harder to control the policemen. Here, it is not the controlling of the threatening people that is being criticised, it is the expansion of powers of policemen.

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<sup>165</sup> NI HC Deb 14 March 1922, c.31.

<sup>166</sup> *Ibid.*

<sup>167</sup> *Ibid.*, c.34.

<sup>168</sup> *Ibid.*

On a larger scale, it seems that Coote wants to deal with is the relationship between Northern and Southern Ireland through the Bill introduced. Here, the matter of the Special Forces lays in the protection of the people of Ulster from a possible Southern attack. So as to bring credibility to his accusation and hit the listener, Coote goes back on the complex situation which experienced the people living near the frontier, showing the dramatic aspect of the clash between people who used to be neighbours.

The elements of the Bill displayed by the Member of Parliament used the fear that had seized Belfast and the whole of Northern Ireland. Unrest was unleashed in both Southern and Northern Ireland from 1919 until after the passing of the Act. There was indeed a reason to be afraid. The fear used by Coote to support the Bill was nonetheless based on the Unionist tradition and on the fear of being invaded by the Free State. Yet, this argument had no fact to rely on. The previous study of the negotiations over the Anglo-Irish Treaty and the condition of Southern Irish politics and of the government in 1922 has showed us that Coote's fears were unjustified. Furthermore, considering the economic situation of Southern Ireland at the moment the Bill was passed and the anti-Partitionist rhetoric as a whole, no trace of invasion of Ulster from the Free State to retrieve a united Ireland could be found.

When introducing the Second Reading of the Special Powers Bill, Robert Megaw was Parliamentary secretary to Ministry of Home Affairs. He was elected in County Antrim. His position in the government would change with the 1925 GE, where he failed to be elected. He would then be appointed as a commissioner to the Ministry of Home Affairs from 1925 to 1927 and dealt with the administration of the Housing Acts. So as to begin the session and the debate, Megaw reminded the audience of the importance of this bill.<sup>169</sup> As showed by him, in it is to be found a way to reach "supremacy of law in order within our area".<sup>170</sup> As expected from a member of the Unionist government, Megaw depicted the situation with an Ulster Unionist point of view. Hence, members of the IRA and of Nationalist armed groups are described as criminals. Policemen are described as the "men who had done their duty"<sup>171</sup> and who "had to seek for another country".<sup>172</sup> Here, there is

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<sup>169</sup> Parliamentary Secretary to Home Affairs Mr Megaw introduced the Second Reading of the Civil Authorities of Northern Ireland (Special Powers) Bill and defended it before the House of Commons in Stormont (NI HC Deb 21 March 1922, cc.86-93).

<sup>170</sup> NI HC Deb 21 March 1922, c.87.

<sup>171</sup> *Ibid.*

<sup>172</sup> *Ibid.*

no nuancing in Megaw's painting. The Unionists and the police force are described as the "good guys"<sup>173</sup> whereas the nationalists are described as the "bad guys".<sup>174</sup>

After blaming the radical Nationalists for the actual state of Northern Ireland, Megaw focused on the British policy concerning Ulster. Here, we can see that there is a shared disapproval the British policy from Megaw and Coote. In fact, the Minister went back on the very formation of the present Government, in June 1921. At this point, Northern Ireland and the Unionists had been "given promises in very great measure, but for a long time [they] were given no powers."<sup>175</sup> Also, it was "part of the conciliation that our Government should get no powers".<sup>176</sup> Facing the unrest Northern Ireland was going through, the inability of the parliament to pass laws and to act put the Unionists in a situation of constant fear. That fear was concentrated on the establishment of a centralised parliament in Dublin. On a political point of view, the most important fear of the Unionists was to no longer be represented in parliament.

Another fear of the Unionists was that London would no longer support them in any sort of way. The lack of action and the lack of powers attributed to the Northern Parliament by the British government supplied this fear and was denounced in Megaw's speech. As depicted by the speaker, the situation in Northern Ireland and in Belfast was so bad that "Within a month of the meeting of this House that Government practically suspended law in Ireland".<sup>177</sup> Let us note that the governing of Ireland was strictly meant to be done by the Unionists. In fact, the UUP and their Conservatives allies were at the origins of the creation of the Northern Ireland Parliament. He also denounces the biased vision of criminality of Westminster:

but the Government had said from that time, "We will not use those powers. So long as you are, or so long as you call yourselves politicians, you cannot commit a crime." Crimes with them were merely high policy. That seems to have been their ethical conception of crime.<sup>178</sup>

Megaw depicted the situation in Northern Ireland as chaotic, and blamed the triggering of that chaos on the policy of the previous Government. Hence, it would enable him to put the actual government in a situation of power and show their ability to pass this act. By doing so, he would convince his audience. In order to emphasize that point, he went back on the process of creation of

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<sup>173</sup> NI HC Deb 21 March 1922, c.87.

<sup>174</sup> *Ibid.*

<sup>175</sup> *Ibid.*

<sup>176</sup> *Ibid.*

<sup>177</sup> *Ibid.*

<sup>178</sup> *Ibid.*

the parliament. By extension to it, he demonstrated how the powers of the parliament were obtained. Megaw's stands his position concerning the diversity of political parties in Irish politics. Here, the omission of the War of Independence contradicts the introduction of the paragraph: "Let me give you a brief sketch of our own history".<sup>179</sup> The War of Independence resulting in the Government of Ireland Act and thus to the creation of the Stormont Parliament are no little event in Ireland's history. The voluntary omission of that event by Megaw shows that his views on the question of Ireland's independence, partition and self-determination are controversial, or at least would create trouble in the audience. Since most of the Irish Unionists considered the creation of a devolved parliament as the last solution, we can assume that he would have chosen no parliament at all in Ireland. Then, Megaw goes back on the promises that were made to the Unionists, which he represents in this session. Those promises concern the attribution of powers to the Northern Parliament. Megaw mentions "vigorous statements"<sup>180</sup> made in the Imperial parliament and compares them with statements of Cromwell or Napoleon: "Vigorous statements have been made in the Imperial House of Commons from time to time. So strong were they that we occasionally thought that another Cromwell or another Napoleon had arisen".<sup>181</sup>

Megaw quickly goes over the actions that followed the declarations and describes them as futile and inefficient. The passion of the statements and the lack of efficiency of the actions that followed seemed to be the origins of the discontent of Megaw towards British policy. Hence, he blamed the British policy for the situation in Northern Ireland.

Going back to the Special Powers Act, Megaw criticises Westminster's idea of criminality. With the Restoration of Order in Ireland Act (1920) and the expansion of Defence of the Realm Act (1914), the British Parliament was aiming at punishing the Irish nationalists and Republicans involved in the clash against the British forces in Ireland without declaring the martial law. Here, it is used by Megaw to denounce the fact that Westminster was still in charge of the Order in 1920. Hence, it was making the devolved parliament of Northern Ireland useless, if we follow Megaw's rhetoric. Megaw also depicts his vision of crime and compares it to that of the British: "We will not use those powers. So long as you are, or so long as you call yourselves politicians, you cannot commit a crime".<sup>182</sup> Crimes with them were merely high policy. That seems to have been their

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<sup>179</sup> NI HC Deb 21 March 1922, c.87.

<sup>180</sup> *Ibid.*

<sup>181</sup> *Ibid.*

<sup>182</sup> *Ibid.*, c.88.

ethical conception of crime. He then introduces his vision of law. Megaw links those two elements to show the contradiction of the British policy in Northern Ireland followed by a criticism of the overall agreement and of the peace-making process:

Apparently rules only to be observed and administered when convenient, and to be flouted and disregarded when inconvenient. In a state of freedom law was an incumbrance. Freedom knows no law, and so the law was superseded. [...] Was there ever such a Truce in the history of the world between the Government on the one side and its subjects on the other, and that not a signed agreement, each party to it giving its own construction to what the Truce meant?<sup>183</sup>

One important idea expressed in this part of Megaw's speech is that an Agreement between *Sinn Féin* and the British government would lead to the acceptance of each party's deeds during the War: "Such an agreement [...] would have exposed its authors to a criminal indictment".<sup>184</sup>

The stance Megaw is taking with that one sentence is very interesting because he cunningly denounces the actions that were made by each party during the clash. The denunciation of the actions undertaken by *Sinn Féin* and the IRA are quite common elements in the Unionist rhetoric. Therefore, it is much less common to witness denunciation of British actions for it breaks away from the loyalist tradition.

After having studied the British policy, Megaw goes back on his "sketch".<sup>185</sup> Once again, he uses the word "chaos"<sup>186</sup> to describe the situation in which the Parliament was when it was opened. Furthermore, it was the exercising of law that had stopped, following Megaw's speech. It is yet a fact that Northern Ireland in the beginning of the 1920s was going through heavy troubles. If we take into consideration the way Megaw depicts Northern Ireland, we can see that it was a paralysed region: the law-making body was frozen and the exercising of law had stopped. The speaker then went into the details of the exercising of law and expresses his views on the police at the time. He claims that the police system was corrupted and, in a way, broken:

Illegal instructions had been given to the police. We were met by statements from time to time about liaison officers. I looked into my text books on law, and I could find nothing in them with reference to liaison officers, and being old-fashioned, and by profession a lawyer, I never could find out what the position of the liaison officers was, and I declined to have anything to do with them in any of the administrative acts which came before me.<sup>187</sup>

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<sup>183</sup> NI HC Deb 21 March 1922, c.88.

<sup>184</sup> *Ibid.*

<sup>185</sup> *Ibid.*

<sup>186</sup> *Ibid.*

<sup>187</sup> *Ibid.*

With the police body being ‘illegal’, the administrative acts were no longer trustable in Megaw’s eyes. Police forces when malfunctioning can no longer ensure the application of law and order. Finally, it was the illegal orders issued by the police that Megaw focused onto. Hence, he completed the circle and concluded his part on the police matter: “It was absolute defiance of law to issue instructions of that kind to the police, and it was a work of some difficulty to convey to them that they were expected for the future to enforce the ordinary law of the land”.<sup>188</sup>

After explaining the flaws of the police corporation under the British Government, Megaw mentions the forces of *Sinn Féin* and blames them for the situation of Northern Ireland. Beyond the inactions of the Republican group, Megaw blames the “Truce”<sup>189</sup>, the Anglo-Irish Treaty. Following the speaker’s development, it enabled them to “carry on their operations in security under the protection of the so-called Truce”.<sup>190</sup> Megaw links it with the rising of incidents such as “outrages, burnings, and destructions of property”.<sup>191</sup> Here, we can witness the Ulster Unionist rhetoric based on the idea that the British have given up on them and that they are threatened of being wiped away from the surface of the world.

The paragraph following the last sentence quoted depicts the threats that were upon the Northern Irish government at that time. Megaw had put a stress on how every “ramification”<sup>192</sup> of society was trying to pull down the government, aiming at its credibility and at its functioning. Here, Megaw’s speech is divided in two parts: the discrediting of the opponents to the government and the justification of the claims of the Special Powers Bill. The threat that Megaw depicts is indeed covering different fronts: the popular opinion in the south discrediting the Northern government and the IRA presupposed planning on a major attack aiming at “overthrow[ing] the Northern Government”.<sup>193</sup> The Bill would thus enable the parliament to review the degrees of lawlessness and thus adapt the judgement to it. After getting into the details of the regulations that would be provided by the Special Powers Act, Megaw gets into the subject of flogging. “[T]here has been in one case a new departure made in the Bill, that is the imposition of flogging for certain specified

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<sup>188</sup> NI HC Deb 21 March 1922, c.88.

<sup>189</sup> *Ibid.*

<sup>190</sup> *Ibid.*

<sup>191</sup> *Ibid.*, c.89.

<sup>192</sup> *Ibid.*

<sup>193</sup> *Ibid.*

crimes”.<sup>194</sup> It must be noted that this sentence resulted in the intervention of MPs, showing how controversial was that subject.

We can see with Megaw’s development that he bases himself upon two tools. First, he discredits the opposition, such as the Dublin Castle and of the Imperial parliament. Then, he justifies the measures undertaken by the Special Powers Bill. We can thus compare the speech of Megaw to slash and burning, which consists in burning a piece of land so as to clear it and then use the transfer of fertility provoked by it. By doing so, the delegation of responsibilities, the authorisation to search any man in the streets, internment and flogging are being justified after showing that the non-application of those measures by the precedent government – and by their neighbours – led to the actual situation of unrest Northern Ireland was in. Hence, after burning down the legislative landscape preceding his intervention, Megaw stands before a fertile land in which the chances for his plants to grow are of a higher probability. This plant, using fear as a fertiliser, is used to accuse the Southern government of planning an invasion in Northern Ireland. The Bill would thus enable the parliament to review the degrees of lawlessness and thus adapt the judgement to it. It must be noted that the recurrent use of slash and burning are the durable degradation of the soil, hence affecting the possibilities of agriculture. Just as the use of fear in politics affects the trust and the well-being of the audience on the long run.

The Special Powers Act also triggered important reactions from the public and from the politicians that took the side of the Catholics and of the Nationalists. From an objective point of view, the Act keeps the parliament from intervening in law and order matters, hence giving considerable power to the police corporation. As depicted in the speeches of Megaw and of Coote, this delegation of powers would play in favour of law and order. Yet, considering the road that Craig and the Ulster Unionist government were planning on taking, this act was subject to scepticism from the opposition. In 1933, the Act would be made permanent and would last up until 1975, hence being used during the Civil crisis Northern Ireland went through in the 1960s-70s. In 1980, writers such as L.K. Donohue and M. Farrell gave an overview of the Act. They showed the cultural and political impact of this act through the ban of the Irish Workers’ Weekly newspaper and the systematic repression of movements that opposed themselves to the Northern Irish government. The prohibition of public meetings and processions by the Act was the way for the government to repress

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<sup>194</sup> NI HC Deb 21 March 1922, c.90.

political opposition. Finally, in “Civil Authority”, John Mc Caul states that both Farrell and Donohue agree on the overuse of the Act towards the Catholic population: “from measures aimed at returning civil order, the government increasingly turned to regulations designed to prohibit the expression of republican ideals”.<sup>195</sup>

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<sup>195</sup> Donohue, L. ‘Regulating Northern Ireland: The Special Powers Acts, 1922-1972’ in *Historical Journal*, xii, 1998, pp 1089-120.

### III. The Way Towards Independence

#### 1. The new generation

##### *A. Sinn Féin*

The finalisation of the Radical Irish Nationalist project was embodied in *Sinn Féin*. This political party is closely linked to Gaelicism and to Catholicism. Its name can be translated from Gaelic into “We Ourselves”, in English. *Sinn Féin* appeared in the forefront of Irish politics in 1916, during the Easter Rising. The Rising was led by members of *Sinn Féin*, as well as by armed groups linked to the political party. The Rising and *Sinn Féin* were partly responsible for the fall of the Irish Parliamentary Party. *Sinn Féin* is also known as the party that gave a voice to a new generation, whose hopes did not lie in parliamentary procedures any longer.

In order to understand what represented *Sinn Féin* when it was assembled, we will use Laffan’s *The Resurrection of Ireland: the Sinn Fein party 1916-1923*. This book studies the founding elements of the Republican party and especially Arthur Griffith. Laffan explains that Griffith was a paradoxical character. His paradoxes were passed on to *Sinn Féin*. Yet, those contradictions and paradoxes lay in his references. For example, he made the Grattan’s Parliament of the 1780s a model to be followed and built part of the Republican tradition over it. Yet, that parliament was mainly composed of Anglican landowners (the Anglo-Irish ascendancy). As they were part of the English aristocracy, they were not quite representative of the Irish population. Presbyterians and Catholics were not allowed to take seats in it, or even to contest elections.

At the beginning of the 20<sup>th</sup> century, the British forces and the Boer states were in conflict. Griffith supported the resistance of the Boers, but Laffan explains that this support was biased. “[H]is hero-worship of Paul Kruger blinded him to the Boer’s treatment of the black population in South Africa”.<sup>196</sup> The references of past Independentist movements also blinded Griffith’s vision. When building up his Republican vision of Ireland, Griffith also got to compare Ireland to the Austro-Hungarian history. In fact, the Austro-Hungarian succeeded to establish an independent Parliament. Yet, McMahon nuances the history of the Hungarians by reminding the reader that they were mistreating minorities. To explain those paradoxes, Laffan states that Griffith was “a gifted

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<sup>196</sup> Quoted in “Irish Nationalism: Formative Years”. Laffan, Michael. “The Resurrection of Ireland: the Sinn Fein party 1916-1923” Cambridge, Cambridge University Press, 1999.

writer and a cantankerous politician, an obsessive compiler and manipulator of statistics”.<sup>197</sup> McMahon completes Laffan’s vision by stating that Griffith was “more significant as a gifted polemicist than he was a theoretician of nationalism”.<sup>198</sup> Griffith discourse and ambitions considered that “if other small countries could exist as independent states then so could Ireland”<sup>199</sup>, as described by McMahon. Even though Griffith’s speech was contradictory, the extent of his power and influence was such that his opponents took into consideration his arguments. Griffith was in no way underestimated by them. As an example, Nevil Macready, the British Commander-in-Chief, is quoted as having read and taken into considerations the arguments laid by Griffith in *The Resurrection of Hungary*.

When going back to the creation of *Sinn Féin*, Laffan notes that Griffith was not actually member of the party when it was founded in 1904-05. The motives of its creation and the stance of the party seemed to be unclear to contemporaries. One reason for it being the changing aspect of *Sinn Féin* over the 20<sup>th</sup> century. The party is described as able to adapt and transform itself “in various guises”.<sup>200</sup> McMahon summarizes it as a “synthesis of different nationalist beliefs”.<sup>201</sup> The road that followed *Sinn Féin* is described as that of a temporary vehicle used by people whose ideas diverged. In fact, the Volunteers “who frankly despised politics”<sup>202</sup> blocked its expansion, their relation with the party was described as that of a “thrall”.<sup>203</sup> McMahon describes the party during the Rising as mis-labelled. It gave *Sinn Féin* a “unearned prestige”.<sup>204</sup> The Civil War and the division of the party following the Anglo-Irish Treaty would be the heavy blow to *Sinn Féin*.

Originally *Sinn Féin* was not structured. Furthermore, the “German Plot” had put a great threat over *Sinn Féin*. To illustrate the image the opponents had of *Sinn Féin*, John Dillon, leader of the Constitutional Nationalist party, is quoted by Laffan: “absolute lack of organisation and

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<sup>197</sup> Quoted in “Irish Nationalism: Formative Years”. Laffan, Michael. “The Resurrection of Ireland: the Sinn Fein party 1916-1923” Cambridge, Cambridge University Press, 1999.

<sup>198</sup> McMahon, Deirdre. ‘Irish Nationalism: Formative Years’. *The Irish Review (1986-)*, edited by Patrick Maume et al., no. 26, 2000, p.136.

<sup>199</sup> *Ibid.*

<sup>200</sup> Quoted in “Irish Nationalism: Formative Years”. Laffan, Michael. “The Resurrection of Ireland: the Sinn Fein party 1916-1923” Cambridge, Cambridge University Press, 1999.

<sup>201</sup> *Ibid.*

<sup>202</sup> McMahon, Deirdre. ‘Irish Nationalism: Formative Years’. *The Irish Review (1986-)*, edited by Patrick Maume et al., no. 26, 2000, p.136.

<sup>203</sup> *Ibid.*

<sup>204</sup> *Ibid.*

helplessness on our side – against the most perfect organisation and infinite audacity on the other”.<sup>205</sup>

Surprisingly, the General Elections for Westminster in 1920 were a great success for Sinn Féin, whose candidates went unopposed, even though, they failed to be elected in Unionist bastions. In *The Irish Counter-Revolution 1921-1936*, written by John Regan, anti-democratic tendencies existed and had been used in both parties of the Treaty debate.<sup>206</sup> The Treaty is depicted as being imposed over the Irish delegation rather than a proper agreement. That description of the Treaty debate led Laffan to study the mutations of *Sinn Féin* and the development of new parties - *Cumann na nGaedheal* and *Fianna Fail*.

### *B. Cumann na nGaedheal*

The Anglo-Irish Treaty was one of the most important documents emitted in Irish history and politics. It led to the split of *Sinn Féin* and the creation of *Cumann na nGaedheal*. For Basil Chubb in *The Government and Politics of Ireland*, the Treaty polarised politics to a new extent. We have seen before that the polarisation between Nationalists and Unionists was the consequence of the Home Rule debate. Here, the debate inclines towards nationalist issues. It raised other questions. Should the Free State be part of the Commonwealth or should it be an independent and sovereign Republic? Would the Free State be legitimate over the whole of Ireland?<sup>207</sup> Should there be a representative of the Crown in the Executive body? Should the legislative body be under the indirect control of the Crown? The successive governments of the Free State gave their answers to those questions through their policies. In each case, measures were taken to make one's answer applied. Yet, what was the people's view on those questions? In the following two subparts, we will study the heirs of *Sinn Féin*. We will focus on the elements that brought those parties into existence, how they took off and how they managed to land. Indeed, Irish Nationalism is no exception to the rules of gravity.

The main source for the development of this subpart is the thesis written by Mel Farrell: *Few Supporters and No Organisation? Cumann Na nGaedheal Organisation and Policy, 1923-33*. In

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<sup>205</sup> Quoted in “Irish Nationalism: Formative Years”. Laffan, Michael. “The Resurrection of Ireland: the Sinn Féin party 1916-1923” Cambridge, Cambridge University Press, 1999.

<sup>206</sup> Regan, John. *The Irish Counter-Revolution 1921-1936: Treatyite Politics and Settlement in Independent Ireland*. Palgrave MacMillan, 2000.

<sup>207</sup> Chubb, Basil. *The Government and Politics of Ireland*. Second, Stanford university press, 1982, p.96.

Farrell's work, it is reminded that the name of the party was issued from Griffith's "umbrella title"<sup>208</sup> used to gather small nationalist groupings. Farrell's study also shows that *Cumann na nGaedheal* was the root of *Sinn Féin*. The Council that composed the party in the first place focused its policy on the "Hungarian policy"<sup>209</sup>, which Griffith brought to the Irish nationalists as a model for Irish independence in 1902.<sup>210</sup> Culture was of the highest importance to its policy as well, since it was closely linked to the Gaelic Athletic Association, the Celtic Literary Society and the Gaelic League.<sup>211</sup> Yet, *Cumann na nGaedheal* would not exist as a political party until the Anglo-Irish Treaty was declared. It became a political party on 27 April 1923 during the Conference held in Mansion House on Dublin's Dawson Street.<sup>212</sup>

To a wider extent, *Cumann na nGaedheal* in its final form was deeply influenced by the Treaty. From the very moment the Treaty was signed, they prepared the General Elections of June 1922.<sup>213</sup> The main goal of the *Cumann na nGaedheal* program was the implementation of the Treaty and gaining public support for it.<sup>214</sup> As the pro-Treatyites focused their attention on the creation of the party, Michael Collins was busy trying to explain the Treaty to the public and set up an army to protect the newly-created state.<sup>215</sup>

With the polarisation of Irish Politics in the Free State, the anti-Treatyites were described as Republicans whilst the pro-Treatyites were labelled Free Staters, even though approving the Treaty did not necessarily lie in the acceptance of its features. The question of national peace prevailed over it. It was in that point that laid the acceptance of the Treaty for most of those who voted for it. Yet, this polarisation, emphasized by the labels Republican and Free Stater was born out of anti-Treatyites correspondence. In fact, such nicknames suited them better since they emphasized the political ideals of the anti-Treatyites, and their will to not bend under British pressure. In 1922, the pro-Treatyites were far from being in a favourable position, as depicted by Farrell:

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<sup>208</sup> Farrell, Mel. *Few Supporters and No Organisation? Cumann Na nGaedheal Organisation and Policy, 1923-33*. National University of Ireland, Galway, Oct. 2011, p.2.

<sup>209</sup> *Ibid*, p.3.

<sup>210</sup> Maye, Brian. *Arthur Griffith*. Griffith College Publications, 1997, p. 69.

<sup>211</sup> Farrell, Mel. *Few Supporters and No Organisation? Cumann Na nGaedheal Organisation and Policy, 1923-33*. National University of Ireland, Galway, Oct. 2011, p.3.

<sup>212</sup> *Ibid*, p.2.

<sup>213</sup> *Ibid*, p.20.

<sup>214</sup> *Ibid*, p.21.

<sup>215</sup> Keogh, Dermot. *Twentieth Century Ireland*. Gill & Macmillan, 1994, p. 4.

There was no real discussion of long-term organising strategy at the pro-Treaty election meeting with nothing of note being said about the future of Sinn Féin or its pro-Treaty faction. Furthermore, another element that influenced the allegiance of certain people was local or national loyalty to “individual leaders.”<sup>216</sup>

This nuanced the question of acceptance of the Treaty. Yet, Farrell states that this factor was more present within the IRA than in *Sinn Féin*, hence resulting in a complex clash during the Civil War, the factions not being clearly identified.

When campaigning for the 1922 GE, the pro-Treaty party campaigned for the acceptance of the Treaty. The Treatyites thus faced Republican opposition. When studying the rise of *Sinn Féin*, we have studied the importance of clubs in the establishing of the Republican literature. In 1922, those clubs were still exploited by Griffith. Most of the members of those clubs were Free Staters. The contact with them was established through posters and literature.

The party tried to express its vision through writings and imagery, and was relayed by railways and clubs.<sup>217</sup> Such an enterprise involved a lot of people, and a department of propaganda would be set up. Amongst the literature sent to the clubs were sent Treatyite minute books. In those books one could find the benefits of the Treaty articulated by the party. Those books enabled *Cumann na nGaedheal* to convince the population of the validity and credit of the Anglo-Irish Treaty.<sup>218</sup> However, Farrell also states that “there was little strategic planning in evidence”.<sup>219</sup> The author also criticises the lack of public recruiting.<sup>220</sup> Direct contact with the public was also established by the party, so as to bring further legitimacy to its program. By extent to it, the exchange with the public gave credit to the Treaty. Indeed, Collins and Seán MacEoin – a hero of the War of Independence –

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<sup>216</sup> Farrell, Mel. *Few Supporters and No Organisation? Cumann Na nGaedheal Organisation and Policy, 1923-33*. National University of Ireland, Galway, Oct. 2011, p.21

<sup>217</sup> Quoted in Farrell, Mel. *Few Supporters and No Organisation? Cumann Na nGaedheal Organisation and Policy, 1923-33*. Propaganda sub-committee, minutes of meeting, 4 Apr. 1922; 11 Apr. 1922. The first recorded meeting of the pro-Treaty election committees was chaired by Seán Milroy and attended by veteran Sinn Féin organiser Dan McCarthy who was Treatyite director of elections. The Treatyite election committee, like its propaganda sub-committee and newspaper sub-committee were answerable to a General Election council which met later that night. Election sub-committee, minutes of meeting 30 Mar. 1922. (UCDA, Cumann na nGaedheal party minute books, P39/min/1).

<sup>218</sup> Farrell, Mel. *Few Supporters and No Organisation? Cumann Na nGaedheal Organisation and Policy, 1923-33*. National University of Ireland, Galway, Oct. 2011, p.22.

<sup>219</sup> *Ibid.*

<sup>220</sup> Farrell, Mel. *Few Supporters and No Organisation? Cumann Na nGaedheal Organisation and Policy, 1923-33*. National University of Ireland, Galway, Oct. 2011, p.22.

would intervene. They addressed a meeting in Ennis, County Clare. Farrell states that this County was the “bailiwick of Eamon de Valera”.<sup>221</sup>

Before the General Election was carried under the Treaty, a pact was signed between de Valera and Collins. Both men, being at the head of the Republican and of the Free Stater groups wanted to avoid a civil war. Such a clash was indeed looming over Ireland. The pact called for a General Election as soon as possible. With the GE, a national referendum over the Treaty would be proposed to the people. Furthermore, it was meant to maintain *Sinn Féin* as a “united entity”.<sup>222</sup> The reality of it is described in *Few Supporters and No Organisation? Cumann Na nGaedheal Organisation and Policy, 1923-33*. Farrell depicts *Sinn Féin* as:

[...] split down in the middle right across the country with each side clinging to the Sinn Féin label in the futile hope that somehow a formal split could be avoided, or that they could portray themselves as the true inheritors of the revolution. From the end of the pact in June 1922, onetime comrades became bitter opponents.<sup>223</sup>

In June 16 of the year 1922, Michael Collins got at the head of the polls with a percentage of 45.3%. It would enable him to preside the Third *Dáil*. Following the election and the referendum, de Valera and the Republicans refused to cede to the terms of the Treaty and boycotted the *Dáil*. It kept them from taking the Oath of Allegiance to the Crown. Eventually, the disagreement over the Treaty led to the triggering of the Civil War. Farrell noted that the effort to maintain loyalty and party organisation over the country “slackened”<sup>224</sup> after the legislative victory of *Cumann na nGaedheal* in 1923. The explanation for it being the economic necessity to “grapple with the financial legacy of the contest”.<sup>225</sup>

At the end of the Civil War in, Cosgrave and the government inherited a difficult economic situation. Indeed, the Free State was ruined at the outcome of this internal conflict. Furthermore, the murders of Collins and of Griffith, who were cornerstones of the Treatyites, were heavy blows to the *Cumann na nGaedheal* party. The minutes of Standing Committee meetings were the main tools of the party to communicate. Yet, after 1923, it reflected a loss of passion and enthusiasm following the victory of *Cumann na nGaedheal*. Later after the GE of 1923, the *Cumann na nGaedheal*

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<sup>221</sup> General Election committee, minutes of meeting, 13 Apr. 1922 (UCDA, Cumann na nGaedheal party minute books, P39/min/1)

<sup>222</sup> Farrell, Mel. *Few Supporters and No Organisation? Cumann Na nGaedheal Organisation and Policy, 1923-33*. National University of Ireland, Galway, Oct. 2011, p.16.

<sup>223</sup> *Ibid.*

<sup>224</sup> *Ibid.*, p.50.

<sup>225</sup> *Ibid.*

government went through several crisis. Those events were the mutiny of the army, the resignation of two ministers and the secession of nine deputies from the *Cumann na nGaedheal* government. Eventually, it resulted in the conflict between the “old IRA men, Collins’s former subordinates in the clandestine IRB, and, of course, the civilian ministers”.<sup>226</sup> Each of this group claiming to follow the path of Michael Collins.<sup>227</sup>

The demands of the first group concerned the progress of the establishment of the Irish Republic, which they thought was too slow. Furthermore, the composition of the ranks of the public service did not seem to suit them. The mutineers found little support amongst the people, they were described as willing to get rid of those whom they “did not see eye to eye”.<sup>228</sup> Most of *Cumann na nGaedheal* supported the Executive Council in its decision to not give concessions. The factions were brought into civilian control by Mulcahy, the Minister of Defence.<sup>229</sup>

The election of *Cumann na nGaedheal* as the party in government in 1923 was linked to its victory over the Republican party. Its fall in 1932 was also linked with the come-back of a Republican party: *Fianna Fáil*. It was led by de Valera. As Farrell puts it, *Cumann na nGaedheal* had come full circle.<sup>230</sup> The two parties represented two opposite visions of Nationalism and of *Sinn Féin*’s heritage. Furthermore, the constitutional question was put on the forefront of the debates during the campaign. The program of de Valera was based on the taking down of the Anglo-Irish Treaty. The emergence of *Fianna Fáil* in Irish politics was comparable to a spring of energy. The leaders of *Cumann na nGaedheal* reacted by “inject[ing] some new blood into its party by dropping old backbenchers in favour of more energetic candidates”.<sup>231</sup>

Farrell depicts the choices of the party as lacking imagination and credible arguments: “In response *Cumann na nGaedheal* came up with some eye-catching propaganda posters that portrayed its rival as gunmen and communists while emphasising the government’s law-and-order

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<sup>226</sup> Farrell, Mel. *Few Supporters and No Organisation? Cumann Na Ngaedheal Organisation and Policy, 1923-33*. National University of Ireland, Galway, Oct. 2011, p.53.

<sup>227</sup> *Ibid.*, p.53.

<sup>228</sup> Manchester Guardian, 3 Nov.1924.

<sup>229</sup> McCarthy, John. *Kevin O’Higgins: Builder of the Irish State*. Irish Academic Press, 2006, pp. 137-64.

<sup>230</sup> Farrell, Mel. *Few Supporters and No Organisation? Cumann Na Ngaedheal Organisation and Policy, 1923-33*. National University of Ireland, Galway, Oct. 2011, p.79.

<sup>231</sup> *Ibid.*

credentials”.<sup>232</sup> By 1932, the electoral policy of *Cumann na nGaedheal* had subsequently been improved. Being aware of the economic and social issues the country was going through because of the Wall Street Crash, continuance on the economic issues prevailed in the program. Therefore, it was not be the proposal the electorate was waiting for.

The economic issues had not been dealt with in the right way by Cosgrave’s government. Put another way, the actions of Cosgrave were limited by its low capacity due to the national and international context. Furthermore, the Treaty was still a main part the GE campaign. Thus, the successes and the achievements of the Treaty were put forward.<sup>233</sup> It was not enough to stop the moving object *Fianna Fáil*, which succeeded to get a majority during the 1932 General Election.

Overall, Farrell describes *Cumann na nGaedheal* as a “national coalition of diverse elements who had supported the Treaty”.<sup>234</sup> In reality, it was the stakes of civil order and law that was embodied in the elections of 1923 and that gathered the minds of the elements of *Cumann na nGaedheal*. The loss of the two most important figures of the Treatyites and the drying up of funds in 1924 led to the stagnation of the party, which was stuck in its own image and in its past successes. As depicted by Farrell, the elections of 1932 were the *coup de grace* over a party that suffered from economic decline and which organisation could not stand the attraction *Fianna Fáil* arouse. Yet, the election of *Fianna Fáil* led only to a weak majority for the party in parliament and that it was only accessible in 1932.

### C. *Fianna Fáil*

When going over the events that troubled Ireland during the Great War, we have seen that de Valera had been involved in the Easter Rising. This major event of Irish history was marked by the execution of most of its leaders. De Valera survived it. His military engagement did not stop with the Rising, for he was to take position against the Anglo-Irish Treaty. The opposition between the Treatyites and the anti-Treatyites, which have been approached before, will lead to the imprisonment of de Valera until July 1924. In *Une relation unique*, Gillissen states that from 1923 until 1926 de Valera went through a dry period that moved him aside of the political scene.<sup>235</sup> His

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<sup>232</sup> Farrell, Mel. *Few Supporters and No Organisation? Cumann Na Ngaedheal Organisation and Policy, 1923-33*. National University of Ireland, Galway, Oct. 2011, p.79.

<sup>233</sup> *Ibid*, p.80.

<sup>234</sup> *Ibid*.

<sup>235</sup> Gillissen, Christophe. *Une relation unique: Les relations irlandaiso-britanniques de 1921 à 2001*. Presses universitaires de Caen, 2013, p.72.

comeback in 1926 was helped by the foundation of a new political party: *Fianna Fáil*. This political party is considered as the result of the fission of *Sinn Féin* over the Treaty question, as much as *Cumann na nGaedheal*, which we have studied before.

*Fianna Fáil* was not only a way for de Valera to get back on the front of the Irish political scene. It was also a way to answer to the public lack of interest towards the speech of the Republicans, who were considered as marginal.<sup>236</sup> In *Modern Ireland*, Foster states that de Valera's "judicious pragmatism"<sup>237</sup> and "revolt against the tyranny of the dead"<sup>238</sup> were the assets that allowed him to go back at the head of the Free State. Furthermore, this would move him to establish a new relationship with Great Britain and to institute a state of cultural and economic protectionism.<sup>239</sup> De Valera established a new speech to the Irish Free State, whilst remaining loyal to the principles he stood for during the Civil War. Furthermore, the idea of "revolt against the tyranny of the dead"<sup>240</sup> expressed in *Modern Ireland* used to describe the cease-fire between the anti-Treatyites and the Treatyites can be used in the context of the 1932 General Election. *Fianna Fáil* and his leader get a majority of votes when facing *Fine Gael*, which was still haunted by the ghosts of Collins and Griffith. As we have seen in the previous study of *Cumann na nGaedheal*, the loss of Collins and Griffith eventually led to the stagnation of the party.

Now that we have studied how the *Fianna Fáil* government was elected, we can focus on one of the most emblematic figures of the 20<sup>th</sup> century Irish politicians: Eamon de Valera. This subpart will link de Valera's policy towards the Treaty and his relationship with the parliament. It is in a way an extensive reflexion on the limits of de Valera's ideals and his use of the machinery of government in Ireland. There are several points that are exploitable concerning that very specific question. Most of them are linked with the Anglo-Irish Treaty and the following policy of *Fianna Fáil* towards it. We will use those elements and analyse them through the parliamentary perspective.

When establishing a democratic state, the separation of power is carefully studied and adapted following its constitution. In the United Kingdom, the Prime Minister is selected as head of

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<sup>236</sup> Gillissen, Christophe. *Une relation unique: Les relations irlando-britanniques de 1921 à 2001*. Presses universitaires de Caen, 2013, p.72.

<sup>237</sup> Foster, Robert Fitzroy. *Modern Ireland, 1600-1972*. Penguin books, 1989, p.537.

<sup>238</sup> *Ibid.*

<sup>239</sup> *Ibid.*

<sup>240</sup> *Ibid.*

a political party. His Cabinet does not belong in the parliament. Yet, he intervenes in it during the Prime Minister's Questions, each Wednesday. Moreover, Bills can be introduced in the Lower House of the Parliament by the Prime Minister, directly or indirectly. This blurring of lines between the Executive Power and the Legislative power is specific to the United Kingdom. In fact, the absence of written constitution keeps the separation of powers from being made explicit. Yet, the overlapping of powers and the cohesion of the different bodies helps it to function and to exist. Finally, the absence of written Constitution several benefits to the political life of the United Kingdom, which maintained it.

In the Government of Ireland Act (1920) and in the Anglo-Irish Treaty, Westminster paved the way for an Irish written Constitution. The Free State Constitution would be issued after the Treaty and establish the different bodies necessary to the ruling of a state in Southern Ireland. The Free State separation of powers was based on that of Westminster. De Valera was at the origin of the amendments of the Free State Constitution, of the External Relations Act (1938) and of the declaration of the Irish Constitution (1937). It is indeed the result of the lack of separation of powers. In fact, in a State where the separation of powers is strict, such as the in the United States of America, the Head of the Executive Power is unable to introduce a Bill in Parliament, nor is he able to draft it. Now that you have been introduced to the idea that de Valera took advantage of the flaws of the Free State Constitution as established after the Treaty, we will study to what purpose he did it.

One particular point of de Valera's first mandate is the accumulation of the role of President of the Executive Council and of responsible for the budget of External Relations. He was thus involved in both the legislative body and in the executive body. It must be reminded that de Valera was deeply influenced by the constitution of the United States of America. The constitutional ideals he intended to pass for Ireland were for the most coming from that constitution.

Before de Valera even got a chance to modify the Constitution, British policy towards the parliaments of the dominion changed. In 1931, the publication of the Westminster Statute established the dominions as completely autonomous from a legislative point of view. In *Une relation unique*, Gillissen depicts the dismantling process of the Anglo-Irish Treaty as linked to that Statute. The author quotes the Privy Council of the United Kingdom, stating that the modifications of the Free State Constitution was legitimate.<sup>241</sup> The legitimacy of de Valera to amend the

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<sup>241</sup> Quoted in *Une relation unique*. Mansergh, Nicholas. *Survey of British Commonwealth Affairs: Problems of External Policy, 1931-1939*, Oxford, Oxford University Press, 1958.

Constitution was questioned up until 1934 by the Irish Court. Let us study two particular points also studied in Gillissen's work that concern the separation of powers that provoked the rising of that contestation.

First, in November 1933, the right of Appeal to the Judicial Committee of the Privy Council was abolished. The highest Judicial body was the Supreme Court of Ireland. The Treaty, which forbade the government from repealing elements of the Constitution was overruled by the statute of Westminster.<sup>242</sup> The action undertaken by the government was legitimate. As quoted in Gillissen's development: "the statute of Westminster gave to the Irish Free State a power under which they could abrogate the Treaty".<sup>243</sup>

Then, supported by the Republican tradition, de Valera undertook to abolish the Senate, the *Seanad Éireann*. In fact, it must be noted that in 1919, the parliament led by de Valera was unicameral, the representative house of parliament being sufficient to represent the voice of the people in the Republican tradition.<sup>244</sup> When the British drafted the Anglo-Irish Treaty, there were two reasons to the establishment of a Lower and of an Upper House in the Free State. The first was the establishment of a legislature similar to that of the United Kingdom. By doing so, the Executive Power – hence the Crown – would be able to control the legislation in the Free State parliament. Even though the Proportional Representation voting system was maintained, the Protestant could hardly be protected by the legislative body from that point since there was no powerful Protestant affiliated political party. *Fine Gael* and *Fianna Fáil* were the two most important parties in parliament, and both were strongly linked with Gaelicism and Catholicism.

Besides, the subsequent implication of the Catholic Church in the writing of the Constitution of 1937 worried the Protestant population in Southern Ireland. The legislative motivation of de Valera to abolish the upper House was its veto of 270 days over any legislation passed in the lower House. This veto, which gave to the senate an anti-Irish and anti-democratic aspect, was the main argument to its taking down. Yet, by 1936, the Constitution de Valera was drafting was almost finished, and it included a bicameral parliament. Even though the veto was not given to the upper house, the

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<sup>242</sup> Gillissen, Christophe. *Une relation unique: Les relations irlando-britanniques de 1921 à 2001*. Presses universitaires de Caen, 2013, p.81

<sup>243</sup> Quoted in *Une relation unique*. Mansergh, Nicholas. *Survey of British Commonwealth Affairs: Problems of War-Time Cooperation and Post-War Change, 1939-1952*, Oxford, Oxford University Press, 1958.

<sup>244</sup> Gillissen, Christophe. *Une relation unique: Les relations irlando-britanniques de 1921 à 2001*. Presses universitaires de Caen, 2013, p.81-2

argument of the Republican tradition does not stand and shows the contradiction of de Valera's measure. Therefore, one can consider that abolishing the house that was able to stop the taking down of the treaty was a shorter way for de Valera to reach his goal.

## 2. Southern Irish policy towards the Treaty

After the Great War, a clash between the British forces and the Irish Republican Army occurred in Ireland. The end of the Independence War was marked by the declaration of the Treaty. However, this document would trigger the Civil War, which opposed diverging groups of Republicans. After the Civil War, the Treaty would still divide politics in the Free State. Mansergh shows that the two main political parties in the *Dáil* were to debate over that very specific question. Hence, *Cumann na nGaedheal* and *Fianna Fáil* ruled over the Southern Irish parliament for over sixty years. *Fianna Fáil* was born from the opposition to the Treaty by Eamon De Valera in 1926 whilst *Cumann na nGaedheal* supported of the Treaty. Both parties were the result of the split of *Sinn Féin*. In *Political Perspectives at the Outset*, from the 12<sup>th</sup> Chapter of *The Unresolved Question*, Mansergh nuances the situation by showing an external vision of the situation by quoting Irish Unionists who considered that “the national question retained its primacy over social, economic or ideological questions up to and into a period when this had generally ceased to be the order of priorities in the western world”.<sup>245</sup>

The author then goes into the details of the division that happened between the Irish parties in the *Dáil* and criticises its misconception by the public. The Free Staters and the Republicans were opposed, in the public opinion. But, when Mansergh goes into the facts and the features of the Irish Free State, we understand the opposition in the *Dáil* did not only revolve around that issue. The Treaty represented a peaceful way out of the conflict against the British Forces. Signing such a document to safeguard peace and order was not the result of a rejection of republican principles. Furthermore, what brought the *Dáil* to an agreement was that Southern Ireland would become a sovereign state externally associated with the Commonwealth. Hence, the declaration of a Republic in Ireland was possible. From this argument, Mansergh considers that there was no such thing as an opposition between Republicans and Free Staters. Mansergh also notes that the constituent and the legislative power separation was used in such a way by the *Dáil* that the Free State emanated from

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<sup>245</sup> Mansergh, Nicholas. *The Unresolved Question: The Anglo-Irish Settlement and Its Undoing 1912-72*. Yale university press, 1991.

a national Constituent assembly. Furthermore, the Constitution was brought into operation quite easily. There was no particular obstacle to the implementation of the Treaty and to the safeguarding of minorities' rights.

#### *A. Cumann na nGaedheal*

Irish politics in 1923 were polarised by the Anglo-Irish Treaty. The outcome of the Independence War and of the fratricide fight of the Civil War left a deepening trauma. The results of that division was the split of *Sinn Féin* and the triggering of the Civil War. The pro-Treaty party, led by Collins, won the Civil War and would be at the head of the government the year the conflict was over. *Cumann na nGaedheal* was representing the side supporting the Treaty and during the 1923 GE it succeeded to win a majority in parliament. The constitutional question that revolved around the Treaty would be a major feature of the Irish parliamentary debates from 1923 to 1936-38. In this part of the dissertation, we will study Cosgrave's government at the head of the *Cumann na nGaedheal* party, which lasted from 1923 to 1936. Our attention will be focused onto the constitutional question, for it has been said before that this question was of the highest importance in Irish politics at that time. In order to understand the views of *Cumann na nGaedheal* concerning the Treaty, we must study its relations with Great Britain.

The Treaty was at the origins of the split of *Sinn Féin* as well as at the heart of the Civil War, which opposed pro-Treaty and anti-Treaty groups. In "Cumann na nGaedheal organisation and policy", Mel Farrell states that:

Cumann na nGaedheal had been established to keep in power those who had steered the Provisional Government through the unsteady waters of autumn and winter 1922 and to safeguard the Anglo-Irish Treaty.<sup>246</sup>

*Cumann na nGaedheal* being a pro-Treaty political party, the Governor General (GG) had been named and was an Irishman. The role of the GG is to be the representative of the executive power of the United Kingdom in Ireland. The Oath of Allegiance was accepted by most of the Members of Parliament representing the party. Following Foster's development in chapter 21 "In a Free State", *Modern Ireland*, the priority of the pro-Treaty party was to express the sovereignty of the people. It was showed through the establishment of the 1922 constitution and by the government's

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<sup>246</sup> Farrell, Mel. *Few Supporters and No Organisation? Cumann Na Ngaedheal Organisation and Policy, 1923-33*. National University of Ireland, Oct 2011, p.43.

policy, from 1923 up until 1932.<sup>247</sup> In *Une relation unique*, Gillissen defends the idea that the Anglo-Irish relation evolved over the time. From 1641 on, it was that of an invader and of an invaded – let aside the question of Ulster. Such a relation resulted in animosity, as showed the recurrent clashes. Following the settling of English, Scottish and Welsh populations, it evolved towards a relation of an oppressor and of an oppressed. It must be noted that it was put into perspective by the British as that of a paternalistic relation, which they applied to most of their colonies and dominions. At the outcome of the Independence War, the Anglo-Irish Treaty was signed. With it, the Irish Free State and the United Kingdom were to experience the relation of an “international agreement between equals”<sup>248</sup> as Foster puts it. It is in that perspective that the *Cumann na nGaedheal* government tried to work towards. On the other hand, anti-Treaty elements considered the Treaty was putting Ireland as subdued to the United Kingdom, notably because of the dominion status. This opposition led to the Irish Civil War.

The economic relation between Ireland and the United Kingdom was maintained with Cosgrave’s government. Good relations between Ireland and Great Britain would be maintained during most of his mandate. The industrialisation of Ireland having taken place in Ulster, exchanges between the Free State and the UK remained based on agricultural products. Hence, the partition of the island had an economic consequence on the Free State. The link between Irish pasture farmer and the British market was maintained as such.<sup>249</sup> In fact, 98% of Irish exports went to the UK in 1924.<sup>250</sup> From a political point of view, the government of Cosgrave policy was banking on neutrality with other nations. In *Modern Ireland*, the author also states that representation abroad was important for the Irish Free State to establish its legitimacy overseas. As a conclusion, Foster analyses that policy and the subsequent declarations of politicians to show that it was a way of asserting the choice of agreeing with the Treaty.

Concerning the organisation of the party and its policy, we will base our study on the essay written by Mel Farrell “Cumann na nGaedheal organisation and policy” as well as the Chapter 21 of *Modern Ireland*, written by Foster, which focuses on the establishment of the Irish Free State. From 1923 to 1932, the task undertook by *Cumann na nGaedheal* was far from being easy. In a European context where far-right governments were rising and gaining credit amongst populations

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<sup>247</sup> Foster, Robert Fitzroy. *Modern Ireland, 1600-1972*. Penguin books, 1989, p.516.

<sup>248</sup> *Ibid.*

<sup>249</sup> *Ibid.*, p.522.

<sup>250</sup> *Ibid.*

going through economic depression, the first party to govern the Irish Free State succeeded to establish a state with “firm democratic foundations”.<sup>251</sup> Farrell states that the peaceful passing of power from the Cosgrave government to the de Valera government was in itself a democratic success. Considering the past relations of the two parties and the disagreement revolving around the Treaty such an application of democracy is to be noted and remembered. In *Modern Ireland*, Foster seems to agree with Farrell’s idea that *Cumann na nGaedheal* succeeded to keep radical movements away from power and links it to Collins’ heritage:

The framework of government, as well as its personnel, tended to militate against radical departures. It was conducted by means of carefully defined departments and a powerful, professional civil service, with a strong sense of its independence.<sup>252</sup>

Furthermore, in Farrell’s essay, the establishing of the Irish Free State authority over the twenty-six counties that composed it and its legitimisation was a success in itself. We will study here how the government has reached that success.

As a general feature, the governing of *Cumann na nGaedheal* was often being described as a strict and deeply conservative. The fact that the governing party was the largest political party in the *Dáil* and that there was no real opposition to it might have influenced its policy somehow, for its position in parliament eased its decision-making and the parliamentary process of legislation. In *Modern Ireland*, Foster considers that the lack of opposition in the *Dáil* led Cosgrave’s government to become an authoritarian one:

Though ‘liberal’ rights were ostensibly guarded in the constitution, the new government was certainly authoritarian; the regime showed its derivation from latter-day Sinn Féin, never unduly fastidious about democratic procedures.<sup>253</sup>

The authoritarian feature of the party was also expressed through its management of economics. In both “*Cumann na nGaedheal* organisation and policy” and *Modern Ireland* the old-age pension cut of one shilling a week in 1924 are used as examples of the “ruthless”<sup>254</sup> government of Cosgrave. Foster goes as far as describing the measures undertaken by the 1923-1932 government as “spartan”<sup>255</sup>, the unemployment and other labour benefits remaining at their minimal level. Yet, the author explains that these measures were an adaptation to the fiscal autonomy: “the resources of the

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<sup>251</sup> Farrell, Mel. “Few Supporters and No Organisation? *Cumann Na nGaedheal* Organisation and Policy, 1923-33” National University of Ireland, Oct. 2011, p.vii.

<sup>252</sup> Foster, Robert Fitzroy. *Modern Ireland, 1600-1972*. Penguin books, 1989, p.521.

<sup>253</sup> *Ibid*, p.519.

<sup>254</sup> *Ibid*.

<sup>255</sup> *Ibid*.

Free State could come nowhere near funding social expenditure at the levels set by imperial government since 1906”.<sup>256</sup> Here again, the undertaking of such measures was eased by the abstentionist opposition.<sup>257</sup> The harshness of life in Ireland and the consequences of its politics are to be taken in the context of the outcome of a Worldwide conflict. Even for the standards of poverty of the time, Foster states that life in Ireland were “exceptional”.<sup>258</sup> Facing autonomy, some politicians reacted to the starvation and the living conditions the population was facing by stating that “People may have to die in the country, and die through starvation”, such as Patrick McGilligan, a Free State minister. As Foster puts it, summing up the financial situation of the Irish Free State at its creation: “‘Independence’ had its price”.<sup>259</sup>

There were two main elements linked to the gaining of credit and of authority of the *Cumann na nGaedheal* government. First, its strong link to Gaelic culture. Its name, translated in English, means ‘the organisation / society of the Irish’. In “Cumann na nGaedheal organisation and policy”, Farrell uses Ciara Meehan’s work and links it with *Cumann Lúthcleas Gael*, which can be translated as ‘the Gaelic Athletic Association’.<sup>260</sup> Collins and Griffith strongly believed in the role of culture to bring back Irishness to the front of the issues in Ireland, and so to establish the sovereignty of the Irish people, and that before the drafting of the Treaty that divided the Republicans. With the governing of *Cumann na nGaedheal*, Collins and his successor Cosgrave tried to enforce “public modes of ‘Irishness’”<sup>261</sup>, as Foster puts it. The author states that those public modes of Irishness were also motivated by the will to go against the accusations of the selling out of a separatist republic at the outcome of the Anglo-Irish Independence War. Since it was on that very subject that the Civil War was fought upon, Foster considers that it was a continuance of the conflict.

The role of religion is to be taken into consideration in the establishing of the Free State. In fact, Collins and Griffith had established a strongly Gaelic and Catholic vision of Ireland. The nuances of Irishness were denied. The role of the Church in education was to be preserved. Therefore, the Protestants in Southern Ireland were not for so much threatened, neither was their culture. In the third part of *In a Free State Modern Ireland*, Foster states that they were

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<sup>256</sup> Foster, Robert Fitzroy. *Modern Ireland, 1600-1972*. Penguin books, 1989, p.519.

<sup>257</sup> *Ibid.*

<sup>258</sup> *Ibid.*

<sup>259</sup> *Ibid.*, p.520

<sup>260</sup> Ciara Meehan, *The Cosgrave party: a history of Cumann na nGaedheal, 1923-33* (Dublin, 2010), p. 8.

<sup>261</sup> Foster, Robert Fitzroy. *Modern Ireland, 1600-1972*. Penguin books, 1989, p.519.

constitutionally protected and they were “awarded weighted representation in the Free State Senate”.<sup>262</sup> Foster dedicates a whole part on the dealing with religion of the Irish Free State when it was being led by Cosgrave.<sup>263</sup> In that part of the chapter, Foster reminds us that the Constitution of the Free State – drafted out of the Anglo-Irish Treaty - had not named any Church as Church of the State in a tradition of separation between the State and the religion. Therefore, the building of the constitution itself involved intervention of bishops, so as to get the Roman Church on the side of the government. The extent of the Roman Church power was such that the new regime followed Catholic lines by divorce was excluded, birth control outlawed, and there was conditioning on children of mixed marriages. Still on a cultural point of view, the use of Irish history and the relation with external culture are important elements to the establishing of the Irish Free State. In fact, in order to establish that State, the uniqueness of Irish identity was exploited by Cosgrave, as following Collins’ ideals and beginning of governing.

After the signing of the Anglo-Irish Treaty, the Republican opposition blamed the government to have wasted the opportunity to establish an Irish Republic. By doing so, the contesters were putting themselves in situation where the choice was taken away from them, and claimed that they would have done better. Yet, the drafting of the final features of the Treaty and its signing were imposed to the Irish delegation. The negotiations had reached a deadlock and the British government pressured the delegation to sign the Treaty. Furthermore, the British government was trying to bring the Irish Free State amongst other sovereign state so as to first get rid of their image of a dominion. Even after the loss of Collins and Griffith, who led the *Cumann na nGaedheal* party and gathered its elements, Cosgrave managed to establish friendly relationship between the United Kingdom and the Irish Free State. Also, the status of dominion in the British empire changed with the Irish case. Because of the worldwide context, the Great War, the Great Depression and the Irish crisis, the British government improved its relations with the dominions and colonies of the Empire. If the signing of the Treaty delayed the establishment of a Republic in Ireland, it fastened the establishment of sovereign states in the Empire. As a conclusion, Cosgrave’s government was working out Collin’s conviction that the Treaty gave Ireland the means to achieve its full independence.

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<sup>262</sup> Foster, Robert Fitzroy. *Modern Ireland, 1600-1972*. Penguin books, 1989, p.533.

<sup>263</sup> *Ibid*, pp.532-35.

### *B. De Valera & Fianna Fáil: turning down the Treaty*

From 1926 to 1948, the *Fianna Fáil* and Eamon de Valera were indivisible. In fact, the USA-born Irishman, who was the only survivor of the Easter Rising, was its founder and its leader. With his political party, he would be at the head of the government of the Irish Free State from 1932 to 1948, and then President of the Republic of Ireland from 1959 to 1973. In this dissertation, we will not study the mandates of de Valera as President of the Republic since it is not included in the period we study. The political features of the *Fianna Fáil* were the holding of revolutionary ideals, including the establishment of a Republic for the whole of Ireland, and the focus on the political and parliamentary means to reach its goal. In this subpart, we will thus study de Valera's mandates as Head of the Executive Council, from 1932 to 1937, and as *Taoiseach* from 1937 to 1948. His time in office being for the most dedicated to the taking down of the Treaty, we will study this particular part.

In *Ireland in Conflict*, Foster develops the idea that the General Elections of 1932 were a “fundamental test of the democratic structure of the Free State”.<sup>264</sup> In fact, the losing party of the Civil War – the anti-Treatyites – obtained a majority in the *Dáil*.<sup>265</sup> This test is explained in *Une relation unique*, where the flaws of the previous leading party and the worldwide context are described. Before the 1932 GE, *Cumann na nGaedheal* was stagnating. Political and social dissatisfaction were rising in the Free State. Furthermore, the death of Arthur Griffith and Michael Collins in 1922 and of O’Higgins in 1927 were severe blows on the image and on the motivations of the party. Those three figures represented the ideals of *Cumann na nGaedheal*.<sup>266</sup> The democracy test in the Irish Free State did not stop with the election of a Republican political party. In fact, the opposition that resulted from it was just as strong as it. Indeed, out of the 1933 defeat, *Cumann na nGaedheal* and the National Guard joined forces so as to establish a strong opposition in parliament. Out of this union was created *Fine Gael*. The party became the second main political party of the Free State.<sup>267</sup> Facing *Cumann na nGaedheal*, de Valera imposed himself as a moving object, aiming at its objectives with determination, hence contrasting with the inertia of Cosgrave’s government.

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<sup>264</sup> Fraser, Thomas G. *Ireland in Conflict 1922-1998*. Routledge, 2000, p.18.

<sup>265</sup> *Ibid.*

<sup>266</sup> Gillissen, Christophe. *Une relation unique: Les relations irlandais-britanniques de 1921 à 2001*. Presses universitaires de Caen, 2013, p.73.

<sup>267</sup> Fraser, Thomas G. *Ireland in Conflict 1922-1998*. Routledge, 2000, p.18.

However, de Valera's objectives are nuanced in *Ireland in Conflict*, where it is stated that the leader of *Fianna Fáil's* revolutionary instincts were "political rather than social or economic: Economic he barely understood, seeing Ireland as an agrarian society rather than one which needed to respond to the forces of industrialization".<sup>268</sup> The nature of his objectives were overall constitutional. At the heart of his program laid the taking down of the Anglo-Irish Treaty. The reasons for his election were nuanced since the program of *Fianna Fáil* did not answer to the demand of improving the living conditions of the working-class. This issue had not been answered to with the Cosgrave government either. This failure was considered as responsible for the loss of credit of *Cumann na nGaedheal*.

As an introduction to "Part IV: The Partitioned Island, 2. The ascendancy of de Valera" - *Ireland since the Famine*, Lyons exposes us to the two main forms of de Valera's "assault".<sup>269</sup> First, the removal of the Oath of Allegiance from the Constitution and the suspension of land annuities paid to Great Britain.<sup>270</sup> In *Une relation unique*, Gillissen states that de Valera was aiming at normalising the relations between the United Kingdom and the Free State under the condition of repair for injustices committed towards the Irish people. Those relations would take the form of an external association.<sup>271</sup> Concerning that objective, Lyons reveals that the Secretary of State for the Dominions – J.H. Thomas – feared that the "disavowal of financial obligations"<sup>272</sup> was hiding something bigger than a readjustment of Anglo-Irish relations. In a more explicit way, it is the "settlement so painfully reached in the Treaty"<sup>273</sup> that Thomas considered was threatened. Lyons uses Thomas's vision of the goals of de Valera to depict them with an external point a view. It thus brings us a clear idea of the flaws and of the dangerous features of de Valera's ambitions. Thomas expressed the fear of the coming back in power of the "intransigent republican of 1922"<sup>274</sup> because it would be a "direct threat to the whole basis of the settlement so painfully reached in the Treaty".<sup>275</sup> Yet, de Valera was limited in its actions by Irish politics. Therefore, the Oath and annuities questions

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<sup>268</sup> Fraser, Thomas G. *Ireland in Conflict 1922-1998*. Routledge, 2000, p.17

<sup>269</sup> Lyons, Francis Stewart Leland. *Ireland since the Famine*. Fontana Press, 1973, p.511.

<sup>270</sup> *Ibid.*

<sup>271</sup> Gillissen, Christophe. *Une relation unique: Les relations irlando-britanniques de 1921 à 2001*. Presses universitaires de Caen, 2013, p.121.

<sup>272</sup> Lyons, Francis Stewart Leland. *Ireland since the Famine*. Fontana Press, 1973, p.511.

<sup>273</sup> *Ibid.*

<sup>274</sup> *Ibid.*

<sup>275</sup> *Ibid.*

were to be followed by other constitutional and fundamental questions. De Valera represented a threat to the Treaty and to Anglo-Irish relations.<sup>276</sup>

For de Valera, the Oath represented an obstacle to the expression of the will of the people and the Constitution. It belonged to the people and was a means of expression for it. Furthermore, de Valera described it as a “relic of medievalism and an intolerable burden”.<sup>277</sup> De Valera also used the context in which it was signed and the threat that had been emitted against the Irish delegation by the British to discredit it. Finally, de Valera wanted to show that the Oath was not mandatory. A meeting between de Valera and Thomas took place in an attempt to reach an agreement. During that meeting, de Valera expressed his objective: the unity of the country, the recognition of Ireland as a republic, some form of association with the Commonwealth, and finally, the recognition of the King as head of the association. It was not much different from the ideas expressed in Document No.2, which he had emitted a few days after the declaration of the Anglo-Irish Treaty.<sup>278</sup> Concerning his objective, de Valera also stated that it would hardly be reachable and that he had understood it during the 1932 elections. Hence, he focused his attention on removing the Oath and deleting from the Constitution Act and from the Constitution itself the provisions which had made the Treaty a part of the Irish municipal law. Furthermore, de Valera’s personal past worried the British officials, considering he might represent a weighty danger.<sup>279</sup> During the electoral campaign of 1932, de Valera’s program was not received positively, the parliamentary opposition as well as many newspapers denounced the *Fianna Fáil* leader and accused him of being a Bolshevik and a dangerous revolutionary.<sup>280</sup> De Valera’s plan to repudiate the Oath and the Land Annuities was to show that the Constitution defined after the Treaty was in fact modifiable if the people wanted to modify it. Since the sovereignty of the people is stated in the quoted Constitution, de Valera’s argument stands the line.

The removal of the Oath of Allegiance was one of the most important features of the *Fianna Fáil* program of 1932. It was just as important for de Valera on a personal level. In fact, it was this particular point of the Anglo-Irish Treaty that moved him to not recognise the Treaty as a valid authority, to not enter the *Dáil*, and so to “precipitate”<sup>281</sup> the Civil War. Furthermore, it led to his

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<sup>276</sup> Lyons, Francis Stewart Leland. *Ireland since the Famine*. Fontana Press, 1973, p.511.

<sup>277</sup> *Ibid*, p.512.

<sup>278</sup> *Ibid*, p.512.

<sup>279</sup> E. O’Halpin, “British Intelligence and Anglo-Irish Relations 1932-3”, in *Irish Foreign Policy*, M. Kennedy and J. Morrison Skelly, Dublin, Four Courts Press, 2000, pp.62-63.

<sup>280</sup> D. Keogh, “De Valera, the Catholic Church and the “Red Scare”, 1931-1933”, in *De Valera and His Times*, J.P. O’Carroll and John A. Murphy, Cork, Cork University Press, 1986, pp.134-159.

<sup>281</sup> Gillissen, Christophe. *Une relation unique: Les relations irlandais-britanniques de 1921 à 2001*. Presses universitaires de Caen, 2013, p.76.

imprisonment and his rule out of Irish politics from 1919 to 1926. His personal views on the Oath of Allegiance were to enter in conflict with the ideals of Thomas. The stakes of the Oath of Allegiance and the reaction of London will be studied here, for it is part of the policy of *Fianna Fáil* from 1932 until its repeal. In the end, it was also de Valera's authority and credit that was put into the game with the statement of his will to repeal the Oath. In fact, Gillissen reminds us that his strong refusal of taking the oath was followed by a sudden turnaround before his election, which was not quite understood by the public and endangered the worth of his word.<sup>282</sup>

When de Valera was named President of the Cabinet in March 1932, he was also named responsible for the budget of External Relations, hence giving him full control of the relations with London.<sup>283</sup> In *Une relation unique*, it is stated that this kind of procedure was common in the British dominion, but had not been done before in the Irish Free State.<sup>284</sup> Gillissen also studies the repeal of the Oath of Allegiance through the exchanges between Thomas and de Valera. On March 22, 1932, de Valera undertook the offensive against the Oath by contacting Thomas to inform him of his intention to repeal the Oath.<sup>285</sup> He justified his will – and ability – to repeal that part of the Constitution by stating that the Oath was an internal affair to the Free State and that the authority to repeal it or to maintain it lied in the opinion of the Irish government and of the Irish people. The approval of London was not required. Furthermore, he described the Oath as “an intolerable burden, a relic of medievalism”<sup>286</sup> when Thomas argued that it was a formal agreement between the British and the Irish government was being called into question. De Valera's timing was on point. A year before his election, the Statute of Westminster had been announced, giving legislative independence to the dominions. In April 1932, the Constitution (Removal of the Oath) Bill was passed in the lower house of the Irish parliament. It would be blocked by the Senate. Thomas had thus to intervene by meeting de Valera, whom he visited with the British Minister of War so as to put pressure on him and make him re-think his decision. There was no considerable effect on de Valera's mind. Indeed, as Gillissen puts it, another dimension was added to the debate with the suspension of land annuities. This decision, more concrete than the Oath, triggered the Economic War between Ireland and Great Britain. On the 3<sup>rd</sup> day of May 1933, the Oath was removed from the Irish Free State Constitution.

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<sup>282</sup> Gillissen, Christophe. *Une relation unique: Les relations irlando-britanniques de 1921 à 2001*. Presses universitaires de Caen, 2013, p.76.

<sup>283</sup> *Ibid*, p.75

<sup>284</sup> *Ibid*.

<sup>285</sup> D. Keogh, “Profile of Joseph Walshe, Secretary, Department of Foreign Affairs, 1922-46”, *Irish studies in International Affairs*, vol.III No.2, 1990, pp.71-72.

<sup>286</sup> Quoted in A. Mitchell and P. Ó Snodaigh, *Irish Political Document, 1916-1949*, p.195.

The veto of the Senate over it had expired. With the passing of the Bill, the allegiance to the Crown was taken down. In the same way as Thomas' fundamental Imperial ideals were ignored.

In about a year, de Valera had succeeded to overcome pressure from London to remain part of the paternalistic vision of the Anglo-Irish relation. Furthermore, he had used at its best the contradictions between the Statute of Westminster and the Treaty. Gillissen goes as far as comparing the roots of the opposition between Thomas and de Valera. Indeed, de Valera asked for the answer to legit request of a sovereign state. Thomas, on the other hand, wanted Dublin to remain loyal to the head of the Empire. The question of the oath showed two opinions that diverged and over which no compromise could be found. Even though the Oath of Allegiance did not represent an important feature to the public any longer Ireland was one step closer to complete independence. The legislative process was also freed from a part of the Crown's authority. It is what will define the *Fianna Fáil's* policy towards the Treaty. Their method was indeed a step-by-step one. Military action had no place any longer in its policy, being replaced by legislative deeds. The next step towards independence was actually undertaken in parallel to the taking down of the Oath with the lift of the Land Annuities. Yet, *Fianna Fáil* did not stumble for so little.

From 1932 until 1938, Southern Ireland was to experience profound Constitutional and legislative changes. During de Valera's first year as *Taoiseach*, he got rid of the post of Governor General. Yet, the removal of all the constitutional and legislative British presence in the Free State would not be limited to the annihilation of the Governor General post. Getting rid of the Executive power embodied in the Crown and the GG was a major step to the reaching of de Valera's goal, since it brought further independence to the State. We will study those point after the study of the second main action of de Valera during his mandate: the lift of the Land Annuities.

Quoted from *Une relation unique*, we have seen before that alongside his nomination as *Taoiseach*, de Valera had obtained the responsibility for the budget of External Relations. It is that post that allowed him to lift the Land Annuities. Gillissen reminds us that this action was part of the 1932 *Fianna Fail* program, hence showing its foreseeable nature.<sup>287</sup> Those annuities had been established in 1920 in the Government of Ireland Act. De Valera's method to denounce it and to justify its lift was to quote the Act parts where the annuities are said to be due to the Northern and Southern Irish

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<sup>287</sup> Gillissen, Christophe. *Une relation unique: Les relations irlando-britanniques de 1921 à 2001*. Presses universitaires de Caen, 2013, p.136

governments. Furthermore, the tripartite agreement of 1925 had lifted all obligations to pay those annuities. Here, we will not discuss the debate over the legitimacy of the annuities. Yet, it must be remembered that the Economic War would be declared, hence composed of financial taxation from one party to the other and negotiations between the two governments. It would animate the background of Anglo-Irish relations from 1933 until 1938, with the 1938 Anglo-Irish Agreement, which settled the question. Beyond the halt of economic sanctions from one side to the other, the Agreement enabled Southern Ireland to remain neutral during the Second World War, having retrieved the three ports occupied by the British Forces since the Treaty.<sup>288</sup> To put it in a nutshell, the two main consequences to the Anglo-Irish Economic War was the “modification of the pattern of trade” between the two nations and the establishment of “more tangible” custom posts.<sup>289</sup>

In the making of a Republic, the establishing of a strong and efficient legislative process is essential. De Valera knew it well and applied it to his policy towards the Treaty. In fact, he got rid of all British influence in the Free State legislative body, starting with elements part of the Constitution. In 1922, the Constitution had established the legislative as ruled by a lower and an upper house of parliament: The House of the *Oireachtas* and the Senate. The first was elected by the people and the second was composed of 60 Senators, a half of it were elected, the other half were nominated by the President of the Cabinet. Each Bill passed in both Houses had to be awarded of a Royal Assent, given by the Executive representative of the Crown: The Governor General. In *Une relation unique*, Gillissen shows that the Republican tradition was applied to de Valera’s policy through the modification of the legislative body. In fact, the Senate was judged conservative – and some went as far as stating that it was undemocratic because of the veto of 270 days the house could apply on any Bill. Hence, its suppression was considered by the government. By doing so, de Valera would have the way open to pass the Constitution he had started working on in 1935<sup>290</sup> and would get closer to the Republican tradition that stated that a representative House was enough to build a legislative body, hence giving power to the people.<sup>291</sup> Yet, the main criticism towards the unicameral parliament emitted from London was that it went against the measures undertook with the Treaty

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<sup>288</sup> Fraser, Thomas G. *Ireland in Conflict 1922-1998*. Routledge, 2000, p.19.

<sup>289</sup> *Ibid.*

<sup>290</sup> *Ibid.*

<sup>291</sup> Gillissen, Christophe. *Une relation unique : Les relations irlando-britanniques de 1921 à 2001*. Presses universitaires de Caen, 2013, p.81.

and the Constitution of 1922 to protect the Protestant minority in the Free State. Other than that, there was little response to that particular measure.<sup>292</sup>

As a conclusion to this subpart, we shall study the declaration of the Constitution in 1937. However, before studying the document itself, we must focus our attention on elements that were to open the way for de Valera's constitution. In fact, in November and December of the year 1936, the Royal Family went through a crisis. George VI was to succeed Edward VIII, who was willing to marry a commoner.<sup>293</sup> The problem with the abdication of Edward VIII was that he would remain the Crown authority in Ireland, hence creating some sort of contradiction. To that situation the British Cabinet struggled to find a solution, and out of it de Valera tried to bargain British support for the unification of Ireland.<sup>294</sup> De Valera, taking advantage of the chaos that had seized British politics introduced two acts. The Constitutional Amendment Act and the External Relations Act. The first "removed the monarch from the constitution",<sup>295</sup> the second "retained the symbolic role of the monarchy in foreign relations".<sup>296</sup> In *The Unresolved Question*, Mansergh paraphrases de Valera's intervention in Dáil when introducing those two acts. First, he states that de Valera's decision-making process was influenced by the activity of the British Cabinet, which was oriented on the succession question rather than on the Irish question. So as to avoid confusion resulting from inaction, de Valera decided to act. Yet, he reminded the attendance of the *Dáil* that the succession itself was none of his concern. So as to conclude his analysis of de Valera's speech and decision, Mansergh states that: "Convenience and logic had been minor casualties of royal impetuosity. That meant in the Irish case that the determination of external relations had to come before the constitution was in final form".<sup>297</sup> Thanks to the unicameral parliament, legislation was made easier. In two days, the two laws were passed.<sup>298</sup> Following the passing of those two acts, Gillissen states that the Free State had become a Republic on the paper, as quoted in *Une relation unique*:

So as long as Saorstát Éireann is associated with the following nations, that is to say, Australia, Canada, Great Britain, New Zealand and South Africa, and so long as the King recognized by those nations as the symbol of their cooperation continues to act on behalf of each of those nations (on the advice of the several governments thereof) for the purposes of the appointment of diplomatic and consular representatives and the conclusion of international agreements, the King so recognized may, and is hereby

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<sup>292</sup> Gillissen, Christophe. *Une relation unique : Les relations irlandais-britanniques de 1921 à 2001*. Presses universitaires de Caen, 2013, p.82.

<sup>293</sup> *Ibid.*

<sup>294</sup> *Ibid.*, p.83.

<sup>295</sup> *Ibid.*

<sup>296</sup> Fraser, Thomas G. *Ireland in Conflict 1922-1998*. Routledge, 2000, p.19.

<sup>297</sup> Mansergh, Nicholas. *The Unresolved Question: The Anglo-Irish Settlement and Its Undoing 1912-72*. Yale University press, 1991, p.83.

<sup>298</sup> *Ibid.*

authorized to, act on behalf of Saorstát Éireann for the like purposes as and when advised by the Executive Council so to do.<sup>299</sup>

The Constitution of 1937 was the climax of de Valera's struggle against the Anglo-Irish Treaty. It was the finalisation of his project. The External Relations Act and the Constitutional Amendment Act had opened the way for the declaration of a new Constitution. De Valera had started writing the constitution in 1935, and it is stated in *The Unresolved Question* that he took care of its writing on his own. Asking for preliminary drafts and bilateral exchanges between the President and members of the Irish Catholic Church were de Valera's only interaction with an external point of view. Mansergh also specifies that there were no conference nor committee for discussion or debate over the drafting and the content of the constitution.<sup>300</sup> Furthermore, de Valera's final work is easily comparable to the Document n°2, which he had proposed as an alternative solution to the Anglo-Irish Treaty. Both documents were radically Republican. But, the context in which the Constitution was written and declared were in no case similar to the Treaty and the Constitution of 1937, as Mansergh shows. The Treaty applied two constitutions to the whole of Ireland. It was drafted for a dominion, in theory, by a committee and then submitted to the British government. De Valera's constitution declared a sovereign independent democratic state and was drafted by him. It made British approval an intrusion to the business of a sovereign state.<sup>301</sup> The motivations of de Valera to draft a new constitution were that the modifications the 1922 Constitution had undergone made it less coherent. Also, the implication of the British government in its drafting went against the idea of Irish sovereignty. As Gillissen puts it in *Une relation unique*, it would be the centrepiece of his whole policy with *Fianna Fáil* in government since 1932. Gillissen also states that the declaration of Constitution broke away from the Treaty, which was associated with his infamous role in the Civil War. It would be a way for de Valera to "justify his controversial role in that war".<sup>302</sup>

What moved de Valera to establish a new Constitution was the lack of coherence and of unity of the 1922 Constitution. The *diktat* feature of the document also influenced his will to draft it. In the constitution of 1937, the unity of Ireland is one of the most important points. De Valera's will to abolish partition is expressed in the very introduction of the document. He then establishes

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<sup>299</sup> Quoted in Gillissen, Christophe. *Une relation unique*. Marx, Roland. 'La Monarchie et Le Problème Irlandais, 1912-1937'. *Revue Française de Civilisation Britannique*, vol. VII, no. 4, 1984, pp. 31-46.

<sup>300</sup> Mansergh, Nicholas. *The Unresolved Question: The Anglo-Irish Settlement and Its Undoing 1912-72*. Yale University press, 1991, p.299.

<sup>301</sup> *Ibid.*

<sup>302</sup> Gillissen, Christophe. *Une relation unique: Les relations irlando-britanniques de 1921 à 2001*. Presses universitaires de Caen, 2013, pp.84-85.

the constitution over the whole of Ireland in the second article. He tries to force the unification of Ireland and the application of the constitution in Northern Ireland. By doing so, he makes the discredits both the Northern parliament and the Northern government and makes them irrelevant. However, in the 26<sup>th</sup> article, de Valera abandons his Republican aspirations and limits the jurisdiction of the government to *Saorstát Éireann* and its 26 counties. Here, we can see that de Valera plays with the Republican ideals whilst using of his pragmatism. Hence, if the ideals failed to be reached, pragmatic points remained applicable. Furthermore, he satisfies his Republican supporters and follows the Republican line of his political party. With the constitution, de Valera had put another level to the Irish situation. He questioned the legitimacy of both governments and parliaments. Which of them was more legitimate to exercise its authority?

With the new Constitution, the governing system changed in the Free State. Since there were no longer allusions to the Crown and to the authority of the United Kingdom, an Executive body was to be established. It was embodied in the President, *Uachtarán hÉireann* who shall have “precedence over all other persons in the State”.<sup>303</sup> With the head of the Executive body being elected amongst the Irish people, the Irish people was sovereign under the 1937 Constitution. The idea that the 1937 Constitution declared a Republic in all aspects excepted for the name was that a President is commonly known as at the head of a Republic – from a state-nation perspective. With the creation of the post of President, the Free State became a Republic, inofficiously. Then, the legislative body retrieved a form similar to that of the 1922 Constitution. It is constituted of two Houses and is called the *Oireachtas*. The lower House, the *Dáil Éireann*, and the upper house, the *Seanad Éireann*, are submitted to the Constitution, so as to avoid overuse of powers. Proportional Representation was maintained.

The Constitution of 1937 had an important impact on Irish politics and culture. It established the right to vote for all people of 21 of age, without distinction of sex. Therefore, its strong Catholic influence issued from de Valera’s own conviction and of the intervention of the Catholic Church in the drafting of the document was criticised. First, the Catholic Church was recognised as the “guardian of faith professed by the great majority of citizens”<sup>304</sup> and of “the Church in Ireland, the Religious Society of Friends in Ireland as well as the Jewish Congregations”.<sup>305</sup> Protestants were afraid by the fact that Catholicism represented a majority and that they were a minority but nothing

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<sup>303</sup> *Constitution (Consequential Provisions) Act*. Vol. 40, 1937,

<sup>304</sup> *Ibid.*

<sup>305</sup> *Ibid.*

in the constitution seems to threaten them in any way since personal and religious rights were preserved. It was indeed the situation of women that was rather endangered for divorce and abortion were forbidden. In fact, women were put as responsible of the household and that their role was that of a wife and of a mother, hence diminishing their role and liberties as citizens and workers. It was indeed the Roman Catholic vision of women that was applied to the 1937 Constitution, hence applying a religious dimension and authority to the state. This point was criticised by London, which had established a fair representation of each religious profession with the Treaty and was intending on maintaining protection over the Protestant population in Southern Ireland.

The Constitution was passed under the 1937 GE, on the 1<sup>st</sup> of July. Voting for *Fianna Fáil* corresponded to voting in favour of the Constitution. Voting for the opposition was thus received as a 'No'. The results of this election are not to be understood as a simple opposition and acceptance. In fact, 57% of the electorate voted in favour of the constitution. They were not necessarily supporters of the *Fianna Fáil* party. Part of the 43% of the electorate who voted against it were not refuting or disagreeing with the constitution. But, the fact that the partition was not ended with it was an argument refuting the authority of the Republic. It led many of the most radical Republicans to vote against the Constitution. With the Elections of July 1937, the Free State became *Eire* and de Valera was elected its President. At the outcome of the debate over the 1937 Constitution, the neutrality of *Eire* stated in it would be challenged with a new international conflict. With that neutrality, it is the credit and legitimacy of de Valera's constitution that would be challenged, just as much as the legitimacy of *Eire* as a sovereign state.

### *C. Costello & the Coalition Government (1948-1951)*

By the end of the Second World War, the relations between the British government and the Irish government were much different than what they were at the beginning of the conflict. The neutrality of the *Éire* in the conflict raised several questions amongst the British, as well as concerning the constitutional status of the State. On the other hand, Northern Ireland had once again proved its loyalty towards the Crown by engaging as part of the United Kingdom against the forces of the Axis. However, the position of *Éire* worried the British government. In *Ireland in Conflict* it is underlined that Ireland had a strategic importance to the British. In fact, it has been said before that three ports were kept under the control of the British forces after the signing of the Anglo-Irish Treaty. During the Second World War, those ports were retrieved to *Éire*. Those ports, close to

Great Britain, were susceptible of being attacked or invaded by the German forces. Furthermore, it is well-known that in the Art of War, intelligence and observations are key elements to gain ground, battles and information on the enemy. Since the Southern Irish ports were not sheltering any British forces, the German U-boats could get close to the coasts of Great Britain. Ireland was indeed an important blind spot to the British Navy. Also, the British were put in a situation where any boat could be sunk by those U-boats. They were powerful submarines that caused ravages amongst the civilian and commercial navy. Those submarines were also threatening the British forces settled in Northern Ireland. On a more political level, Eamon de Valera's relations with the German ambassador Eduard Hempel, as well with the Japanese made the British unsure of the Free State's intentions. However, it is stated in *Bombs over Dublin* that those relations, especially with the German ambassador, were more of gentlemen relations than anything else.<sup>306</sup> Furthermore, the Irish Republican Army was still fighting a civil war, according to Sean McMahon. Hence, in a similar spirit to that of the IRB and its armed coalition, supporting the enemy of the British was a way of promoting the question for total independence and for the declaration of a Republic.<sup>307</sup> The Second World War having put in practice some of the features of the Treaty concerning *Éire's* neutrality showed the changes that were affecting Ireland. With the constitutional actions undertaken by De Valera to take down the Anglo-Irish Treaty, the way towards the declaration of the Republic was closer than ever. Therefore, with the Anglo-Irish Economic War and the External Associations that resulted from it, major obstacles remained on the path towards the quoted Republic. We will thus study the final obstacles to the Declaration of the Irish Republic in this part.

After the Second World War, a new political party was created in Ireland: *Clann na Poblachta*. In June 1946, Sean MacBride introduced it to the Irish political landscape. The name MacBride was no stranger to Irish politics. In 1916, John MacBride took part in the Rising, and would be executed. Mme Maud Gonne MacBride had inspired Yeats' *Cathleen ni Houlihan*. John and Maud Gonne MacBride were the parents of Sean MacBride, a Dubliner barrister, former leader of the IRA and the founder of *Clann na Poblachta*.<sup>308</sup> Hence, MacBride, having the advantage of

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<sup>306</sup> McMahon, Sean. *Bombs Over Dublin*. Currach Press, 2009, p.30.

<sup>307</sup> *Ibid*, p.10.

<sup>308</sup> Mansergh, Nicholas. *The Unresolved Question: The Anglo-Irish Settlement and Its Undoing 1912-72*. Yale University press, 1991, p.83.

being known to the public and respected by it – partly thanks to his name and his own career – was a considerable threat to de Valera’s government.

When introducing the new party to the reader, Mansergh puts it in the same position as the emerging Republican Irish parties under the mandates of *Clann na Poblachta*. Those parties introduced themselves as “sea-green incorruptible”,<sup>309</sup> hence contrasting with the corrupted government they denounced and tried to go against. Hence, Mansergh was describing the party as not ground breaking to the Southern Irish politics. Beyond the criticism of the government, which was led by de Valera and *Fianna Fail* at the moment of the creation of *Clann na Poblachta*, the link with the Commonwealth and the partition were brought back to the front of the debates by MacBride and his party.<sup>310</sup> In *Une relation unique*, Gillissen explicates MacBride’s goal by saying that he was aiming at ending the External Relations Act of 1936, which would eventually break the link between the Free State and the Commonwealth, and at ending the partition of Ireland.<sup>311</sup> It is also stated in *The Unresolved Question* that this question was more of a concern for the political parties rather than for the public. From that statement, we can consider that the situation of Ireland and its relations with the Commonwealth and the United Kingdom was settled in the general Irish opinion.

*Clann na Poblachta* alone could not take down the *Fianna Fail* government and get to the power. Hence, alongside *Fine Gael*, led by Richard Mulcahy, an overall majority was obtained during the General Elections of February 1948. The stakes of the coalition government were really high and put Irish politics of the 20<sup>th</sup> century in a situation it had never experienced before. A split in Republicanism was threatening the government. The questions MacBride raised with his party did not trigger the same reactions in every part of the coalition, and at the same time an opposition of the greater importance was facing the new government. The unity of the coalition was the key to the success. In fact, even though de Valera and the *Fianna Fail* had lost the general election, de Valera lost the nomination to the post of *Taoiseach* by 75 by 70 votes. The tight result shows the importance of de Valera in Irish politics. Furthermore, *Fianna Fail* still remained the largest party in the *Dáil*, hence explaining the need for a solid coalition to reach the government.

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<sup>309</sup> McMahon, Sean. *Bombs Over Dublin*. Currach Press, 2009, p.30.

<sup>310</sup> Mansergh, Nicholas. *The Unresolved Question: The Anglo-Irish Settlement and Its Undoing 1912-72*. Yale University press, 1991, p.83.

<sup>311</sup> Gillissen, Christophe. *Une relation unique: Les relations irlandais-britanniques de 1921 à 2001*. Presses universitaires de Caen, 2013, p.117.

After the defeat of de Valera, Costello was nominated *Taoiseach*. The favourite for the election of *Taoiseach*, Mulcahy, would accept a “second-line post as Minister of Education”.<sup>312</sup> Hence, the *Fine Gael* party leader would not become *Taoiseach*. The question of the nomination of Costello as *Taoiseach* is to have found its answer in long-dating bitterness between members of the coalition party. In fact, MacBride, who had triggered the movement of reform against the *Fianna Fail* party had disagreed to be part of a government led by Mulcahy, for whom he had conserved bitterness that dated back from the Civil War, as stated in *Une relation unique*.<sup>313</sup> Concerning the political program of the coalition party, changes were observed following disagreements between the parties involved. In fact, the question of Irish implication in the Commonwealth arouse disagreements between its members, and especially those of *Fine Gael*. In Gillissen’s book, the enthusiasm and the strength of the maintaining of Ireland’s membership in the Commonwealth was so important that MacBride was forced to let go that specific question, so as to not arise conflict in the coalition.

So as to emphasize the fact that Ireland was bound to remain part of the Commonwealth with the newly elected government, Gillissen adopts the British point of view. Hence, he states that the British government had no reason to fear the exit of the Southern Irish State from the Commonwealth since there had been no consultation nor communication about that subject from Dublin to London.<sup>314</sup> Furthermore, the exchanges related in *Une relation unique* between the members of the Irish and the British government are said to have been friendly.<sup>315</sup> As an example of those exchanges, Gillissen uses Attlee’s *As It Happened*, where it is stated by the British Premier that the Anglo-Irish relations had never been friendlier.<sup>316</sup> By demonstrating the improvement of the Anglo-Irish relations after the Second World War, Gillissen shows that Costello’s declaration was unexpected. However, the situation is to be nuanced. Even though Attlee had expressed his growing sympathy towards the Irish government – which, for MacBride went as far as wishing to put an end on the partition of Ireland –<sup>317</sup> he was not the only element to compose the British government. Hence, at the end of the “La proclamation de la République” - *Une relation unique*,

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<sup>312</sup> Mansergh, Nicholas. *The Unresolved Question: The Anglo-Irish Settlement and Its Undoing 1912-72*. Yale University press, 1991, p.324.

<sup>313</sup> Gillissen, Christophe. *Une relation unique: Les relations irlando-britanniques de 1921 à 2001*. Presses universitaires de Caen, 2013, p.118.

<sup>314</sup> *Ibid.*

<sup>315</sup> *Ibid.*

<sup>316</sup> C. Attlee, *As It Happened*, London, Heinemann, 1954, pp.159-160.

<sup>317</sup> S. Cronin, *Washington’s Irish policy*, p.201.

Gillissen reminds us that no achievement was made from the “unofficial summit because of some strong opposition from members of the British government”.<sup>318</sup>

In a context where the Anglo-Irish Treaty had been taken down in almost every point, the Irish Question was experiencing a new stage. Furthermore, the status of the states composing the Commonwealth was improving, as asserted by the presence of the Asian Dominions, India, Pakistan and Ceylon, represented the “most propitious of opportunities for the reappearance of Irish representatives in the innermost councils of the Commonwealth”.<sup>319</sup> Here, Mansergh justifies that statement by explaining that the enlargement of the Member-States in the Commonwealth was supposed to provide looser grouping in the Commonwealth, hence going from four states – those composing the United Kingdom – to worldwide grouping.

In the Southern Irish government, there was questioning over the connection between Ireland and the Commonwealth, for clarification from the government itself was needed. In Westminster as well, there was questioning over the Irish question. In fact, in 1947, the British Nationality Act was passed in Westminster, putting the Irish citizens in a situation where they were no longer subjects to the British government but were not foreigners either.<sup>320</sup> For MacBride, there was an important effort from Attlee’s government to reach Irish expectations which he described as “very serious efforts to meet our viewpoint... made by Mr Attlee’s Government”,<sup>321</sup> and the Act as “a vast improvement on the position that has existed hitherto”.<sup>322</sup> So as summarized by Mansergh in *The Unresolved Question*, MacBride views on Anglo-Irish disagreements did not lay in “outworn prejudice”<sup>323</sup> but in contemporary and concrete obstacles, such as the partition of Ireland, as well as in the misreading of the problems that seized Ireland from the British government, for they answered to issues with a short-sighted vision of the problem and demands. This criticism may be applicable to most of British colonial and foreign policy. As a conclusion to Mansergh’s study of MacBride

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<sup>318</sup> I. McCabe, *A Diplomatic History of Ireland, 1948-48: The Republic, the Commonwealth and NATO*, Blackrock, Irish Academic Press, 1991, pp.36-37.

<sup>319</sup> Mansergh, Nicholas. *The Unresolved Question: The Anglo-Irish Settlement and Its Undoing 1912-72*. Yale University press, 1991, p.326.

<sup>320</sup> *Ibid.*, p.327.

<sup>321</sup> *Ibid.*

<sup>322</sup> Dáil Deb. 20 July 1948, Vol. CXII, Col. 908.

<sup>323</sup> Mansergh, Nicholas. *The Unresolved Question: The Anglo-Irish Settlement and Its Undoing 1912-72*. Yale University press, 1991, p.327.

statements, he quotes the barrister's conclusion: "The Crown and outwards forms that belong to British constitutional history are merely reminders of an unhappy past that we want to bury, that have no realities for us and only serve as irritants".<sup>324</sup> To Mansergh, this sentence and MacBride's statements show that "the External Relations Act could not survive".<sup>325</sup>

Before getting into the study of Costello's declaration in Canada, which set off the declaration of the Republic of Ireland, we must study the External Relations Act current position in Southern Irish politics. This Act was passed under de Valera's government and intended on improving the Anglo-Irish relation, following the Economic War that seized Ireland and Great Britain. Under Costello's government, its status had changed. In fact, it is stated in *The Unresolved Question* that it had lost of its diplomatic function, having obtained a "symbolic status"<sup>326</sup> because of its survival over past confrontations. The Act was nonetheless unpopular and arouse conflict within the coalition government. When studying the last moments of the ERA, Mansergh shows that the Act was intended to be dealt with after the following elections – at least it was the goal of most of the elements of Costello's party. By doing so, they would avoid to lose their electorate and their inner cohesion, which has been said before to be crucial to the coalition government.

In order to show the status of the Act in 1948, Mansergh goes back on the vision de Valera, Maffey – a representative of the United Kingdom – Costello and MacBride. In 1948, Maffey considered that the ERA was the best compromise reachable. Yet, all the Irish members of the *Dáil* quoted before agreed on the flaws of the Act. De Valera – who had devised the Act with John Hearne – considered its repeal more judicious for its purpose was no longer served. MacBride was strongly opposed to the Act. Costello's vision of the Act and of de Valera's policy concerning the Treaty is quite more nuanced in Mansergh's study: he had recognised de Valera's process of bringing Irish political institutions into closer harmony with national sentiment through the linking out of the Commonwealth. On the other hand, he was "highly critical" of de Valera work on Eire's "new relationship with the Commonwealth".<sup>327</sup>

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<sup>324</sup> Dáil Deb. 20 July 1948, Vol. CXII, Col. 910.

<sup>325</sup> Mansergh, Nicholas. *The Unresolved Question: The Anglo-Irish Settlement and Its Undoing 1912-72*. Yale University press, 1991, p.327.

<sup>326</sup> *Ibid.*

<sup>327</sup> *Ibid.*, p.329.

It must be reminded that, even though we have found elements indicating the repeal of the ERA before the meeting in Canada, neither the Irish government nor the British government were expecting its announcement in such short times. Also, the timing of the announcement had not been studied by the Irish government. In fact, when Costello criticised the 1936 Acts and the ERA on the first day of September, during the Canadian Bar Association conference, the public was not expecting his declaration a few days later. The lack of cohesion amongst the members of the Irish government also shows that Costello's "Precipitate Pronouncement",<sup>328</sup> as Mansergh puts it, was broadly sudden. In *Une relation unique*, Gillissen shows that this declaration had not been planned and thought as it should have with the discourse of MacBride, Browne and Costello himself. Furthermore, the author states that the Irish Cabinet was not of one mind when it came to the conditions of the declaration and the communication with the British government.<sup>329</sup>

Let us go back on the declaration itself and on the context in which it was made. To do so, we will base our study on Gillissen's *Une relation unique*, where the conference and Costello's treatment is depicted in detail. First of all, the declaration is described as being a criticism of the Acts of 1936 – including the ERA – and a questioning over the Irish status of dominion within the Commonwealth. The subject of the conference was indeed about "Ireland in international affairs".<sup>330</sup> Here, those allusions were closer to questioning rather than an official statement. Gillissen puts the reader back into the context. Gillissen thus emphasizes the general surprise of the public when the repeal of the ERA was declared six days later. Beyond the repeal of the ERA, it is the proclamation of the Republic that had been stated by the *Taoiseach*. When facing back his ministers and members of the Cabinet, Costello is said to have apologised to his colleagues.<sup>331</sup> What led Costello to declare the incoming repeal of the ERA and the proclamation of the Republic of Ireland seem to have been his treatment by his host, the General Governor of Canada: Lord Alexander. Indeed, the Lord did not pay tribute to the Irish President, raising a toast only to the King – hence excluding Ireland from the Commonwealth. Concerning the question asked to the *Taoiseach* during the press conference of the 7 of September, it is said in *Une relation unique* that it came from a selective press release sent to the *Sunday Independent* by MacBride himself. Yet, Gillissen notes that this information has not been confirmed, excepted by the confident tone of the article that is supposed to have been published

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<sup>328</sup> Mansergh, Nicholas. *The Unresolved Question: The Anglo-Irish Settlement and Its Undoing 1912-72*. Yale University press, 1991, p.331.

<sup>329</sup> C. Attlee, *As It Happened*, London, Heinemann, 1954, p.190.

<sup>330</sup> Gillissen, Christophe. *Une relation unique: Les relations irlandais-britanniques de 1921 à 2001*. Presses universitaires de Caen, 2013, p.331.

<sup>331</sup> N. Browne, *Against the Tide*, Dublin, Gill & Macmillan, 1987, p.129-134.

after MacBride's release. It has been said before that the Irish government had not clarified the question of the association between Ireland and the Commonwealth. It is indeed depicted in Gillissen's part on Costello's declaration, where it is stated that even though the Taoiseach and MacBride had ensured that the Cabinet had been consulted and had agreed on the repeal of the Act, no written trace of such exchanges are to be found. This point is justified by MacBride's fear of British spying amongst the Irish ministership, which led to the excluding of the Cabinet secretary-general<sup>332</sup> who was replaced by a Chief Whip, whose lack of experience justifies the absence of the exchanges in question.<sup>333</sup> Gillissen conclusion on the question is that Costello and MacBride acted alone.

1948 is to be remembered as the year which saw polarisation lose of its importance in Southern Ireland. In fact, a coalition government was elected in the *Dáil*, relegating de Valera and *Fianna Fail* to the opposition, after having led Ireland for the past sixteen years, and breaking away from the dual opposition between pro-Treatyites and anti-Treatyites. Still concerning the polarisation, the British government and the Irish government got closer to friendly and understanding relations – as Attlee had put it. Furthermore, both Westminster and Whitehall hosted new political parties as overall majorities: the coalition government including *Fine Gael* and *Clann na Poblachta*, and the Labour government led by C. Attlee. This renewal in British and Irish politics resulted in the improving of Anglo-Irish politics. Therefore, the position of Ireland in the Commonwealth had not improved much and its recognition as part of it had not been reached, as the behaviour of Lord Alexander towards the Taoiseach.

In this part, the stress has been put on the rise of the coalition government and on the declaration of Costello, but those two elements put an end on all Irish policy towards the Anglo-Irish Treaty. With a view to pay tribute to the Irish Republican tradition, the declaration of the Republic of Ireland Bill would take effect on Easter Day 1949, thirty-three years after the proclamation of the Republic during the Easter Rising, in 1916. Even though the proclamation of the Republic was a major progress, the partition was still in use, there was no pan-Irish parliament and there was little room for progress on that matter. Hence, the Costello government used the

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<sup>332</sup> Lee, Joseph J. *Ireland, 1912-1985: Politics and Society*. Cambridge University Press, 1989, p.306.

<sup>333</sup> B. Farrell, *Chairman or Chief? The Role of the Taoiseach in Irish Government*, Dublin, Gill & Macmillan, 1971, pp.46-50.

Republican tradition to compensate the lack of progress concerning partition. In *The Unresolved Question*, de Valera's welcome of the Act is said to have been negative for "it was not the republic for which Pearse and Connolly had died", followed by a refusal to take part in the formal inaugural ceremonies. His main argument to repudiate the Republic was the partition of Ireland.

### *Questioning over the goals of the Unionists and Nationalists*

Studying the evolution of the Irish political parties has enabled us to understand another dimension of the Irish question and of the period we have studied. Beyond that understanding, we have been able to witness the forces that got into motion the Home Rule project, as well as the forces that went against it. With the evolution of Ireland, of the legislation of Westminster and of the international context, the stakes of Home Rule evolved for the Nationalists, as well as for the Unionists. Yet, the objective of reaching self-determination remained the collar bone of the Nationalist movement. Loyalty to the Crown was that of the Unionists. Therefore, if we summarize the objectives of the Unionists and of the Nationalists before the Easter Rising, we can see that their demand revolved around representation in a parliament that brought them a sufficient voice to deal with internal affairs. To the Unionists, this parliament was embodied in the Imperial parliament, for it provided them the security of being part of a wider Protestant population. For the Nationalists, the establishment of a devolved representative parliament would have enabled them to be represented in a fairer way than it was in Westminster. Furthermore, the trauma of the Great Famine and the suspicions surrounding the inaction of the British government to face that crisis moved the Nationalist will to reach self-determination.

But the Irish question did not always revolve around parliamentary representation. The opening of the Whitehall and Stormont parliaments have put an end to that question, but raised others. Amongst it, the most important one was the constitutional question. It would animate Irish politics from the declaration of the Treaty (1921) until the declaration of the Republic (1949). Let us clarify what the constitutional question stands for. In Northern Ireland, there was no written constitution as there has been in the Free State. The constitutional question focused mainly on the frontiers of Ulster and the partition of Ireland. In the South, a Constitution was issued from the Anglo-Irish Treaty. Its features established the Crown as the Executive authority over the Free State. With several other points that have been discussed above, those elements were included in the constitutional question in Southern Ireland. In fact, the Government of Ireland Act (1920) protected Northern Ireland and the province did not have a constitution of its own.

The Ulster Unionist government led by Craig put most of its energy in consolidating its state. The Labour party did not try to debate over the partition question for it could lead to an important loss of seats. The Nationalists did not find enough strength to make the debate progress in any way, being blocked by the Unionist majority in Stormont. In that point lies the intelligence of Craig's

plan of building up a bi-party parliament, for he knew the Unionists would remain united on questions such as partition, whereas the Nationalist party observed fissions and divergence of opinion. Hence, the goal of the Ulster Unionists was reached when the Proportional representation was taken down and the gerrymandering was carried out: there was no longer room for change and the position of Northern Ireland as a part of the United Kingdom was preserved.

In Southern Ireland, the government successively protected the constitution of the Free State, and then tried to take it down. The reason for it has been studied and lays in Anglo-Irish relations, internal Irish affairs and personal commitment. At the outcome of the Civil war, the Treaty and the Constitution that was issued from it were presented as effective documents of transition towards the declaration of a Republic. The relations with Great Britain would be preserved and collaboration with it would be maintained, hence protecting the income of raw material. Peace and order in Ireland would be makeable, which was a sales-pitch due to the violence that Ireland had experienced from the triggering of the Independence War. Yet, this protection of the Constitution was accompanied with stagnancy, which partly caused the fall of the Cosgrave government. De Valera succeeded him and went against the previous government's policy. It must be reminded that with the Treaty, Southern Irish politics had been polarised, Cosgrave and de Valera being the representatives of that polarisation. With de Valera, the Constitution slowly became a paper filled with holes, hence requiring a brand-new document to lay down a proper constitution that fitted Republican ideals. Yet, de Valera being more of a pragmatic than an idealistic, the Constitution made Southern Ireland a Republic in every point but the name. He considered that a partitioned Ireland could not host a Republic. Hence, the constitutional question carried by de Valera concerned first the legitimacy of the Free State Constitution, and then that of a Republic. Costello and the coalition answered to that question by declaring the Republic in 1948, whilst partition was maintained.

## Conclusion

Between 1910 and 1948, Ireland experienced profound changes. Its political landscape and frontiers would evolve. The obsession of land attachment in Irish politics has been developed in the introduction of this dissertation. Because of the changes Ireland experienced, this attachment would evolve. The study of Irish representation in Westminster from 1910 until 1918 and of the Irish parliaments from 1920 until 1948 has enabled us to understand a specific kind of land attachment in Ireland. Let us remind the evolution Ireland experienced on the geographical level, before we link it with the study of the Parliaments.

In 1910, Ireland was not partitioned. Yet, Irish politics were divided over the question of Home Rule. With this opposition, two opposed visions of Ireland and of Irishness developed. The Unionists, who were now focusing on maintaining Ulster in the Union, considered that Ireland should remain an integral part of the United Kingdom. A devolved parliament with a jurisdiction covering the whole of Ireland would lead to an important loss of power. On the opposite, they found privileged seats in the Imperial Parliament. Therefore, the Nationalists did not enjoy such a privilege. Establishing a devolved parliament in Ireland would enable them to put forward their vision of Irishness. Yet, they considered that the link with the Union was to be preserved. From the introduction of the first Home Rule Bill in 1886 until the 1910s, such was the position of the Irish Nationalists in Westminster. By then, the partition of Ireland was evoked as a temporary alternative. It was introduced to the Unionists by Asquith, Churchill and Lloyd George as a concession to their demand to preserve Ulster. After a period of three years, the partition was meant to be voted on. Yet, this idea was not exploited during the 1910s and the Home Rule Bill would be enacted in 1914. The Act would be suspended for the time of the Great War.

In 1921, the Anglo-Irish Treaty partitioned Ireland. It was the result of the Anglo-Irish War, a guerrilla led by the Republicans against the British forces. The Home Rulers mentioned earlier had been overrun by *Sinn Féin*. It was the main Republican political party from the 1910s until its dissolution in 1921. Therefore, the partition of Ireland by the Anglo-Irish Treaty was imposed to the Republicans. The Ulster question then prevailed over the will of *Sinn Féin* to establish a Republic in Ireland. The *diktat* of the Treaty led to the division of *Sinn Féin* and to the Irish Civil War. The conflict over the Treaty revolved around the partition question, which kept the Republic from being declared, and over the Oath of Allegiance question. Indeed, the independence of the Free State's Parliament was made impossible by the application of the authority of the British Crown over it.

Here, we can link the importance of the land in Irish politics with Parliamentary independence. Both elements were part of the document that would divide Irish politics for most of the period we have studied. Ireland is still partitioned up to this day. Yet, partition would not stop Eamon de Valera from establishing the authority of the Southern Parliament over the whole of Ireland. In 1937, the Anglo-Irish Treaty was no longer a valuable document for it had been dismantled by de Valera. The extent of this authority is questionable. In fact, the relations between the Unionist government, the Free State government and the British government were far from being good. The Free State and the British government were still involved in an Economic War and the question of partition had barely been discussed by de Valera's government and Lord Craigavon's government. No element was indicating that the authority of the *Dáil Eireann* would be recognised by the British and the Northern Irish governments. Furthermore, the claim of authority over the whole of Ireland was the only action undertaken by de Valera to put an end on partition. On a legislative level, the Government of Ireland Act (1920), which established the jurisdictions of both the Northern and the Southern Irish Parliaments was still applied.

With the Constitution of 1937, the place of Ireland in the Commonwealth was questioned as well. Yet, the lack of reaction of the British government as the expression of the stagnation of Ireland's place in the Commonwealth. Furthermore, the relations between the United Kingdom and Ireland were to become that of an External Relation. We have seen that in 1938, an economic war between Southern Ireland and the UK was triggered. We will not discuss this conflict here, for it has been studied before, but we can link it with the Declaration of the Republic, in 1948. The economic policy adopted by de Valera towards the UK was criticised by the Opposition in the *Dáil Eireann*. Costello, who was part of *Fine Gael*, was one of the MPs who stood against it. As a justification of the Declaration of the Republic, the establishment of better relations with the UK was used by Costello.

In 1948, the partition was maintained. Still, the Republic of Ireland was declared by the government of Costello. The reaction of the Nationalists in Southern Ireland was positive for the most. Yet, Republicans such as de Valera condemned the Declaration for it did not resolve the partition issue. In fact, in 1937, when de Valera wrote the Constitution, the partition kept him from declaring the Free State a Republic. His main motivation was to maintain improvable relations with Northern Ireland. Declaring a Republic and the authority of the Southern Parliament over the whole of Ireland would keep him from resolving the partition issue through negotiations. The result of the Declaration over the Northern-Southern Irish relations is to be found in the Ireland Act passed in

1949 in Westminster. This Act established the Stormont Parliament as able to put a veto on any legislation concerning the constitutional status of Northern Ireland that might be passed in Southern Ireland. Hence, the management of the partition of Ireland through parliamentary means was made impossible.

The situation in Ireland from the 1920s until the end of the war was symptomatic of the worldwide context. The Great War had paved the way to Nationalism. The Great Depression to economical protectionism. In Ireland, it resulted in the rise of Radical Nationalism in Southern Ireland and of a Loyalist government in the North. Loyalism being some sort of Nationalism, for it relied on the Nationalist of Great Britain. Gaelicism and Protestantism were somehow in opposition, the first being used to mix Republicanism and Catholicism and the second being used to mix Loyalism and Protestantism. Both were used in the idea of establishing states that would not stumble facing the other and that could be independent. From an economical level, the Republic would have to deal with Great Britain as equals, as partners whilst the government of Northern Ireland was facing a neighbour whom it identified as a deadly enemy. Even though the Constitution of 1937 and the declaration of the Republic separated Southern Ireland from Great Britain, Irish protectionism in economics had its limits, as showed the Economic War. Furthermore, the British government was not ready to let go Ireland, as the Ireland Act of 1949 shows, which states that the Republic of Ireland is no foreign country to the United Kingdom. Against such a statement, the successive governments of Ireland could not do much about. The United Kingdom, deeply affected by the economic crisis and by the Second World War, loss of its prestige. The British Empire was thus affected by it as well. Also, the rising of the United States of America and of the Soviet Union brought the world to a completely different configuration and balance of powers. Concerning Ireland, these changes could lead us to the questioning of the importance of taking part in the Empire when it was losing influence and territories. Yet, no coalition such as NATO was interesting for Ireland to enter in since they did not want to get into an association of any sort with the UK. Therefore, because of the Cold War they would affirm their loyalty to London and Washington so as not to be considered an enemy by the Westerners in a polarised world.

#### *Opening question*

De Valera bypassed the legislative process established by the Anglo-Irish Treaty when declaring the External Relations Act, the Constitution of 1937 and most of the Acts acting against the Treaty. The Constitution he wrote established a parliament based on the legislative body of the

United States, which separates powers. From the Republican point of view, de Valera took risks to build up a Republican and sovereign state. From the Unionist and British point of view, he took liberties to establish a Gaelic, Catholic and Nationalist state, hence ignoring the needs and demands of the Protestant population. Finally, in 1946, de Valera declared before the *Dáil Eireann* that Ireland was a Republic in all point but the name.

Craig established a polarised opposition in Stormont through the manipulation of the voting system. The abolishment of PR and the modification of the constituency's boundaries have had effects on the most important threat to the Unionist government: the Labour and Independent MPs. The Nationalist literature blamed Craig to have turned down Catholic and Nationalist representation. Considering the results of the GE which saw the Labour Party gained importance, it was the representation of the working and lower middle-class that was deprived of representation. In such a case, the representation of the people was limited to Craig's own social class: the upper class and the employers. Craig justified the action he undertook with the consolidation of the state. The fear of being overrun by the Labour party and of the division of the Ulster Unionist Party led him to such enactments. It was the 1920 GE and the rise of the Labour Party that motivated Craig to do so. Furthermore, the Northern Irish Prime Minister used the Nationalist threat coming from Southern Ireland to establish a strongly Unionist state. All in all, he used the Unionist tradition to justify his policy.

All in all, de Valera's overuse of the blurred separation of powers would lead to the establishment of a bicameral Parliament and of a much stricter separation of powers. The quest he undertook to make of Ireland a united Republic was partly achieved. Yet, the actions he undertook to establish it were controversial and make us question the limits of the legislative power when facing a bold individual. Craig would rule the Northern Irish Parliament until his death in office, in 1940. The pattern had been set by the 1929 Method of Voting Act and would be maintained until 1972. Finally, the parliament would be taken down as a result of the sectarianism of the UUP and the enactments undertaken against the Catholic population. Such a conclusion raises the question: **can one judge how democratic a state is following the use of the parliament by the government?**

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The Stormont Papers, 50 years of Northern Ireland Parliamentary Debates Online:

[stormontpapers.ahds.ac.uk](http://stormontpapers.ahds.ac.uk)

### *Official British Websites*

The National Archives

[nationalarchives.gov.uk](http://nationalarchives.gov.uk)

### *University Websites and others*

BBC (British Broadcasting Corporation)

[bbc.com](http://bbc.com)

CAIN (Conflict Archive on the Internet), University of Coleraine:

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