

# IRELAND: SEVEN YEARS AFTER

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**I**T is now something more than seven years since the Truce of July, 1921, put an end to the armed struggle between the forces of the Crown in Ireland and the Sinn Fein volunteers; something less since, about midnight on the 6th of December following, Articles of Agreement for a treaty between Great Britain and Ireland were signed in London. On January 7, 1922, the Dáil, by a majority of seven, decided to approve the action of its plenipotentiaries and to accept the treaty; and on January 16th, after Dublin Castle had been formally handed over to the chiefs of the new régime by Lord Fitzalan, last of the long line of Irish Viceroys, a Provisional Government became responsible for the administration, civil and military, of the area which now constitutes the Irish Free State.

The moment seems, therefore, opportune for examining the working of this experiment and for considering how far it may be adjudged successful. I use the word "experiment" deliberately; for, while the concession of the right of self government followed in its general lines the familiar Dominion precedent and, in certain important respects, more particularly that set by the Dominion of Canada, yet here one could not count upon certain factors which elsewhere made for success. Elsewhere, as notably in Canada, a majority of the citizens of the Dominion was of British origin; and the Dominion itself had evolved more or less peaceably and naturally from a British colony. Even South Africa, with its large Dutch population, had strongly colonial roots; and Representative had preceded Responsible Government both in the Transvaal and in the area of the Orange River. But here we passed without interval from almost complete subjection to the full measure of freedom. Only yesterday the secular desires of the mass of Irishmen were still of less political account than the passing whim of a single British constituency; to-day the Irish Free State is recognized as "a co-equal member of the Community of Nations forming the British Commonwealth of Nations". Nor was anything wanting that could render the change not merely abrupt but perilous. Domestic as well as external affairs had suffered revolution. Three years previously the survivors of that long powerful political party which under Parnell, Dillon and Redmond for nearly half a century

dominated Irish politics had with one solitary exception been rejected at the polls; and with them there had passed from public life all that Ireland then possessed of normal parliamentary experience. Their successors were indeed men, as the event showed, of singular capacity for government, but yet unproved in administration or in the handling of men. In the course of the struggle with Downing Street, the existing machinery had been thrown out of gear and partially destroyed. Many heads of departments preferred retirement upon pension to service under new masters; in many districts the courts had become unable to function; throughout the country the only police force, that of the Royal Irish Constabulary, had been completely disorganized and was about to be disbanded.

Nor were these things, grave as they were, the worst. To no section of the Irish people could the Provisional Government of Michael Collins and President Griffith look for support with complete assurance—not to the yet unreconciled Unionists, nor to the supporters of the old Constitutional Nationalists, nor yet to the general body of their own late comrades-in-arms. Among these, indeed, a most perilous and bitter quarrel at once sprang up, a quarrel which culminated in civil war, in the loss of many valuable lives and the wanton destruction of property to the value of many million pounds sterling. To put down rebellion, to make an end of brigandage and arson, simultaneously to re-organize the judiciary and the civil service, and by a great act of faith to substitute for the armed constabulary an unarmed civic guard—these were the first tasks of the new Government. Before they had been accomplished, death removed the two men by whose personal influence more than anything else the Treaty Settlement had been first obtained from England and (what was not less important) rendered acceptable to Ireland.

The loss of Griffith and Collins might well have thrown the country back into the anarchy from which it was painfully emerging. Yet by the autumn of 1923 order had been restored, and the Government, of which Mr. Cosgrave became the head, was free at last to proceed with the work of reconstruction. If I have thought it desirable to recall facts known to everyone, it is because unless they are borne in mind, one cannot understand subsequent events; since even to-day hardly any measure, however intrinsically remote, is ever discussed in Dáil Eireann without reference to the controversies of 1921-3.

It was perhaps, on the whole, fortunate that this aversion from subscribing the oath of allegiance to the constitution of

the Free State and of faithfulness to His Majesty the King should have kept Mr. de Valera and his followers out of parliament during the next four years. For Mr. Cosgrave's cabinet, now reinforced by several young men of outstanding ability such as the late Minister for Justice (Mr. Kevin O'Higgins) and the present Ministers for Agriculture and for Industry and Commerce (Mr. Hogan and Mr. McGilligan), was thus able to carry through with a minimum of difficulty a vast programme of social and economic reform. During the sessions of the fourth Dáil which lasted from July 1923 to the early summer of 1927, no fewer than 183 Public Acts were passed, having reference to almost every side of the national life. Thus the Land Act of 1923 marked the last stage in the long process of transferring the ownership of the soil from landlord to occupier; while a series of measures concerned with such homely matters as the breeding of livestock, the making of butter and the packing of eggs assisted and, when necessary, compelled the farmer to turn what he had acquired by state aid to better advantage. Simultaneously a beginning was made upon a new industrial policy. Protective duties were imposed upon a great number of imported articles the manufacture of which in this country was regarded as desirable; and compensation was sought for Ireland's lack of coal through the hydro-electric works now in progress on the Shannon. During the same period the Minister of Finance was able to reduce the annual expenditure of the state from forty-two million pounds to twenty-five, at the same time almost entirely extinguishing the heavy bill incurred during the civil war for damage to public and private property and finding large grants in aid of local taxation, improved roads, agricultural credit, forestry and housing. The progress towards settled conditions may perhaps be estimated by this fact: that, whereas in 1923-4 the army cost over £10½ millions, for 1927-8 the comparative figure is £2½ millions, (approximately the same sum as is distributed yearly in Old Age Pensions); while Primary Education tops the list of public services with an expenditure of £3½ millions. In the region of external affairs this period is especially memorable for the entry of the Free State into the League of Nations, and for her participation in two most important sessions of the Imperial Conference. Both in Geneva and in London Mr. Fitzgerald and his colleagues have been notably successful. Avoiding all needless friction, and establishing the kindest relations as well with the British as with other commonwealth and foreign delegates, they have yet contrived to make Ireland's weight felt to a much greater extent than many of us had expected. Determined as some of my countrymen still are to mini-

mize what has been achieved, it is hard to believe that even they can fail to see in Ireland's membership of their two world-wide societies the plain proof of her nationhood.

But if in three years great progress was made, it cannot be pretended that what has been gained is yet secure. Not all the arms hidden by the "Irregulars" in 1923 have been either found or surrendered; and though another insurrection is not greatly to be feared (the country having too plainly manifested its disapproval), there is always danger of such another blow to the stability of the state as was given last year by the murder of Kevin O'Higgins, Vice-President of the Executive Council.

Nevertheless, even this tragic event has not really interrupted the march towards more settled conditions. On the contrary, the measures immediately thereupon taken by the Government, together (it is an open secret) with pressure from many of their own supporters, soon after constrained Mr. de Valera and his colleagues of the Fianna Fáil party either to swallow the oath or to face political extinction. That they wisely chose the former alternative, was sufficiently proved at the ensuing general election when the section of irreconcilable abstentionists led by Miss Mary Mac-Swiney failed to win a single seat. That the advent of Fianna Fáil has certain disadvantages from the point of view of a supporter of the Government, is undeniable. Gone are the easy days, the brief sittings, the placid (if rather dull) debates of the previous Dáil. Every point is now hotly contested; almost every motion or amendment is now pressed to a division; and since, in a full House, the Government can count only on a precarious majority of six or seven, attendance as unremitting as that of the old time Party at Westminster is required of us all. Yet, in spite of this, I think we are sincerely glad to see the benches opposite us filled by our long-absent opponents. It was probably well that the Government should, during past years, have been able to proceed unhindered with the work of reconstruction; it is certainly not less well that they and all of us should now be forced to justify our actions before a critical and even hostile assembly. Moreover, now that we have got together, we begin (though we all pretend we don't) to respect and even like one another. Pray do not take me as suggesting that all differences between parties are about to disappear, nor even that the bitterness of the past is already being forgotten. Facile talk of reunion only misleads and harms. Personal differences apart, there can be little co-operation, much less fusion, unless and until Mr. de Valera and his adherents show themselves disposed loyally to accept, not this or that clause of the constitution, but

the constitution as a whole, the Treaty upon which in part it is founded, and the membership of the British Commonwealth of Nations which it affirms. In speaking of the improved relations between members of different parties, I mean only this: that men cannot be brought into daily contact with one another and set to consider matters of common concern without discovering human sympathies; and that Irishmen, more perhaps than other sorts of men, are readily affected by the courtesies of social commerce. I have now been a member of the Dáil for something more than a year, and for sixteen years (1902-1918) I was a member of the House of Commons. Comparing the two assemblies, I find the Dáil the friendlier. Technical breaches of order are more frequent, and there is a greater inclination (checked only by the individual tact and firmness of the Speaker) to challenge the authority of the Chair. But I have as yet witnessed no such scenes of general and furious disorder as I can recall more than once at Westminster, involving not merely members of the Irish Party and their English opponents, but the most respectable of British Liberals and Tories.

Questions of transitory or local interest apart, two controversies seem likely for some years to come to occupy the central point of our debates, that which is concerned with fiscal policy and that which deals with our still developing, though written, constitution. Let me say a few words about each. Mr. De Valera has declared himself in favour of the immediate application of import duties (and, if these should prove insufficient, of an embargo) upon all imported goods capable of being manufactured in the Free State and whether, in fact, manufactured there or not. To the argument that such a tariff must inevitably increase the cost of living, he replies that for a time at least the people must adapt themselves to a simpler standard. How this is to be brought about in a country the majority of whose citizens live on bread and tea, with an occasional egg or rasher of bacon, some butter, and less milk than childhood at least requires, Mr. de Valera has not yet explained. I don't think it can be denied that some of the experiments already made in "selective protection" press hardly upon many members of the community. Speaking only for myself, I very much doubt, for example, whether the small amount of additional employment given is sufficient warrant for the increase which I believe is admitted to have occurred in the prices of boots and shoes since an import duty was imposed on these articles of universal use. On the other hand, the duty on imported oatmeal appears generally acceptable, since Irish mills are able to meet the whole demand, and since the price does not seem to have risen. Neither Free Trade

nor Protection—if our enthusiasts would only have regard to facts, not fantasies—is a panacea. To me at any rate, there seems much more promise for urban and rural Ireland alike in the cheap power soon to be made available under the Shannon scheme, of which the first section is to be completed in 1929. Even more confidently (for it remains to be seen to what extent the electric power will be actually used) do I look to the results of the steps taken by the Department of Agriculture to increase and improve our exports of farm produce. After all, the Free State is, and is likely to be for many years, predominately agricultural. I suppose four of every five of our people make their living directly or indirectly from the land. Now, it may indeed be possible so to reduce unemployment and increase urban wages by the judicious use of tariffs as to render the home market for farm produce much more valuable than it is at present. But the exact effect of any particular duty is extremely difficult to foresee; and in the meantime the farmer must live. You cannot hope to protect him directly; for, as things are, the bulk of his surplus products must be exported; and if you raise his cost of living and that of his labourers, you place him at a fatal disadvantage in a market where he is already exposed to world competition. It is not surprising that the Irish agricultural interest is in general strenuously opposed to that policy of high and general tariffs with which the Fianna Fáil party is now identified. At most it is willing to concur in the present arrangement by which each application for a new duty has to be carefully examined in all its bearings by an advisory Tariff Commission, before any decision is taken by the Executive.

I turn now to the several matters of constitutional interest which have recently been canvassed among us. Of the major issue, Free State or Phantom Republic, I need say no more than this: that they have been shown to be wise who first accepted and have since loyally adhered to the Treaty with Great Britain. It is unnecessary to remind Canadian readers (I wish it were equally so with my own countrymen) how notably the status of all Dominions has been clarified and advanced by the last two Imperial Conferences. But perhaps for the sake of clearness I may quote what I said recently in another place on this subject.

“The colonial idea (never apposite to Ireland) has disappeared from the constitutional fabric; and with it has gone the claim to subordinate any part of the Commonwealth to any other, and every instrument by which that claim could be enforced. Except as a conduit pipe, the Dominions office has now no functions in respect of the self-governing Dominions. Communications pass direct

between the Governments of Dublin and London. When this year Mr. James McNeill was chosen to succeed Mr. Healy as Governor-General, he received his appointment direct from the King, and the letter of appointment was not countersigned by any Secretary of State. It is thus made clear, in practice as in principle, that the Crown is bound to act in each Dominion in accordance with the wishes of the Government of that Dominion; that its functions in relation to the Commonwealth are (in a happy phrase of Mr. Desmond Fitzgerald) "not single, but several". It follows that the representative of the Crown is equally so bound. He can oppose to such wishes neither his individual judgment nor the orders of Downing Street.<sup>1</sup> And as the over-riding authority of Westminster has been abandoned in inter-Commonwealth affairs, so also in foreign. It was thought a startling innovation that the Dominions should be invited to adhere individually to the Treaty of Versailles, though the signature thus affixed probably added nothing vital to the document, since the British delegation had still at that time implied authority to bind the whole Empire. But since 1926 this prerogative must be regarded as obsolete. The draft form of Treaty set out in the Report of the last Imperial Conference shows that henceforth the representatives of Great Britain sign on terms of simple equality with those of the Dominions; and that no Dominion is in any way bound by any instrument to which it has not adhered by the signature of its own delegates or of other persons specifically authorized to act on its behalf. While the monarchy lasts, London must officially remain the place at which the representatives of foreign states will congregate, and the Foreign Office be directly responsible for the conduct of diplomatic and consular services of the Empire. But even in this sphere significant changes have recently occurred. Foreign consuls now receive their *exequaturs* direct from the Government of the Free State; while the arrival this year in Dublin of an American Minister-Plenipotentiary, following upon the appointment of a Free State Minister at Washington, marks yet another stage in the recognition of Ireland as virtually an independent country."

Indeed it is hard to see how, in practice as distinct from theory, independence could be pushed much further, whether within or without the Empire. Mr. de Valera, indeed, seems obsessed by the dream of a Robinson Crusoe island, the inhabitants of which need give no thought to the desires and interests of anyone beyond its

<sup>1</sup> Accordingly, what is constitutional in one Dominion may very well be unconstitutional in another. Thus quite recently Canadian opinion would seem to have supported Mr. Mackenzie King's contention that Lord Byng, as Governor-General, had no right to refuse his request for a dissolution. But in Ireland such action by the Governor-General is specifically required by the Constitution itself, Article 53 providing that parliament "shall not be dissolved on the advice of an Executive Council which has ceased to retain the support of a majority in Dáil Eireann."

shores. But independence of this absolute sort is manifestly impossible for any but isolated savages hidden in some tropical jungle, is incompatible with membership as well of the League of Nations as of the Commonwealth, and is not in fact enjoyed by even the most powerful of European states. Controversies of minor importance, yet of general interest, relate to the provision made in the constitution of 1922 for election of both Chambers on the principle of Proportional Representation, for the use in certain eventualities of Referendum and Initiative, and for the election and powers of the Senate. It is charged against Proportional Representation that it is cumbrous, expensive and uncertain in operation, and that it tends to weaken government through the multiplication of parliamentary groups. Personally, I think these charges ill-founded. At recent elections the number of spoiled papers has not been at all remarkable; the groups of which the present Dáil is composed—Government, Farmers, Independent (mainly ex-Unionist) Labour and Republican—represent considerable bodies of organized opinion; the broad results of an election are not less, but more, easily calculable than under the old system. Above all, P. R. makes for stability, since it helps us to avoid both exaggeration of a dominant party's parliamentary strength and the alternative evil (several times experienced of recent years in Great Britain) of minority rule. Violent swings of the pendulum are above all things to be feared and avoided. Our wounds are yet too raw; there are far too many dangerous questions unsettled, and too many violent elements loose in the country. Moreover, whatever the momentary inconvenience, I count it not loss but gain that every section in the community should have as full a share in representation as human ingenuity can provide. In spite of the critics, who are probably less numerous and certainly less vocal than a year or two ago, I believe that Proportional Representation will remain a permanent part of our institutions.

The other constitutional issues mentioned above can conveniently be treated together. When, six years ago, the Dáil, sitting as a Constituent Assembly, proceeded to enact our constitution, it was much concerned to give the fullest possible effect to that Article which proclaims all powers, legislative, executive and judicial, as derived from the people of Ireland. Not for an instant, they felt, must either the ministry or parliament be allowed to forget that the people were their masters. Both Chambers must be directly elected by popular vote. "Up-hill too slow" must be corrected by the whip of the initiative; "down-hill too fast" by the rein of the Referendum. The theory was unexceptionable, but pre-



supposed what did not in fact exist—a whole electorate vigilantly aware of and keenly intent upon every turn of the political wheel. In practice, interest in public matters is very far from being either universal or sustained. At the last Senate election barely thirty per cent of those qualified took the trouble to record their votes, while even in elections for the Dáil voters have to be preached at and canvassed and carried to and fro in motor cars if they are to be induced to enter the polling-booths.

In this the Irish Free State is by no means singular, but reflects a tendency observable in nearly every European country. When I was a boy, the grant of the franchise was regarded by everyone as an unquestionable boon to the recipients. Parties differed as to the justice or the expediency of enfranchising this class or that; but none ever imagined the new voters as regarding the gift-horse with bored indifference. To-day certain states have been driven to adopt that *reductio ad absurdum* of democracy, compulsory voting; while others within the past few years have, with at least the tacit assent of the masses, gone very far towards abolishing parliamentary government altogether. Here in Ireland we are not, I think, likely to be drawn to either alternative. Nevertheless, experience has for some time past shown certain changes in the Constitution to be desirable. Nowhere more than in a country but just emerged from revolution and civil war is a strong, prudent and independent second Chamber necessary to the welfare of the whole body politic. Now it is not by any means certain that you will obtain the best sort of second Chamber by way of popular election. The qualities most to be desired in a body charged primarily with the revision of legislation—experience, wide knowledge, indifference to popular clamour, concern with large and permanent national interests—are not necessarily, or often, found united in the same individual with those gifts which make for success at the polls. And, at any rate, I see nothing whatever to be said for leaving so important a matter to the decision of a chance fraction of the electorate. Within the past few weeks an Amending Act has accordingly abolished popular election in respect of the Senate, and provides that henceforward the triennial election of Senators shall be conducted by the Senate itself jointly with the Dáil. The first election under this Act is to be held next November.

Very similar considerations have made it necessary to reconsider how the Senate's power to delay the enactment of Bills could most usefully be exercised. Article 47 of the constitution, as originally passed, provided for the suspension of any Bill (other than a money Bill or Bill declared by both Houses "to be necessary

for the immediate preservation of the public peace, health or safety") for a period of 90 days on the written demand of a majority of the Senate, and for the subsequent submission of such Bill to the people by Referendum, on the passing of a resolution to that effect assented to by three-fifths of the Senate. Article 48 laid upon parliament the obligation either to "provide for the initiation by the people of proposals for laws or constitutional amendments" or, on the petition of not fewer than seventy-five thousand electors, to "submit the question to the people for decision in accordance with the ordinary regulations governing the Referendum."

Recent events have shown that these Articles, designed in good faith to give effect to the will of the people, might very easily be twisted to the contrary end. Early in the present year Mr. de Valera succeeded in obtaining considerably more than the required number of signatures to a petition under Article 48. Had he limited this to the simple request contemplated by that Article, he would undoubtedly have placed Mr. Cosgrave in a very difficult position. But fortunately for the Government—and as I think for the country—he chose to make it clear on the face of the petition itself that his real object was the repeal of another Article, that which requires an oath of allegiance to be taken by every member of parliament. Now inasmuch as the taking of such an oath is expressly enjoined by Article 4 of the Treaty, and as the Constitution Acts (passed on substantially identical terms by both the Irish and English parliaments) render "absolutely void and inoperative" any provision of the constitution or any amendment thereof which is found to be repugnant to the Treaty, it is obvious that the use of Initiative and Referendum for this particular purpose would be probably perilous and certainly futile. For, if the Referendum went against Mr. de Valera, much trouble and expense (not less, it was estimated, than £80,000) would have been incurred for nothing; and, if in his favour, parliament must have immediately been brought into conflict not only with Downing Street, but with the Irish High Court, upon which is laid the duty of deciding the validity of any law having regard to the provisions of the constitution. No doubt this latter contingency was somewhat improbable, seeing that the country at successive general elections has steadfastly affirmed the Treaty policy in all its implications. The less reason, however, for running unnecessary risks for so foolish an end.

A Bill repealing these Articles has therefore been carried through the Dáil, in the face (as may be imagined) of strenuous opposition by the Republicans, and accepted, without serious protest, by the Senate.

The Senate's power of requiring a Referendum being gone, it becomes, however, necessary to put something in its place. This has been done by considerably extending the period for which the Senate may delay the enactment of Bills and during which negotiations can be carried on between the two Houses—much on the lines of the British Parliament Act of 1910. It is further proposed to render Senators eligible for inclusion in the Executive Council. Here again experience has shown high-and-dry democratic theory at variance with practical statesmanship. The Irish Senate, like the English House of Lords, counts among its members not a few men whose assistance in the work of administration would be of the greatest service to the state. Certain offices, the presidency of the Council and the ministry of Finance, must obviously be held by a directly elected representative of the people; but there is surely no good reason why the President, if he so wishes, should not be free to appoint Senators to such ministries as those of Agriculture, Fisheries, Commerce and Industry, or Posts and Telegraphs. That the Senate is, and will perhaps remain, in a special degree the champion of bodies of opinion not very largely represented in the other House, is in my judgment an additional reason for maintaining and strengthening that branch of the legislature. Republicans have, indeed, declared themselves desirous of abolishing it altogether, seeing in it nothing but the relic of a past ascendancy. Surely it is a wiser view that it takes all sorts to make a well-ordered state; that there is room and use among us for varieties of opinion, provided always that these do not disregard the loyalty which each citizen owes to Ireland herself.

My pen has, I see, run away with me, and this article threatens to exceed reasonable measure. Let me, therefore, conclude with a few general observations. We have, during these seven years, known very bad times—times when it seemed that, as an old woman said to me while we watched the burning of the Four Courts from across the Liffey, "Ireland has always been in trouble, and always will." Yet we have lived through them too, as she and I had lived through the troubles of the eighties, and as our forefathers lived through the horror and ruin of Elizabeth's wars, and the turmoil and misery of 1641 and of 1798 and of 1847. A modern Irish writer has called us "the indestructible nation". And such, indeed, I think we must be; since so many and such fierce trials have not made an end of us. Here we are still; diminished, indeed, in population, and confronted by many new problems more especially in the economic field, but also with new hope and confidence in ourselves and, if mainly dependent on a single and not too flourishing

industry, spared at least some of those perils that confront more powerful nations and more complex civilizations. The partition of this little island is indeed a tragedy, whether from the point of view of the nationalist, the economist or the social reformer. But for this there is no quick or violent remedy. Time, a sense of the practical disadvantages of disunion, co-operation of North and South in minor matters of day-to-day administration, the slow growth of mutual tolerance and respect, these we must believe will one day bring us quietly to a United Ireland. Meantime, now in Saorstát Eireann, the lot has fallen to us in a fair, if as yet but half cultivated, ground. Citizens of a Free State, partners in a powerful Commonwealth, members of a League of Free Nations, ours, after so many distresses in the past, is to-day a goodly heritage. Therewith let us be content.