

Ireland and its elections: 1918-1922

"*The people have no right to do wrong*" — that is a statement attributed to De Valera in 1922. I don't know where he said it. I don't even know that he did say it. But there is no doubt that he did not accept the outcome of the 1922 Election as being democratically binding.

In 1918 the electorate had voted freely, and by a large majority, to establish independent government in Ireland. An independent Irish Government was established by the elected Deputies in January 1919. In the 1921 Election a large majority voted in support of the democratically established Irish Government. In British Constitutional ideology Ireland was an integral part of the British state but in party-political fact it ceased to be part of it in the generation following the 1832 *Reform Act*. The gentry in Ireland were Protestant and British. The populace, excluded from the political life of the state by Penal Laws and the gentry electoral franchise, had remained Catholic and Irish, and when the franchise was extended did not slip into the party structure established by the gentry but formed a separate party of its own.

The franchise was democratised by the 1918 Reform Act. The electorate was tripled. The electorate in Ireland elected by an overwhelming majority a party whose programme was to establish an independent Irish Government. That party called an Irish Parliament in January 1919, which declared national independence and formed a Government.

The British Government, though it had no semblance of an electoral base in four-fifths of Ireland, refused to recognise the elected Government in Ireland. It held that Ireland was subject to the sovereignty of the British Parliament, and attempted to continue governing it in defiance of the Irish electorate. This led to war.

An election held in Ireland in May 1921 showed that the electorate stood firmly by the Government established by its vote in January 1919, despite two years of battering by British military forces of various kinds.

In July 1921 the British Government agreed to a suspension of military activities in order to see whether a settlement could be negotiated.

In early October a Dail delegation led by Arthur Griffith was sent to London to discuss terms of a settlement. Griffith later clarified that the British did not receive their letters of credential from the Dail, but, he said, the British knew who they were.

To cope with the fact that the British did not recognise the Dail or its Government, the Dail delegates were called *Plenipotentiaries*. It was not queried what they were Plenipotentiaries on behalf of.

In olden times, when rapid communication over long distances was not possible, Governments appointed representatives with full power to act for them in negotiations with other Governments. In 1921 instant communication was

possible between London and Dublin, so that was not the reason why Plenipotentiaries were appointed. The reason was that the British Government did not recognise that an Irish Government existed and could not admit that it was negotiating with its representatives. It insisted that the people it was negotiating Irish affairs with had full power on their own, without consulting anybody else, to make a settlement.

Griffith was therefore a delegate of the Dail Government on the one hand and a free-ranging Plenipotentiary on the other hand—depending on which side of the Irish Sea he was.

He was under instruction from the Dail Government that he must not sign any Agreement without its approval, but on December 6th he and Michael Collins decided to act as Plenipotentiaries in earnest and sign the Agreement presented by the British without contacting Dublin. The other delegates, remembering their instructions from the Dail only two days previously, wanted to refer the matter to Dublin. The British insisted that they must act as Plenipotentiaries, and must sign up that very evening, or else there would be terrible and immediate war. So they signed up. And the British propaganda, taking no heed of Dublin, immediately put the document into the world news as a great achievement.

There were two contentious issues: Partition and the Oath to the Crown. There was a sense in the Dail Government that a concession of some kind would have to be made on one or the other. Both were matters that needed careful handling. But it was suddenly found through the world news that its delegates had pre-empted the functions of government and given way on both of them in the most provocative way possible.

When the delegates came home, the Government submitted to their accomplished fact by 4 votes to 3. The matter then went to the Dail, which approved of the Agreement by 64 votes to 57.

De Valera stood down from the Presidency of the Dail. He was unwilling to use the Dail as an instrument for setting up a system of government under the Crown. He stood for re-election on a policy of rejecting the Treaty and was opposed by Griffith. Griffith won by 60 votes to 58, with De Valera not voting. He said that the Republic would continue in being pending an Election. De Valera observed that Griffith, as a Treatyite member of the Dail, would be acting in two incompatible capacities, committed to using the Republican Dail to set up a Government under the Crown.

The Agreement (now generally called *The Treaty*) required its Irish signatories to call a meeting of the Parliament of Southern Ireland under the British *Home Rule Act* of 1920 in order to be installed in power as the Provisional Government of a new body, the Free State. This was done. A section of the Dail met as the Parliament of Southern Ireland and the Provisional Government of the Free State was established, and was armed and financed by Britain. But the personnel of the Provisional Government were simultaneously members of the Dail Government.

Throughout the Spring and early Summer of 1922, until the Election of June 6th, De Valera acted as Leader of the Opposition party in the Dail system, while Griffith was both President of the Dail and head of the Provisional Government.

Collins and De Valera Negotiate an Agreement

Collins, it seems, though he hailed this "*Treaty*" as a great victory, was not at all confident of carrying it in an Election. He had been the strong man of the War of Independence, and had been confident, as head of the conspiratorial Irish Republican Brotherhood (IRB), of carrying the Volunteers (the IRA) with him in support of the Treaty. But things had not worked out like that. The IRA had grown up in the course of the War, independently of the IRB, and had on the whole held by the Republic which was its reason for existing. Collins was therefore dependent on the mercenary Free State Army, or National Army, paid for and armed by Britain. And it had become increasingly obvious in May that he was acting at every turn on Whitehall instructions, and being brought to order when he tried to act otherwise.

Anyhow he made an agreement with De Valera, about a fortnight before the Election, that it should not be fought on the issue of Free State versus Republic, but should instead be contested by Free Staters and Republicans as a kind of Sinn Fein Coalition, and that the new Dail would be a reproduction of the existing Dail, with the same balance of forces, but with the difference that the anti-Treaty party, instead of being the Opposition, should form part of a Coalition Government.

This agreement was submitted to the Dail on May 20th, and was approved. Its first paragraph says:

"That the National Coalition Panel for the 3rd Dail, representing both parties in the Dail, and in the Sinn Fein Organisation, be sent forward on the ground that the national position requires the entrusting of the Government of the country into the joint hands of those who had been the strength of the national situation during the last few years, without prejudice to their present respective positions...`"

And Paragraph 6:

"That after the election the Executive shall consist of the President, elected as formerly, the Minister of Defence, representing the Army, and nine other Ministers, five from the majority Party and four from the minority, each party to choose its own nominees...`"

If the Election had actually been held on these terms and a Treaty/Anti-Treaty Coalition Government had been formed under the leadership of the two major signatories of the Treaty, Collins and Griffith, the Free State would have been established without the Sinn Fein organisation being destroyed or the Republican Army being broken.

There was a seventh Paragraph to the Pact:

“7. That in the event of the Coalition Government finding it necessary to dissolve, a General Election will be held as soon as possible on Adult Suffrage.”

The Speaker read out the text of the Collins/De Valera Agreement. Griffith as President then immediately, put the motion for an Election. It was an amended version of a motion he had introduced the previous day, May 19th (1922). The Amendment consisted of the adding of this preliminary paragraph:

"Subject to the agreement arrived at between the Minister of Finance and Deputy de Valera and approved by Dail Eireann an election is hereby declared for the following constituencies..."

May 19th: Griffith Introduces Motion For Treaty Election

When introducing that motion on May 19th, Griffith said:

"Over six months ago the plenipotentiaries duly appointed and vested with full powers by Dail Eireann, signed a Treaty with Great Britain. They brought it back here and Dail Eireann approved that Treaty. The next step, as there was a considerable minority in the Dail opposed to it—or even if there had not been—was to put it to the people for their approval or non-approval. Six months have elapsed since then, and the people of Ireland have not been afforded the opportunity of saying whether they accept or reject that Treaty. Various objections were made from time to time and eventually an agreement was come to, to postpone the elections for three months. Objections were then made as to the state of the register and other points were raised. Those who honoured the signatures of the duly appointed and duly empowered plenipotentiaries agreed to postponement—agreed to the declaration on the other side that the people should have time to think and decide.

After that agreement, the question was raised about the register. The register happens at the present time to contain fifty thousand more names than it had in the year when Dail Eireann was first elected. In response to these objections, we offered a plebiscite of the whole people of Ireland, and that plebiscite was rejected. Now the people of Ireland have been for the last six months kept in a state of suspense, kept in a state of being muzzled, kept in a state of being denied the fundamental right of the people of any country to decide whether they will or will not have a measure that affects their lives, that affects their property, and that affects their destinies. The time has now come to end that state of affairs... There is nothing more insolent in the history of their country, or in the history of modern civilisation, as it appears to me, than the claim that any body of men, or any minority of this country, should tell the Irish people that they have no right to decide upon an issue which affects their whole future and affects the destiny of the country.

I thought when this issue of 'Treaty or no Treaty' was being placed before the people, it was the biggest issue that could be placed before them. But a greater issue has arisen now—an issue that strikes at every right we struggled for, every conception of nationalism we ever had, every right of a civilised people. The issue that is before the people is that they have no right in their own country to determine their own future... I see no difference between English Government in Ireland and the attempt of a minority in this country to deny the Irish people the right to expressing their opinions. The man who stood up at any time against the English Government on the grounds of democracy and the right of the

people, and that now, when the English Government is gone from Ireland or is going, would stand up to say to the people that they must not determine for themselves, is as great an enemy to the Irish people as any English Government ever was. He is a greater enemy, because he dons the habiliments of patriotism to conceal the weapons of tyranny. It is time this humbug ceased (applause).

I am glad to hear the supporters of humbug cheer that... These men who would deny to the people the right to vote on a vital issue are the enemies of the Irish nation. Let them call themselves what they will, and disguise themselves as they may, they are the enemies of the Irish people, the enemies of democracy, and the enemies of civilised government. If this country or any other is going to submit to the rule of the revolver, then civilisation is scrapped at once. I read some time ago a declaration from one of the leaders on the other side to the effect that a man with a revolver is worth a hundred men with votes. The man who puts forward a principle of that sort is an anarchist of the worst description. All civilisation and all modern progress depend upon the fact that men substitute the vote for armed force, and the rule of the ballot for the rule of the bullet. We are going to have the rule of the ballot, and we are going to have an expression of the people's opinion, no matter what intimidation is used against us... We would be poltroons of the worst kind if, after having stood up against England and painted her as a tyrant, which she was, we should now submit to a tyranny just as mean and less supportable...

"We stand here for this issue: That the Irish people must decide on this question and nobody will be allowed, as far as in our strength lies, to interfere with their decision..."

"What is the Irish nation? Does it consist of the people of Ireland or a minority of gentlemen, largely coming by birth and descent from the adjoining country, who are going to tell them all about their souls and their future, and all about what they ought to do, or ought not to do? We thought that when we struggled through the last century we struggled to make the people of Ireland masters in their own house, and not by merely exchanging one ascendancy for another ascendancy—and to drive out one minority in order to put up another minority. The policy of democracy has got very unfashionable since democracy was declared, or was shown to be in favour of the people of Ireland taking back the powers wrested from them—since the foreign flag, that we have seen all our lives, disappeared from over Dublin Castle and the Curragh, and since the English soldiers went out and the Irish soldiers came in..."

"We have offered everything that could be offered short of giving away the indefeasible right of the Irish people to pronounce on the issue before them. That we cannot give away. If we did we would go down as the basest cowards in Irish history... I say that the men who prevent, or attempt to prevent the people of Ireland, by force of arms, from exercising their fundamental right will go down to future generations branded with the brand of Dermot MacMurrough—as the greatest traitors in Irish history..."

A debate followed, which covers about 30 columns of the Dail Report.

Griffith was rebutted chiefly by Cathal Brugha. In the end the motion was not put.

Harry Boland said:

"I know, from one of the majority, of men who voted for the Treaty because it was expressly stated by men, whom they have no reason to doubt, that when the Constitution was put up no Republican could find fault with it. Therefore all my work on the Peace Committee has been to conserve the forces of the Republic until such time as there is another alternative placed before us... I ask and I appeal to the men on the opposite benches not to proceed with this election decree by Dail Eireann. This Dail was the first Dail so decreed by the Irish people. We took advantage of the British electoral machinery to constitute the Parliament of the Republic. I was at the time Honorary Secretary to Sinn Fein, when most of the leaders were in prison, and I remember well the question being debated as to whether we should contest the elections in every constituency in Ireland, or not. It was pointed out then that we recognised Ireland as a unit and every constituency in Ireland should be contested. Every constituency in Ireland was contested and in so far as we could make it then and in so far as the Dail could hold it since, a united Ireland is represented here. So long as the Deputy for Fermanagh sits in this House, and the deputies for Armagh, Down and Tyrone sit in this House, [so] long do we preserve, in so far as we can, the unity of Ireland... We have two obstacles at present to our complete independence, one in Ulster and one in Britain.

You men who signed the Treaty, if you do not draft a Constitution that will give the Republican ideal in Parliament will be guilty of a crime against the Irish nation, and you will commit this country to endless wars and revolution. I know thoroughly well there is an Ulster difficulty. I do not expect the President or Cabinet can get over that difficulty. But I ask, in so far as this Assembly of the Republic is concerned, that any decree emanating from it as such, should be a decree that an election be held throughout Ireland.

"On Tuesday last the representatives of the Opposition side agreed that an election be held throughout Ireland on the same day. What has happened from Tuesday to Friday that we are now asked to vote for an election for the twenty-six counties? ..."

Griffith had introduced the motion for an election with these words: "the motion standing in my name is as follows" "That Dail Eireann declares an election for the following constituencies of (1) Mid-Dublin, (2) North West Dublin, (3) South City, Dublin..." etc., down to "(28) Dublin University". What he announced was a series of by-elections, in all the constituencies in the 26 Counties. He made no reference to constituencies in the 6 Counties which had elected TDs to the Dail.

The other point made by Boland had to do with an undertaking that was undoubtedly given by Collins, to increase support for the Treaty, that he would construct a Constitution within the Treaty that would be Republican in substance. That was one of the things he was attempting to do during those weeks.

Richard Mulcahy, who supported the Treaty strongly, on a particular understanding of it, said:

"I want to protest very earnestly against the futility of this debate... I simply want to protest against the lines upon which this debate is going, and I want to

suggest that we depart from all the little points of argument, on this, our 47th debate on the Treaty, and that we go back and find out for the information of both sides in the House on what particular point in their discussions yesterday, Mr. de Valera and Mr. Collins disagreed. As far as I can feel, they came to some small thin dividing line of difference, and whether that line can be pierced or whether it cannot, the important thing for our dignity, and for the safety of the people whom we represent here, is that we should know simply and clearly, and without any oratory or any rhetoric, what are the broad points upon which disagreement has arisen and which still keep this House sundered, without any common objective that they can unite and work on, and that keeps the two Parties in this House divided perhaps by some small difference, but yet divided so completely that they are able to slip back to the futility and disgrace which is apparent here in this House..."

May 20th: Griffith Introduces Motion For Coalition Election

Collins and De Valera had for some time been trying to work out a *modus vivendi*. They came into the Dail on May 19th but did not make a report. Collins proposed an adjournment. That was at 6.15 on Friday. It resumed at 4.45 pm on Saturday. The Speaker read out the *National Coalition Panel Statement*. Griffith amended his election motion of the previous day, adding the paragraph that the election would be "*Subject to the agreement arrived at between the Minister of Finance and Deputy de Valera and approved by Dail Eireann*". And that was that. The next meeting of the Dail was more than a fortnight later, June 8th, after the close of election nominations.

The Collins/De Valera Pact changed the nature of the election. Griffith had insisted that it must be a clear contest between Sinn Fein Government and the Sinn Fein Opposition on the issue of the Treaty. The purpose of the Pact was to sideline the issue of the Treaty, maintain the general Sinn Fein structure of national political life, and ensure that the opponents of the Treaty, who had played a vital part in obliging Britain to negotiate, should continue to be in the forefront of public life.

The Pact did the very thing that Griffith said should not be done. But he did not say a word in explanation or justification when amending his motion to include the Pact. Collins had decided and that was the beginning and end of the matter. He had no equal on the Treaty side. Many Treatyites were only Treatyites because he said he would bring in the Republic on stronger ground by way of the Treaty by getting a more powerful army (from Britain [!]) to confront Britain with. If that was to be done, only Collins could do it.

Mulcahy was not really a Treatyite but a Collinsite and he had to be disciplined into Treatyism when Collins was no longer there. Griffith, on the other hand, was not a Collinsite but a Treatyite. But he depended on Collins—playing both sides against the middle—to hold the Treaty for him against the Republicans. He seems to have been overawed that the British conceded as much as they did in the Treaty and was in a panic lest they should snatch it all away again if the Republicans were not crushed, but the crushing of them was a project for which he was powerless. He depended on Collins to do that. And, if Collins insisted on approaching the matter obliquely, he just had to put up with it.

The 7th paragraph of the *Pact* is obscure:

"That in the event of the Coalition Government finding it necessary to dissolve, a General Election will be held as soon as possible on Adult Suffrage."

I suppose "*Adult Suffrage*" means that the voting age for women would be the same as that for men. And I suppose a General Election, as distinct from the kind of election called by Griffith would be an all-Ireland election, instead of a series of by-elections in the 26 Counties.

On May 18th, the Dail decided to hold an election in the 26 Counties, and it gave official approval to the agreement made between its two major parties, the Sinn Fein Treaty Party and the Sinn Fein Anti-Treaty Party, to contest the election as a Coalition and form a Coalition Government if they won.

This was the same Dail that had voted to accept the Treaty in January. Part of it had met briefly as the *Parliament of Southern Ireland* for the purpose of being recognised as the *Provisional Government* by Britain, but it had then returned to the Dail and operated as the Dail Government, with the anti-Treaty wing of Sinn Fein acting as a Constitutional Opposition.

It was not required of Anti-Treaty Sinn Fein TDs that they should sign the Treaty as a condition of admission to the Dail and taking up Government positions.

If the Treatyite Sinn Fein had sat as the Parliament of Southern Ireland, along with a couple of Protestant Ascendancy Unionists, the Treaty arrangement would have been farcical. By rejoining the Dail—it might be argued in breach of the Treaty—it made the Treaty functional.

Collins used a strange phrase to describe what he had got in the Treaty. It was not freedom. But it was "*the freedom to achieve freedom*". If the Election Pact had been carried through, it could be said that he had done just that.

Churchill On The Election Pact

The following account of the British response to the Election Pact is given in the fifth volume of Churchill's history of the World War, *The Aftermath*, published in 1929:

"Up till the end of April [1922] we seemed to be ploughing our way heavily but surely through all our difficulties. The Free State Government seemed to be functioning fitfully but increasingly... All our hopes and aims were directed towards the free election by the Irish people of a representative assembly. There was no doubt whatever that by an overwhelming majority they were for both the Treaty and the Free State Government.

"Towards the end of May a new, and to me a most disconcerting development took place. On May 19 Mr. Griffith had told the Republicans in the Dail that in their violent courses they did not represent 2 per cent of the people of Ireland, and that 'the course they were pursuing placed them on the level of the worst traitors in Ireland, namely, those who by their actions were rendering the return

of the English troops inevitable'. The very next day, to the astonishment of all, to the dismay of their friends, and the joy of every enemy, a compact was signed between de Valera and Michael Collins. The compact dealt with the approaching election. It comprised an agreement that the Republican anti-Treaty men (who Mr. Griffith declared the day before did not represent 2 per cent of the Irish people) were to have 57 seats in the new Parliament as against 64 for the supporters of the Treaty. They were not to be opposed by the Provisional Government to the extent of 57 seats. In other words, the existing balance on the question of accepting or rejecting the Treaty was to be preserved in the new Parliament... Secondly, this compact prescribed that after this so-called election a Coalition Government should be formed consisting of five pro-Treaty Ministers and four anti-Treaty Ministers... On this basis, the two Sinn Fein parties, pro- and anti-Treaty, were to divide the representation and challenge the candidates of every other opinion.

"I had received news a few days before of what was in the wind and I wrote immediately to Michael Collins...

May 15, 1922

...It would not be an election in any sense of the word, but simply a farce, were a handful of men who possess lethal weapons deliberately to dispose of the political rights of the electors by a deal across the table... It would be an outrage upon democracy. Your Government would soon find itself regarded as a tyrannical junta which having got into office by violence was seeking to maintain itself by a denial of constitutional rights. The enemies of Ireland have been accustomed to say that the Irish people did not care about representative Government, that it was alien to their instincts, and that if they had an opportunity they would return to a despotism or oligarchy in one form or another. If you were to allow yourself to be misled into such an arrangement..., such action would be immediately proclaimed as justifying to the full this sinister prediction. As far as we are concerned in this country, we should certainly not be able to regard any such arrangement as a basis on which we could build...'

"So we were not, it seemed, to get any foundation after all...

"We were, however, on this issue in possession of the ensigns of Democracy. Until you get a certain distance down the slope these count for much. We invited the Free State leaders over to London. They came immediately; Griffith plainly in resolute dissent from what had been done; Collins half defiant, half obviously embarrassed. It was all right, he said; we did not know their difficulties... Nothing was stable under their feet. A contested election was physically impossible. It would mean widespread civil war; no one would dare to vote; they had not the strength to keep even a semblance of order. Nevertheless Collins declared himself unchanged in general intention to stand by the Treaty. It looked as if the wounds of Ireland would not react to any treatment known to be science, but would just slough away into mortification.

"These events produced their immediate reaction in the north. Protestant Ulster was convinced that Southern Ireland would now sink into chaos, and to wall themselves off from this infection was the only thought. Incessant

demands were made for troops and arms. Sir James Craig made an uncompromising statement about the boundary.

'Mr. Churchill to Sir James Craig

May 24, 1922

Londonderry will tell you the results of his discussions with the War Office and the arrangements we have made for the supply of this great mass of material to you. I must say at once, however, that I do not consider your declaration made without any reference to the Government that in no circumstances would you accept any rectification of the frontier or any Boundary Commission as provided for in the Treaty is compatible with requests for enormous financial aid and heavy issues of arms. While I was actually engaged in procuring the assent of my colleagues to your requests, you were making a declaration which was in effect in one passage little short of a defiance of the Imperial Government whose aid you seek. Several of my colleagues have communicated with me this morning in a strong protest against a statement of this kind being made by you when you were asking for and receiving our assistance and especially at so critical a moment in Irish affairs. All I was able to reply was that de Valera and Collins had made statements in the Dail yesterday of an equally unsatisfactory character... A very strong effort will undoubtedly be made in favour of a policy of Britain disinteresting herself in Irish affairs, leaving them 'to stew in their own juices and fight it out amongst themselves'. Such a disastrous conclusion is rendered more difficult to combat by a statement of the kind you have made.

I know you will not mind my speaking quite plainly, because I am doing my best to support you in all that is legitimate and legal. We could not have complained, for instance, if you had said that the Collins-deValera agreement rendered all co-operation between you and the South impossible. I should have regretted such a statement, but it was entirely one within your rights to make. But it is not within your rights to state that you will not submit to the Treaty which the British Government has signed in any circumstances, and at the same time ask the British Government to bear the overwhelming burden of the whole of your defensive expenses. I should have thought it would have been quite possible for you to have made a thoroughly satisfactory declaration to your own people in these critical times without taking ground which seems to show you just as ready as Collins or de Valera to defy the Imperial Parliament if they take a course you do not like'...

"While not by any means giving up hope, I thought it right to prepare Parliament for a slattern development, and on the motion for the Whitsuntide adjournment I laid the whole story before the Commons, repeating the most valid of the explanations which Mr. Collins had offered.

'The Provisional Government could not possibly guarantee the ordinary security of life and property if these securities were challenged by an active, ardent, violent Republican minority. This Republican minority, it is explained, consists mainly of a comparatively small number of armed men, violent in method, fanatical in temper, but in many cases disinterested or

impersonal in motive. But behind these, strengthening these, multiplying these, disgracing these, are a larger number of common, sordid ruffians and brigands, robbing, murdering, pillaging, for their personal gain or for private revenge, or creating disorder out of pure love for the disorder and confusion. These bandits—for they are nothing else—pursue their devastating course under the so-called glamour of the Republic and are inextricably mingled with bona-fide Republican visionaries.

'The Provisional Government... declared that the Agreement into which they have entered with the Republicans would isolate the brigands and would enable these brigands to be struck at and suppressed, that a greater measure of liberty and security would immediately be restored, and that such conditions are an indispensable preliminary to any free expression of the political will of the Irish people... They say, further, that it is in the power of the extreme minority in Ireland, by murdering British soldiers, or ex-soldiers, or Royal Irish Constabulary men who have retired..., or Protestants in the South, or by disturbing Ulster, to produce a series of episodes which, if prolonged and multiplied would in fact destroy the relationship between Great Britain and Ireland and render the carrying through of the Treaty impossible on both sides.'

"I urged the House not to underrate this argument. I added this warning:

'Irish Prosperity has been seriously affected. Banking and business are curtailed; industry and agriculture are languishing..., the inexorable shadow of famine is already cast on some of its poorer districts. Will the lesson be learned in time...? Or will Ireland, amid the strong indifference of the world—for that is what it would be—have to wander down those chasms which have already engulfed the great Russian people? This is the question which the next few months will answer.'

"I strove against a silent tide of scepticism,

'I do not believe that the members of the Provisional Government are acting in bad faith. I do not believe, as has been repeatedly suggested, that they are working hand in glove with their Republican opponents with the intent by an act of treachery to betray British confidence and Ireland's good name. I am sure they are not doing that. They may not have taken the wisest course, or the strongest course, or the shortest course, but they, and a majority of DailEireann who steadfastly support them and support the Treaty are, I sincerely believe, animated by an earnest desire and resolve to carry out the Treaty...

'If we are wrong, if we are deceived, the essential strength of the Imperial position will be in no wise diminished, while the honour and reputation of Ireland will be fatally aspersed. Whether you trust or whether you mistrust at this moment, equally you can afford to wait...'

"On this very day, however, a new incident which I duly reported to the House had occurred. The townships of Pettigo and Belleek had been seized and occupied by Irish Republican forces. Pettigo lay astride and Belleek was wholly within Northern Ireland territory. This military affront brought into

play the other side of the dual policy I was endeavouring to apply. It gave me the opportunity of reassuring Ulster that we were not merely sliding with apologies down the slope, but that whatever else went to wreck, the integrity of their territory would be protected...

"Immediately after the debate, Michael Collins, who had listened to it, came to my room. I mentioned to him amicably that if any part of the Irish Republican Army, either pro-Treaty or anti-Treaty, invaded Northern soil, we would throw them out. He took it quite coolly, and seemed much more interested in the debate. 'I am glad to have seen it', he said, 'and how it is all done over here. I do not quarrel with your speech; we have got to make good or go under... Before he left he said, 'I shall not last long, my life is forfeit, but I shall do my best. After I am gone it will be easier for others. You will find they will be able to do more than I can do'. I repeated the phrase of President Brand which I had learned in the days of the Transvaal Constitution Bill, 'Alleszalregtkom' (All will come right). I never saw him again.

"Here I will record a few thoughts about this man, Michael Collins. He was an Irish patriot, true and fearless. His narrow upbringing... had filled him with hatred of England. His hands had touched directly the springs of terrible deeds. We had hunted him for his life... But now he had no hatred of England... He had come in contact during the Treaty negotiations with men he liked; with men who played the game according to the agreed rules; he had plighted a new faith to act fairly by them. As Griffith seemed to rely especially upon Austen Chamberlain, so Michael Collins was deeply impressed by the personality of Lord Birkenhead. The transition of his sympathies can be followed in gradations through his speeches by anyone who cares to study them. Whereas he had had only one loyalty, he now had two. He was faithful to both; he died for both. When in future times the Irish Free State is not only the home of culture and of virtue, not only prosperous and happy, but an active, powerful, and annealing force in the British Commonwealth of Nations, regard will be paid by widening circles to his life and to his death..."

The Boer Example

Britain had waged a naked war of conquest on the Dutch Republics in Southern Africa (the Boers). It ground them down by means of Concentration Camps into which large swathes of the general population were swept. It was reckoned that there were 26,000 excess deaths in the Camps in a couple of years. The conquered territory was criss-crossed by a chain of military blockhouses and the country was pacified. Within a few years the defeated and humiliated Dutch Republicans were remade into enthusiastic militarists of the British Empire.

Britain was especially proud of its South African conquest. It had defeated a people of first-rate, white, European stock—its own racial cousins. For too long its wars had been fought against people of inferior stock—Fuzzy Wuzzies. It had been necessary to do that so that it could fulfil its destiny of imposing Christian order on the world—of showing the nations how they should live, as Cromwell's Secretary of State, the poet Milton, had put it—but there was no glory in it. There was glory as well as virtue in subjugating a people of first-rate European stock, bringing them to a realisation that the English were the master race, and moulding them into agents of English destiny.

And now they were doing it again. They were repeating with Griffith and Collins what they had done with Smuts and Botha—not that the Irish were racially on a par with the Boers, of course! But they were the problem that came to hand just then, and they were being handled competently, with the Imperialised Boers, who were now statesmen of the Empire, standing as an example to them of the glorious future that was open to them, and being ready to help them to realise it.

There seems to be little doubt that Collins was greatly impressed by F.E. Smith, Lord Birkenhead, during the London negotiations—even though Birkenhead was the notorious Galloper Smith of the fierce 'Ulster' resistance to the Home Rule Bill of 1912-14. Collins had marginalised three of the five members of the "*Plenipotentiary*" group appointed by the Dail Government in order to engage in intimate discussions, along with Griffith, with Birkenhead and Austen Chamberlain. And he and Griffith, in the presence of the great men of the Empire, seemed to forget all that they had ever said about how the Empire operated.

This was true of Griffith in particular. He had seemed to understand very well how little was the part played by personal trust in relations between states, especially where the British State was concerned, but now they relied heavily on personal understandings which they understood they had been given by agents of the British Empire who had just played an active part in winning the greatest War the world had ever seen.

Constitutionalism

This gullibility probably had much to do with the fact that they did not in their bones feel themselves to be agents of State, appointed by its own Government to engage in negotiations with the agents of a rival state. This was certainly the case with Collins.

He was in the first place a member of the conspiracy of the Irish Republican Brotherhood, and had become head of its Supreme Council. The IRB considered itself to be the Irish Republic. After the failure of its attempted revolution in 1867, it operated behind the scenes, entering spontaneous movements (movements that arose independently of it), to stiffen them and guide them. The Dail development was in its eyes just another such movement.

The 1916 Insurrection was brought about by collaboration between IRB and non-IRB elements. The section which inflicted the most casualties on the British Army was commanded by De Valera, who was not a member of the IRB conspiracy. He became a purely nominal member so that as a Volunteer he could take part in the planning, but otherwise made a point of keeping his distance. And it so happened that De Valera, because of his American origin, was the only 1916 Commandant who survived the Insurrection. Then, by virtue of his role in 1916, he held a singular position in the independence movement after 1916.

He was strongly Constitutionalist in outlook. This does not mean that he was in any way Redmondite. There is no inherent contradiction between Constitutionalism and military action. The reason why Redmondite Constitutionalism was rotten was that its leaders swore allegiance to the Crown, sat in the Westminster Parliament while being committed by Party rules not to

take part in the proper Constitutional business of governing the state to which they swore allegiance, but supported military action by that state against another state and recruited Irish nationalists into it, while condemning the use of "*political violence*" in the Irish interest.

That is why it was wiped out, all but a handful, in the General Election of 1918. The handful of Home Rule MPs that survived then refused to attend the Parliamentary assembly elected in Ireland, Dail Eireann. They went back to Westminster and took the Oath of Allegiance to the Crown again.

Sinn Fein won the election in Ireland, and then it did what it told the electorate that it would do. It called an Irish Parliament and that Parliament appointed a Government, and the Government set about constructing an apparatus of state.

The British Parliament took no Constitutional notice of the Irish election result. It authorised its Government to keep on governing Ireland. The Irish Parliament, the Dail, was declared an illegal assembly.

The Whitehall assumption was that the Irish, influenced by the excitement of the time—the election being held within a few weeks of the ending of the World War—had been carried away by their imaginations, and that, helped by a bit of harsh treatment, they would soon return to their senses. But the effect of a year of harsh treatment was that the Local Elections of 1920 confirmed the Sinn Fein victory in the General Election, and local Councils detached themselves from the British Government Department in Dublin Castle and declared practical allegiance to the Dail.

There was no semblance of an Irish State in 1918.

The Home Rule Party, which had dominated electoral affairs in Ireland since the 1880s had, in tight alliance with the Liberal Party, gained a *Home Rule Bill* in 1912, along with the means of carrying it through the House of Lords. The device by which the Bill could succeed against the opposition of the Lords involved carrying it through the Commons three times: in 1912, 1913, and 1914. It passed through the Commons for the third time in May 1914. The problem then was how to implement it as an all-Ireland institution against the forces of resistance that had been built up in the British colonial society in Ulster.

While this problem was being considered, an opportunity arose to put into effect the preparations that had been made for war on Germany during the preceding ten years.

At the end of July British civil war over Irish Home Rule seemed to be inescapable. A means of escape was found by declaring war on Germany on August 4th. During the intense British conflict over Home Rule, the Home Rule Party became a virtual part of the British Liberal Party, having enabled it to carry a Budget against the Unionist Opposition—which was equal in size to the Liberal Government. The Liberal Party was in government only because the Home Rule Party supported it from the back benches, in return for a Liberal undertaking to implement Home Rule.

When the Liberal Government declared war on Germany, Home Rule journalists were the most effective war propagandists at the outset, helping to bring the Liberal back-benches into line for the War as a kind of Moral Crusade.

The Home Rule Bill was signed into the Statute Book as an Act, accompanied by another Act which suspended its operation until the end of the War and assured the Unionists that, even then, it would be up for amendment before being implemented.

Redmond became the Home Rule Minister in waiting in September 1914. Home Rule became a legislative fact, and Redmond was its Prime Minister. But there was absolutely nothing on the ground in Ireland corresponding to the legislative fact that it had Home Rule. And Redmond's main business on becoming Prime Minister-in-waiting was to become a recruiter of Irish cannon fodder for the British Army.

Prior to August 1914, Redmond got a Home Rule Bill in return for making the Liberal Party the Government and enabling it to pass highly-contentious legislation. After August 1914 he got absolutely nothing in exchange for becoming a Liberal recruiting agent and propagandist for the War.

In March 1915 a General Election was due. The Unionist Party, the Opposition, agreed to postpone the Election for the duration of the War on condition that the Liberal Party formed a Coalition Government with it. The Liberals agreed. Redmond's usefulness to them was finished.

Protest And Reform

Professor Tom Garvin, one of the pioneers of revisionist history, said that the Home Rule Party laid the foundations for democracy in Ireland by getting the people accustomed to taking part in elections. But Democracy is a form of government. And government is not Protest. And Home Rule electioneering was a form of protest.

Home Rule MPs were elected under a Party rule that they must not take part in the governing of the state to whose Parliament they were elected and to whose King they swore allegiance.

One major reform was carried out by a Home Rule group, acting in responsible collaboration with a British Government. That was the Land Reform of 1903. In that reform William O'Brien acted first as a seditious agitator against the established land system, which was widely felt as a grievance, and he was imprisoned by the Unionist Chief Secretary. A little over a decade later, his agitation having helped to devalue the established order, he collaborated with a Unionist Government headed by the same man (Balfour) to enact a reform which removed that grievance.

The reform was opposed by the Home Rule leadership, which saw the grievance as a valuable asset in its protest politics.

In 1910 that William O'Brien group broke the Redmondite Party in Co. Cork. In 1918-19 it took part in the making of the new Sinn Fein Party.

Redmond's Home Rule Party was a tightly-organised protest party. Under strict discipline it won election after election, but had nothing to do with its victory except protest some more, while taking up jobs in the British

administration. The effect on its personnel was degrading and it bred cynicism in public opinion.

The Will To Govern

Sinn Fein, as put together after 1916, was a party with a will to govern. When it won the election it called a Parliament which appointed a Government, which set about establishing a State administration around the country to displace the British administration.

The most difficult State institution to establish was the Army. The country was under comprehensive occupation by a British Army and police force. The police force was armed, and it was not a County Constabulary as the police were in Britain. It was drawn from the native population, but had been developed as a caste detached from the populace, without local loyalties, directed centrally by the British Department of State in Dublin Castle, and it remained largely immune to the strong national development that had taken root in the populace.

A further consideration was that a large number of young men of the kind most likely to be active in the formation of an Irish Army had been diverted by Redmond into the British Army after September 1914 and had sworn allegiance to the Crown.

The Irish army which acted in defence of the Irish Government in 1920-21 was the work of politically-motivated individuals well known in their localities. And it was done most effectively in the region where the 1903 Land Reform had been implemented most thoroughly, where the complaint about the colonial landlord stratum had been removed through constitutional action, and where the Home Rule Party had been undermined before 1916, or 1914, or 1912.

In this region purposeful agitation had laid the basis for purposeful collaboration with the British Government to bring about the abolition of the landlord system by British Constitutional means. The Home Rule Party did not even put up candidates in most of the Munster constituency in 1918. And it was in this region that an Army was constructed in support of the new Irish Constitution in 1919-20. And it was here that the main battles were fought.

The Government did not form the Army. It could hardly have done so under the circumstances. But it assumed responsibility for the actions of the Army.

The Army had formed itself by local action. If it had not done so, the British occupation would not have been challenged effectively. The relationship between the elected Government and the Army that defended it was therefore not one of regular hierarchical subordination and an attempt to treat it as such could only lead to trouble—and did lead to trouble.

But the relationship of the Government and its Army is something special, even in the most secure and best-regulated of states. In the Spring of 1914 the British Army in Ireland did something that in Irish propaganda is often called *Mutiny*. The officer corps based at the Curragh indicated that it would not take part in enforcing a Home Rule Act in Ulster. If ordered to do so, they would resign their commissions. The Government gave an undertaking that it would not try to enforce Home Rule on Ulster. The Secretary of State who gave the Curragh officers this assurance—the War Minister Seely—endangered the relationship with the Home Rule Party on which the Liberal Party depended to remain in Office.

Redmond's *No Surrender* stance against the Ulster Unionists depended on the power of the British Army to reduce Ulster to compliance with a Home Rule Act. The matter was dealt with by the War Minister resigning, because he had acted supposedly without authority in giving the assurance he gave to the Curragh officers. But the assurance he gave to the officers was not revoked by his replacement. In fact, he was not replaced. The War Office was nominally taken on by the Prime Minister. There was no War Minister right up to the time War was declared on Germany in August.

The officers at the Curragh were central to the detailed war-planning with France, that was carried on by the Government and which was known only to the inner circle of the Government. The rest of the Cabinet, and the Liberal Party—even the Parliamentary Party—were unaware of it. The appointment of a new War Minister was too delicate a matter to be rushed into. So a deal was made by the Government with the Curragh officers by a Minister who resigned because he had acted unofficially, and he was not replaced, and the deal he struck held good.

Idealists of Law and Order cried "*treason*" and "*mutiny*". But the Tory Opposition in Parliament defended the Curragh officers on high Constitutional grounds. It was equal in size to the governing Party in Parliament. The Liberal Party was in government only in virtue of the support of the Irish Home Rule Party, which was a party that refused to take part in the Constitutional business of governing the state, and wished to break it up.

The only judge in this matter was the electorate; and the Opposition case made sense increasingly to the electorate as conflict over the Home Rule Bill progressed from 1912 to the Summer of 1914. The Parliamentary supporters of the 'Curragh Mutiny' entered the Government in Coalition with the Liberals a year later, and the Liberal Party split a year after that!

One of the 18th century political poets summed up the situation:

"Treason never prospers!
What's the reason?
If it prospers
None dare call it treason."

In fact, if it succeeds, then it isn't treason. There's no rule in politics that is more basic and more true than that.

Law and the Legislature

A British biographer of Collins comments as follows on the Collins/De Valera Electoral Agreement of 1921:

"This pact was justified only by expediency and the rapidly worsening situation; but it was quite illegal, a carve up that ignored the wishes of the smaller parties, such as the Farmers' Party, Labour and the Southern Unionists...

"Hugh Kennedy, the chief Law Officer of the Provisional Government, was aghast at its illegality..." (p217-8, Dr. James Mackay, *Michael Collins: A Life*. 1997).

Under what Law was it illegal?

British law had ceased to function in Ireland. The system of Irish law being established in practice under the Republic had not been codified and, as far as I know, it had nothing to say in a matter like this.

The Provisional Parliament had been called to meet British requirements for authorising the establishment of a Provisional Government, and the only members of it that counted had then returned to the Dail. And the Dail approved the Collins/De Valera Pact.

Did Churchill mention law when condemning the Pact? Not that I know of. He knew very well that, in the Irish situation in the first half of 1922, everything was politics.

If we must discuss law, we should begin with Collins's action in signing the 'Treaty' in direct violation of his Government's instructions. His instructions were clear. He was delegated by the Dail to take part in negotiating terms for a settlement with the British Government, but instructed not to sign any document until it had been brought to the Dail Government for approval.

The delegates were called *Plenipotentiaries* because the British Government did not recognise the Irish Government. He was a *Delegate Plenipotentiary*, which is a contradiction in terms. He never informed the Dail Government that he had cast off his delegate status and would in future act as Plenipotentiary in earnest.

It was later alleged that De Valera had insisted that Collins should be part of the negotiating team (which he would have preferred not to be) in order to compromise him and reduce his influence, and enhance De Valera's own reputation.

But there is an obvious reason of statecraft, having nothing to do with personal rivalries, why it was necessary that Collins should be part of the negotiations.

He was by reputation the 'extremist' of the situation. He had rejected the suggestion of a Dominion settlement on the grounds that the effort needed to get a Dominion would get a Republic. And, when De Valera in the United States said that, if Britain's main concern was about the possibility of a military threat to its security from an independent Ireland, that concern could be met by making an arrangement such as the US had with Cuba (i.e., the base in Guantanamo Bay), Collins had dissented strongly from this suggestion.

Dev was not the only one who thought some kind of compromise with Britain was inevitable. It made good sense, in the interest of maintaining unity, that a popular 'extremist' should be centrally involved in the making of that compromise—or else in showing that it was not necessary.

What was not expected was that the extremist should disregard his Government, take matters into his own hands, sign off on a compromise in London, oblige the three delegates who had been excluded from the intimate discussions with Birkenhead and Chamberlain to sign off on it too, and have the 'Treaty' announced to the world through the British Press—leaving the Irish Government to learn about it in the papers.

There were suggestions that the delegates should be arrested for treason on their return. A legal case could have been made for that on the ground of the Irish constitution—the Dail system which had appointed and instructed them.

At the meeting of the Irish Government, held two days before he signed the Treaty, Griffith argued strongly that they had got as much from the British as they were going to get, but he accepted the instruction to go back and try to get some more. Collins apparently said effectively nothing at that meeting. It seems that he had made up his mind about what he would do and did not see it as serving his purpose to tell his Government.

If he had told the Government that he would negotiate no further because there was nothing more to be gained, what would have happened?

The agreed procedure was that, when the negotiators concluded that there was no more to be got, De Valera would go to London as President for a final confrontation with Lloyd George over war and peace, putting it to him that, if the British decided on war, it would be on the slender distinction between the Irish description of the capacity in which they would recognise the King and the description being insisted on by the British.

For this to be done, the Irish Government would have to come to an agreement. Collins aborted that process. He relieved the Government of the painful business of agreeing on either a compromise settlement or ending the negotiations and daring the British to make war.

The Problem Of British War-Making In 1922

If the British decided on war, the situation facing them would have been very different from the 1919 situation. The War began in 1919 as police action and built up gradually as policing was met with a purposeful counter-force until the British Army had to acknowledge that it was in conflict with another Army. In June 1921 a Truce was arranged between the two Armies and negotiations began between the British Government and the Irish "*murder gang*". The 'murder gang' took on the *de facto* character of a Government, whether officially recognised or not.

A resumption of hostilities by the British after months of negotiations would have been seen clearly to be an act of war. And the issue on which the British Government declared war would have been a fine distinction between two ways of describing the role of the British King with regard to the Irish state—because Britain became resigned to the fact that Ireland had constructed itself as a State. The 4th Home Rule Act—the 1920 *Government of Ireland Act*, with its Parliaments of Southern Ireland and Northern Ireland—was passed in the knowledge that it would not be implemented. Its practical purpose was to enact Partition under a semblance of establishing all-Ireland Home Rule in order to conciliate American opinion.

Statehood Conceded In Principle

With 'Ulster' out of the way, and 'Southern Ireland' being a dead duck, Whitehall began to feel its way towards reducing the Dail Republic—whose

existence it never acknowledged officially—to a Dominion. And a Dominion in 1921 meant a State.

Northern Ireland was not a State, and it was not intended that it should evolve into a State. When the Ulster Unionist leader responded to the Treaty by suggesting that Northern Ireland should be given status equal to Southern Ireland as a Dominion, Lloyd George dismissed the idea. It seemed to me that it had been suggested only as a warning to Whitehall that Protestant Ulster had a will of its own and would not put up with being bargained away to the South.

The Treaty broke the 1920 Act, which imposed separate Home Rule on Ulster, which Ulster did not want, along with Home Rule for the South, and with a connecting Council of Ireland, by constituting the Parliament of Southern Ireland—which had never met—into the legislature of a state. The North remained a region of the British state, as Collins found out to his cost when he made war on it in May 1922.

Professor Garvin Psychologises

Professor Garvin asks, "*Why was a civil war necessary to preserve the infant state?*" He gives this smart reply:

"The answer seems to lie in the collective experience of a generation of young men who came of highly authoritarian personal backgrounds, who were politically inexperienced, who had exaggerated personal expectations, and... countered authoritarianism with hostility to authority. They had also tasted power as local level IRA commanders, and liked it...

"...The Civil War was deeply unpopular with the majority of the population and was, in a sense, an anomalous event. It involved only elites and their immediate followers, the new political class. The split did not truly involve the general population, unlike that of 1891, which had destroyed Parnell. This was so because the Catholic Church, while siding with the pro-Treatyites, kept its lines out in many different ways to the anti-Treatyites, and made peace with them subsequently; crucially, de Valera was a pious Catholic, whereas... Parnell had been a Protestant guilty of a public sexual misdemeanour... For the dead Parnell there was to be no forgiveness; for the long-lived de Valera there was to be not only forgiveness but an apparently unconditional popular pardon for his mistakes of 1921-25... Ireland was ready for democracy, but some of its elites and activists were not quite so ready..." (p25/6, 1922).

The Parnell comparison is off the mark, and essential bits are omitted from this account. It was Parnell himself who split the Party by refusing to stand down from the Parliamentary leadership to let the sexual scandal blow over. It was not the Irish Catholics but the fundamentalist English Protestants, who were the heart and conscience of the Liberal Party, who made a Confidence issue of the sexual misdemeanour. The Party split when Parnell treated the Party as his personal property and demanded that it should break the alliance with the Liberals, on which he himself had made it dependent, and who ran his own candidates against Party candidates at elections.

These omissions tell us what jumps out to Professor Garvin's eyes in situations and what remains invisible to him.

And De Valera, the pious Catholic, was the leader of the excommunicated republicans.

An even smarter explanation follows:

"The oath was... to be the rock the movement split on. The symbols of monarchy in its Treaty, there to comfort English opinion and to deceive it as to the status quo of the new polity, actually succeeded in deceiving much of Sinn Fein and the IRA, who saw, or claimed they saw, a puppet state being erected on Irish soil..." (p52).

Symbolic Monarch Or Actual Prime Minister

I can recall no trace of general anti-monarchy sentiment in the Republican culture in which I grew up. That culture was thoroughly Jacobite in its songs, stories, music and card-games. We lived to a considerable extent in the culture of the Stuart monarchy a couple of centuries after that monarchy had been crushed and anathematised by the militarism and religious fanaticism of the penal civil society of the Hanoverian monarchy.

It was well understood that the actual Monarch of the Treaty was the English Prime Minister. And I'm sure that had been understood twenty years earlier. (I seem to recall that it was actually spelled out in the *Dail Treaty Debates*.)

Monarchy as symbols was for the unpolitical English masses. In political affairs the Crown Prerogative was exercised by the Prime Minister.

When the Irish state declared itself neutral in the British war on Germany in 1939, Churchill said that under the Treaty it did not have the Constitutional right to be neutral when its King was at war. Six years later he said as Prime Minister that, if he had occupied the Free State in 1940, he would have been within his rights in doing it. If he had done it, Parliament would have supported him, as it supported him in invading Iraq and Iran, and he would therefore have acted Constitutionally.

What was at issue in British insistence on the Oath was not mere symbolism. Whitehall was determined that the Irish state it recognised should be what was called a *Successor State* to the British state in Ireland, accepting responsibility for all that Britain had done in the attempt to prevent its formation.

It would have been a very serious setback for Britain if it had had to recognise an Irish state that had founded itself against it as an independent state, able to indict it for all the destruction it had wrought in Ireland.

It was in its interest to ensure that the Irish force that had brought it to the negotiating table did not survive as the ruling force in the Irish state which it recognised. It was its purpose to break up that force. In the world of states, that was an entirely reasonable purpose.

The Joker In The Pack

De Valera, in the arrangements he made for negotiations with the British state, tried to ensure that the Irish national force that brought Britain to negotiation, would hold together in the face of the compromise that, however unjust from a

moral point of view, would almost certainly have to be made with British demands.

This was done by the composition of the negotiating team—which had Griffith at one end (who had advocated a Dual Monarchy, in which the British King would act in a second capacity as King of Ireland, in which capacity he would be advised by the Irish Government, and under which Ireland would become a separate colonising force within the Empire, and Michael Collins, apparently a *"no compromise"* republican on the other—and the condition that the delegates were to sign nothing that had not been approved by the Government.

The essential thing was that the Government, in which the main strands of nationalist opinion were represented, should be compelled to come to an agreed decision, which would then be put to the Dail and to the Army, with the Government acting collectively as persuader.

There was nothing extraordinary, or difficult to understand, about this arrangement. It went awry because Collins, the staunch Republican, suddenly became the arch-compromiser. He hustled the other delegates in London into signing the deal presented by the British Government without consulting Dublin.

His biographer, Dr. Mackay suggests that *"after that unseemly wrangling in the Dail two days earlier, Michael felt that there was little point in contacting Dublin at this juncture"* (p225).

So he presented the Government, the Dail, and the Army with a signed 'Treaty' through the medium of the British press. And he did so after consulting the IRB, which had never recognised the Dail as sovereign.

He had lost patience with wrangling in the Government, and had sat contributing nothing during its final session before going to London and signing the Treaty. But statesmanship in problematic situations always involves a great deal of wrangling.

There needed to be no wrangling in the IRB. It was not a Government but a conspiracy. It had seen many movements come and go, played a part in them, but never lost itself in them. It seems that it treated the Dail as just another such movement.

Commissioning The Army

There was another element in the situation. De Valera was regularising the position of the Army. It had come into being bit by bit through local initiatives. The Dail took responsibility for its actions, but it was a series of independent units. De Valera, after the Truce, set about a systematic commissioning of it as the Army of the elected Government.

Tim Pat Coogan, who was Editor of the Fianna Fail paper, the *Irish Press* around 1970, though himself a Treatyite and Collinsite, published a series of best-selling books about Collins, De Valera and *"The Troubles"*. Many people seem to have depended on those books in the revisionist era for information about the War of Independence, the Treaty and the Civil War.

Coogan presents the commissioning of the IRA as the Army of the Republic as a manoeuvre against Collins, intended to undermine his influence with the

Army—or the influence of the IRB with the Army, which amounts to the same thing. And this was done after Collins had been sent to London to negotiate, make the necessary compromise, and be a scapegoat.

Coogan has done in depth research in certain directions, so I assume he found some evidence that this is how Collins himself saw things. But, if so, why did he rush to sign the Treaty, instead of referring it to the Government as instructed and letting De Valera be the one who signed the compromise?

It is said that, when signing the Treaty, he said he was signing his death warrant. So why did he sign it? Lloyd George's advisers were surprised that the bluff about a train waiting to take a letter to Craig that evening, with war following immediately if it was missed, appeared to work. And Collins himself said repeatedly that he did not act under duress. So, why the hasty signing in response to the bluster of *immediate* war?

He may have seen the Dail Government as a mere façade and the IRB conspiracy as the real thing, and therefore he didn't care that he was putting himself in the wrong with it? But, in that case, why the remark about the death warrant? He was the master of assassination, and was acting for the IRB. Did he already sense that the Army formed in the course of the War by its local commanders was out of reach of the IRB?

Anyhow, by his actions he disrupted both the Government and the Dail. He got a bare majority in the Dail for his accomplished fact, and it was a divided Government that put the matter to the Dail, where a bare majority voted for the Treaty.

The Signing Of The Treaty Did Not Start The 'Civil War'

But it was not the signing of the Treaty that started the Civil War. If Griffith, a mere Parliamentarian, had had his way, it possibly would have been. But Griffith without Collins was of little consequence in the situation they had brought about, and Collins would not authorise a conflict of Treaty versus Republic.

De Valera was ousted from the Presidency by Griffith and Collins got a standing Army in uniform and called it the National Army, though he knew that the Army of the War of Independence was substantially against him. But there was no war.

The Provisional Government appointed by the British Parliament of Southern Ireland functioned in the Dail, which was not purged of the Anti-Treaty members. The Dail acquired a party system of Government and Opposition, despite British demands for clarification by means of a Treaty Election.

After five months the Dail decided to hold an election, but not a Treaty Election. Collins made an agreement with the leader of the Opposition to combine forces in the election with the object of forming a Coalition Government.

Griffith was furious and he transformed "*Mick*" into "*Mr. Collins*". And of course the British Government—itsself the product of a Coalition Election—was furious, and condemned it as a breach of democracy.

There was no more compulsion on the electorate to vote for this Sinn Fein Coalition than there had been on the British electorate in 1918 to vote for the

Liberal/Tory War Coalition, but there was the same kind of incentive to vote for it. The British Coalition was made up of "*the men who had won the War*", and the Sinn Fein Coalition was made up of the men who had compelled the British War Coalition to negotiate and make concessions to the "*Murder Gang*".

In December 1921 Collins had broken the procedure agreed by De Valera's Government. In June, when he himself was The Man, he broke the Coalition Pact he had made and began the Civil War. But he did not revoke it cleanly before the voters voted.

The Election of mid-June 1922 was not a Treaty election. It was the election of a Government. The Sinn Fein Coalition won it easily. The Dail was to meet again on July 1st, with new members elected in the 26 County by-elections taking their seats alongside the sitting 6 County TDs elected in 1921. At least that is how I read the fact that Griffith did not call either a Free State General Election, or a General Election of the Parliament of Southern Ireland.

(The Free State did not yet exist and the 'Parliament of Southern Ireland' was a profound embarrassment to the Treatyites, even though it was the source of their Provisional Government.)

If the Dail had met on July 1st and the provision of arrangements authorised by the Dail on May 20th had been adhered to, a Coalition Sinn Fein Government would have been set up. The Election Pact had not been dissolved. Collins had not revoked it. His speech in Cork city on the eve of the election only said that voters were free to vote for other parties than Sinn Fein. They were free to do so, regardless of Collins's statement of the obvious. And the fact that they did so made it all the more the election of a Government on non-Treaty terms, rather than a Treaty election.

Afterwards the votes for the Farmers' Party and the Labour Party were added to the votes got by the Treatyite candidates in the Election Pact, and were declared to be votes against the anti-Treatyites, but the conduct of the election campaign did not warrant that interpretation. On the whole both sides of Sinn Fein voted according to the terms of the Pact.

The Free State Constitution that Collins had drafted to reassure anti-Treaty Republicans that the Free State was taking a step on the way back to the Republic from the 1920 Government of Ireland Act, to which nominal obeisance had been given in order to get armaments from Britain and a degree of British military withdrawal, had been rejected by Whitehall. Whitehall gave Collins its Constitution for the Free State, as it had given him its Treaty to sign. He accepted it. But it was not published until the actual day of the Election.

If the Dail had met on July 1st, it would have had the dictated Constitution to deal with—to bow down to or to resist.

The September Dail

But the TDs elected in June did not meet until September 9th.

In the list of TDs at the start of the Official Report of that date, Laurence Ginnell (Longford and Westmeath) is entered with *Teachtainárthóg a suidheacháin* (TDs who did not take their seats). But he was there right at the

start of the Session, and the first question to the Speaker was put by him. He had not signed in. He wanted to know what Assembly it was, so that he could know whether to sign in. If it was Dail Eireann, then he was elected to it and it would be his duty sign in: *Was it DailEireann?*

"Mr. Ginnell: May I ask you whether you will reply to me please? I have not signed the roll, and I am willing to do so if this is a Parliament for the whole of Ireland; otherwise not.

An Ceann Comhairle: The Dail has been constituted and the Chairman elected, and Deputies who have signed the roll have the right to speak; Deputies who have not signed the roll have not the right to speak...

Mr. Ginnell: They don't want to speak.

An Ceann Comhairle: This summons is to the Dail for the whole of Ireland, and I am unable to solve these other problems.

Mr. Ginnell: Will any member of the six counties be allowed to sit in this Dail?

Acting President: It is my painful duty to move that this gentleman be excluded from the House. Only members who have signed the roll have the right to appear here.

Mr. Ginnell: I want to know——

Acting President: Everyone recognises what his position is, and what his responsibility is, and what this Parliament is.

Mr. Ginnell: No. Is it Dail Eireann?

An Ceann Comhairle: You are not entitled to speak here since you have not signed the roll.

Mr. Ginnell: I have been elected to Dail Eireann. Are my constituents to be disfranchised by you, sir?

A Deputy: By yourself.

Mr. D. J. Gorey: I ask you to exercise your authority in the Chair. This is not a baby show.

...

Mr. Ginnell: Is this Dail Eireann or is it not? You began by shifty conduct. I am prepared to sign the roll if this is Dail Eireann.

An Ceann Comhairle: The motion is that the gentleman who has not signed the roll be and is hereby removed.

...

Mr. Ginnell: You have to begin your proceedings by expelling a member."

After some further exchanges Ginnell was put out, having failed to get an answer to his question whether that was the assembly to which he had been elected. What he had been elected to was Dail Eireann, which had called the election, under the terms of the Pact, to form a Coalition Government of Treatyites and Anti-Treatyites.

The refusal—the inability—of the Speaker to say what assembly he was the Speaker of should be sufficient proof that the June election was not a Treaty Election, in which the Provisional Government sought a mandate from the electorate to set up a 26 County state under the authority of the Crown and to

recognise the legitimacy of Partition and of the subordinate British regime set up in the Six Counties.

In the list of TDs, seven of them are recorded as having died since they were elected—most of them in the Civil War.

31 are recorded as not having taken their seats.

The authority for those who assembled as the Legislative body and appointed a 26 County government and expelled those who would not sign in was obviously the authority of the military force that began the War with Collins' attack on the Four Courts with British artillery on 28th June 1922, and that in September was making progress in the conquest of the country.

On September 11th a Labour member expressed some unease about the way things had been done. Kevin O'Higgins, Minister for Home Affairs, and the strong man of the new regime, who was especially commended by Churchill, made this authoritative statement:

"The last Dail approved of a particular Treaty, knowing well that in doing so it was voicing the will of the people, that it spoke through the authentic voice of the people of Ireland. It is not quite in order to say that, because the people of Ireland were not confronted with a perfectly free choice, that it was not their will but their fear. That was an epigram raised by a Deputy at the last Dail. It was pointed out that the people of Ireland were confronted with a state of facts that they were powerless to alter. To say that we are not free to judge on that set of circumstances is unsound; to say that the people have no right to be wrong is merely a clever epigram. Mankind down through the ages has found no surer rudder or base than the free will of the community democratically expressed."

Conclusion Of An Introduction

The 'Civil War' came about as follows: The Election results were declared on June 24th. Field Marshal Sir Henry Wilson—who had made the secret military preparations for the war on Germany, encouraged the Curragh Mutiny, and had become Military Adviser to the Northern Ireland Government—was assassinated in London on June 22nd. Whitehall informed the Provisional Government that it had information connecting the assassins with the Anti-Treaty Republicans holding the Four Courts. It refused to make this information available to the Provisional Government on the grounds of security.

It asked General Macready, Commander of the British Army in Dublin, to make preparations for a capture of the Four Courts. Macready indicated that he knew of no evidence connecting Wilson's killers with either Four Courts Republicans or De Valera, and suggested that British military action would drive Treatyites back into alliance with the Republicans. The implication seemed to be that the source of the assassination was Collins. And Macready presumably knew that Collins had engaged with the Four Courts Republicans in acts of war in the North.

On June 25th Macready was informed that the British action was called off. But Churchill said that, if Collins did not act against the Four Courts, he would

be regarded as being in breach of the Treaty and the process of installing the Free State would be stopped.

Macready was instructed to resume preparations for an assault.

On June 28th Collins launched an assault on the Four Courts with artillery borrowed from the British Army, apparently assuming he could deal with that isolated group separately. But the result was that he precipitated war with territorial commanders around the country, particularly in Munster. This was a war of territorial conquest.

Griffith died on August 12th. Collins was killed accidentally on August 22nd in a random ambush in West Cork, a strong enemy territory into which he had ventured in an apparently wild escapade. Events had got out of his control. It seemed that he had become a marginal figure in the Provisional Government he had formed.

It made him an idol when he was killed, and set about a ruthless conquest of the country by any means that were expedient, casting aside whatever ideals had been motivating Collins.

The Four Courts leaders, taken prisoner at the end of June, were held prisoner for five months. On December 8th the Government—now the Free State Government—took four of them from their cells and killed them as an act of terror 'to encourage the others'. Churchill praised the deed.

The Free State regime was constructed by O'Higgins and Cosgrave. Negotiation with Republicans was ruled out. Only surrender would do. Surrender was not achieved. Arms were dumped on 24th May 1923. De Valera gave his *Address to The Legion of the Rearguard* and, within a few weeks, launched the revival of the defeated military resistance as an effective political force.

The comparison of De Valera with de Gaulle — two leaders who held that the will of a beaten people is not the last word in a democracy — to which this article was intended to be a few preliminary paragraphs — must wait for another occasion.

Brendan Clifford