

THE "UNIONIST" CASE FOR HOME RULE (1887).

BY R. Barry O'Brien

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I am often asked, What are the best books to read on the Irish question? and I never fail to mention Mr. Lecky's *Leaders of Public Opinion in Ireland* and the *History of England in the Eighteenth Century*; Mr. Goldwin Smith's *Irish History and Irish Character*, Three English Statesmen, *The Irish Question*, and Professor Dicey's admirable work, *England's Case against Home Rule*.

Indeed, the case for Home Rule, as stated in these books, is unanswerable; and it redounds to the credit of Mr. Lecky, Mr. Goldwin Smith, and Mr. Dicey that their narrative of facts should in no wise be prejudiced by their political opinions.

That their facts are upon one side and their opinions on the other is a minor matter. Their facts, I venture to assert, have made more Home Rulers than their opinions can unmake.

To put this assertion to the test I propose to quote some extracts from the works above mentioned. These extracts shall be full and fair. Nothing shall be left out that can in the slightest degree qualify any statement of fact in the context. Arguments will be omitted, for I wish to place facts mainly before my readers. From these facts they can draw their own conclusions. Neither shall I take up space with comments of my own. I shall call my witnesses and let them speak for themselves.

I.—Mr. Lecky.

In the introduction to the new edition of the *Leaders of Public Opinion in Ireland*, published in 1871—seventy-one years after Mr. Pitt's Union, which was to make England and Ireland one nation—we find the following "contrast" between "national life" in the two countries:—

"There is, perhaps, no Government in the world which succeeds more admirably in the functions of eliciting, sustaining, and directing public opinion than that of England. It does not, it is true, escape its full share of hostile criticism, and, indeed, rather signally illustrates the saying of Bacon, that 'the best Governments are always subject to be like the finest crystals, in which every icicle and grain is seen which in a fouler stone is never perceived;' but whatever charges may be brought against the balance of its powers, or against its legislative efficiency, few men will question its eminent success as an organ of public opinion. In England an even disproportionate amount of the national talent takes the direction of politics. The pulse of an energetic national life is felt in every quarter of the land. The debates of Parliament are followed with a warm, constant, and intelligent interest by all sections of the community. It draws all classes within the circle of political interests, and is the centre of a strong and steady patriotism, equally removed from the apathy of many Continental nations in time of calm, and from their feverish and spasmodic energy in time of excitement. Its decisions, if not instantly accepted, never fail to have a profound and calming influence on the public mind. It is the safety-valve of the nation. The discontents, the suspicions, the peccant humours that agitate the people, find there their vent, their resolution, and their end.

"It is impossible, I think, not to be struck by the contrast which, in this respect, Ireland presents to England. If the one country furnishes us with an admirable example of the action of a healthy public opinion, the other supplies us with the most unequivocal signs of its disease. The Imperial Parliament exercises for Ireland legislative functions, but it is almost powerless upon

opinion—it allays no discontent, and attracts no affection. Political talent, which for many years was at least as abundant among Irishmen as in any equally numerous section of the people, has been steadily declining, and marked decadence in this respect among the representatives of the nation reflects but too truly the absence of public spirit in their constituents.

“The upper classes have lost their sympathy with and their moral ascendancy over their tenants, and are thrown for the most part into a policy of mere obstruction. The genuine national enthusiasm never flows in the channel of imperial politics. With great multitudes sectarian considerations have entirely superseded national ones, and their representatives are accustomed systematically to subordinate all party and all political questions to ecclesiastical interests; and while calling themselves Liberals, they make it the main object of their home politics to separate the different classes of their fellow-countrymen during the period of their education, and the main object of their foreign policy to support the temporal power of the Pope. With another and a still larger class the prevailing feeling seems to be an indifference to all Parliamentary proceedings; an utter scepticism about constitutional means of realizing their ends; a blind, persistent hatred of England. Every cause is taken up with an enthusiasm exactly proportioned to the degree in which it is supposed to be injurious to English interests. An amount of energy and enthusiasm which if rightly directed would suffice for the political regeneration of Ireland is wasted in the most insane projects of disloyalty; while the diversion of so much public feeling from Parliamentary politics leaves the Parliamentary arena more and more open to corruption, to place-hunting, and to imposture.

“This picture is in itself a very melancholy one, but there are other circumstances which greatly heighten the effect. In a very ignorant or a very wretched population it is natural that there should be much vague, unreasoning discontent; but the Irish people are at present neither wretched nor ignorant. Their economical condition before the famine was, indeed, such that it might well have made reasonable men despair. With the land divided into almost microscopic farms, with a population multiplying rapidly to the extreme limits of subsistence, accustomed to the very lowest standard of comfort, and marrying earlier than in any other northern country in Europe, it was idle to look for habits of independence or self-reliance, or for the culture which follows in the train of leisure and comfort. But all this has been changed. A fearful famine and the long-continued strain of emigration have reduced the nation from eight millions to less than five, and have effected, at the price of almost intolerable suffering, a complete economical revolution. The population is now in no degree in excess of the means of subsistence. The rise of wages and prices has diffused comfort through all classes. ... Probably no country in Europe has advanced so rapidly as Ireland within the last ten years, and the tone of cheerfulness, the improvement of the houses, the dress, and the general condition of the people must have struck every observer. [26] ... If industrial improvement, if the rapid increase of material comforts among the poor, could allay political discontent, Ireland should never have been so loyal as at present.

“Nor can it be said that ignorance is at the root of the discontent. The Irish people have always, even in the darkest period of the penal laws, been greedy for knowledge, and few races show more quickness in acquiring it. The admirable system of national education established in the present century is beginning to bear abundant fruit, and, among the younger generation at least, the level of knowledge is quite as high as in England. Indeed, one of the most alarming features of Irish disloyalty is its close and evident connection with education. It is sustained by a cheap literature, written often with no mean literary skill, which penetrates into every village, gives the people their first political impressions, forms and directs their enthusiasm, and seems likely in the long leisure of the pastoral life to exercise an increasing power. Close observers of the Irish character will hardly have failed to notice the great change which since the famine has passed over the amusements of the people. The old love of boisterous out-of-door sports has almost disappeared, and those who would have once sought their pleasures in the market or the fair now gather in groups in the public-house, where one of their number reads out a Fenian newspaper. Whatever else this change may portend, it is certainly of no good omen for the future loyalty of the people.

“It was long customary in England to underrate this disaffection by ascribing it to very transitory causes. The quarter of a century that followed the Union was marked by almost perpetual disturbance; but this it was said was merely the natural ground swell of agitation which followed a great reform. It was then the popular theory that it was the work of O’Connell, who was described during many years as the one obstacle to the peace of Ireland,

and whose death was made the subject of no little congratulation, as though Irish discontent had perished with its organ. It was as if, the Æolian harp being shattered, men wrote an epitaph upon the wind. Experience has abundantly proved the folly of such theories. Measured by mere chronology, a little more than seventy years have passed since the Union, but famine and emigration have compressed into these years the work of centuries. The character, feelings, and conditions of the people have been profoundly altered. A long course of remedial legislation has been carried, and during many years the national party has been without a leader and without a stimulus. Yet, so far from subsiding, disloyalty in Ireland is probably as extensive, and is certainly as malignant, as at the death of O'Connell, only in many respects the public opinion of the country has palpably deteriorated. O'Connell taught an attachment to the connection, a loyalty to the crown, a respect for the rights of property, a consistency of Liberalism, which we look for in vain among his successors; and that faith in moral force and constitutional agitation which he made it one of his greatest objects to instil into the people has almost vanished with the failure of his agitation." [27]

Few Irish Nationalists have drawn a weightier indictment against the Union than this. After a trial of seventy years, Mr. Lecky sums up the case against the Union in these pregnant sentences:—

"The Imperial Parliament allays no discontent, and attracts no affection;" "The genuine national enthusiasm never flows in the channel of imperial politics;" the people have "an utter scepticism about constitutional means of realizing their ends," and are imbued with "a blind, persistent hatred of England." Worse still, neither the material progress of the country, nor the education of the people, has reconciled them to the Imperial Parliament. Indeed, their disloyalty has increased with their prosperity and enlightenment. This is the story which Mr. Lecky has to tell. But why are the Irish disloyal? Mr. Lecky shall answer the question.

"The causes of this deep-seated disaffection I have endeavoured in some degree to investigate in the following essays. To the merely dramatic historian the history of Ireland will probably appear less attractive than that of most other countries, for it is somewhat deficient in great characters and in splendid episodes; but to a philosophic student of history it presents an interest of the very highest order. In no other history can we trace more clearly the chain of causes and effects, the influence of past legislation, not only upon the material condition, but also upon the character of a nation. In no other history especially can we investigate more fully the evil consequences which must ensue from disregarding that sentiment of nationality which, whether it be wise or foolish, whether it be desirable or the reverse, is at least one of the strongest and most enduring of human passions. This, as I conceive, lies at the root of Irish discontent. It is a question of nationality as truly as in Hungary or in Poland. Special grievances or anomalies may aggravate, but do not cause it, and they become formidable only in as far as they are connected with it. What discontent was felt against the Protestant Established Church was felt chiefly because it was regarded as an English garrison sustaining an anti-national system; and the agrarian difficulty never assumed its full intensity till by the repeal agitation the landlords had been politically alienated from the people." [28]

Let those who imagine that the Irish question can be completely settled by the redress of material grievances take those words to heart.

But, it is said, Scotch national sentiment is as strong as Irish, why should not a legislative union be as acceptable to Ireland as to Scotland? Mr. Lecky shall answer this question too.

"It is hardly possible to advert to the Scotch Union, without pausing for a moment to examine why its influence on the loyalty of the people should have ultimately been so much happier than that of the legislative union which, nearly a century later, was enacted between England and Ireland. A very slight attention to the circumstances of the case will explain the mystery, and will at the same time show the extreme shallowness of those theorists who can only account for it by reference to original peculiarities of national character. The sacrifice of a nationality is a measure which naturally produces such intense and such enduring discontent that it never should be exacted unless it can be accompanied by some political or material advantages to the lesser country that are so great and at the same time so evident as to prove a corrective. Such a corrective in the case of Scotland, was furnished by the commercial clauses. The Scotch Parliament was very arbitrary and corrupt, and by no means a faithful representation of the people. The majority of the nation were certainly opposed to the Union, and, directly or indirectly, it is probable that much corruption was employed to effect it; but

still the fact remains that by it one of the most ardent wishes of all Scottish patriots was attained, that there had been for many years a powerful and intelligent minority who were prepared to purchase commercial freedom even at the expense of the fusion of legislatures, and that in consequence of the establishment of free trade the next generation of Scotchmen witnessed an increase of material well-being that was utterly unprecedented in the history of their country. Nothing equivalent took place in Ireland. The gradual abolition of duties between England and Ireland was, no doubt, an advantage to the lesser country, but the whole trade to America and the other English colonies had been thrown open to Irishmen between 1775 and 1779. Irish commerce had taken this direction; the years between 1779 and the rebellion of 1798 were probably the most prosperous in Irish history, and the generation that followed the Union was one of the most miserable. The sacrifice of nationality was extorted by the most enormous corruption in the history of representative institutions. It was demanded by no considerable section of the Irish people. It was accompanied by no signal political or material benefit that could mitigate or counteract its unpopularity, and it was effected without a dissolution, in opposition to the votes of the immense majority of the representatives of the counties and considerable towns, and to innumerable addresses from every part of the country. Can any impartial man be surprised that such a measure, carried in such a manner, should have proved unsuccessful?" [29]

In the *Leaders of Public Opinion in Ireland* Mr. Lecky traces the current of events which have led to the present situation. He shows how the Treaty of Limerick was shamelessly violated, and how the native population was oppressed and degraded.

"The position of Ireland was at this time [1727] one of the most deplorable that can be conceived.... The Roman Catholics had been completely prostrated by the battle of the Boyne and by the surrender of Limerick. They had stipulated indeed for religious liberty, but the Treaty of Limerick was soon shamelessly violated, and it found no avengers. Sarsfield and his brave companions had abandoned a country where defeat left no opening for their talents, and had joined the Irish Brigade which had been formed in the service of France.... But while the Irish Roman Catholics abroad found free scope for their ambition in the service of France, those who remained at home had sunk into a condition of utter degradation. All Catholic energy and talent had emigrated to foreign lands, and penal laws of atrocious severity crushed the Catholics who remained." [30]

Mr. Lecky's account of these "penal laws" is upon the whole, I think, the best that has been written.

"The last great Protestant ruler of England was William III., who is identified in Ireland with the humiliation of the Boyne, with the destruction of Irish trade, and with the broken Treaty of Limerick. The ceaseless exertions of the extreme Protestant party have made him more odious in the eyes of the people than he deserves to be; for he was personally far more tolerant than the great majority of his contemporaries, and the penal code was chiefly enacted under his successors. It required, indeed, four or five reigns to elaborate a system so ingeniously contrived to demoralize, to degrade, and to impoverish the people of Ireland. By this code the Roman Catholics were absolutely excluded from the Parliament, from the magistracy, from the corporations, from the bench, and from the bar. They could not vote at Parliamentary elections or at vestries; they could not act as constables, or sheriffs, or jurymen, or serve in the army or navy, or become solicitors, or even hold the positions of gamekeeper or watchman. Schools were established to bring up their children as Protestants; and if they refused to avail themselves of these, they were deliberately assigned to hopeless ignorance, being excluded from the university, and debarred, under crushing penalties, from acting as schoolmasters, as ushers, or as private tutors, or from sending their children abroad to obtain the instruction they were refused at home. They could not marry Protestants, and if such a marriage were celebrated it was annulled by law, and the priest who officiated might be hung. They could not buy land, or inherit or receive it as a gift from Protestants, or hold life-annuities, or leases for more than thirty-one years, or any lease on such terms that the profits of the land exceeded one-third of the rent. If any Catholic leaseholder by his industry so increased his profits that they exceeded this proportion, and did not immediately make a corresponding increase in his payments, any Protestant who gave the information could enter into possession of his farm. If any Catholic had secretly purchased either his old forfeited estate, or any other land, any Protestant who informed against him might become the proprietor. The few Catholic landowners who remained were deprived of the right which all other classes possessed of bequeathing their

lands as they pleased. If their sons continued Catholics, it was divided equally between them. If, however, the eldest son consented to apostatize, the estate was settled upon him, the father from that hour became only a life-tenant, and lost all power of selling, mortgaging, or otherwise disposing of it. If the wife of a Catholic abandoned the religion of her husband, she was immediately free from his control, and the Chancellor was empowered to assign to her a certain proportion of her husband's property. If any child, however young, professed itself a Protestant, it was at once taken from the father's care, and the Chancellor could oblige the father to declare upon oath the value of his property, both real and personal, and could assign for the present maintenance and future portion of the converted child such proportion of that property as the court might decree. No Catholic could be guardian either to his own children or to those of another person; and therefore a Catholic who died while his children were minors had the bitterness of reflecting upon his death-bed that they must pass into the care of Protestants. An annuity of from twenty to forty pounds was provided as a bribe for every priest who would become a Protestant. To convert a Protestant to Catholicism was a capital offence. In every walk of life the Catholic was pursued by persecution or restriction. Except in the linen trade, he could not have more than two apprentices. He could not possess a horse of the value of more than five pounds, and any Protestant, on giving him five pounds, could take his horse. He was compelled to pay double to the militia. He was forbidden, except under particular conditions, to live in Galway or Limerick. In case of war with a Catholic power, the Catholics were obliged to reimburse the damage done by the enemy's privateers. The Legislature, it is true, did not venture absolutely to suppress their worship, but it existed only by a doubtful connivance—stigmatized as if it were a species of licensed prostitution, and subject to conditions which, if they had been enforced, would have rendered its continuance impossible. An old law which prohibited it, and another which enjoined attendance at the Anglican worship, remained unrepealed, and might at any time be revived; and the former was, in fact, enforced during the Scotch rebellion of 1715. The parish priests, who alone were allowed to officiate, were compelled to be registered, and were forbidden to keep curates or to officiate anywhere except in their own parishes. The chapels might not have bells or steeples. No crosses might be publicly erected. Pilgrimages to the holy wells were forbidden. Not only all monks and friars, but also all Catholic archbishops, bishops, deacons, and other dignitaries, were ordered by a certain day to leave the country; and if after that date they were found in Ireland they were liable to be first imprisoned and then banished; and if after that banishment they returned to discharge their duty in their dioceses, they were liable to the punishment of death. To facilitate the discovery of offences against the code, two justices of the peace might at any time compel any Catholic of eighteen years of age to declare when and where he last heard Mass, what persons were present, and who officiated; and if he refused to give evidence they might imprison him for twelve months, or until he paid a fine of twenty pounds. Any one who harboured ecclesiastics from beyond the seas was subject to fines which for the third offence amounted to confiscation of all his goods. A graduated scale of rewards was offered for the discovery of Catholic bishops, priests, and schoolmasters; and a resolution of the House of Commons pronounced 'the prosecuting and informing against Papists' 'an honourable service to the Government.'

“Such were the principal articles of this famous code—a code which Burke truly described as ‘well digested and well disposed in all its parts; a machine of wise and elaborate contrivance, and as well fitted for the oppression, impoverishment, and degradation of a people, and the debasement in them of human nature itself, as ever proceeded from the perverted ingenuity of man.’” [31]

The effects of these laws Mr. Lecky has described thus:

“The economical and moral effects of the penal laws were, however, profoundly disastrous. The productive energies of the nation were fatally diminished. Almost all Catholics of energy and talent who refused to abandon their faith emigrated to foreign lands. The relation of classes was permanently vitiated; for almost all the proprietary of the country belonged to one religion, while the great majority of their tenants were of another. The Catholics, excluded from almost every possibility of eminence, deprived of their natural leaders, and consigned by the Legislature to utter ignorance, soon sank into the condition of broken and spirited helots. A total absence of industrial virtues, a cowering and abject deference to authority, a recklessness about the future, a love of secret illegal combinations, became general among them. Above all, they learned to regard law as merely the expression of force, and its moral weight was utterly destroyed. For the greater part of a century, the main object of the Legislature was to extirpate a religion by the encouragement of the worst, and the punishment of some of the best qualities of

our nature. Its rewards were reserved for the informer, for the hypocrite, for the undutiful son, or for the faithless wife. Its penalties were directed against religious constancy and the honest discharge of ecclesiastical duty.

“It would, indeed, be scarcely possible to conceive a more infamous system of legal tyranny than that which in the middle of the eighteenth century crushed every class and almost every interest in Ireland.” [32]

But laws were not only passed against the native race and the national religion. Measures were taken to destroy the industries of the country, and to involve natives and colonists, Protestants and Catholics, in common ruin. Mr. Lecky shall tell the story.

“The commercial and industrial condition of the country was, if possible, more deplorable than its political condition, and was the result of a series of English measures which for deliberate and selfish tyranny could hardly be surpassed. Until the reign of Charles II. the Irish shared the commercial privileges of the English; but as the island had not been really conquered till the reign of Elizabeth, and as its people were till then scarcely removed from barbarism, the progress was necessarily slow. In the early Stuart reigns, however, comparative repose and good government were followed by a sudden rush of prosperity. The land was chiefly pasture, for which it was admirably adapted; the export of live cattle to England was carried on upon a large scale, and it became a chief source of Irish wealth. The English landowners, however, took the alarm. They complained that Irish rivalry in the cattle market was reducing English rents; and accordingly, by an Act which was first passed in 1663, and was made perpetual in 1666, the importation of cattle into England was forbidden.

“The effect of a measure of this kind, levelled at the principal article of the commerce of the nation, was necessarily most disastrous. The profound modification which it introduced into the course of Irish industry was sufficiently shown by the estimate of Sir W. Petty, who declares that before the statute three-fourths of the trade of Ireland was with England, but not one-fourth of it since that time. In the very year when this Bill was passed another measure was taken not less fatal to the interest of the country. In the first Navigation Act, Ireland was placed on the same terms as England; but in the Act as amended in 1663 she was omitted, and was thus deprived of the whole Colonial trade. With the exception of a very few specified articles no European merchandise could be imported into the British Colonies except directly from England, in ships built in England, and manned chiefly by English sailors. No articles, with a few exceptions, could be brought from the Colonies to Europe without being first unladen in England. In 1670 this exclusion of Ireland was confirmed, and in 1696 it was rendered more stringent, for it was enacted that no goods of any sort could be imported directly from the Colonies to Ireland. It will be remembered that at this time the chief British Colonies were those of America, and that Ireland, by her geographical position, was naturally of all countries most fitted for the American trade.

“As far, then, as the Colonial trade was concerned, Ireland at this time gained nothing whatever by her connection with England. To other countries, however, her ports were still open, and in time of peace a foreign commerce was unrestricted. When forbidden to export their cattle to England, the Irish turned their land chiefly into sheep-walks, and proceeded energetically to manufacture the wool. Some faint traces of this manufacture may be detected from an early period, and Lord Strafford, when governing Ireland, had mentioned it with a characteristic comment. Speaking of the Irish he says, ‘There was little or no manufactures amongst them, but some small beginnings towards a cloth trade, which I had and so should still discourage all I could, unless otherwise directed by His Majesty and their Lordships. It might be feared that they would beat us out of the trade itself by underselling us, which they were able to do.’ With the exception, however, of an abortive effort by this governor, the Irish wool manufacture was in no degree impeded, and was indeed mentioned with special favour in many Acts of Parliament; and it was in a great degree on the faith of this long-continued legislative sanction that it was so greatly expanded. The poverty of Ireland, the low state of civilization of a large proportion of its inhabitants, the effects of the civil wars which had so recently convulsed it, and the exclusion of its products from the English Colonies, were doubtless great obstacles to manufacturing enterprise; but, on the other hand, Irish wool was very good, living was cheaper, taxes were lighter than in England, a spirit of real industrial energy began to pervade the country, and a considerable number of English manufacturers came over to colonize it. There appeared for a time every probability that the Irish would become an industrial nation, and, had manufactures arisen, their whole social, political, and economical condition would have been

changed. But English jealousy again interposed. By an Act of crushing and unprecedented severity, which was introduced in 1698 and carried in 1699, the export of the Irish woollen manufactures, not only to England, but also to all other countries, was absolutely forbidden.

“The effects of this measure were terrible almost beyond conception. The main industry of the country was at a blow completely and irretrievably annihilated. A vast population was thrown into a condition of utter destitution. Several thousands of manufacturers left the country, and carried their skill and enterprise to Germany, France, and Spain. The western and southern districts of Ireland are said to have been nearly depopulated. Emigration to America began on a large scale, and the blow was so severe that long after, a kind of chronic famine prevailed.”
[33]

Mr. Lecky relates with pride how the penal code was relaxed, and the commercial restrictions were removed, while the Irish Parliament, essentially a Protestant and landlord body, still existed, and shows how the cause of Catholic Emancipation was retarded by the Union.

“The Relief Bill of ‘93 naturally suggests a consideration of the question so often agitated in Ireland, whether the Union was really a benefit to the Roman Catholic cause. It has been argued that Catholic Emancipation was an impossibility as long as the Irish Parliament lasted; for in a country where the great majority were Roman Catholics, it would be folly to expect the members of the dominant creed to surrender a monopoly on which their ascendancy depended. The arguments against this view are, I believe, overwhelming. The injustice of the disqualification was far more striking before the Union than after it. In the one case, the Roman Catholics were excluded from the Parliament of a nation of which they were the great majority; in the other, they were excluded from the Parliament of an empire in which they were a small minority. Grattan, Plunket, Curran, Burrowes, and Ponsonby were the great supporters of Catholic Emancipation, and the great opponents of the Union. Clare and Duigenan were the two great opponents of emancipation, and the great supporters of the Union. At a time when scarcely any public opinion existed in Ireland, when the Roman Catholics were nearly quiescent, and when the leaning of Government was generally liberal, the Irish Protestants admitted their fellow-subjects to the magistracy, to the jury-box, and to the franchise. By this last measure they gave them an amount of political power which necessarily implied complete emancipation. Even if no leader of genius had arisen in the Roman Catholic ranks, and if no spirit of enthusiasm had animated their councils, the influence possessed by a body who formed three fourths of the population, who were rapidly rising in wealth, and who could send their representatives to Parliament, would have been sufficient to ensure their triumph. If the Irish Legislature had continued, it would have been found impossible to resist the demand for reform; and every reform, by diminishing the overgrown power of a few Protestant landholders, would have increased that of the Roman Catholics. The concession accorded in 1793 was, in fact, far greater and more important than that accorded in 1829, and it placed the Roman Catholics, in a great measure, above the mercy of Protestants. But this was not all. The sympathies of the Protestants were being rapidly enlisted in their behalf. The generation to which Charlemont and Flood belonged had passed away, and all the leading intellects of the country, almost all the Opposition, and several conspicuous members of the Government, were warmly in favour of emancipation. The rancour which at present exists between the members of the two creeds appears then to have been almost unknown, and the real obstacle to emancipation was not the feelings of the people, but the policy of the Government. The Bar may be considered on most subjects a very fair exponent of the educated opinion of the nation; and Wolf Tone observed, in 1792, that it was almost unanimous in favour of the Catholics; and it is not without importance, as showing the tendencies of the rising generation, that a large body of the students of Dublin University in 1795 presented an address to Grattan, thanking him for his labours in the cause. The Roman Catholics were rapidly gaining the public opinion of Ireland, when the Union arrayed against them another public opinion which was deeply prejudiced against their faith, and almost entirely removed from their influence. Compare the twenty years before the Union with the twenty years that followed it, and the change is sufficiently manifest. There can scarcely be a question that if Lord Fitzwilliam had remained in office the Irish Parliament would readily have given emancipation. In the United Parliament for many years it was obstinately rejected, and if O’Connell had never arisen it would probably never have been granted unqualified by the veto. In 1828 when the question was brought forward in Parliament, sixty-one out of ninety-three Irish members, forty-five out of sixty-one Irish county members, voted in its favour. Year after year Grattan and Plunket brought forward the case of their fellow-countrymen with an eloquence and a perseverance worthy of their great

cause; but year after year they were defeated. It was not till the great tribune had arisen, till he had moulded his co-religionists into one compact and threatening mass, and had brought the country to the verge of revolution, that the tardy boon was conceded. Eloquence and argument proved alike unavailing when unaccompanied by menace, and Catholic Emancipation was confessedly granted because to withhold it would be to produce a rebellion.” [34]

Many people will think that this is a sufficiently weighty condemnation of the Union, but what follows is a still graver reflection on that untoward measure.

“In truth the harmonious co-operation of Ireland with England depends much less upon the framework of the institutions of the former country than upon the dispositions of its people and upon the classes who guide its political life. With a warm and loyal attachment to the connection pervading the nation, the largest amount of self-government might be safely conceded, and the most defective political arrangement might prove innocuous. This is the true cement of nations, and no change, however plausible in theory, can be really advantageous which contributes to diminish it. Theorists may argue that it would be better for Ireland to become in every respect a province of England; they may contend that a union of Legislatures, accompanied by a corresponding fusion of characters and identification of hopes, interests, and desires, would strengthen the empire; but as a matter of fact this was not what was effected in 1800. The measure of Pitt centralized, but it did not unite, or rather, by uniting the Legislatures it divided the nations. In a country where the sentiment of nationality was as intense as in any part of Europe, it destroyed the national Legislature contrary to the manifest wish of the people, and by means so corrupt, treacherous, and shameful that they are never likely to be forgotten. In a country where, owing to the religious difference, it was peculiarly necessary that a vigorous lay public opinion should be fostered to dilute or restrain the sectarian spirit, it suppressed the centre and organ of political life, directed the energies of the community into the channels of sectarianism, drove its humours inwards, and thus began a perversion of public opinion which has almost destroyed the elements of political progress. In a country where the people have always been singularly destitute of self-reliance, and at the same time eminently faithful to their leaders, it withdrew the guidance of affairs from the hands of the resident gentry, and, by breaking their power, prepared the ascendancy of the demagogue or the rebel. In two plain ways it was dangerous to the connection: it incalculably increased the aggregate disloyalty of the people, and it destroyed the political supremacy of the class that is most attached to the connection. The Irish Parliament, with all its faults, was an eminently loyal body. The Irish people through the eighteenth century, in spite of great provocations, were on the whole a loyal people till the recall of Lord Fitzwilliam, and even then a few very moderate measures of reform might have reclaimed them. Burke, in his *Letters on a Regicide Peace*, when reviewing the elements of strength on which England could confide in her struggle with revolutionary France, placed in the very first rank the co-operation of Ireland. At the present day, it is to be feared that most impartial men would regard Ireland, in the event of a great European war, rather as a source of weakness than of strength. More than seventy years have passed since the boasted measure of Pitt, and it is unfortunately incontestable that the lower orders in Ireland are as hostile to the system of government under which they live as the Hungarian people have ever been to Austrian, or the Roman to Papal rule; that Irish disloyalty is multiplying enemies of England wherever the English tongue is spoken; and that the national sentiment runs so strongly that multitudes of Irish Catholics look back with deep affection to the Irish Parliament, although no Catholic could sit within its walls, and although it was only during the last seven years of its independent existence that Catholics could vote for its members. Among the opponents of the Union were many of the most loyal, as well as nearly all the ablest men in Ireland; and Lord Charlemont, who died shortly before the measure was consummated, summed up the feelings of many in the emphatic sentence with which he protested against it. ‘It would more than any other measure,’ he said, ‘contribute to the separation of two countries the perpetual connection of which is one of the warmest wishes of my heart.’

“In fact, the Union of 1800 was not only a great crime, but was also, like most crimes, a great blunder. The manner in which it was carried was not only morally scandalous; it also entirely vitiated it as a work of statesmanship. No great political measure can be rationally judged upon its abstract merits, and without considering the character and the wishes of the people for whom it is intended. It is now idle to discuss what might have been the effect of a Union if it had been carried before 1782, when the Parliament was still unemancipated; if it had been the result of a spontaneous movement of public opinion; if it had been accompanied by the emancipation of the Catholics. Carried as it was prematurely, in defiance of the national sentiment of the people and of the protests of the unbribed talent of the country, it has deranged the whole course of

political development, driven a large proportion of the people into sullen disloyalty, and almost destroyed healthy public opinion. In comparing the abundance of political talent in Ireland during the last century with the striking absence of it at present, something no doubt may be attributed to the absence of protection for literary property in Ireland in the former period, which may have directed an unusual portion of the national talent to politics, and something to the Colonial and Indian careers which have of late years been thrown open to competition; but when all due allowances have been made for these, the contrast is sufficiently impressive. Few impartial men can doubt that the tone of political life and the standard of political talent have been lowered, while sectarian animosity has been greatly increased, and the extent to which Fenian principles have permeated the people is a melancholy comment upon the prophesies that the Union would put an end to disloyalty in Ireland.” [35]

Mr. Lecky’s views as to what ought to have been done in 1800 deserve to be set forth.

“While, however, the Irish policy of Pitt appears to be both morally and politically deserving of almost unmitigated condemnation, I cannot agree with those who believe that the arrangement of 1782 could have been permanent. The Irish Parliament would doubtless have been in time reformed, but it would have soon found its situation intolerable. Imperial policy must necessarily have been settled by the Imperial Parliament, in which Ireland had no voice; and, unlike Canada or Australia, Ireland is profoundly affected by every change of Imperial policy. Connection with England was of overwhelming importance to the lesser country, while the tie uniting them would have been found degrading by one nation and inconvenient to the other. Under such circumstances a Union of some kind was inevitable. It was simply a question of time, and must have been demanded by Irish opinion. At the same time, it would not, I think, have been such a Union as that of 1800. The conditions of Irish and English politics are so extremely different, and the reasons for preserving in Ireland a local centre of political life are so powerful, that it is probable a Federal Union would have been preferred. Under such a system the Irish Parliament would have continued to exist, but would have been restricted to purely local subjects, while an Imperial Parliament, in which Irish representatives sat, would have directed the policy of the empire.” [36]

2 — Mr. Goldwin Smith.

None of the recent opponents of Home Rule have written against that policy with more brilliance and epigrammatic keenness than Mr. Goldwin Smith. But no one has stated with more force the facts and considerations which, operating on men’s mind for years past, have made the Liberal party Home Rulers now. His coup d’oeil remains the most pointed indictment ever drawn from the historical annals of Ireland against the English methods of governing that country. Twenty years ago he anticipated the advice recently given by Mr. Gladstone. In 1867 he wrote:—

“I have myself sought and found in the study of Irish history the explanation of the paradox, that a people with so many gifts, so amiable, naturally so submissive to rulers, and everywhere but in their own country industrious, are in their own country bywords of idleness, lawlessness, disaffection, and agrarian crime.” [37] He explains the paradox thus: “But it is difficult to distinguish the faults of the Irish from their misfortunes. It has been well said of their past industrial character and history,—‘We were reckless, ignorant, improvident, drunken, and idle. We were idle, for we had nothing to do; we were reckless, for we had no hope; we were ignorant, for learning was denied us; we were improvident, for we had no future; we were drunken, for we sought to forget our misery. That time has passed away for ever.’ No part of this defence is probably more true than that which connects the drunkenness of the Irish people with their misery. Drunkenness is, generally speaking, the vice of despair; and it springs from the despair of the Irish peasant as rankly as from that of his English fellow. The sums of money which have lately been transmitted by Irish emigrants to their friends in Ireland seem a conclusive answer to much loose denunciation of the national character, both in a moral and an industrial point of view.... There seems no good reason for believing that the Irish Kelts are averse to labour, provided they be placed, as people of all races require to be placed, for two or three generations in circumstances favourable to industry.” [38] He shows that the Irish have not been so placed. “Still more does justice require that allowance should be made on historical grounds for the failings of the Irish people. If they are wanting in industry, in regard for the rights of property, in reverence for the law, history furnishes a full explanation of their defects, without supposing in them any inherent depravity, or even any inherent weakness. They have

never had the advantage of the training through which other nations have passed in their gradual rise from barbarism to civilization. The progress of the Irish people was arrested at almost a primitive stage, and a series of calamities, following close upon each other, have prevented it from ever fairly resuming its course. The pressure of overwhelming misery has now been reduced; government has become mild and just; the civilizing agency of education has been introduced; the upper classes are rapidly returning to their duty, and the natural effect is at once seen in the improved character of the people. Statesmen are bound to be well acquainted with the historical sources of the evil with which they have to deal, especially when those evils are of such a nature as, at first aspect, to imply depravity in a nation. There are still speakers and writers who seem to think that the Irish are incurably vicious, because the accumulated effects of so many centuries cannot be removed at once by a wave of the legislator's wand. Some still believe, or affect to believe, that the very air of the island is destructive of the characters and understandings of all who breathe it." [39]

Elsewhere he adds, referring to the land system:

"How many centuries of a widely different training have the English people gone through in order to acquire their boasted love of law." [40]

Of the "training" through which the Irish went, he says—

"The existing settlement of land in Ireland, whether dating from the confiscations of the Stuarts, or from those of Cromwell, rests on a proscription three or four times as long as that on which the settlement of land rests over a considerable part of France. It may, therefore, be considered as placed upon discussion in the estimation of all sane men; and, this being the case, it is safe to observe that no inherent want of respect for property is shown by the Irish people if a proprietorship which had its origin within historical memory in flagrant wrong is less sacred in their eyes than it would be if it had its origin in immemorial right." [41]

The character which he gives of Irish landlordism deserves to be quoted:

"The Cromwellian landowners soon lost their religious character, while they retained all the hardness of the fanatic and the feelings of Puritan conquerors towards a conquered Catholic people. 'I have eaten with them,' said one, 'drunk with them, fought with them; but I never prayed with them.' Their descendants became, probably, the very worst upper class with which a country was ever afflicted. The habits of the Irish gentry grew beyond measure brutal and reckless, and the coarseness of their debaucheries would have disgusted the crew of Comus. Their drunkenness, their blasphemy, their ferocious duelling, left the squires of England far behind. If there was a grotesque side to their vices which mingles laughter with our reprobation, this did not render their influence less pestilent to the community of which the motive of destiny had made them social chiefs. Fortunately, their recklessness was sure, in the end, to work, to a certain extent, its own cure; and in the background of their swinish and uproarious drinking-bouts, the Encumbered Estates Act rises to our view." [42]

Mr. Goldwin Smith deals with agrarian crime thus:

"The atrocities perpetrated by the Whiteboys, especially in the earlier period of agrarianism (for they afterwards grew somewhat less inhuman), are such as to make the flesh creep. No language can be too strong in speaking of the horrors of such a state of society. But it would be unjust to confound these agrarian conspiracies with ordinary crime, or to suppose that they imply a propensity to ordinary crime either on the part of those who commit them, or on the part of the people who connive at and favour their commission. In the districts where agrarian conspiracy and outrage were most rife, the number of ordinary crimes was very small. In Munster, in 1833, out of 973 crimes, 627 were Whiteboy, or agrarian, and even of the remainder, many, being crimes of violence, were probably committed from the same motive.

"In plain truth, the secret tribunals which administered the Whiteboy code were to the people the organs of a wild law of social morality by which, on the whole, the interest of the peasant was protected. They were not regular tribunals; neither were the secret tribunals of Germany in the Middle Ages, the existence of which, and the submission of the people to their jurisdiction, implied the presence of much violence, but not of much depravity, considering the wildness of the times. The Whiteboys 'found in their favour already existing a general and settled hatred of the law among the great body of the peasantry.' [43] We have seen how much the law, and the ministers of the law, had done to deserve the peasant's love. We have seen, too, in what

successive guises property had presented itself to his mind: first as open rapine; then as robbery carried on through the roguish technicalities of an alien code; finally as legalized and systematic oppression. Was it possible that he should have formed so affectionate a reverence either for law or property as would be proof against the pressure of starvation?" [44] "A people cannot be expected to love and reverence oppression because it is consigned to the statute-book, and called law." [45]

These extracts are taken from *Irish History and Irish Character*, which was published in 1861. But in 1867 Mr. Goldwin Smith wrote a series of letters to the *Daily News*, which were republished in 1868 under the title of *The Irish Question*; and these letters form, perhaps, the most statesmanlike and far-seeing pronouncement that has ever been made on the Irish difficulty.

In the preface Mr. Goldwin Smith begins:

"The Irish legislation of the last forty years, notwithstanding the adoption of some remedial measures, has failed through the indifference of Parliament to the sentiments of Irishmen; and the harshness of English public opinion has embittered the effects on Irish feeling of the indifference of Parliament. Occasionally a serious effort has been made by an English statesman to induce Parliament to approach Irish questions in that spirit of sympathy, and with that anxious desire to be just, without which a Parliament in London cannot legislate wisely for Ireland. Such efforts have hitherto met with no response; is it too much to hope that it will be otherwise in the year now opening?" [46]

The only comment I shall make on these words is: they were penned more than half a century after Mr. Pitt's Union, which was to shower down blessings on the Irish people.

Mr. Goldwin Smith's first letter was written on the 23rd of November, 1867, the day of the execution of the Fenians Allen, Larkin, and O'Brien. He says—

"There can be no doubt, I apprehend, that the Irish difficulty has entered on a new phase, and that Irish disaffection has, to repeat an expression which I heard used in Ireland, come fairly into a line with the other discontented nationalities of Europe. Active Fenianism probably pervades only the lowest class; passive sympathy, which the success of the movement would at once convert into active co-operation, extends, it is to be feared, a good deal higher.

"England has ruin before her, unless she can hit on a remedy, and overcome any obstacles of class interest or of national pride which would prevent its application, the part of Russia in Poland, or of Austria in Italy—a part cruel, hateful, demoralizing, contrary to all our high principles and professions, and fraught with dangers to our own freedom. Our position will be worse than that of Russia in this respect, that, while her Poland is only a province, our Fenianism is an element pervading every city of the United Kingdom in which Irish abound, and allying itself with kindred misery, discontent, and disorder. Wretchedness, the result of misgovernment, has caused the Irish people to multiply with the recklessness of despair, and now here are their avenging hosts in the midst of us, here is the poison of their disaffection running through every member of our social frame. Not only so, but the same wretchedness has sent millions of emigrants to form an Irish nation in the United States, where the Irish are a great political power, swaying by their votes the councils of the American Republic, and in immediate contact with those Transatlantic possessions of England, the retention of which it is now patriotic to applaud, and will one day be patriotic to have dissuaded.

"... That Ireland is not at this moment, materially speaking, in a particularly suffering state, but, on the contrary, the farmers are rather prosperous, and wages, even when allowance is made for the rise in the price of provisions, considerably higher than they were, only adds to the significance of this widespread disaffection.

"The Fenian movement is not religious, nor radically economical (though no doubt it has in it a socialistic element), but national, and the remedy for it must be one which cures national discontent. This is the great truth which the English people have to lay to heart." [47]

Mr. Goldwin Smith then dispels the notion that the Irish question is a religious one.

“When Fenianism first appeared, the Orangemen, in accordance with their fixed idea, ascribed it to the priests. They were undeceived, I was told, by seeing a priest run away from the Fenians in fear of his life.” [48]

Neither was it a question of the land.

“The land question, no doubt, lies nearer to the heart of the matter, and it is the great key to Irish history in the past; but I do not believe that even this is fundamental.”

He then states what is “fundamental.” [49]

“The real root of the disaffection which exhibits itself at present in the guise of Fenianism, and which has been suddenly kindled into flame by the arming of the Irish in the American civil war, but which existed before in a nameless and smouldering state, is, as I believe, the want of national institutions, of a national capital, of any objects of national reverence and attachment, and consequently of anything deserving to be called national life. The English Crown and Parliament the Irish have never learnt, nor have they had any chance of learning, to love, or to regard as national, notwithstanding the share which was given them, too late, in the representation. The greatness of England is nothing to them. Her history is nothing, or worse. The success of Irishmen in London consoles the Irish in Ireland no more than the success of Italian adventurers in foreign countries (which was very remarkable) consoled the Italian people. The drawing off of Irish talent, in fact, turns to an additional grievance in their minds. Dublin is a modern Tara, a metropolis from which the glory has departed; and the vicereignty, though it pleases some of the tradesmen, fails altogether to satisfy the people. ‘In Ireland we can make no appeal to patriotism, we can have no patriotic sentiments in our schoolbooks, no patriotic emblems in our schools, because in Ireland everything patriotic is rebellious.’ These were the words uttered in my hearing, not by a complaining demagogue, but by a desponding statesman. They seemed to me pregnant with fatal truths.

“If the craving for national institutions, and the disaffection bred in this void of the Irish people’s heart, seem to us irrational and even insane, in the absence of any more substantial grievance, we ought to ask ourselves what would become of our own patriotism if we had no national institutions, no objects of national loyalty and reverence, even though we might be pretty well governed, at least in intention, by a neighbouring people whom we regarded as aliens, and who, in fact, regarded us pretty much in the same light. Let us first judge ourselves fairly, and then judge the Irish, remembering always that they are more imaginative and sentimental, and need some centre of national feeling and affection more than ourselves.” [50]

And all this was written sixty-seven years after the Union of 1800.

Mr. Goldwin Smith then deals with the subject of the Irish and Scotch unions much in the same way as Mr. Lecky.

“The incorporation of the Scotch nation with the English, being conducted on the right principles by the great Whig statesman of Anne, has been perfectly successful. The attempt to incorporate the Irish nation with the English and Scotch, the success of which would have been, if possible, a still greater blessing, being conducted by very different people and on very different principles, has unhappily failed. What might have been the result if even the Hanoverian sovereigns had done the personal duty to their Irish kingdom which they have unfortunately neglected, it is now too late to inquire. The Irish Union has missed its port, and, in order to reach it, will have to tack again. We may hold down a dependency, of course, by force, in Russian and Austrian fashion; but force will never make the hearts of two nations one, especially when they are divided by the sea. Once get rid of this deadly international hatred, and there will be hope of real union in the future.” [51]

Mr. Goldwin Smith finally proposes a “plan” by which the “deadly international hatred” might be got rid of, and a “real union” brought about. Here it is.

“1. The residence of the Court at Dublin, not merely to gratify the popular love of royalty and its pageantries, which no man of sense desires to stimulate, but to assure the Irish people, in the only way possible as regards the mass of them, that the sovereign of the United Kingdom is really their sovereign, and that they are equally cared for and honoured with the other subjects of the realm. This would also tend to make Dublin a real capital, and to gather and retain there a portion of the Irish talent which now seeks its fortune elsewhere.

“2. An occasional session (say once in every three years) of the Imperial Parliament in Dublin, partly for the same purposes as the last proposal, but also because the circumstances of Ireland are likely to be, for some time at least, really peculiar, and the personal acquaintance of our legislators with them is the only sufficient security for good Irish legislation. There could be no serious difficulty in holding a short session in the Irish capital, where there is plenty of accommodation for both Houses.

“3. A liberal measure of local self-government for Ireland. I would not vest the power in any single assembly for all Ireland, because Ulster is really a different country from the other provinces. I would give each province a council of its own, and empower that council to legislate (subject, of course, to the supremacy of the Imperial Parliament) on all matters not essential to the political and legal unity of the empire, in which I would include local education. The provincial councils should of course be elective, and the register of electors might be the same as that of electors to the Imperial Parliament. In England itself the extension of local institutions, as political training schools for the masses, as checks upon the sweeping action of the great central assembly, and as the best organs of legislation in all matters requiring (as popular education, among others, does) adaptation to the circumstances of particular districts, would, I think, have formed a part of any statesmanlike revision of our political system. Here, also, much good might be done, and much evil averted, by committing the present business of quarter sessions, other than the judicial business, together with such other matters as the central legislative might think fit to vest in local hands, to an assembly elected by the county.” [52]

Thus it will be seen that twenty years ago Mr. Goldwin Smith anticipated Mr. Chamberlain’s scheme of provincial councils, and got a good way on the road to an Irish Parliament.

3—Mr. Dicey.

A fairer controversialist, or an abler supporter of the “paper Union,” than Mr. Dicey there is not; nevertheless no man has fired more effective shots into Mr. Pitt’s unfortunate arrangement of 1800.

How well has the “failure” of that arrangement been described in these pithy sentences—

“Eighty-six years have elapsed since the conclusion of the Treaty of Union between England and Ireland. The two countries do not yet form an united nation. The Irish people are, if not more wretched (for the whole European world has made progress, and Ireland with it), yet more conscious of wretchedness, and Irish disaffection to England is, if not deeper, more widespread than in 1800. An Act meant by its authors to be a source of the prosperity and concord which, though slowly, followed upon the Union with Scotland, has not made Ireland rich, has not put an end to Irish lawlessness, has not terminated the feud between Protestants and Catholics, has not raised the position of Irish tenants, has not taken away the causes of Irish discontent, and has, therefore, not removed Irish disloyalty. This is the indictment which can fairly be brought against the Act of Union.” [53]

What follows reflects honour on Mr. Dicey as an honest opponent who does not shrink from facts; but what a wholesale condemnation of the policy of the Imperial Parliament!

“On one point alone (it may be urged) all men, of whatever party or of whatever nation, who have seriously studied the annals of Ireland are agreed—the history is a record of incessant failure on the part of the Government, and of incessant misery on the part of the people. On this matter, if on no other, De Beaumont, Froude, and Lecky are at one. As to the guilt of the failure or the cause of the misery, men may and do differ; that England, whether from her own fault or the fault of the Irish people, or from perversity of circumstances, has failed in Ireland of achieving the elementary results of good government is as certain as any fact of history or of experience. Every scheme has been tried in turn, and no scheme has succeeded or has even, it may be suggested, produced its natural effects. Oppression of the Catholics has increased the adherents and strengthened the hold of Catholicism. Protestant supremacy, while it lasted, did not lead even to Protestant contentment, and the one successful act of resistance to the English dominion was effected by a Protestant Parliament supported by an army of volunteers, led by a body of Protestant officers. The independence gained by a Protestant Parliament led, after eighteen years, to a rebellion so reckless and savage that it caused, if it did not justify, the destruction of the Parliament and the carrying of the Union. The Act of Union did not lead to national unity, and a measure which appeared on the face of it (though the appearance, it must

be admitted, was delusive) to be a copy of the law which bound England and Scotland into a common country inspired by common patriotism, produced conspiracy and agitation, and at last placed England and Ireland further apart, morally, than they stood at the beginning of the century. The Treaty of Union, it was supposed, missed its mark because it was not combined with Catholic Emancipation. The Catholics were emancipated, but emancipation, instead of producing loyalty, brought forth the cry for repeal. The Repeal movement ended in failure, but its death gave birth to the attempted rebellion in 1848. Suppressed rebellion begot Fenianism, to be followed in its turn by the agitation for Home Rule. The movement relies, it is said, and there is truth in the assertion, on constitutional methods for obtaining redress. But constitutional measures are supplemented by boycotting, by obstruction, by the use of dynamite. A century of reform has given us Mr. Parnell instead of Grattan, and it is more than possible that Mr. Parnell may be succeeded by leaders in whose eyes Mr. Davitt's policy may appear to be tainted with moderation. No doubt, in each case the failure of good measures admits, like every calamity in public or private life, of explanation, and after the event it is easy to see why, for example, the Poor Law, when extended to Ireland, did not produce even the good effects such as they are which in England are to be set against its numerous evils; or why an emigration of unparalleled proportions has diminished population without much diminishing poverty; why the disestablishment of the Anglican Church has increased rather than diminished the hostility to England of the Catholic priesthood; or why two Land Acts have not contented Irish farmers. It is easy enough, in short, and this without having any recourse to theory of race, and without attributing to Ireland either more or less of original sin than falls to the lot of humanity, to see how it is that imperfect statesmanship—and all statesmanship, it should be remembered, is imperfect—has failed in obtaining good results at all commensurate with its generally good intentions. Failure, however, is none the less failure because its causes admit of analysis. It is no defence to bankruptcy that an insolvent can, when brought before the Court, lucidly explain the errors which resulted in disastrous speculations. The failure of English statesmanship, explain it as you will, has produced the one last and greatest evil which misgovernment can cause. It has created hostility to the law in the minds of the people. The law cannot work in Ireland because the classes whose opinion in other countries supports the actions of the courts, are in Ireland, even when not law-breakers, in full sympathy with law-breakers.” [54]

No Home Ruler has described the evils of English misrule in Ireland with such vigour as this.

“Bad administration, religious persecution, above all, a thoroughly vicious land tenure, accompanied by such sweeping confiscations as to make it, at any rate, a plausible assertion that all land in Ireland has during the course of Irish history been confiscated at least thrice over, are admittedly some of the causes, if they do not constitute the whole cause, of the one immediate difficulty which perplexes the policy of England. This is nothing else than the admitted disaffection to the law of the land prevailing among large numbers of Irish people. The existence of this disaffection, whatever be the inference to be drawn from it, is undeniable. A series of so-called Coercion Acts, passed both before and since the Act of Union, give undeniable evidence, if evidence were wanted, of the ceaseless and, as it would appear, almost irrepressible resistance in Ireland offered by the people to the enforcement of the law. I have not the remotest inclination to underrate the lasting and formidable character of this opposition between opinion and law, nor can any jurist who wishes to deal seriously with a serious and infinitely painful topic, question for a moment that the ultimate strength of law lies in the sympathy, or at the lowest the acquiescence, of the mass of the population. Judges, constables, and troops become almost powerless when the conscience of the people permanently opposes the execution of the law. Severity produces either no effect or bad effects; executed criminals are regarded as heroes or martyrs; and jurymen and witnesses meet with the execration and often with the fate of criminals. On such a point it is best to take the opinion of a foreigner unaffected by prejudices or passions from which no Englishman or Irishman has a right to suppose himself free.

“*Quand vous en êtes arrivés à ce point, croyez bien que dans cette voie de réveurs tous vos efforts pour rétablir l'ordre et la paix seront inutiles. En vain, pour réprimer des crimes atroces, vous appellerez à votre aide toutes les sévérités du code de Dracon; en vain vous ferez des lois cruelles pour arrêter le cours de révoltantes cruautés; vainement vous frapperez de mort le moindre délit se rattachant à ces grands crimes; vainement, dans l'effroi de votre impuissance, vous suspendrez le cours des lois ordinaires proclamerez des comtés entiers en état de suspicion légale, voilerez le principe de la liberté individuelle, créerez des cours martiales, des commissions extraordinaires, et pour produire de salutaires impressions de terreur, multiplierez à l'excès les exécutions capitales.*” [55]

The next passage is a trenchant condemnation of the “Union.”

“There exists in Europe no country so completely at unity with itself as Great Britain. Fifty years of reform have done their work, and have removed the discontents, the divisions, the disaffection, and the conspiracies which marked the first quarter, or the first half of this century. Great Britain, if left to herself, could act with all the force, consistency, and energy given by unity of sentiment and community of interests. The distraction and the uncertainty of our political aims, the feebleness and inconsistency with which they are pursued, arise, in part at least, from the connection with Ireland. Neither Englishmen nor Irishmen are to blame for the fact that it is difficult for communities differing in historical associations and in political conceptions to keep step together in the path of progress. For other evils arising from the connection the blame must rest on English Statesmen. All the inherent vices of party government, all the weaknesses of the parliamentary system, all the evils arising from the perverse notion that reform ought always to be preceded by a period of lengthy and more than half factitious agitation met by equally factitious resistance, have been fostered and increased by the interaction of Irish and English politics. No one can believe that the inveterate habit of ruling one part of the United Kingdom on principles which no one would venture to apply to the government of any other part of it, can have produced anything but the most injurious effect on the stability of our Government and the character of our public men. The advocates of Home Rule find by far their strongest arguments for influencing English opinion, in the proofs which they produce that England, no less than Ireland, has suffered from a political arrangement under which legal union has failed to secure moral union. These arguments, whatever their strength, are, however, it must be noted, more available to a Nationalist than to an advocate of federalism.” [56]

The words which I have italicised are an expression of opinion; but nothing can alter the damning statement of fact—“legal union has failed to secure moral union.” Nevertheless, Mr. Dicey advocates the maintenance of this legal union as it stands.

“On the whole, then, it appears that, whatever changes or calamities the future may have in store, the maintenance of the Union is at this day the one sound policy for England to pursue. It is sound because it is expedient; it is sound because it is just.” [57]

I shall not discuss the question of Home Rule with the eminent writers whose works I have cited. It is enough that they demonstrate the failure of the Union. So convinced was Mr. Lecky, in 1871, of its failure, that he suggested a readjustment of the relations of the two countries on a federal basis; [58] and Mr. Goldwin Smith, in 1868, contended that the Irish difficulty could only be settled by the establishment of Provincial Councils, and an occasional session of the Imperial Parliament in Dublin. Mr. Dicey clings to the existing Union while demonstrating its failure, because he has persuaded himself that the only alternative is separation.

Irishmen may be pardoned for acting on Mr. Dicey’s facts, and disregarding his prophecies. The mass of Irishmen believe, with Grattan, that the ocean protests against separation as the sea protests against such a union as was attempted in 1800. [59]

FOOTNOTES:

[26] Omissions here and elsewhere are merely for purposes of space. In some places the omitted parts would strengthen the Irish case; in no place would they weaken it.

[27] Lecky, *Leaders of Public Opinion in Ireland*, new edit. (1871), Introduction, pp. viii., xiv.

[28] Lecky, *Leaders of Public Opinion in Ireland*, new edit. (1871), Introduction, pp. xiv., xv.

[29] Lecky, *History of England in the Eighteenth Century*, vol. ii. pp. 59, 60.

[30] *Leaders of Public Opinion*, pp. 33, 34.

[31] *Leaders of Public Opinion*, pp. 120-123.

[32] *Leaders of Public Opinion*, pp. 125, 126.

[33] *Leaders of Public Opinion*, pp. 34-37.

- [34] *Leaders of Public Opinion*, pp. 134-137.
- [35] *Leaders of Public Opinion*, pp. 192-195.
- [36] *Leaders of Public Opinion*, pp. 195, 196.
- [37] Goldwin Smith, *Three English Statesmen*, p. 274.
- [38] *Irish History and Irish Character*, pp. 13, 14.
- [39] *Ibid.*, p. 194.
- [40] *Ibid.*, p. 142.
- [41] *Irish History and Irish Character*, p. 101.
- [42] *Irish History and Irish Character*, pp. 139, 140.
- [43] Sir George Cornewall Lewis, *Irish Disturbances*, p. 97.
- [44] *Irish History and Irish Character*, pp. 153-157.
- [45] *Ibid.*, pp. 70, 71
- [46] *The Irish Question*, Preface, pp. iii., iv.
- [47] *The Irish Question*, pp. 3-5.
- [48] *Ibid.*, p. 6.
- [49] *Ibid.*, p. 7.
- [50] *The Irish Question*, pp. 7-9.
- [51] *Irish Question*, p. 10.
- [52] *The Irish Question*, pp. 16-18.
- [53] Dicey, *England's Case against Home Rule*, p. 128.
- [54] Dicey, *England's Case against Home Rule*, pp. 72-74.
- [55] Dicey, *England's Case against Home Rule*, pp. 92-94.—The foreigner is De Beaumont.
- [56] Dicey, *England's Case against Home Rule*, pp. 151, 152.
- [57] *Ibid.*, p. 288.
- [58] I hope I am not doing Mr. Lecky an injustice in this statement. I rely on the extract quoted from the *Leaders of Public Opinion* in Ireland, at p. 176 of this volume; but see Introduction, p. xix.
- [59] Irish House of Commons, January 15th, 1800.