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fullest knowledge of constitutional theory cannot make up for unless it were permitted to Mr. Dicey to take the liberty which he denies to others (p. 68) of "treating politics as a form of logic." That Mr. Dicey has not read them, or at least the latter of them, is proved by his description of the aims of the Irish Confederation. He speaks (p. 3). of "Nationalists who still occupy the position held in 1848 by Sir Gavan Duffy and his friends, and who either openly contend for the right of Ireland to be an independent nation, or accept Home Rule (as they may with perfect fairness) simply as a step towards the independence of their country." Was this the position held in '48 by Duffy and his friends? Did they aim directly or indirectly at separation? On the contrary, to say so is what Duffy calls the "old slander" of Lord John Russell, a slander constantly repeated, though never proved; as constantly, publicly, and emphatically denied; and which now turns up again, as vigorous as ever, in the pages of an Oxford Professor who claims to know at least the elementary historical facts connected with his subject.* I shall not delay over this point, important as it is, but come at once to the heart of Mr. Dicey's book. He takes the four schemes of Home Rule which have been at different times put forward, and rejects them all in turn. These four schemes are Federalism, Grattan's Parliament, Colonial Independence, and Mr. Gladstone's Bill.

Now, first as to Federalism. Mr. Dicey's case against this solution of our difficulties seems to me, from his point of view, complete and unanswerable. It would mean a complete dethronement of the ideas which have governed

* Mr. Dicey has probably read John Mitchel, and reckons him among the friends of Sir C. G. Duffy—unaware that, in consequence of his opposition to the latter and O'Brien, Mitchel had to leave the Confederation.

the growth of the British Constitution up to this day. It would be a breach with the past of the most profound and dangerous kind. At present, Mr. Dicey points out, the "merit of the British Constitution is that it is no Constitution at all." It knows nothing of "articles of the constitution," of definitions, of limitations. Parliament is omnipotent—supreme on every question and in every part of the empire, and in command of all the resources for making its theoretic supremacy effective. Substitute Federalism, and we have an Imperial Parliament dealing with certain questions, and local Parliaments dealing with other and closely related questions, with endless opportunities for doubt as to the validity of laws and for difficulty in getting them enforced. But, it may be said that the Federal system has been tried in at least four notable instances, by America, Austria, Germany and Switzerland, and has succeeded, so far, fairly well. True—but what are the conditions of success, of such success as has been attained? Are they such as the English people can ever with open eyes, bring themselves to accept? One of the chief of them is the existence of an Executive power independent of Parliament. Were this condition not realized—were the Executive daily at the mercy of combinations in the Federal Parliament, it is hard to believe that a union of States could hold together five years. In all existing Federations, in the most democratic as well as in the most monarchical of them, the Executive is and must be independent of Parliamentary majorities. Now is it in the least degree probable that the English people can be induced to place their Crown and its Ministry in any such position? To me it seems preposterous to suppose that, once their eyes are opened to what they are doing, they will consent to re-adopt a system of government which only in the present century, and after infinite pains and perils, they have succeeded in getting rid

of. Federation, with its ambiguities, artificialities, hampering limitations, may be adopted for want of something better, when several States desire, without immediately losing their individuality, to form themselves into an imperial union. But that a nation of any political insight which already possessed a single legislative and executive authority, could, upon any but the direst necessity, consent to resolve itself into a Federation, is more than I can bring myself to believe. I fully agree with Mr. Dicey, that Separation would be a far less serious blow to the British Empire. The amputation of a finger is bad enough, but even that of a hand would be better than softening of the brain.

Essentially the same objections apply to any Home Rule scheme which provides for the attendance of Irish members in the British Parliament. For instance, let it once be recognised that Ireland is a separate State with separate interests, not to be legislated for, at least normally, by the Imperial Parliament, and it is hard to see how the presence of Irish members in that Parliament will not be deeply resented the first time they are seen to turn a decisive division on any exciting question. Inevitably they would be regarded as, in some sense, strangers and foreigners, and the moral authority of the Parliament in which they sat would be weakened. For Irish interests, too, the objections are (at least at present) equally strong.

For many a year we shall want all the genius and worth of the Island for interests lying within its own four seas. We must not, if we can help it, let our development as a free State, as a separate political organism, be troubled and confused by having, from the very beginning of our national career, two sets of representatives to elect and two systems of politics to attend to. Again, the position

of the Irish members at Westminster would prove an almost invincible temptation to corruption of some kind or other. They would sell their votes for measures supposed to be beneficial to Ireland—but it is not benefits so gained that will ever serve us or do anything but demoralize us. What we want is simply liberty, and, sir, I believe it will be found that the measure which gives us this in the fullest, frankest and simplest way is the measure that will go farthest to proving this resolution true.

So much for Federalism. I hope I shall not detain you so long over Mr. Dicey's objections to Colonial Independence and to Mr. Gladstone's Bill.

His arguments against both these schemes may fairly be summed up as follows:—In the first place they are too limited in theory to satisfy Irish national aspirations, and therefore want finality. In the second place they are too ample in practice to prevent the unjust and tyrannical legislation which Mr. Dicey thinks an Irish Parliament would be eager to embark on. Now, I asked you to note Mr. Dicey's admission that he had not thought it necessary for his purpose to gain any personal knowledge of our country and people. Yet here, you see, he bases his arguments against two of the proposed schemes of Home Rule on assumptions which he has no earthly right to make without that very knowledge which he disclaims. How can any one in his position pretend to understand the character of our aspirations or to prophecy the course of our legislation? Early last year I heard a well-known English thinker and statesman say, after a short visit to this country, that he felt as if he had been living in a dream—so strange, so perplexing, so irreconcilable with former views were the impressions that had poured upon him. What these impressions led him to will be clear when I say that he afterwards became a member of Mr. Gladstone's Home Rule Government.

Now, I hold that Mr. Dicey is entirely mistaken in his belief that neither Colonial Independence nor Mr. Gladstone's Constitution could favour the growth of the high moral qualities which he admits the sentiment of nationality tends to foster. He argues as if this sentiment were to be awakened by the proposed measure. But this is not so. It is wide awake already—what we require is the visible recognition of it afforded by a central Irish legislature, with some not too ignoble field for its action; and these might well be granted us by a measure which yet could not be expected to arouse this sentiment among a people who never possessed it. Yet it must be confessed that there are certain points, especially in Mr. Gladstone's Bill, which Irishmen should be slow to accept as features of a final settlement. Mr. Dicey declares that the experiment of "placing Ireland in the situation of Victoria, cannot be carried out either with fairness nor with any chance of success, unless Englishmen let Ireland, like Victoria, be exempt from Imperial taxation" (p. 217.) Mr. Gladstone's Bill, imposed upon us a heavy tax which Victoria does not pay, as well as disabilities by which Victoria is not bound. I do not see why Ireland cannot be permitted, like Canada and Victoria, to pass measures for the pressing purpose of reviving her industries. Grant that we may make mistakes?—do not men learn wisdom by making mistakes? Can they learn it if rigorously and artificially prevented from making them? Nor again, do I see why we should not be free to endow our churches and their schools if we please—as we probably should not please. I have certainly no fear that any unfairness to Protestants would result from this freedom. On the other hand, who can doubt that if we are granted anything worth naming self-government, there would be abundant means of setting this prohibition at nought? Only it will have to be done covertly instead of openly—and which con-

ditions are most likely to favour partiality and injustice it is not hard to see.

On one point, however, Mr. Dicey's case is strong, or at least would be strong, if the objection he makes were not one which can and should be removed by the English people, whether Home Rule be granted or not. There can be no doubt that the granting of Home Rule without a previous or simultaneous settlement of the Land question, would mean instant and utter ruin to the Irish landlords, and to their creditors and dependents. There can be as little doubt that England is morally bound to prevent this disaster if she can. The rights which Irish landlords have exercised, well or ill, and sometimes well, if oftener ill, were given them by the Parliament of England. They were set here as an English garrison, and in many cases induced to purchase their properties under the clearest assurances on behalf of the Government, that what they were purchasing really was property, as fully and indisputably theirs as anything known by that name to English law. Since that time, since the Encumbered Estates Act, the Irish landlords, good, bad and indifferent, have been deprived by two Acts of Parliament, without a penny of compensation, of property estimated, and I believe under-estimated, at a hundred millions sterling. Those proceedings should do something towards teaching our Unionist friends how vain it is to expect constancy and justice from English rule in this country.

But it seems, and always has seemed, incredible to me that any English Government can ever be brought to sanction the complete abandonment of what remains of the Irish landlords' property, to be dealt with by an impoverished and indignant people. I do not blame the Irish people for what has taken place, or for what would take place, if the burden of settling this question were thrown upon them. With the best will in the world any settlement of the Land

question possible to Ireland out of her own unaided resources must mean utter and irretrievable ruin to all dependent upon land in Ireland, alike to those, of whom there are not a few, who have loved and served their country as to those who have been her blight and bane. But what it might be necessary and right for Ireland to do it might be shameful in England to permit. Thus it would have been a virtuous act in the Bulgarian Government to have executed the late conspirators against their Prince, but one of impossible baseness in Russia to have left them to their fate. England, by her historic position towards the Irish landlords, is bound, if need be, to do something more for their rescue than merely granting the loan of her credit to the Irish State. And it is, I believe, no less for our interests than for England's honour to secure terms something less than ruinous for a class which it would be infinitely more to our advantage to absorb than to ruin.

Besides fearing for the property of the landlords, whom England can help if she chooses, Mr. Dicey also fears for the safety of Irish Protestants, whom she cannot help, but who have the courage and the power to help themselves, if it ever came to that. Speaking to this Association I need not delay over this point; but there is yet another class for which Mr. Dicey entertains fears—those who should have distinguished themselves by “former acts of loyalty or obedience to English sovereignty.” (p. 145.) Mr. Dicey believes that an Irish Government would be unjust and malignant enough to pursue a retrospective policy of vengeance upon those who take part against the people in the present struggle. He may think that he has grounds for his belief, and it is painful to have to confess that he has lately been given some.* But does

* In Mr. Dillon's speech at Castleroa, on December 5th, '86. I confess,

that general feeling of the country, of which Mr. Dicey knows nothing—does private sentiment as well as public oratory—does the temper of Mr. Davitt and Mr. Sexton, as well as the temper of Mr. Dillon—do all the facts of the case, looked at with breadth and insight, give us grounds for thinking that such a policy has a chance of being carried out? I hold that it has no chance at all, and I am strongly inclined to think—although I cannot ask Mr. Dicey to follow me here—that some of those whose words, uttered in moments of just exasperation, might be quoted in justification of the dread of this ignoble and unjust policy, if there should ever arise any serious danger of its execution, would be found among its firmest opposers.

Finally, we have to consider Mr. Dicey's objection to Grattan's Parliament. His treatment of this question is the weakest part of his work. Besides the objections which apply, or do not apply, to Grattan's Parliament in common with all the other schemes for Home Rule, he has really nothing to urge against it except the rather vague statement that its revival would be contrary to the spirit of the age, that it can no more be applied as a solution of modern difficulties than could the unreformed British Parliament of 1832. But why, I ask, cannot Grattan's Parliament be also supposed to have undergone reformation while it slumbered, as it certainly would

however, that I do not quite understand this much debated utterance. Mr. Dillon seems first to threaten the present supporters of landlordism with a kind of outlawry in the future Irish State—a proposal which would justify the fiercest resistance that could be made to the foundation of that State. He then declares that he will "go further" and proceeds to announce—what? An *auto da fè* of judges and policemen? No, but simply that law officers who now make themselves prominent by harshness and cruelty need not expect promotion from the Irish Government—a threat of which probably the worst that can be said is that it was extremely unnecessary.

have if it had remained in force? There are two features of it—not essential ones—which certainly cannot be revived. In Grattan's Constitution the Irish Executive was controlled by the Crown, and was independent of Parliament. But so, to a large extent, was the English Executive of that day. In this respect a revived Grattan's Constitution must show itself to have grown with the times. Doubtless, too, for the Irish House of Lords there can be no resurrection. But I have heard it suggested—and the suggestion seems to me a most admirable one and worthy of the high quarter from which it came*—that the Government which grants Home Rule should choose, partly by the advice of both sides of the Irish representation, a second chamber of Irishmen, lords and commoners; looking simply to their fitness through character, standing, and ability, to serve their country in that position. They might be chosen for a term of years, or for life, with due provision for filling their places by free election when the political vision of the Irish people had widened, and the enmities of the present conflict were forgotten—as God grant they soon may be. The Land question once out of the way, what really patriotic and enlightened Irishman would not desire, in the great work of reconstruction which lies before us, the help of such men as Lord Monteagle, The O'Connor Don, Mr. Arthur Kavanagh; with representatives of the Churches, the Universities, and the Bench? And yet I freely admit that without the device of a ready-made Second Chamber this help is not over likely to be forthcoming in any adequate measure during the very period when we shall most need it.

* I heard it at second-hand; but it originated, I believe, with a famous Irishman of unquestioned patriotism, who, it is to be hoped, will soon explain his proposals with due fulness of detail.

On the whole the study of Mr. Dicey's book has convinced me that Grattan's Constitution, while undoubtedly the most satisfying to Ireland of all proposals that could be made, is also the least dangerous, if any be dangerous, to Imperial interests. Grattan's Parliament would mean an Irish Parliament supreme, *de jure* and *de facto* for all purely Irish affairs. It would remove all or nearly all the possibilities of collision and friction which undeniably exist in the other schemes. It would not—Mr. Dicey knows this well enough—offer one whit more opportunity for persecution and intolerance than any other scheme of Home Rule, or even than some schemes which make no claim to that title. The only real guarantee against these dangers lies in the temper of the Irish people—I believe that British Government itself is no guarantee apart from this. And Grattan's Parliament would do the most that any enactment could do to make or keep this temper what it ought to be. Mr. Dicey argues throughout that Separation would be a safer and wiser alternative for Great Britain than any scheme of Irish Home Rule. Grattan's Parliament would be Separation without its drawbacks—without the humiliation and loss of *prestige*, without the withdrawal of English troops, without more opportunity for making hostile alliances than we should possess under any other form of Home Rule, or, for that matter, than we should possess at this moment if Irish disaffection were organized. Certainly if statesmanship and insight alone were to have the settling of the question—if there were not a mass of timidity, ignorance and narrowness to be reckoned with, the form which the now inevitable measure of Home Rule would take would be fundamentally that proclaimed not long since by the Irish leader as the minimum of his demands—the Constitution of Eighty-two.

But Mr. Dicey thinks it a very light matter to refuse us

any Constitution whatever. He shares the common delusion that we are not really Nationalists at all—all that is needed is a reform of the landlaws—I should say *another* reform of the landlaws—to make the demand for self-government perish of inanition.

‘No one,’ he writes, (p. 96) ‘can read Sir Gavan Duffy’s most interesting account of the Young Ireland movement without perceiving that just because it was strictly a nationalist movement it took very little hold upon the people.’

But does Mr. Dicey forget that immediately after the failure* of the Young Ireland movement Sir Gavan Duffy inaugurated a new movement which was as purely agrarian as the other was purely National—a movement of which there was instant and terrible need, and which yet failed even more completely than its forerunner to rally the people to its support. Both failed from well-known secondary causes, of which the chief were the lack of habits of organization among the people and the opposition of the higher Catholic clergy. The nation is organized now—all honour to the men who achieved this great success and to those who pioneered the way for it! and the Catholic clergy of all grades, happily for themselves and their country, are heart and soul in the cause. The fire that has been kindled here will never be smothered in reforms. If further sacrifices, further risks, are necessary to prove the reality of our aspirations, those sacrifices will be made and those risks will be run—but whether in that event this resolution will command the sincere assent of any thoughtful mind is more than I dare to prophecy. Now, however, it may still command it. It is still true, so

* So far as it can be said to have failed—for in a deep and permanent sense it did anything but fail.

far as anything can be predicted, that a voluntary and ample concession of self-government to Ireland would tend not to division, but to reconciliation and union. Why should it not? We are Irishmen first of all; but how many of us, out of all classes and creeds, have English blood in our veins and English kin beyond the Strait of Strongbow! The day may come when we shall be able to see clearly and to see with pride the great qualities of the race with which we have so many natural ties—the race of which a poet who never stooped to flattery could write:—

“For many a year
His * isles have floated on the abyss of Time—
For the rough virtues chose them for their clime.”

Ireland has become co-heir to the influences of the greatest literature of Christendom, in learning the English language—“the language,” their noble Milton said, “of man ever famous and foremost in the achievements of liberty.” Let them add to those achievements by granting the just and temperate demand for freedom now made them by a people of high virtues, of bright intellect, of ancient civilization; and they will be acting in a manner no less prudent than generous—a manner well worthy, I believe, of the greatest and healthiest epochs of their history.

* George III's.

