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ABSTRACT

In the early hours of December 6, 1921, an Irish and British delegation, weary from weeks of negotiations and arguments, signed a document that promised a lasting peace between Ireland and Great Britain. The document, commonly referred to as the Anglo-Irish Treaty, is certainly the most consequential in the tangled joint history of the two nations. The Anglo-Irish Treaty brought an end to the three-year struggle between Irish guerrilla forces, led by Michael Collins, and the military forces of Great Britain. The British domination of Ireland, a fact of life for seven hundred years, almost completely ceased, and the political and legislative union between the two nations effectively ended. The Treaty did not encapsulate all Irish demands, but was rather a compromise between the two nations. Faced with the threat and the burden of resumed warfare, the Irish delegation signed the document containing the final British proposals, hoping that the rest of Ireland would receive it as a great step towards independence. Under the circumstances, the document may have represented the best possible resolution Ireland could have hoped for. Yet despite all of its merits; despite the realization of so many Irish national aspirations embodied in the document; those who opposed the treaty regarded it as an abandonment of the Irish Republic and a corruption of Republican ideals.

http://depts.washington.edu/chid/intersections_Winter_2009/Matthew_Heintz_Anglo-Irish_Treaty.pdf

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The Freedom to Achieve Freedom

Negotiating the Anglo-Irish Treaty

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In the early hours of December 6, 1921, an Irish and British delegation, weary from weeks of negotiations and arguments, signed a document that promised a lasting peace between Ireland and Great Britain. The document, commonly referred to as the Anglo-Irish Treaty¹, is certainly among the most consequential in the tangled joint history of the two nations. The Anglo-Irish Treaty brought an end to the three-year struggle between Irish guerrilla forces, lead by Michael Collins, and the military forces of Great Britain. The British domination of Ireland, a fact of life for seven hundred years, almost completely ceased, and the political and legislative union between the two nations effectively ended.

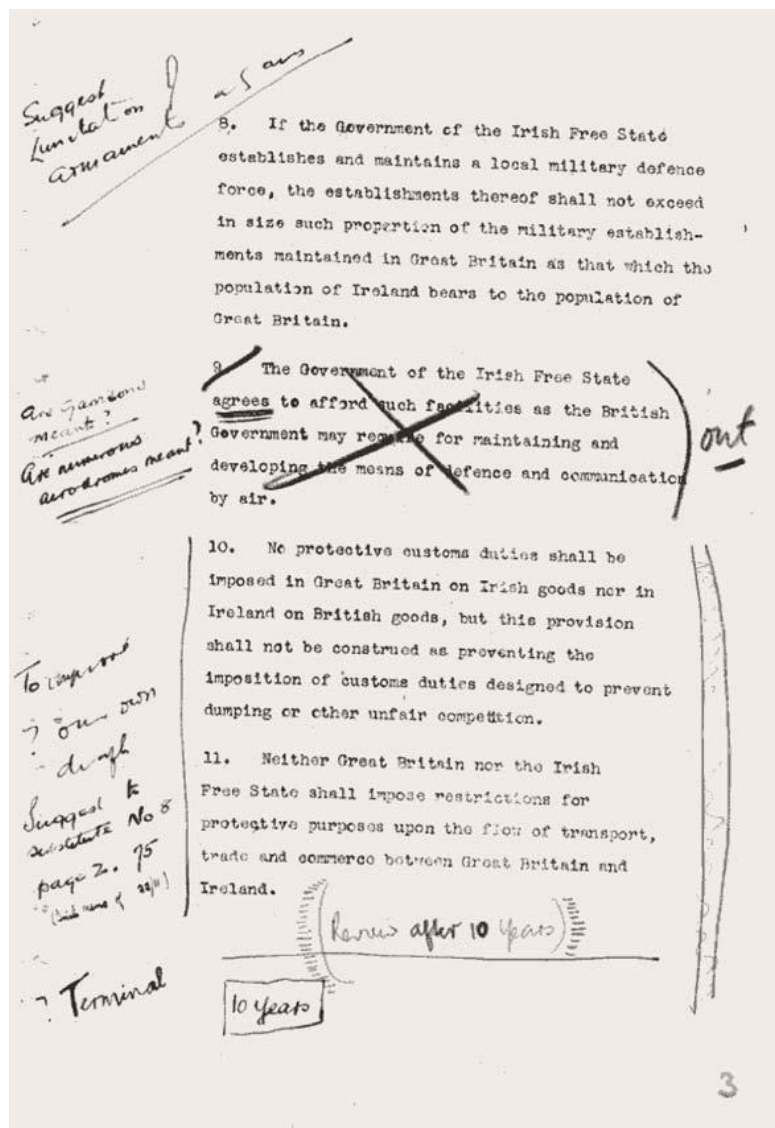
Naturally, the Treaty did not encapsulate all Irish demands, but was rather a compromise between the two nations. Faced with the threat and the burden of resumed warfare, the Irish delegation signed the document containing the final British proposals, hoping that the rest of Ireland would receive it as a great step towards independence. Under the circumstances, the document represented the best possible resolution Ireland could have hoped for. Yet despite all of its merits, despite the realization of so many Irish national aspirations embodied in the document, those who opposed the treaty regarded it as an abandonment of the Irish Republic and a corruption of Republican ideals.

Confronted with the resumption of a war they considered unwinnable, which would place an unfair burden on the Irish public, Michael Collins and Arthur Griffith—soon followed by the other delegates—made what they regarded as a purely symbolic concession on matters of association with the British Empire and acceptance of the Crown, and signed the Treaty. There is no doubt that the position in which the Irish plenipotentiaries found themselves was both difficult and confusing. It was the roles played by Eamon de Valera, then President of the Dáil and head of the Irish Cabinet, and Arthur Griffith, Minister for Home Affairs, that ultimately had the most consequential effects and dictated the terms

¹ The Anglo-Irish Treaty is entitled “Articles of Agreement for a Treaty between Great Britain and Ireland.” See Appendix below for a full-text version of the treaty.

of the final treaty. De Valera managed, at several points, to confuse and frustrate his delegates from his removed position in Ireland, serving only to make their task more difficult. For Griffin, it was a simple verbal assurance—a gentleman’s promise—which was exploited by the Prime Minister David Lloyd George as a means to British ends. Faced with a military force far superior to their own, the Irish delegates had little choice but to sign the Treaty and submit it to the Dáil and the Irish people for acceptance.

Draft of the Articles of Agreement for a Treaty between Great Britain and Ireland



It is important to consider, first, the situation in which the Irish forces found themselves at the time of the Truce in July of 1921. Although out-numbered and out-gunned, the IRA had many distinct advantages over the British forces. Most active in the country side, particularly in Counties Cork, Limerick, Tipperary, Clare, Longford and Waterford, the IRA were able to muster numbers up to brigade strength.² In these counties, Irish volunteers were organized into “Flying Columns” and were trained in the guerrilla tactics which would eventually bring the British to the negotiating table. “From eight in the morning to six in the evening the men drilled and trained. [...] Situations were envisaged of engaging the enemy at a stated strength, moving in a certain formation, and officers were appointed, in turn, to command the Column”³. These columns would ambush a passing British patrol and then quickly fade back into the countryside familiar to them from their boyhood, often evading capture or serious casualties. It was this element of surprise and anonymity that allowed the IRA any success. The anonymity afforded them by their style of combat, however, was wholly contingent upon public support. Once the IRA could count on shelter and support from the local population, they were granted an advantage that counteracted their lack of arms and numbers.⁴ These advantages only carried the IRA so far, as their lack of supplies often prevented anything more than surprise attacks on small patrols or individual police barracks. The grim situation facing the IRA in 1919 and 1920 is carefully documented by IRA man John McCoy:

in the Newry Brigade area, embracing all of South Down and South Armagh, there was not more than half a dozen rifles to fire .303 ammunition. In revolvers and automatic pistols we had not much that could be classed as serviceable in a military sense...From May, 1920, onwards, we were getting a fair number of .45 revolvers of various makes ...There seemed to be a famine in .45 ammunition ...we got several hundred rounds of Winchester rifle ammunition ...The cases had to be shortened and the ridge on the firing end of the case to be filed down or turned in a lathe so that it would fit the revolvers.⁵

Too poorly equipped to deal with more than a dozen enemies at a time, IRA units all over Ireland were forced to make due with meager combat provisions throughout the war. Even against unsuspecting patrols of the Royal Irish Constabulary, such an ill-equipped IRA certainly had their work cut out for

² Ulick O'Connor, *Michael Collins and the troubles: the struggle for Irish freedom* (New York, London: W.W. Norton and Co, 1975), 145.

³ *Ibid.*, 149.

⁴ *Ibid.*, 148-49.

⁵ Tim Pat Coogan, *De Valera: long fellow, long shadow* (London: Hutchinson, 1993), 198-99.

themselves, but could often manage successfully.

When the British escalated their military efforts in September 1920, however, the IRA's task quickly became increasingly more difficult. Comprised of ex-officers of the British military, veterans of the Great War, and the Police Auxiliaries Cadets (a creation of Winston Churchill), were much better suited to handle the hit-and-run tactics of the IRA. Each member of the Auxies, as they were called, carried two revolvers and a rifle and traveled sitting back to back in two rows in armored cars with revolving machine gun turrets.⁶ With an abundance of firepower and a considerable lack of self-control, the Auxies were more than a handful for the IRA. Moreover, the entire might of the British military could have been brought upon the Irish rebels. Although to do so would have meant the alienation of Irish-American sentiment, air raids, artillery bombardments, concentration camps were all well within the scope of British military capability, and indeed, had the decision been made to make use of such measures, the IRA would have been all but completely destroyed. Collins himself had a bleak view of the IRA's ability to continue with the fighting if the negotiations broke down following the Truce. He was convinced that the continued use of physical resistance would yield no further success, and did not want to be the "leader of a forlorn hope".⁷

Despite the slight possibility that the IRA could continue fighting if necessary, one must consider its original goal. Never a regular military, the IRA, from the very beginning, could expect only limited victories over the British security forces. Seeking only to make the governance of Ireland problematic enough to bring the British to the table, a complete military victory was never conceived of and indeed never possible. In fact, the one time the IRA attempted anything resembling a large-scale operation the result was dubious. The attack on the Custom House on 25 May 1921, although a considerable propagandistic success, was also a considerable military disaster, with six Volunteers killed, twelve wounded and seventy captured.⁸ Perhaps more important, however, was the stress that the fighting placed on the Irish population. With over 200 innocent people killed by Crown Forces in 1920⁹, the fighting took a large toll on those for whom the war was being fought. Incidences such as the infamous Cork reprisal of December 11, 1920 becoming increasingly common; it is likely that

⁶ T. Ryle Dwyer, *Big fellow, long fellow: a joint biography of Collins and de Valera* (New York: St. Martin's Press, 1998), 126.

⁷ *Ibid.*, 220.

⁸ Tim Pat Coogan, *Michael Collins*, London: Hutchinson, 1990), 207.

⁹ *Ibid.*, 145.

these civilian deaths weighed heavily on Collins' conscious, contributing to his desire for a lasting peace. It is these rather unstable military circumstances under which Collins and the Irish delegation entered negotiations with their British counterparts, and there remains no doubt that both Collins and Griffith favored reconciliation over the resumption of armed conflict.

Although de Valera seemed to have little understanding of the IRA's operational limitations—pressuring Collins to engage the British in more regular fighting rather than assassination and ambushes; hoping to turn public opinion more firmly in favor of the Irish; calling for “one good battle a month with 500 men on each side”¹⁰—what is more concerning was his ignorance of Ireland's political limitations heading into negotiations with the British. De Valera's mishandling and complication of the negotiations began before the Irish delegation had even set foot in 10 Downing Street, and continued throughout the ensuing deliberations. Between the Truce of July 1921 and the beginning of official negotiations in October of that year, de Valera and David Lloyd George exchanged a series of letters in which they discussed the possibility of brokering a lasting peace, and the terms of that peace. In his letters to Lloyd George, de Valera expressed a willingness for peace, but also placed in the way several obstacles with his insistence that, “our nation has formerly declared its independence and recognised itself as a sovereign state’, and that ‘it is only as the representatives of that state that we have any authority’”. Lloyd George flatly rejected the idea of meeting on such terms, as to do so would involve disloyalty to throne and Empire. Perhaps in fear of losing the chance to negotiate formally, de Valera replied with his hope that the conference proposed by the British would be free and “without prejudice”.¹¹ George jumped at this opportunity, and while “reiterating the fundamental and unalterable character of the British demand” issued the Irish an invitation to negotiations on October 11.

The goal of these negotiations would be to determine, “[how] the association of Ireland with the Community of Nations known as the British Empire may be best reconciled with Irish national aspirations”.¹² With this exchange, and de Valera's eventual capitulation on the self-recognition issue, Lloyd George maintained the British stance that Ireland would not be recognized as an independent Republic, while de Valera failed to protect the idea of the Irish Republic. The formal invitation sent to de Valera spoke of reconciling Irish national aspirations with membership within the British Commonwealth of Nations, and mentioned

¹⁰ Dwyer, 153.

¹¹ Frank Pakenham, *Peace By Ordeal* (London: Jonathan Cape, Ltd, 1935), 87.

¹² *Ibid.*, 88.

nothing of two independent political entities negotiating a settlement. By accepting the invitation as written, de Valera had already surrendered one of the most important points before the two delegations were able to meet, whether he realized it or not. Lloyd George's obstinacy on the issue of association and the Crown were indicative of how all further discussion on those issues were to play out, as he made it clear from the outset of discussion that on those points no ground would be given to the Irish.

De Valera also played the most decisive role in selecting the delegates who were to travel to London to conclude the Treaty. His selections represent a conniving nature that, it seems, could not be suppressed, and served only to further impede progress. Refusing to go himself, Dev offered many reasons why it would be best for him to remain in Dublin. Perhaps most interesting among these was his desire to preserve his status as a symbol of the Irish Republic. He did not feel it prudent to be present at negotiations that might require the surrender of the Republic. As de Valera stated, "It was vital at this stage that the symbol of the Republic should be kept untouched and that it should not be compromised in any sense by any arrangements which it might be necessary for our plenipotentiaries to make."¹³ Dev did not anticipate the possibility of the negotiations ending in a way that would not secure the Republic, and sent others in his place to do the unpleasant deed of brokering Ireland's future. This left him in a position to criticize and direct, without being directly responsible for any unfortunate outcome. He also wished to prevent any hasty decisions by remaining in reserve, allowing the delegates to claim they must first consult de Valera before any final commitment; a strategy which was to fail spectacularly in the face of Lloyd George's ultimatum. He also felt that his influence could be best utilized in Dublin to persuade staunch Republicans to accept the inevitable compromise, and to act as a unifying figure, as he often had in the past.¹⁴ While it is possible that de Valera did indeed remain in Dublin for these reasons, it is also likely that more selfish motives lay behind the decision.

In his stead, he sent a group of men who so differed in their opinions on how the Treaty should be concluded that they were unlikely to agree on any of the important issues from the outset of negotiations. In the end, the Irish delegation was to consist of Arthur Griffith acting as chairman, Michael Collins as second in command, Robert Barton as an economic expert, Gavan Duffy and Eamon Duggan, both lawyers, and Erskine Childers and John Chartres acting as

¹³ Jason K. Knirck, *Imagining Ireland's independence: debates over the Anglo-Irish Treaty of 1921* (London: Roman & Littlefield, 2006), 85.

¹⁴ Dwyer, 182-83.

secretaries. It was well known that of the Cabinet, Burgha was a die-hard Republican and favored a return to war rather than a compromise and that Stack shared similar views.¹⁵ It was equally well known that Griffith and Collins did not stand by the idea of the Republic so resolutely. As de Valera stated in a letter of late December, 1921 “That Griffith would accept the Crown under pressure I had no doubt [...]”.¹⁶ De Valera elected Childers to the delegation in hopes that he would hold sway over his cousin, Barton, with whom he shared a very close personal friendship. Childers, de Valera hoped, would hold Barton to the course of the Republic, who in turn would check any willingness to compromise that might reside in Griffith and Collins.¹⁷

De Valera’s logic behind the selection of the delegates seemed to be one of the intentional hindering of progress. Not expecting Griffith and Collins to stand their ground on the Republic, he left it up to Barton, and ultimately Childers—the two men who had the least influence out of the entire delegation—to try and secure the Republic. On the eve of the consequential negotiations, de Valera assembled a team of delegates headed by two men who he knew would not hold fast to the idea of the Republic for which he felt the Irish nation so righteously deserved.

Despite the early and stern resistance to anything short of Ireland’s full association within the British Empire, de Valera prepared for the settlement discussions by crafting his own version of how the association between Britain and Ireland should look. He ignored the Britain’s clear position on the subject, and concocted an association scheme which proved to be nothing short of repulsive to the British. As outlined in his plan, which he termed “External Association”, Ireland would remain outside the Empire on all domestic issues, with Britain relinquishing any claim to dominate Irish internal affairs. On matters of “common concern,” however, Ireland would act as another associated state inside the British Commonwealth of Nations. As Jason K. Knirck explains, “Ireland would not be contained within the Empire like the other dominions but would be tangent to it. The point of tangency would be [...] international treaties, defense, and foreign policy”.¹⁸ Knirck refers to External Association as “genius”, and perhaps rightfully so. It seems that the strategy would have granted Ireland the autonomy for which it had fought while maintaining necessary ties to

¹⁵ Pakenham, 93.

¹⁶ Letter from Eamon de Valera to Joe McGarrity, December 27, 1921, www.rowmanlittlefield.com/ISBN/0742541487.

¹⁷ Dwyer, 186.

¹⁸ Knirck, 90.

the Empire to ensure British security.

Any genius the plan contained, however, was completely defeated by the fact that it was a proposal which the British would under no circumstances accept. For the British as well as the Irish, the issue of the Crown and association came down to symbolism. Both sides had ideology to maintain in this particular area, and neither was ready to budge. If the British had granted External Association, “[...] Ireland could have been presented as having fought her way out of the Empire, and having achieved what the British Government had a hundred times pledged themselves never in any circumstances to tolerate—a Republic”.¹⁹

To allow Ireland External Association would have been to allow her to visibly and publicly weaken the Empire, something for which the British would never stand. When it came time for the Irish to submit their own treaty terms in late November, 1921, the document produced contained a slightly modified version of External Association, one that paid lip service to the Crown as head of any potential association between the two entities. Lloyd George was “in despair about the document” while Birkenhead and Chamberlain found it “quite impossible”. At this point, Lloyd George’s only possible reply was to end negotiations. It was only by the efforts of Tom Jones, George’s wonderfully adroit and capable secretary, and Griffith’s desire for talks to continue, that negotiations did not break down.²⁰ By sending the Irish delegates to London with a plan that was marginally offensive to the British at best, de Valera once again crippled his own delegation and set them up for failure. Moreover, at every turn he insisted that the delegates continue to press External Association, regardless of British reaction to and feelings about the idea. Coming to the table not as victors arranging the surrender of the vanquished, but rather as a problem to be dealt with, the Irish delegation was never in a position to make the demands that de Valera repeatedly forced them to—demands which, from the very beginning, proved wholly unacceptable to the British.

The unfortunate task of reconciling de Valera’s demands with the intransigence of the British fell on Arthur Griffith, head of the Irish delegation. Unlike Cathal Burgha and Austen Stack, Griffith was never a die-hard Republican, but rather favored a more moderate approach to the negotiations. Throughout the peace discussions, Griffith continuously balanced his lack of personal conviction that a Republic was the only form of government which would fully realize Irish

¹⁹ Pakenham, 114.

²⁰ *Ibid.*, 238-39.

national aspirations, his feeling concerning how the rest of Ireland viewed the issue, and the knowledge of the military damage that Britain could inflict should negotiations collapse. In the face of Lloyd George's threat of December 6, however, the last clearly weighed the most heavily, and it is likely he would have persisted in negotiations had he been more fervently committed to a Republic.²¹ Expecting Griffith to bend on certain key issues, de Valera hoped, "this would make [him] better bait for Lloyd George—leading him on and on, further in our direction."²² It was not to be how de Valera had hoped, however, and due to a rather cunning series of maneuvers by Lloyd George, Griffith was in turn baited further and further in the direction of the British, ultimately stumbling on the Ulster issue.

It was the original strategy of the Irish delegates to persuade Britain to stand aside and let North and South settle the Ulster issue themselves. As talks progressed, however, it became clear that this would be all but impossible and as such, the Irish amended their strategy to allow Lloyd George to try his hand at persuading Sir James Craig. In allowing Britain into the mix, Sinn Fein hoped for one of several outcomes: 1) That Ulster would be persuaded and join the South in some favorable way; 2) that in the case George was unsuccessful in persuading Ulster to join the South, Britain would make sweeping concessions on other points as compensation, or; 3) that if Ulster remained obstinate, Britain would still not make the Irish a suitable offer and would thus force a break, in which case, public opinion would surely be in favor of the South.

The plan was well-crafted, but suffered from a defect which later proved to be crippling. If the British were somehow able to achieve "essential unity" of Ireland, whether in fact or in appearance, the Irish would be expected to make concessions on a topic important to the British. These concessions would naturally take the form of allegiance to the Crown and a closer association than that of de Valera's External Association.²³

Lloyd George was able to exploit this defect in key ways so as to ensure British success. The first was to instill in the Irish side the idea of the Boundary Commission, and that it could indeed secure the "essential unity" necessary for Irish concessions. Having pledged to resign if the Ulster issue was not resolved, George relied heavily on the Boundary Commission as a way out of this promise. It was first proposed by Tom Jones in a private meeting with Collins and Griffith

²¹ *Ibid.*, 115-16.

²² Letter From Eamon de Valera to Joe McGarrity, December 27, 1921.

²³ Pakenham, 187.

on 8 November, and was put forth as a way to prevent Bonar Law, who would, it was believed, adopt a tough military policy towards Ireland, from becoming Prime Minister in case George resigned. The idea was simply this: allow the Twenty-Six counties of the South all new powers currently under negotiation, while granting Ulster no new powers and electing a committee of some sort to “delimit” the boundary of Ulster. The idea struck Griffith favorably after some thought. As Griffith reported to de Valera, “The arrangement [...] would give us most of Tyrone and Fermanagh and part of Armagh, Londonderry, Down, etc.”²⁴ It was clear, then, at least as far as the Irish delegates could see, that the “essential unity” of Ireland would be secured by means of the Boundary Commission that Jones proposed. Moreover, the Boundary Commission could be used as a “tactical” maneuver to “deprive Ulster of support in England by showing people that she had now passed beyond all reason and justice [...],” and was thus a rather promising option²⁵. When asked if the Irish delegation would support such a course of action, Griffith, as he reported to de Valera, stated that he “[...] could not guarantee its acceptance, as, of course, my colleagues knew nothing of it yet. But I would guarantee that while he was fighting the ‘Ulster’ crowd we would not help them by repudiating them”.²⁶ This promise was made on Saturday, November 12th. By the following day, the agreement had been drawn up by Tom Jones in memorandum form and submitted to Griffith, to which Griffith assented:

If Ulster did not see her way to accept immediately the principle of a Parliament of all Ireland...she would continue to exercise through her own Parliament all her present rights; she would continue to be represented in the British Parliament...In this case, however, it would be necessary to revise the boundary of Northern Ireland. This might be done by a Boundary Commission which would be directed to adjust the line both by inclusion and exclusion so as to make the boundary conform as closely as possible to the wishes of the population.²⁷

Differences exist between Griffith’s own account of the events, as outlined in a letter to de Valera, and that of Austen Chamberlain. These differences were of critical importance. Griffith’s account omits the fact that he was given the proposal in writing and consented to its contents, and instead only mentioned his conversation with Lloyd George the previous day. Chamberlain’s, on the other hand, mentioned both the meetings and also notes that Griffith agreed “not to let

²⁴ *Ibid.*, 204.

²⁵ *Ibid.*, 208.

²⁶ *Ibid.*, 215.

²⁷ Rex Taylor, *Michael Collins*. London: Hutchinson, 1958), 298.

Lloyd George down” on the British Ulster proposals.²⁸ It now stood that Lloyd George had managed to get Griffith, whether implicitly or explicitly, to agree to support, in writing, a means to secure the “essential unity” of Ireland on which the major Irish concessions were contingent. Thus, Ireland had bartered away her claims to a Republic in order to unify the nation.

It is clear from Griffith’s account of events that he thought he had made no serious or binding pledge but had merely agreed to a plan that he felt would keep negotiations moving along smoothly. The British, however, considered it to be something much more potent. Lloyd George had effectively handcuffed Griffith on Ulster, unless he wished to go back on his word, something he would never do. Consequently, when the final British proposals, containing the clauses on Ulster to which Griffith had agreed on November 12, were set before the Irish delegation on December 6, Lloyd George’s trap was sprung. Griffith could not go back on his word and refuse to sign the document on the grounds that it did not provide measures to secure the “essential unity” of Ireland, as he had already agreed to do “not let Lloyd George down,” which here meant not breaking on Ulster and accepting the Boundary Commission. Essential unity thus guaranteed, he was now obliged to make the concessions outlined in the British proposals concerning Crown and association.

It was a brilliant move, and Griffith was checkmated. He had to agree to sign the British proposals and recommend their acceptance to the Irish Cabinet. Realizing that he and he alone made the fateful pledge, Griffith stated that his signing bound no one but himself to the document, and that Barton and Collins, the other representatives of the Irish delegation present on the night of December 6, should wait until they heard Craig’s response to the Boundary Commission, as they had made no such pledge.²⁹ It is here perhaps, where Collins and Barton could have salvaged the situation to some degree. Had they asked for the methods through which Boundary Commission was to make its decision to be specified, they could have pushed for a plebiscite, the result of which would have almost certainly brought the counties the Irish had originally predicted into the Free State. Collins and Barton did no such thing, however, and even if they had, the concessions on Crown and Empire would have still been made, even if they had stipulated such a procedure. For reasons of unity, and certainly for fear of bringing about a renewal of warfare, Collins and Barton both signed along with Griffith.

²⁸ Pakenham, 218-19.

²⁹ *Ibid.*, 300.

Just as de Valera had feared, Griffith had accepted the Crown and an association within the British Empire that, to de Valera, represented an abandonment of the Republic. It is difficult to understand exactly why Griffith did not protest to the formalization of a verbal agreement, or just how Lloyd George managed to back not just Griffith but the entire Irish delegation into such a tight corner. It is clear, however, that Griffith's initial pledge of November 12 to not publicly repudiate George's proposal of the Boundary Commission to Northern Ireland in the event that she refused to enter into an all-Ireland Parliament ultimately sealed the fate of the negotiations. Once that pledge was granted, it was exploited and used as leverage to completely destroy the Irish position.

The bitter debate in the Dáil following the signing of the Anglo-Irish Treaty further highlights the difficulties the treaty represented for the new Irish Free State. The debates tended to follow two distinct lines: Those who opposed the treaty stressed the symbolic concessions embodied in the Treaty and what they would mean for Ireland, while supporters of the Treaty focused on the material benefits of the Treaty. Skeptical of both British honesty and still reeling from the sting of what they perceived as defeat, the anti-Treaty side questioned whether the Treaty delivered all that its supporters claimed it would. They felt that nothing would prevent British domination of Ireland, the greatest manifestations of this continued dominance being the oath and the governor-general. They also argued that the defense clauses of the Treaty, which stipulated for the British responsibility for Irish naval defense, bound Ireland to British foreign policy and that if Britain did go to war, no nation would recognize the neutrality of an Ireland which provided naval bases for the British.³⁰

Their most compelling arguments, however, were those made on a more symbolic basis. Refusing to accept the merits of the Treaty or to recognize what it in fact gained for Ireland, Treaty detractors dismissed such talk as "expediency" and instead utilized the rhetoric of the Revolution. Dáil deputy Sean MacEntee stated during the debates, "These things upon which you propose to turn your back [...] are your very life and soul. Forsake them now, and everything that is good and true in you is dead".³¹ Treaty supporters had something more concrete on which to rely. Able to stress the merits of the agreement and the benefits it presented to the Irish people, they appealed to the practicality of the Irish nation. Indeed benefits of the Treaty were many. In the short-term, it removed the

³⁰ Knirk, 148-49.

³¹ *Ibid.*, 154.

threat of resumed war with Britain, created an official Irish Army, and allowed the Irish to control their own government and finance. In the long-term, the Treaty “offered hope of ending English domination over the island, reviving Irish culture and language, shaping the future of the Commonwealth, and laying the foundation for Irish democracy”.³²

Most importantly, however, Treaty supporters were able to stand on the claim that the majority of Irish people supported the agreement. A few of the Treaty’s opponents even conceded that most of the Irish public favored the Treaty, especially considering that a large portion of the Irish people had either grown weary of war or had not supported it from the beginning. Arthur Griffith, in a speech he made to the Dáil, claimed that 95 percent of the country supported the Treaty. A claim supported by those of J.J. Walsh, representing County Cork, who claimed that he had not met a single person in Cork City who opposed the Treaty, and Eoin O’Duffy from County Monaghan who claimed that “only one or two out of the 35,000 people I represent are against [the Treaty]”.³³ As reported in *The Times* (London) shortly after the Treaty was signed, there was a “striking unanimity” in support of the Treaty throughout Ireland and that a “deep chasm” existed between de Valera’s “private conviction” and the will of the nation.³⁴ By the end of December, it was a widely held belief that the Irish people were of one mind concerning the Treaty. “It is almost certain that every meeting which is called to discuss the Peace Treaty will vote in its favour and will urge Dáil Eireann to complete the work of ratification without further delay. [...] the moral ratification of the treaty has taken place and that, however its formal ratification may be delayed, the people will not go back to war over

words that make no difference.”³⁵ Public sentiment was indeed in favor of the Treaty, as Griffith and the other Treaty supporters suggested.

This being the case, it is difficult to accept de Valera’s claim that the “[...] terms of this Agreement are in violent conflict with the wishes of the majority of this nation,”³⁶ as anything other than the manifestation spiteful self-interest. Without the support of the nation, the obstinacy of the Treaty’s detractors was mere selfish pride and ideological obduracy. The people of Ireland stood firmly behind

³² *Ibid.*, 134.

³³ *Ibid.*, 127.

³⁴ “Ireland For Treaty. Moderate View Gaining, De Valera’s Lonely Furrow” (1921), *The Times* (London), December 11, pg. 10; Issue 42901; col. D.

³⁵ “Meetings For The Treaty. Ireland’s Mind Made Up” (1921), *The Times* (London), Dec 29; page 8; issue 49215 col. E.

³⁶ *Proclamation by Eamon de Valera*, December 8, 1921, www.rowmanlittlefield.com/ISBN/0742541487.

the Treaty. That being the case, de Valera's rejection of the Treaty can be viewed only as further evidence to his role as a severe detriment throughout the entire peace process.

Regardless of the professed practicality of the Treaty, or its claimed symbolic shortcomings, the document presented to the Irish delegates was signed and little could be done afterwards. The Dáil, and by extension, Ireland, was given almost no alternative to the Treaty other than to vote against ratification, which would almost certainly mean renewed warfare, which to most seemed to be no option at all. As TD Kevin O'Higgins stated, "you are not entitled to reject it without being able to show them you have a reasonable prospect of achieving more."³⁷ De Valera believed he had that reasonable prospect; one which could bridge the quickly deepening divide in the Dáil. Document Number Two, as it came to be called, was Dev's carefully crafted alternative to the Treaty which consisted of little more than Ireland's negotiating positions throughout talks in London, "with some of the more acceptable elements of the Treaty thrown in for good measure."³⁸ Still not understanding the fundamental problem with External Association, de Valera once again mobilized his scheme for Ireland's proposed relationship with the British Commonwealth of Nations. The first article of the document explicitly stated that all authority in Ireland would be derived from the people, not from the King, as the Treaty seemed to state. For matters of common concern, which were to be "Defence, Peace and War, Political Treaties" Ireland would "recognize his Britannic Majesty as head of the Association."³⁹ In nearly all other aspects, Document No. 2 and the actual Treaty differed in only the most insignificant ways. The plan did indeed preserve the Republic, as all authority would be derived from the Irish people rather than the King, and external association certainly would have been much more acceptable to the Treaty dissidents, but the document was still an exercise in futility. It was centered on a proposal the British had already refused several times. Moreover, in order to even propose the plan outlined in Document Number Two to the British, the Dáil would have had to reject the Treaty; an act which would have been taken as an invitation for the renewal of war.

The Anglo-Irish Treaty, with its flaws and its merits, was to shape the outcome of Irish history, and, just as Cathal Burgha suspected, split Ireland "from top to bottom,"⁴⁰ plunging the nation into a bitter civil war, during which

³⁷ Knirk, 128.

³⁸ *Ibid.*, 154.

³⁹ Eamon de Valera, *Document Number Two (version one)*, December 14, 1921, www.rowmanlittlefield.com/ISBN/0742541487.

⁴⁰ O'Conner, 268.

it was to lose many of those who helped create it. The actions of de Valera and Arthur Griffith most certainly played the most influential roles in shaping the outcome of the Treaty. De Valera, through his unwavering insistence on his plan of External Association, served only to confound and confuse the Irish delegation, while retarding any serious progress towards securing the concessions the Irish sought. Griffith's actions were equally as frustrating to the Irish cause, but were undertaken in a different spirit. It is almost unfair to both men to say that Lloyd George took advantage of Arthur Griffith. Unfair to Griffith, as it suggests some naivety or ineptitude on his part, unfair to Lloyd George in that it implies underhandedness. But there remains little other explanation for what happened between the two. Regardless of Lloyd George's diplomatic cunning, the Anglo-Irish Treaty represented the best terms for which the Irish could have ever hoped. Its merits were many, and though it did have its disadvantages, it was by no means the abandonment of the Republic that de Valera and his supporters claimed it to be. The only truly damaging aspect of the Treaty was the rancorous civil war it sparked; the blame for which cannot justly be placed on the delegates. The symbolic concessions to the British were made in order to secure for Ireland what she had been denied for seven hundred years: a life of her own, free of British domination. As Michael Collins himself wrote, "What made Ireland a nation was a common way of life, which no military force, no political change could destroy. Our strength lay in a common ideal of how people should live, bound together by mutual ties, and by a devotion to Ireland which shrank from no individual sacrifice."⁴¹ Thus, the concessions made in the Treaty meant little to an Irish nation that, because of the Treaty, had gained so much.

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⁴¹ Michael Collins, *The path to freedom* (Dublin: Talbot Press, 1922), 19.

Appendix: Final text of the *Articles of Agreement for a Treaty between Great Britain and Ireland* as signed, London, 6 December 1921.⁴²

1. Ireland shall have the same constitutional status in the Community of Nations known as the British Empire as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa with a Parliament having powers to make laws for the peace, order and good government of Ireland and an Executive responsible to that Parliament, and shall be styled and known as the Irish Free State.
2. Subject to the provisions hereinafter set out the position of the Irish Free State in relation to the Imperial Parliament and Government and otherwise shall be that of the Dominion of Canada, and the law, practice and constitutional usage governing the relationship of the Crown or the representative of the Crown and of the Imperial Parliament to the Dominion of Canada shall govern their relationship to the Irish Free State.
3. The representative of the Crown in Ireland shall be appointed in like manner as the Governor-General of Canada and in accordance with the practice observed in the making of such appointments.
4. The oath to be taken by Members of the Parliament of the Irish Free State shall be in the following form:- I do solemnly swear true faith and allegiance to the Constitution of the Irish Free State as by law established and that I will be faithful to H.M. King George V., his heirs and successors by law, in virtue of the common citizenship of Ireland with Great Britain and her adherence to and membership of the group of nations forming the British Commonwealth of Nations.
5. The Irish Free State shall assume liability for the service of the Public Debt of the United Kingdom as existing at the date hereof and towards the payment of War Pensions as existing at that date in such proportion as may be fair and equitable, having regard to any just claim on the part of Ireland by way of set-off or counter-claim, the amount of such sums being determined in default of agreement by the arbitration of one or more independent persons being citizens of the British Empire
6. Until an arrangement has been made between the British and Irish Governments whereby the Irish Free State undertakes her own coastal defence, the defence by sea of Great Britain and Ireland shall be undertaken by His Majesty's Imperial Forces, but this shall not prevent the construction or maintenance by the Government of the Irish Free State of such vessels as are necessary for the protection of the Revenue or the Fisheries. The foregoing provisions of this article shall be reviewed at a conference of Representatives of the British and Irish governments, to be held at the expiration of five years from the date hereof with a view to the undertaking by Ireland of a share in her own

⁴² Source: DIFP, Documents on Irish Foreign Policy, Retrieved April 14, 2007, <http://www.difp.ie/viewdoc.asp?DocID=214>.

coastal defence.

7. The Government of the Irish Free State shall afford to His Majesty's Imperial Forces (a) In time of peace such harbour and other facilities as are indicated in the Annex hereto, or such other facilities as may from time to time be agreed between the British Government and the Government of the Irish Free State; and (b) In time of war or of strained relations with a Foreign Power such harbour and other facilities as the British Government may require for the purposes of such defence as aforesaid.

8. With a view to securing the observance of the principle of international limitation of armaments, if the Government of the Irish Free State establishes and maintains a military defence force, the establishments thereof shall not exceed in size such proportion of the military establishments maintained in Great Britain as that which the population of Ireland bears to the population of Great Britain.

9. The ports of Great Britain and the Irish Free State shall be freely open to the ships of the other country on payment of the customary port and other dues.

10. The Government of the Irish Free State agrees to pay fair compensation on terms not less favourable than those accorded by the Act of 1920 to judges, officials, members of Police Forces and other Public Servants who are discharged by it or who retire in consequence of the change of government effected in pursuance hereof. Provided that this agreement shall not apply to members of the Auxiliary Police Force or to persons recruited in Great Britain for the Royal Irish Constabulary during the two years next preceding the date hereof. The British Government will assume responsibility for such compensation or pensions as may be payable to any of these excepted persons.

11. Until the expiration of one month from the passing of the Act of Parliament for the ratification of this instrument, the powers of the Parliament and the Government of the Irish Free State shall not be exercisable as respects Northern Ireland, and the provisions of the Government of Ireland Act 1920, shall, so far as they relate to Northern Ireland, remain of full force and effect, and no election shall be held for the return of members to serve in the Parliament of the Irish Free State for constituencies in Northern Ireland, unless a resolution is passed by both Houses of the Parliament of Northern Ireland in favour of the holding of such elections before the end of the said month.

12. If before the expiration of the said month, an address is presented to His Majesty by both Houses of the Parliament of Northern Ireland to that effect, the powers of the Parliament and the Government of the Irish Free State shall no longer extend to Northern Ireland, and the provisions of the Government of Ireland Act, 1920, (including those relating to the Council of Ireland) shall so far as they relate to Northern Ireland, continue to be of full force and effect, and this instrument shall have effect subject to the necessary modifications. Provided that if such an address is so presented a Commission consisting of three persons, one to be appointed by the Government of the Irish Free State, one to be appointed by the Government of Northern Ireland, and one who shall be Chairman to be appointed by the British Government shall determine in accordance with the wishes of the inhabitants, so far as may be compatible with economic and geographic conditions, the boundaries between Northern Ireland and the rest of Ireland, and for the purposes of the Government of Ireland Act, 1920, and of this instrument, the boundary of Northern Ireland shall be such as may be determined by such Commission.

13. For the purpose of the last foregoing article, the powers of the Parliament of Southern Ireland under the Government of Ireland Act, 1920, to elect members of the Council of Ireland shall after the Parliament of the Irish Free State is constituted be exercised by that Parliament.

14. After the expiration of the said month, if no such address as is mentioned in Article 12 hereof is presented, the Parliament and Government of Northern Ireland shall continue to exercise as respects Northern Ireland the powers conferred on them by the Government of Ireland Act, 1920, but the Parliament and Government of the Irish Free State shall in Northern Ireland have in relation to matters in respect of which the Parliament of Northern Ireland has not power to make laws under the Act (including matters which under the said Act are within the jurisdiction of the Council of Ireland) the same powers as in the rest of Ireland, subject to such other provisions as may be agreed in manner hereinafter appearing.

15. At any time after the date hereof the Government of Northern Ireland and the provisional Government of Southern Ireland hereinafter constituted may meet for the purpose of discussing the provisions subject to which the last foregoing Article is to operate in the event of no such address as is therein mentioned being presented and those provisions may include:

- (a) Safeguards with regard to patronage in Northern Ireland.
 - (b) Safeguards with regard to the collection of revenue in Northern Ireland.
 - (c) Safeguards with regard to import and export duties affecting the trade or industry of Northern Ireland.
 - (d) Safeguards for minorities in Northern Ireland.
 - (e) The settlement of the financial relations between Northern Ireland and the Irish Free State.
 - (f) The establishment and powers of a local militia in Northern Ireland and the relation of the Defence Forces of the Irish Free State and of Northern Ireland respectively, and if at any such meeting provisions are agreed to, the same shall have effect as if they were included amongst the provisions subject to which the powers of the Parliament and the Government of the Irish Free State are to be exercisable in Northern Ireland under Article 14 hereof.
16. Neither the Parliament of the Irish Free State nor the Parliament of Northern Ireland shall make any law so as either directly or indirectly to endow any religion or prohibit or restrict the free exercise thereof or give any preference or impose any disability on account of religious belief or religious status or affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruction at the school or make any discrimination as respects State aid between schools under the management of different religious denominations or divert from any religious denomination or any educational institution any of its property except for public utility purposes and on payment of compensation.

17. By way of provisional arrangement for the administration of Southern Ireland during the interval which must elapse between the date hereof and the constitution of a Parliament and Government of the Irish Free State in accordance therewith, steps shall be taken forthwith for summoning a meeting of members of Parliament elected for constituencies in Southern Ireland since the passing of the Government of Ireland Act, 1920, and for constituting a provisional Government, and the British Government shall take the steps necessary to transfer to such provisional Government the powers and machinery requisite for the discharge of its duties, provided that every member of such provisional Government shall have signified in writing his or her acceptance of this instrument. But

this arrangement shall not continue in force beyond the expiration of twelve months from the date hereof.

18. This instrument shall be submitted forthwith by His Majesty's Government for the approval of Parliament and by the Irish signatories to a meeting summoned for the purpose of the members elected to sit in the House of Commons of Southern Ireland and if approved shall be ratified by the necessary legislation.

(Signed)

On behalf of the British Delegation,

On behalf of the Irish Delegation.

D. Lloyd George.

Art Ó Griobhtha.

Austen Chamberlain.

Micheál Ó Coileain.

Birkenhead.

Riobárd Bartún

Winston S. Churchill.

E. S. Ó Dugain.

L. Worthington-Evans.

Seórsa Ghabháin Uí Dhubhthaigh

Hamar Greenwood.

Gordon Hewart.

ANNEX.

1. The following are the specific facilities required:- Dockyard Port at Berehaven.

(a) Admiralty property and rights to be retained as at the date hereof. Harbour defences to remain in charge of British care and maintenance parties. Queenstown.

(b) Harbour defences to remain in charge of British care and maintenance parties. Certain mooring buoys to be retained for use of His Majesty's ships. Belfast Lough.

(c) Harbour defences to remain in charge of British care and maintenance parties. Lough Swilly.

(d) Harbour defences to remain in charge of British care and maintenance parties. AVIATION.

(e) Facilities in the neighbourhood of the above ports for coastal defence by air. OIL FUEL STORAGE.

(f) Haulbowline [and] Rathmullen[:] To be offered for sale to commercial companies under guarantee that purchasers shall maintain a certain minimum stock for Admiralty purposes.

2. A Convention shall be made between the British Government and the Government of the Irish Free State to give effect to the following conditions :-

(a) That submarine cables shall not be landed or wireless stations for communication with places outside Ireland be established except by agreement with the British Government; that the existing cable landing rights and wireless concessions shall not be withdrawn except by agreement with the British Government; and that the British Government shall be entitled to land additional submarine

cables or establish additional wireless stations for communication with places outside Ireland.

(b) That lighthouses, buoys, beacons, and any navigational marks or navigational aids shall be maintained by the Government of the Irish Free State as at the date hereof and shall not be removed or added to except by agreement with the British Government.

(c) That war signal stations shall be closed down and left in charge of care and maintenance parties, the Government of the Irish Free State being offered the option of taking them over and working them for commercial purposes subject to Admiralty inspection, and guaranteeing the upkeep of existing telegraphic communication therewith.

3. A Convention shall be made between the same Governments for the regulation of Civil Communication by Air.