

## WHO INVENTED DEVOLUTION?

Owen Dudley Edwards

Devolution in the British Isles, in its most abstract sense, is a question older than the Union of British Parliaments of 1707, older than the Union of British Crowns of 1603, lost in a late thirteenth-century Ireland when the governor of the English King's Papal-granted Irish Lordship extended his council into parliaments. The most durable example of devolution in these islands, the Isle of Man, is today ostensibly based on the Isle of Man Customs, Harbours and Public Purposes Act (1866) and succeeding legislation but the powers of Home Rule exist on the Manx foundation of the Tynwald, older than the Westminster Parliament, though apparently younger than the thousand-year-old Icelandic Althing. Manx government from England is younger than the English Lordship of Ireland, older than the English Kingship of Ireland, Man being the most substantial Scottish possession to remain permanently lost after Scotland itself had been won back under the Bruces. But Westminster acknowledgement of Man's devolutionary status derived from the lack of any Manx representation at Westminster. It is little acknowledged, but we may see here a precedent followed in the lack of Irish representation at Westminster under the First Irish Home Rule Bill (1886), abandoned with its abridged retention under the Second Irish Home Rule Bill (1893), and at the heart of the "West Lothian Question" raised by Tam Dalyell, MP, during the Scottish devolution controversy of the later 1970s.

The antiquity of the Tynwald, stretching back to the tenth century, offers another precedent. The search for constitutional independence or devolution in Ireland and Scotland has been shaped around the tradition of a former national Parliament. It seems ironic that this theme has been more strongly asserted by Irish devolutionists than by Scots. The Scots, as a separate kingdom, really had an independent parliament before Union. The Irish in 1782-83 for the first time since 1494 obtained nominal independence for their Parliament, enduring until the Union of 1800, but in practice it never escaped from Whitehall domination; the medieval Irish Parliament was of English origin, first coming into sharp focus under Edwards I's Justiciar, a Welshman rejoicing in the name of John Wogan. The legislation of 1494, known as Poyning's Law from Henry VII's viceroy, prohibited the calling of Parliament without the King's consent, and required any proposed draft legislation first to receive consent of the King's council in England; this tells us that Royal power in Ireland grew weak during the Hundred Years' War and the Wars of the Roses, and English colonists asserted themselves. The medieval Irish Parliament was Irish in the sense that it was in Ireland, not that it was of

Ireland: the pre-conquest Irish had possessed no common council, their heirs took little part in that Parliament, and their status remained that of "mere Irish". No Roman Catholic could sit in the Irish Parliament from 1782 to 1800, any more than under its eighteenth-century predecessors, although the near-outlawed Catholicism remained the majority religion. But Irish constitutional nationalism arising as a mass movement, overwhelmingly Catholic, in the nineteenth century, demanded the restoration of the Irish Parliament, explicitly so doing under Daniel O'Connell, implicitly under Charles Stewart Parnell. The new national self-consciousness of the twentieth century returned to this tradition after initial flirtation with a pre-Norman "Golden Age" and with the fashionable sanctity of militarism. The great Irish novelist and short story writer Sean Ó Faoláin, in his brilliant and seminal *The Irish*<sup>(1)</sup>, asserted:

It was the Normans who first introduced the Irish mind to politics. They were our first Home Rulers. They did not think of Ireland as a nation, least of all as their nation, or bother about such symbols as Language, and they had no interest in ancient traditions, but they stood as sturdily for their religion and their land as, in the nineteenth century, an O'Connell for the one and a Davitt for the other; by which time, of course, Norman and Irish were completely commingled. They initiated politics as the word was to be understood in Ireland to the end of the Irish Parliamentary Party in 1922.

Ó Faoláin, the product of an Anglophobic Irish war of independence in 1919-21 and one of the intransigents who refused at the time to accept the settlement agreed by the majority in the illegal, self-created but constitutionally elected Irish representative assembly, Dáil Éireann, showed grand generosity of mind in this constructive tribute to what his chapter entitled "The Norman Gift". But his reservation is important as regards Gaelic Ireland. The Irish Parliament at its extinction in 1800, like the Scottish Parliament at its extinction in 1707, was essentially hostile to Gaelic society, culture and traditions. Both Irish and Scottish nationalism have flourished particularly in Gaelic and post-Gaelic environments, or in those areas where Catholicism remained strongest which in Scotland was notably Banffshire. In Wales where no tradition of an independent constitutional assembly existed apart from the Parliaments of Owain Glyn Dŵr in the early 14th century, and whose Union with England had been enacted in 1536 by Henry VIII, nationalism has been much more successful in asserting its cultural identity than in Ireland or Scotland. Hunger-strikes have been carried out by Irish nationalists, socialists and feminists, by Scottish opponents of conscription in time of war, but Wales alone has exhibited the phenomenon of a national leader ready to starve himself to death in the cause of his national language and its threatened extinction by the refusal of a Welsh-language television station. Gwynfor Evans's success achieved by Government fears of an explosion in the event of his death, is a reminder that issues are at stake in Wales which go far beyond questions of polls and elections, and that at its most profound such

nationalism in these islands transcends anything devolution by itself can answer. By contrast it is arguable that while political nationalism in Ireland and Scotland has advanced, cultural nationalism has been a far lower real as opposed to nominal priority.

Ulster Protestantism, unlike Irish Protestantism, has had little formal identification with a pre-Union tradition of Irish Parliament. Presbyterianism, the cutting-edge of Ulster Protestantism, saw that eighteenth-century Parliament, dominated by the established Protestant episcopalian Church of Ireland, as the selfish repository of privilege maintained at the expense of the dissenting allies who had fought so well alongside it against the threat of French invasion, Catholic insurgency, and James VII. Ulster dissent, by now political as well as religious, was prominent in extra-mural opposition to the "independent" Irish Parliament. This took remarkable forms, which deserve more modern celebration than they obtain. The Rev. Professor Patrick J Corish in his *The Catholic Community in the Seventeenth and Eighteenth Centuries*<sup>(2)</sup> quotes from a newspaper source of the day that in 1784 the Belfast Volunteers company

paraded in full dress, and marched to Mass, where a sermon was preached by the Rev. Mr O'Connell, and a handsome collection was made to aid in defraying the expense of erecting the new Mass-house. Great numbers of the other Protestant inhabitants also attended.

The first Catholic church in Belfast was built largely on Protestant subscriptions, and the public feeling in favour of Catholic emancipation at this time was highest in Presbyterian circles influenced by the new climate of religious equality asserted by their co-religionists in the newly independent United States. In both countries the naturally democratic inclination of Presbyterianism induced by its own religious organisation had its effects in the growth of a strong political sense. The place of American Ulster Protestants in American politics is well symbolised by the Democratic party's first standard-bearer Andrew Jackson, born in the Carolinas two years after his parents' departure from Donegal, and insofar as it is reasonable to speak of a "frontier" influence in American democratisation it derives much of its profile from the Ulster Protestants, children of frontiers in Ulster and, previously, on the Anglo-Scottish border. In Ireland Ulster Protestantism in the later nineteenth century consolidated itself into a heterogeneous unit in defence of the Union, against the rising power of newly-emancipated Irish Catholicism. But the effect of that resistance was to produce in 1920 the one form of Home Rule these islands have seen outside of the Isle of Man. Much has rightly been made of British Tory complicity in playing "the Orange card", to employ the childish phrase of Lord Randolph Churchill, but the movement which dictated a separate solution for the six counties of north-eastern Ulster in 1920 had been achieved by the mobilisation of mass Protestant worker support in 1912-14. No amount of British or Irish aristocratic intrigue could have got Ulster workmen

on the march without their own enthusiasm, and as for Ulster capitalist leadership, it was split into a few prominent Belfast Home Rulers, many Unionists, and a majority probably assuming they would control a Home Rule Ireland if it came (given the supposed ineptitude of Irish Catholics) but not against so intransigent a mass Unionist movement enjoying such influential sponsorship. Ulster Unionism in power was not conspicuously democratic, but it was democracy which had put it there.

...Northern Ireland after 1920 ... For many years ... has apparently been a successful working model of regional self-government. Our examination will suggest that this is due, not to the intrinsic excellence of devolution, but rather to the fact that the attitudes of Ulstermen were moulded by historical influences that have no counterpart in Britain.

Thus R J Lawrence wrote in his influential *The Government of Northern Ireland*<sup>(3)</sup>, and if his words look a little foolish today, those of us whose words do not look foolish on matters devolutionary after a quarter-century's lapse are either very fortunate or very banal: but the claim of uniqueness for devolution in Northern Ireland closes the door on self-instruction. Government proposed Devolution, thrice in Home Rule Bills for Ireland, then in the Government of Ireland Act (1920) with effective results for Northern Ireland, in response to mass movements in Ireland itself. But devolution as a Government response also derived from its place within the Unions of 1707 and 1800 themselves. The most obvious examples in Scotland's case are the separate Scottish legal system, and the separate church establishment, and to these must be added the long tradition of separate Scottish administration. As for Ireland, devolution was built into its Union settlement in less obvious but as it proved more abrasive forms. Both Unions were the product of international problems, which immediately strengthened the measures' impetus but compounded long-term problems in the constriction from immediate crisis: the dominant fear in 1707 was that war with Louis XIV would produce a Jacobite restoration in Scotland, and the dominant fear in 1800 was that war with Napoleon would produce a French invasion of Ireland. The Union of 1800 conspicuously failed to provide Catholic emancipation, although its architect, William Pitt, had envisaged that insurance, only to be frustrated by his adversaries' mobilisation of the Protestant conscience of George III, and when Catholic emancipation became law in 1829, it was a clear-cut surrender to popular pressure conceded with a very bad grace whence bringing no grateful response from its beneficiaries. But a different anomaly lay at the heart of that Union. In representation, the countries were united. In administration, Ireland was treated as an imperial possession, with the retention of a government-appointed viceroy and Chief Secretary supported by a permanent civil service.

The Hiberno-British Union of 1800 failed in England: there simply was no readiness to take its meaning of common identity seriously. The symbolic

implications of the retention of the viceroy, and the refusal of promised Catholic emancipation, gave a clear signal from the ruling classes that whatever that Union meant, it did not mean that an Englishman must also consider himself an Irishman, and consider an Irishman an Englishman. The viceroy was apparently intended to be abolished; his existence was simply maintained in a prolonged fit of absence of mind (that same quality subsequently credited with the acquisition of the British Empire), and finally, after a third of a century, talk about dropping the viceroy petered out. By that time a massive political machine had arisen among the Irish Catholics behind Daniel O'Connell, bringing with it a further problem. Mass participation of an alien people in the activity of representative government meant that what had been the common factor in British and Irish experience recognised in the enactment of Parliamentary Union, was so no longer. Irish politics had spread far beyond the boundaries of class and caste which had contained them under the separate Irish Parliament: English politics still remained largely restricted to the ruling class, into which bourgeois representatives were trickling on aristocratic terms. Daniel O'Connell acquired extraordinary leverage on Whig government in the later 1830s through the secret Lichfield House compact; he also became possibly the greatest orator in Parliament of his time. He was still viewed in England as an alien representative of a despised and feared people requiring colonial-style administration. In his own person, ironically, he brought Ireland closer to participation in Union government that it would again obtain in the nineteenth century. His resumption of the cry "Repeal of the Union" was a rallying-call to his followers when he was unable to exert sufficient pressure on government, ie during the Whig Grey administration of the early 1830s, and after 1841 when the Whigs had been supplanted by his old enemy Sir Robert Peel. In other words, "Repeal" was a good method of holding his forces together when participation in Union government was temporarily out of his hands. It was given greater substance by the retention of a separate identity in Irish administration.

The ecological disaster of the Great Famine of 1845-50 ended O'Connell's hopes, but his imprisonment after calling off the last of his "monster" Repeal meetings, at Clontarf, in his year of greatest Repeal agitation, 1843, was a piece of political spite (later overturned by the House of Lords) which again reminded his mass following that for all of his success Ireland remained subject to the normal considerations of colonial rule. As for the Famine, it is true that Peel showed himself the foremost statesman of his time in his conviction that the state must attempt to combat the disaster, but the million-plus who died, and the great numbers who emigrated, remained an indictment of a Union which purported to answer Ireland's needs. It is apparently at this point that the majority of Irish opinion hardened against the Union; but it would also seem that the mass of English opinion convinced itself the starvation problem was fundamentally Irish, and therefore not English. Even in its most philanthropic responses, English public opinion talked of the famine with something of the benevolent, detached horror which could also be found among United States citizens: if the incursion of hordes of starving Irish

limited the detachment, and the benevolence, this would be true in the United States also. Ireland remained a possession rather than an integral part of the United Kingdom, in most English minds. Certainly many of the ruling classes during the Victorian era spoke of the working classes as though they, also, belonged to an alien order of humanity whose true reward lay in being permitted to serve. But religion and race maintained further dimensions dividing the peoples of the two islands, reckoning popular composition by its majority affiliation. Yet although devolution had been a popular cry when O'Connell's discomfiture in Westminster politics demanded its resurrection, and although the Famine seems to have left the Union a moral bankrupt in Irish Catholic opinion, it was the surviving Irish Protestant episcopalian elite who brought devolution into Irish politics on what proved a serious level, just as it was their counterparts in the British ruling elite who had maintained so much of it in Irish administration. A federal scheme had been projected as early as 1844 by an Ulster Protestant landlord, Sharman Crawford. In 1870 the Home Government Association came into being with Catholic support, but under Protestant leadership. In part the impetus for its formation came from Irish Protestant disillusionment with a Union whose legislation for the first time threatened the symbols of their own power, other than those specifically eroded by the transfer of Irish legislative activity to London: the disestablishment of the Protestant episcopalian Church of Ireland (1869) was a symbolic gesture by Gladstone's first Administration to conciliate Irish Catholics while giving them in practice very little, and strengthen its support among Irish Presbyterians, but its effects were to be disastrous for the Liberal party in Ireland. Nemesis followed in the general election of 1874, fortified by the enactment of the secret ballot, and the indolence of the ensuing Tory government in the face of another mounting Irish agrarian crisis threw the Home Rule party, as it had now become, into much more intransigent hands.

It is clear that the first Home Rule leader, the genial Isaac Butt, was a federalist; it is anything but clear what Charles Stewart Parnell, elected party Leader after the 1880 general election, meant by Home Rule, other than that he almost certainly did not mean separation. F S L Lyons has analysed what can be deduced of his meaning in a valuable article, "The Political Ideas of Parnell"<sup>(4)</sup>, not wholly subsumed into his major biography *Charles Stewart Parnell*<sup>(5)</sup> the conclusion is that Parnell was asking for something much closer to the O'Connell demand for "Repeal", ie the restoration of the Irish Parliament with the newly-enfranchised masses voting in Irish representatives unswayed by the Whitehall bribery which had initially controlled, and ultimately ended the Irish Parliament of the eighteenth century. But when Gladstone in the general election of 1885 was faced by Parnell's instruction to the Irish voters in **Britain** (with some exceptions in specific constituencies) to vote Tory, and by the successful candidacy of the Parnellite T P O'Connor in the Scotland division of Liverpool, the temptation to regain future Irish votes in Britain by a generous devolutionary gesture to an Ireland now virtually denuded of Liberal MPs resulted in a judicious leak of his intentions. The Tories now dropped Parnell. Gladstone then returned to power with Parnellite

support, lost the conservative wing of his party under Lord Hartington (the few Radicals who crossed the floor in the wake of Joseph Chamberlain being numerically insignificant), lost the First Home Rule Bill on the Second Reading and then the subsequent general election of 1886, and consolidated his hold on his own party now firmly linked to an alliance with Irish politicians (in Ireland) and Irish voters (in Britain).

This, the first major proposed devolutionary legislation in the Westminster Parliament, has elicited historiographical reactions ranging from the grand liberal declaration of Gladstonian ideological conviction, J L Hammond's work *Gladstone and the Irish Nation*<sup>(6)</sup>, a work of exceptional generosity of mind, to the sardonic iconoclastic assertion of Gladstonian political self-interest, A B Cooke and John Vincent, *The Governing Passion: Cabinet Government and Party Politics in Britain 1885-86*<sup>(7)</sup>, a work of exceptional subtlety of mind. It is in fact possible to combine their conclusions. Gladstone was probably much more concerned with political manoeuvre and party purge in 1886 than Hammond imagined, and to that extent the first Home Rule Bill was not serious, and was not expected to become Law: had it not been defeated in the Commons it would certainly have failed in the Lords. A G Donaldson, a distinguished Irish constitutional scholar with extensive experience as a Stormont legal draftsman, has given his oral opinion that it was very badly drafted, which again suggests that it was not taken very seriously by its creator. Donaldson thinks very highly of the draftsmanship of the Home Rule Bill of 1893; certainly it was intended to rivet the Irish vote in Britain to Liberal electoral fortunes still more emphatically (all the more needfully in view of Gladstone's well-known part in the fall of Parnell whose memory still retained the affections of a minority, not a contemptible minority, of Irish loyalities in both islands), but Gladstone himself had now become a full ideological convert to Home Rule. If his great speeches had converted nobody else, they converted himself. Gladstone at 84 was not ready to mount an assault on the veto power of the Lords, after it torpedoed his Second Home Rule Bill, and had he done so he would have faced his most brilliant rebel to date in his heir and ultimate successor, Lord Rosebery, for Rosebery would break from the party over destruction of the Lords' veto in the Parliament Act of 1911. However limited Gladstone's devolutionism, nonetheless he had legitimised it. We still cannot rule out party manoeuvre from his motivations. By leaving the Liberal party with an unfulfilled agenda for Irish Home Rule, necessarily tied to reform of the powers of the Second Chamber, he ensured that his successors would remain overshadowed by his memory and also (did he desire such a thing?) short-lived as leaders. Rosebery's imperialism, Sir William Harcourt's authoritarianism, rapidly gave way to the much more Gladstonian Sir Henry Campbell-Bannerman and the architect of the Third Home Rule Bill, H H Asquith.

Although the First Home Rule Bill had won Parnell's support, it was very far from meeting the expectations Parnell had aroused, or those to which he seems to have been committed. One qualification must be added to F S L

Lyons's most perceptive reflections. Parnell was half-American; it is clear that his mother's supposed influence in an Anglophobic direction has been greatly exaggerated, both in what it amounted to, and in its impact on him, but his grandfather, Admiral Charles Stewart, had been an American naval war hero against Britain, and he bore that grandfather's name as well as his legacy of victory. This gave him a very different psychological outlook in his relations with British politics from those of his predecessors in Irish nationalist leadership. The tremendous support of native Americans, as distinct from the also highly supportive Irish-Americans, in his great tour of the first months of 1880 and in furnishing moral reinforcement and the sinews of political machinery subsequently, would have conditioned him towards American examples. The appeal of devolution in his case may have been very much bound up with the knowledge he had acquired of the former Confederate states from a six-month residence in Alabama in 1871, and from his subsequent knowledge of the undisturbed self-rule conceded to those states from 1877. His former Fenian supporters wanted to export the principle of a Republic from the USA but Parnell, while fairly contemptuous of British Royalty (unlike O'Connell, who idolised the young Victoria in an affectionately paternal style), showed no inclination to sunder the monarchical connection formally established by Henry VIII. His economic ideas were protectionist, again with some American influence at work, but he was evidently ready to take what devolution he could get, and make the most of it.

Parnell accepted Gladstone's 1886 solution of Irish Home Rule without continued Westminster representation, apparently because he thought this would mean less opportunity of British interference with an Ireland under devolution. He was more concerned with Irish control of customs and excise than with the niceties of Ireland sitting or not sitting in two places at once, and hence was disinclined to pressurize Gladstone on what meant less to him; but was certainly prepared to accept Westminster seats if Gladstone should be converted to their concession (to which, by 1893, he was converted). An important pressure on Parnell himself on the question was that of Cecil Rhodes and the £10,000 he gave Parnell for the Home Rule cause, following negotiations with Parnell in which he later quoted himself (to Parnell's biographer Richard Barry O'Brien) as asserting:

- 1) If the Irish members are excluded, nothing will persuade the English people but that Home Rule means separation; that Home Rule is the thin end of the wedge, and that when you get it you will next set up a republic, or try to do so. As long as the English people feel this, how can you expect to get Home Rule? That is the political question as it affects you.
- 2) Next there is the personal question, if you like, which affects me. I want Imperial Federation. Home Rule with the Irish members in the Imperial Parliament will be the beginning of Imperial Federation. Home Rule with the Irish members excluded from the Imperial Parliament would lead nowhere, so

far as my interests, which are Imperial interests, are concerned.

But in the event, the realisation of Devolution in the British Isles (other than the Isle of Man), did not take effect until the decline, if not the fall, of the British Empire. That Lloyd George disappointed no connoisseurs of his flair for perversity by restricting devolution to the one part of Ireland which insisted it did not want it, is notorious; but how unwanted it really was is a nice question. Certainly the Ulster Unionist leaders and their military allies, secret or open, looked more and more like imperialism in its last redoubt. Northern Ireland became a sealed time-capsule for imperial values, intended for display rather than for use save among troublesome native (ie Irish aboriginal) populations: Margaret Thatcher, herself tuned into that century-old rhetoric, blew up the time-capsule when having continually spoken on its wave-length, she switched off to negotiate the Unionist-ignoring Anglo-Irish Agreement; and the previous rhetorical unison embittered the awakening immeasurably. (The indifference of Dublin and London to courtesies for Scotland and Wales, in the term "Anglo-Irish", is as instructive as the deliberate humiliation of the Unionists.)

There was a strong, if surreptitious, continuum from Parnellism to Carsonism in method, though emphatically not in personnel; and method had conditioning effects for ideology. Edward Carson learned much from Parnell, including the use of hard-bitten revolutionish rhetoric added to non-violence as a tactic, witness his superb success after Summer 1912 in keeping his (in more senses than one) pre-war movement free from the anti-Catholic rioting which had distinguished Protestant Ulster at moments of perceived danger to its identity during the previous half-century. George A Birmingham, a witty and incisive Ulster Protestant novelist, created his political fantasy *The Red Hand of Ulster*<sup>(8)</sup> around the assumption of a Carson-style revolt financed by an irreconcilable Irish-American Anglophobe who found the Ulster Unionists a much more appealing breeding-ground for hatred of England than their conciliatory Redmondite Home Ruler rivals. Ultimately Ulster Unionism stated its interest in devolution (through the mouth of future Northern Ireland premier James Craig's big brother Charles Curtis Craig, MP) in the Commons debate of 29 March 1920:

We do not in any way desire to recede from a position which has been in every way satisfactory to us, but we have many enemies in this country [ie Britain apparently, not the United Kingdom of Great Britain and Ireland], and we feel that an Ulster without a Parliament of its own would not be in nearly as strong a position as one in which a Parliament had been set up where the Executive had been appointed and where above all the paraphernalia of Government was already in existence. We believe that so long as we were without a Parliament of our own constant attacks would be made upon us, and constant attempts would be made ... to draw us into a Dublin Parliament. ... We profoundly distrust the Labour party and we profoundly distrust the Right Hon.

gentleman the member for Paisley [H H Asquith]. We believe that if either of those parties, or the two in combination, were once more in power, our chances of remaining a part of the United Kingdom would be very small indeed. We see our safety, therefore, in having a Parliament of our own, for we believe that once a Parliament is set up and working well ... we should fear no one, and feel we should then be in a position of absolute security ... and therefore I say that we prefer to have a Parliament, although we do not want one of our own.

There is a striking similarity between this statement and the present position of the Craigs' heirs in the official Unionist party in Northern Ireland today, including the fears of government under the present Labour party with or without the support of the present heirs of the Asquithian Liberals. Unstated then, more clearly evident now, are inclusions of Tories in these fears of "enemies in this country". The distinction is that today Northern Ireland Unionists have the memory of a Parliament – their Stormont – whence to draw inspiration and conclusions. (The nearest equivalent in Charles Craig's mind seems to have been a covert allusion to the "Provisional Government" agreed on by the Carsonite Unionists on 24 September 1913 as intended to take effect with a five-member Executive and 75 members in the event of Home Rule becoming law. The term was appropriated by Patrick Pearse and adopted for the Irish Republic by himself and his six co-signatories of the proclamation which inaugurated the Easter Rising of 1916. Pearse's Provisional Government had the support of only a few hundred, at best, when he launched the Proclamation; Carson's, and the Craigs', in Ulster, would have spoken for tens of thousands.)

Vernon Bogdanor, in his reflective and impressively comparative study of the question throughout this archipelago, *Devolution*<sup>(9)</sup> (1979) quotes approvingly the distinguished Irish Protestant scholar Nicholas Mansergh's *The Government of Northern Ireland: a study in Devolution*<sup>(10)</sup> (1936): "no scheme of Devolution is likely to satisfy a demand for self-government prompted by national sentiment ... [Devolution] suggests only a means whereby better government may be secured within a single State. Its value disappears once the unity of the State is questioned". But how far was it questioned, other than by the separatist minority? Many, perhaps most, historians would follow Professor John A Murphy in his *Ireland in the Twentieth Century*<sup>(11)</sup> where he emphatically denies that the overwhelming vote for Sinn Féin in 1918 was a vote for a Republic. A separatist minority today questions the unity of the United Kingdom of Great Britain and Northern Ireland, but an overwhelming majority in Northern Ireland seeks no more than devolution. National sentiment fuels devolutionist demand in Scotland and Wales, and certainly government proposals for devolution require to be integrated with a sense of such sentiment, founded on practical enquiry rather than Westminster assumptions of confident wisdom. Home Rule legislation was originally proposed by Gladstone with almost

unbelievably little consultation with the Parnellites whose alliance he sought. But in its avowed purpose, "better government", Home Rule offered an implicit agenda from which its party preoccupations prevented its pursuing. Today "better government" has to consider reform for the entire United Kingdom as long overdue. If Northern Ireland is to return to a devolved legislature, in place of its present situation so reminiscent of the devolved administration in Ireland throughout the United Kingdom of the two islands, it must be accompanied by built-in safeguards not only for the minority but also for the population at large. A Bill of Rights must be written into any devolution proposal, and the official Unionists are apparently committed to such a step. It is equally necessary in the several parts of Britain whether individually seeking devolution or supposedly resisting it. Voting reform, specifically including a thorough scheme of proportional representation, is demanded in Scotland and appears for various reasons essential for Wales and for Northern Ireland: but it is also vital to England, whose method of choosing a government in recent years has become unrepresentative in the extreme. Customs and excise, so long a hidden obstacle on the road to satisfactory devolution in Ireland, diminishes in significance with the growth of European Community consolidation. Separation of judicial and executive legislative powers requires far more than the lip-service it normally obtains. Any devolution settlement requires something akin to written constitutional provisions: the best footing for Bills of Rights is that of a written constitution.

What is needed in the next round of devolution is to learn from past history, to compare the different areas under discussion, to avoid either imprisonment in history or indifference to it, and to make a virtue of multiplicity of experience in considering possible improvements. Northern Ireland can no longer be treated in isolation, either from Irish history in general, or from the national aspirations of Scotland and Wales. Solution-search in Northern Ireland, in particular as it examines prospects for devolution, must take into account the likelihood of a devolved Scotland, possibly a devolved Wales, in any future existence of Northern Ireland. Mr Charles Haughey regularly reminds his Fianna Fáil party in annual conferences that Ulster peace depends on the Republic's acquisition of Northern Ireland (as demanded under article 2 of the Irish Constitution of 1937): Mr Haughey has no part in any breaches of Northern Ireland peace, the thought is unimaginable to his party, but his theorem is simply that those who breach it will only desist when the island is made a political unity, and he evidently does not interpret unity as a 26-country return to some form of United Kingdom (although the use of the term "reunification" about Ireland can point to no period in time when the Irish people were a political unity of persons enjoying equality before the law prior to 1829). Mr Haughey's 1,200-page collected speeches, *The Spirit of the Nation*<sup>(12)</sup>, is edited by his leading intellectual, Mr Martin Mansergh, son of the late Cambridge Professor Nicholas Mansergh (who did not share his offspring's political allegiance). The Haughey formula on Northern Ireland solution (subject to what mutations may yet surface at the negotiating table) speaks of some vague devolution

being permissible once "unity" of the Irish island is affirmed by Dublin and London – and here it is Mansergh senior rather than Mansergh junior who may be of service, in that it is difficult to see devolution as an option in a 32-county Ireland "once the unity of the State is questioned", as the million Protestants now in Northern Ireland would certainly question it. Nor does Mr Haughey, whatever may be the views of the younger Mansergh, show much respect for a tradition of devolution in Irish history; nor does he indicate much interest in the future devolutionary implications of Wales and Scotland, for all of the historic support for Irish Home Rule given by Scots and Welsh Home Rulers (with exceptions such as David Lloyd George). Devolution, then, also becomes important in the Irish context as an illumination of proposals of interested outsiders.

The practical advantages of Mr Haughey's Republic as a testing-ground for political experiment should compel very close attention; despite his own party's continued attempts to abolish proportional representation, the system has produced remarkable political stability, impressive capacity for achieving status for minorities, and a judicious means of limiting the rule of authoritarians such as himself. The second chamber existing at present, and its earlier status between 1922 and 1936, invite constructive reflection on the minority interests such a chamber enfranchises: eg you give a seat to W B Yeats in 1922, you take it back after he has complained against your outlawry of divorce. The second-chamber issue is far from clear-cut, as may be seen from the mid-1930s debate of de Valera and his opponents, balancing the legitimate interests minorities sought to preserve (though, as Yeats could testify, without much conspicuous success) versus the extent to which their sanctuary in the legislature opposed the common good (whose Aristotelian-Thomist definition was firmly in de Valera's mind). But even the emasculated Senate of de Valera's constitution enshrined the (as it would prove) valuable voices of (some) elected representatives of university graduate opinion. The idea of second chambers in which Seamus Heaney, Sorley Maclean, or Norman MacCaig, might state their opinions of governmental legislation as they chose, offers a far superior means of taking counsel of the higher points of human intellect than does the House of Lords. In Wales a culturally-cogniscant second chamber is a vital necessity. Again, the self-evident danger to human freedom which Mr Haughey poses in his own person should concentrate the mind wonderfully on the virtues of a written constitution and a formal separation of the judicial power from the executive-legislative.

But Scotland will also have lessons of its own to offer Irish, Welsh and – will they but listen – English students of devolution. The establishment of a democratically-administered established church, historically refreshed by its own disruption and return to its congregations for support, has supplied the means of enlivening popular consciousness in the past and invites the attention of comparable bodies in other countries. As matters now exist, both in the Republic (for all practical purposes) and in Northern Ireland (under the 1869 legislation disestablishing the Church of Ireland) church and state are

separated; they are also separated in Wales; but in Ireland and Wales the place of these churches in effectual social comment is far higher than, say, that of the established Church of England, in England. I see little reason for Scotland to disestablish her Church, but there is something to be said for the Irish example of pointedly deferring to as many religious sects at the same time as possible, as far as symbolic listening goes. The comparable cases also enable one to study the limits of religious influence in intensely religious societies (eg why has Catholicism so little impact on practising Catholics in Northern Ireland against the IRA?).

There remains also the questions devolution has failed to reach in the past, but is being invited to consider in the future. Labour is committed to a Scottish legislature whose representation would be evenly balanced according to the sexual balance of the population, and there would be much for all portions of the United Kingdom to learn from that provision. To put matters cynically, Scotland, Wales and Northern Ireland have divided themselves so publicly on religious questions that it is time they united in considering an issue where their history has been in accord – that of keeping women subordinate. To put matters crudely, it is well-known that Englishmen staff a vast number of key positions in Scottish culture today, a circumstance partly dictated by the English preponderance in the United Kingdom, partly by the ingrained Scottish cringe ready to assume an English product of an English university with membership of an English club sporting an English accent is what Scotland requires – the cringe is no longer flaunted, but it is still a Pavlovian response. But while experience shows that a Scotsman can frequently do a Scots job better than an Englishman, even if only from knowledge of what Scotland is, experience also suggests a Scotswoman can usually do it better still, simply because the continued exclusion of women means that the best alone can persevere in a social system so weighed against them. It is merely courtesy that restrains me from giving examples. Positive discrimination is questionable as a rule, but in this instance there seems no other way to shift the male posterior from political near-monopoly, and on all possible grounds that is essential with maximum speed. Any arguments as to the career of Margaret Thatcher, who has done so much to stimulate Scottish, Welsh and Northern Irish impulses to devolution, must break down in the face of Oscar Wilde's analysis: "Half of Mrs Thatcher's success lies in the no doubt unfounded rumour that she is a woman."

**Owen Dudley Edwards, Department of History, University of Edinburgh.**

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#### References

1. Sean Ó Faoláin, *The Irish*, Harmondsworth: Penguin 1947, pp.60-61.
2. Patrick J Corish, *The Catholic Community in the Seventeenth and Eighteenth Centuries* (1981) p.98, Dublin: Helicon.
3. R J Lawrence, *The Government of Northern Ireland* (1965) p.2, Oxford,

- Clarendon Press.
4. F S L Lyons "The Political Ideas of Parnell", *Historical Journal* (1973) XVI(4), 749-775.
  5. F S L Lyons *Charles Stewart Parnell* (1977) London: Collins.
  6. J L Hammond, *Gladstone and the Irish Nation* (1938) London: Longmans, Green.
  7. A B Cooke and John Vincent *The Governing Passion: Cabinet Government and Party Politics in Britain 1885-86* (1974), Brighton: Harvester Press.
  8. George A Birmingham *The Red Hand of Ulster* (1913) London: Elder & Co.
  9. Vernon Bogdanor, *Devolution* (1979), Oxford: Clarendon Press.
  10. Nicholas Mansergh, *The Government of Northern Ireland: a study in Devolution* (1936), London: Allen & Unwin.
  11. John A Murphy, *Ireland in the Twentieth Century*, Dublin: Gill & Macmillan.
  12. Charles Haughey, *The Spirit of the Nation*, (1986) Dublin: Mercier Press