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**The Republic of Ireland Bill, 1948—Second Stage.**

9 December 1948

[**Professor Bigger**](https://www.oireachtas.ie/en/members/member/)- Senator Joseph Warwick Bigger, TCD, son of Senator Sir Edward Coey Bigger and nephew of F. J. Bigger of Ardrigh, Belfast (solicitor and antiquarian and friend of Casement).

)I rise to speak with a very full realisation of the responsibility I have assumed in opposing in this House this Bill, which has received the unanimous approval of the Dáil and for which the Taoiseach has asked for similar unanimity in this House. I am driven to oppose this Bill by my convictions, convictions which are shared, I believe by a considerable majority of my constituents and, I know, by a very considerable number of people in this country. I speak here as an Independent, entirely free from any Party ties and entirely free from any Party pledges or Party Whips. I am responsible in this House only to my own conscience and to my constituents. I think it only right to point out that I do not represent in this House either Trinity College or the University of Dublin. I am not in any way authorised to express their views or opinions. I know that some of my colleagues favour this Bill and some are opposed to it. Neither of the bodies I have mentioned has expressed any views on the matter and neither will express any views. I am speaking here as an Independent.

Ireland has often been referred to as a mother country. I believe that I am more entitled than any other member of this House to speak for Ireland as a mother country. My constituents include those who do not even live in this country. They are graduates of my university, living in Ireland, both North and South, in Great Britain, in the United States, in Canada and in Australia. I do not think that any other Senator speaks for as large a constituency as I represent.

In the special circumstances of this debate, which invites the application to myself of various terms such as ex-Unionists, West Britons and, as the Taoiseach said, "hypocritical humbug", I realise now, in inviting such designations, that it is only right that I should say a few words about myself. I come of a family that came to Ireland three centuries ago from Scotland, seeking in this country the wider freedom that was not available in their own land. My family ever stood for freedom. On my father's side it was represented in the Ulster land war of 1770, the Volunteers and the United Irishmen. In 1798, at the Battle of Antrim, my great grandfather stood beside Jimmy Hope. One at least of my mother's family, Rev. David Warwick, gave his life for Ireland and was hanged in 1798 in front of his manse. My great uncle, Joseph Gillis Bigger, and my uncle, Francis Joseph Bigger, will be remembered for what they did for Ireland. I do not think I could accurately be termed an ex-Unionist. I have never been a Unionist. From my earliest days I favoured in every way self-government for this country. I was born a British subject and served in the British Army. If that entitles me to be called, or if anyone calls me, British, I cannot very well complain. I have ceased to regard the term "British" as a term of contempt. I remember when Britain stood alone, when free France was only a name, when Russia had not made up her mind on which side to fight and when America stood aloof.

I find it hard to speak dispassionately on this question, because I cannot dismiss from my mind the recollection that I have been taken in by a confidence trick, that I have been a mug, a dupe, a sucker. I and thousands of others in this country voted at the last election for Fine Gael, confident that the Leaders of that Party were honest men, upon whose good faith we could rely. It was believed that their policy might be taken on its face value and not subject to legal quibbles. The statements upon which I chiefly relied were those of General Mulcahy and of Mr. Costello. When General Mulcahy was elected President of Fine Gael he said:—

"We stand unequivocally for membership of the British Commonwealth."

That plank in the Fine Gael Party programme, as far as I am aware, has never been withdrawn.

The Taoiseach and Mr. Harold Douglas in their election address—a copy of which I have here—said:—

"If Fine Gael is elected to power it will not propose any alteration in the present constitution in regard to external affairs."

This statement meant, as I understood it, that no alteration was proposed.

[**The Taoiseach**](https://www.oireachtas.ie/en/members/member/John-Aloysius-Costello.D.1933-02-08/)

Would the Senator mind reading the rest of the address?

[**Professor Bigger**](https://www.oireachtas.ie/en/members/member/)

Mr. Costello said that co-operation with other nations was essential if this country was to play its part for security.

[**The Taoiseach**](https://www.oireachtas.ie/en/members/member/John-Aloysius-Costello.D.1933-02-08/)

Read the first part about the co-operation of our Party?

[**Professor Bigger**](https://www.oireachtas.ie/en/members/member/)

Perhaps the Taoiseach would like to do that. The defence has been made by Mr. Douglas that the External Relations Act is not part of the Constitution. That is true. Unfortunately, I and many other people did not realise that at the time. I think the fundamental dishonesty of that defence is shown by the fact that, in the address, the word "constitution" was written with a small letter. In Mr. Douglas's letter to the *Irish Times,* the word “Constitution” was written with a capital letter.

[**The Taoiseach**](https://www.oireachtas.ie/en/members/member/John-Aloysius-Costello.D.1933-02-08/)

Is this an inspectorial quibble?

[**Professor Bigger**](https://www.oireachtas.ie/en/members/member/)

I was going to suggest that the quibble did not come from my side. I and other suckers, a good many of whom voted No. 1 for Mr. Costello and No. 2 for Mr. Douglas, were credulous mugs for thinking we were voting for a Party upon whom we could rely to maintain a link that we believed to exist—a rather tenuous link, but one still there—with the Commonwealth.

[**Mr. Duffy**](https://www.oireachtas.ie/en/members/member/)

Why not vote for the Labour candidates?

[**Professor Bigger**](https://www.oireachtas.ie/en/members/member/)

I will have to consider that next time. Mr. Douglas, in his defence, said:—

"I believe Mr. Costello is carrying out the statements in his election address both in the letter and in the spirit."

I leave that to Mr. Douglas as far as the letter goes, but I cannot yield him the spirit. I find it hard to believe that Mr. Douglas is quite so credulous as he would like us to believe. Mr. Douglas is still a young man and if he practises sufficiently hard he may be able to reach the White Queen's level of believing "as many as six impossible things before breakfast". I confess my fault. I can only say that the error I committed at the last election was committed in complete ignorance, and, by way of exculpation, I can only promise never again to vote for any one of the Fine Gael candidates.

I think I am justified in protesting against the way the intention to introduce this Bill was announced to Ireland. It would have been only right that the Leader of the Government of this country should have announced such a momentous decision in this country and not in Canada or anywhere else. I read most of the speeches in the debate in the Dáil and elsewhere and listened to the speeches to-day, but I am still mystified regarding one point. When was the decision to introduce this Bill taken? I realise that it must have been either before or after one particular date. It must have been taken either before the general election or after it.

If I accept the first proposition I will be forced to the unwelcome conclusion that members of the Fine Gael Party, having determined to introduce such a measure as this, went to the country seeking to obtain the support of many people who were entirely opposed to this measure. I have no wish to accuse these gentlemen of any such dishonesty. I am, therefore, forced to think that the decision to introduce this measure, that we are told is so urgently necessary, was arrived at after the general election. Listening to the Taoiseach this evening I am almost tempted to believe that he has been a convinced out-and-out republican for years and years. I find it hard to reconcile that with his membership of his particular Party. There were, I think, facing the Government two possible pathways. I grant to the Taoiseach gladly, or to any man, the right to change his mind. I think it shows honesty, freedom and a working brain to be able to change one's mind. I do not think anyone can resent it, but if the Taoiseach's mind was changed after the election, if he became convinced and convinced the members of his Government that it was right to introduce a Bill such as this— and I admit freely that such a conviction might have been arrived at—there were two possible ways open to him. He took the easy and the wrong method. He and his Government went ahead with the Bill without a mandate from the country. The correct procedure for him—and on this I have no doubt—if he were honestly convinced of the desirability of this measure was at once to go to the country with a straight issue: Do you want the repeal of the External Relations Act? Do you want the declaration of a republic for Ireland? I have little doubt that they would have got the mandate they desired from the country and such a policy would have had some desirable consequences. They would have been sure of their mandate; they would have known that the hands of the Government were in this respect clean; they would have made a stand for honest, open government; and they would have relieved the thousands of people who voted for them of this feeling which I share, of having been done.

Let us look at this Bill, a very short Bill indeed, entitled "The Republic of Ireland Act, 1948". The date at any rate is correct. I have no doubt, if there was any doubt before, that when the Bill is enacted a republic will have been established, but will it be a republic of Ireland? I have listened with the greatest attention to what the Taoiseach has said. I have no pretensions to be a constitutional lawyer. I have read what the Minister for External Affairs said in the debate in the Dáil. We have heard a great deal about *de facto* and *de jure* and a great deal, going right back to the days of the Treaty, of what the British Government and others did about the meaning of this word “Ireland”, but it is to me completely erroneous to talk about the Republic of Ireland Bill. It is not the Republic of Ireland. The Minister for External Affairs assures us that this will be a *de jure* republic for the whole of Ireland but a *de facto* republic for the Twenty-Six Counties. The word “Ireland”, I was told when I was very young, meant an island in the Atlantic ocean to the west of Britain and to the west of Europe. It means that, nothing less and nothing more. No treaties, Acts of Parliament or constitutions are going to convince any realist that this word can in any realistic sense mean anything else. We are bewildered, bewitched and confused by the using of the word “Ireland” in two senses. It is not the Taoiseach's responsibility. We have to go further back to when Deputy de Valera introduced this word or rather this new meaning for an old word. Deputy de Valera and the Taoiseach have at least one thing in common, their resemblance to Humpty-Dumpty—not in physical appearance I assure the House. Humpty-Dumpty said: “When I use a word it means just what I wish it to mean, neither more nor less.” If the word “Ireland” no longer means the Thirty-Two Counties, it will mean a portion of the island, Twenty-Six Counties. I do not think any ordinary man of common sense or reasonable education requires lawyers' arguments as to *de jure* and *de facto.* We know that the title of the Bill is misleading and in my opinion it is deliberately misleading. Its correct title should be “The Republic of the Twenty-six-thirty-seconds of Ireland Bill” or the “Republic of Eighty-one per cent. of Ireland Bill” or, if you like, the “*De facto, de jure* Republic of Ireland Bill”. I hold that this Parliament has just as much effective right to declare the Republic of the British Isles as to declare the Republic of the whole of Ireland. I am exceedingly sorry that it is not within our power to declare an effective republic for the whole country, but I hold it to be in effect not so within our power. I have always been unwilling to follow the usage of the word “Ireland” in two senses. By doing so we present to those to whom the majority of the Seanad are opposed, those in Northern Ireland, a weapon.

[**Mr. Baxter**](https://www.oireachtas.ie/en/members/member/Patrick-Francis-Baxter.D.1923-09-19/)

North-eastern Ireland.

[**Professor Bigger**](https://www.oireachtas.ie/en/members/member/)

If the title Ireland is used for the Twenty-Six Counties, surely I can use "Northern Ireland" for the Six Counties. The Six-County Government has started an agitation for a change of its title. It is asking to be called "Ulster". It has no right to be called "Ulster" and it is not Ulster, but if we are ready to swallow the fallacy that twenty-six-thirty-seconds equals the whole country how can we oppose the other fallacy that six-ninths of a province equals the whole province?

Clause 2 says:—

"It is hereby declared that the description of the State shall be the Republic of Ireland."

I distrust the cautious wording of this clause. It smells of lawyers' midnight oil and I distrust lawyers as I distrust politicians. In contrast to rash inaccuracy of the title, we have the extreme legal caution of this particular clause. Why could not the clause state "The State shall be the Republic of Ireland"? Everybody could understand that. I am sure that there are legal reasons, however, for not using simple language capable of being understood by ordinary people and I suspect that this may form a useful defence in the future.

Clause 4 is:—

"This Act shall come into operation on such day as the Government may by order appoint."

It rests on the Government to declare what is claimed to be the day on which we shall celebrate the independence of the country, the severance of the last link, the breaking of the connection, if there was a connection with the Commonwealth and the sacking of the King. This Government with its new found powers has taken the right when the Bill becomes enacted of declaring a particular day for the coming into force of the Act. Why has the Government not told us the day? Because, as the Taoiseach has said, legislation in the British Parliament is required. Just look at our new freedom. The day of our independence depends on legislation in the British Parliament.

[**Mr. M. Hayes**](https://www.oireachtas.ie/en/members/member/Michael-Hayes.D.1921-08-16/)

Surely not. That is surely a very unfair rendering of what has been said. Surely nobody said that the day of our independence depends on legislation in the British Parliament. Even doctors would use plainer language than that.

[**An Cathaoirleach**](https://www.oireachtas.ie/en/members/member/Timothy-Joseph-O%27Donovan.D.1923-09-19/)

Is the Senator giving the exact quotation?

[**Professor Bigger**](https://www.oireachtas.ie/en/members/member/)

I believe so. I put it in inverted commas. I believe I am quoting the Taoiseach rightly when I say: "Legislation in the British Parliament is required."

[**The Taoiseach**](https://www.oireachtas.ie/en/members/member/John-Aloysius-Costello.D.1933-02-08/)

Why?

[**Professor Bigger**](https://www.oireachtas.ie/en/members/member/)

Before it is possible for the Government to appoint the day.

[**The Taoiseach**](https://www.oireachtas.ie/en/members/member/John-Aloysius-Costello.D.1933-02-08/)

Not at all. Not merely can you not understand English, but apparently you cannot speak it. I said nothing of the sort. What I said was that, in order to clear up the situation, legislation would be required both in the British Parliament to deal with the situation in England and here to deal with the situation in Ireland.

[**Professor Bigger**](https://www.oireachtas.ie/en/members/member/)

As I have said, I am no lawyer——

[**The Taoiseach**](https://www.oireachtas.ie/en/members/member/John-Aloysius-Costello.D.1933-02-08/)

That is obvious.

[**Professor Bigger**](https://www.oireachtas.ie/en/members/member/)

——but still it has been admitted that legislation is required both in our Parliament and the British Parliament before the Government is in a position to appoint the day.

[**The Taoiseach**](https://www.oireachtas.ie/en/members/member/John-Aloysius-Costello.D.1933-02-08/)

Not at all. We could appoint the day to-morrow when this Bill goes through, if we like. It is merely a matter of convenience for both countries and at the desire of all countries.

[**Mr. Duffy**](https://www.oireachtas.ie/en/members/member/)

Would we not put the same reservation into a health insurance Act?

[**Professor Bigger**](https://www.oireachtas.ie/en/members/member/)

I must accept that the British Parliament is completely out of this.

I have always believed—I believed in it, I think, before some of the now staunch supporters of the principle had arrived at their present convictions— in the principle and the desirability of self-government for this country, but always inside the Commonwealth. I have believed that a status which was good enough for Canada, Australia, New Zealand and South Africa was good enough for this country. The Commonwealth is a unique aggregation of States. It differs from the League of Nations, or the so-called United Nations, in that it has a centre, a head—a figurehead, if you like— which holds it together and tends to prevent that centrifugal disruption so liable to occur in other aggregations of States. The King is an essential element in the legislative machinery of only one country in the Commonwealth, Great Britain. In others, he plays quite a subsidiary part as an agent, acting on the instructions of the Government of the constituent——

[**Mr. Lavery**](https://www.oireachtas.ie/en/members/member/Cecil-Lavery.D.1935-06-17/)

The Senator says he is not a constitutional lawyer. Let him then keep away from constitutional practice.

[**Mr. M. Hayes**](https://www.oireachtas.ie/en/members/member/Michael-Hayes.D.1921-08-16/)

That is foolish.

[**The Taoiseach**](https://www.oireachtas.ie/en/members/member/John-Aloysius-Costello.D.1933-02-08/)

It is asinine.

[**Professor Bigger**](https://www.oireachtas.ie/en/members/member/)

Thank you, sir. The position is that he does not play an effective part in the internal legislative work of the countries of the Commonwealth, and it is a mere accident that he happens to be the King of England. He could equally well and effectively be King of Canada——

[**Mr. Baxter**](https://www.oireachtas.ie/en/members/member/Patrick-Francis-Baxter.D.1923-09-19/)

It is more than an accident.

[**Professor Bigger**](https://www.oireachtas.ie/en/members/member/)

——or King of Australia, or of one of the other constituent countries. The Taoiseach has told us very forcibly to-day that really our rights and privileges as a member of the Commonwealth, or as an associate of the Commonwealth, were worth exceedingly little. Other people hold other views, as everyone is entitled to do. I have always regarded our rights as being of some definite value. I would prefer a status which allowed us to maintain our rights rather than to freely exchange them for a new red herring status granted us by the grace of the head of the present British Government, an act of grace in which there is no stability, and in respect of which there is no guarantee that a similar status will be maintained by future Governments. Members of the Government have been very busy of late. They have hurried to Chequers and to Paris; they have negotiated agreements and taken part in discussions; and, at the end of all this, we are told that our position will not be any worse, or much worse, than it was before. By working very hard, we are very nearly holding our own. Again, may I quote from *Alice:*—

"Here you see it takes all the running you can do to keep in the same place. If you want to get somewhere else, you must run at least twice as hard."

No one has considered, I believe, up to the present what would be the position of this country in the event of another European war occurring, a contingency by no means beyond possibility.

[**Mr. Duffy**](https://www.oireachtas.ie/en/members/member/)

Can we not decide that?

[**Professor Bigger**](https://www.oireachtas.ie/en/members/member/)

When?

[**Mr. Duffy**](https://www.oireachtas.ie/en/members/member/)

To-morrow.

[**Professor Bigger**](https://www.oireachtas.ie/en/members/member/)

Can we not consider the matter now? I am proposing at least to consider it at the moment. In the last war, this country preserved its neutrality. The fact that it was able to do so showed that it was completely free, completely master of its own destiny. It did so not by any kindness or goodwill on the part of Germany. I have seen the German General Staff maps of this country, maps printed with the greatest care and in the greatest detail, maps intended, and obviously intended, for the invasion of this country. The fact that we were not invaded by Germany was not due to the love of the German people for this country, nor was it due to the Irish Army—and, in saying that, I want to express my appreciation of the exceedingly high standard of efficiency of the Irish Army. It was due to one thing, and one thing only, the existence of the British Navy. Are we going to be in a position to rely on the protection of the British Navy in the next war, if another war should come? I sincerely hope we shall be able to do so.

We have heard a great deal about the traditional dislike of the Crown inherent in this country. I do not think that there is as much dislike of the Crown as some people seem to believe. The Taoiseach, in the debate in the Dáil or elsewhere, referred to the Irish republican tradition. That tradition, the tradition of republicanism in this country, is an exceedingly modern one. It is, I think, alien in many ways both to Gaelic and Catholic Ireland. It originated with the Protestants in the revolting American colonies and with the Agnostics in France. It was nurtured in this country mainly and almost entirely among the Presbyterians in Northern Ireland. The Presbyterian form of Church Government is essentially republican and it is possibly for that reason that the Presbyterian turns naturally to a republic and has a considerable distrust of both Kings and Prelates.

One of the chief aims, we are told by the Taoiseach, of this Bill is that it will take the gun out of Irish politics. If it were guaranteed to do that, I would be almost tempted to support the Bill, much as I dislike it in many other respects, but I fear that where the Church has failed the kind words of the Taoiseach will also fail. I sincerely hope that this legislation will take the gun out of Irish politics, but, once a man has wielded a gun, it is very difficult to get him to abandon the use of that gun and the gun which has killed for the republic may be turned to other targets. It may be turned against Northern Ireland and that way lies civil war. I am a lover of freedom, of personal freedom as well as political freedom, and so long as the gun plays an important part in Irish politics, there can be no real personal freedom in this country. I agree rather unwillingly with what Mr. MacEntee has said rather than with the Taoiseach:—

"If you want to achieve that object, you must punish severely and relentlessly every individual who turns a gun on his neighbour, whether it be out of private revenge or ostensibly for public purposes. You must act on the principle that a person who would raise a gun to cow or intimidate his fellow-citizens or coerce them in their public actions is an enemy of democracy and unfit to enjoy the rights of a citizen in a democratic State."

Until it is recognised by every man, woman and child in this country that murder, whether of a private individual, a Garda or a detective, is murder and will be treated as such by the Government of the country, there can be no guarantee that the gun has been removed from politics. This Bill aims mainly at taking the gun out of politics and placating an admittedly small minority of the inhabitants of this country.

[**Mr. Baxter**](https://www.oireachtas.ie/en/members/member/Patrick-Francis-Baxter.D.1923-09-19/)

Who says they are small?

[**Professor Bigger**](https://www.oireachtas.ie/en/members/member/)

If you tell me that it is a majority, I suppose I am bound to accept it, but does anyone seriously hold that the numbers who believe in the gun are a majority? I would sincerely hope, for the credit of the country, that they are a minority, and a relatively small minority. Efforts are being made by this proposed legislation to take the gun out of politics to placate this minority. What of the other minority, a minority of very considerable magnitude, a minority commonly and wrongly called ex-Unionists or Protestants? Neither term is applicable. That minority includes, of course, some ex-Unionists, and many, like myself, who are certainly not ex-Unionists, and, in addition to Protestants, it includes, I believe, a fair number of Catholics, so that neither of these terms is applicable. This minority is just as Irish as are the Parties composing the Opposition or those who believe in the gun. They have done much for Ireland, they have lived here and worked here, and have built up rather than destroyed; and I believe that they deserve the sympathy of the Government. They are scarcely represented in the legislative assemblies of the country, they are less vocal than some Parties. Even for these reasons, I do not think they should be denied a saying and a hearing in the affairs and in the destinies of our common country.

I would like to point out that this minority, of which I have the honour to be a representative, has been of considerable service to this country. I would like to point out further, that in this country, as in other countries, the majority is not always right, and the minority is not always wrong. It was a minority who rose in 1798; it was still a smaller minority who rose with Emmet in 1803; it was a minority who were beaten by bribery in the Union Debates in the Irish Parliament; it was a minority, a very small minority, who worked with Arthur Griffith, struggling to keep alive the infant Sinn Féin. The minority has often been right; the majority in this as in other countries has often been wrong. On behalf of this minority, I warn the Government that, in our belief, in introducing this Bill, they are making a tragic mistake. History, and history alone, can show whether the majority or the minority is right.

The Minister for External Affairs has referred to the referendum. If it were possible to take a free and open referendum of all the people of the whole country, if it were possible, in this referendum, to put aside all question of personalities, as to what someone did in 1916, 1920, in 1922 and so on, and put before the electors of the whole country a straight issue: "Do you wish Ireland to be governed as a republic or as a member of the Commonwealth?" I believe that you would have a clear majority for the Commonwealth status.

[**Mr. Colgan**](https://www.oireachtas.ie/en/members/member/)

Nonsense.

[**Mr. Duffy**](https://www.oireachtas.ie/en/members/member/)

You were silent up to the present.

[**Professor Bigger**](https://www.oireachtas.ie/en/members/member/)

The outstanding problem facing Ireland to-day is that of Partition. It is one of the dearest wishes of my life that, within my lifetime, Partition may be ended and that we may have once again a united country, the whole country. To achieve that end, I am ready to accept almost any form of self-government, from the most dilute form of Home Rule, to the most extremely independent republic — because I think the issue of Partition is of far more importance than the issue of the particular method by which a portion, or two portions, of the country are to be governed.

The Taoiseach has stated—and I hope now I am quoting him correctly:—

"The people of this country, and, I think, every Government of this country since 1922, have travelled for more than half-way along the road of conciliation with the Government of the six north-eastern counties, and at no time, and at no part of that road, has there been even a friendly representative of that intractable ruling class."

The Taoiseach is right, in part at least. Every Government that we have had since 1922 has travelled along the road of conciliation, but every Government has travelled in the wrong direction— they have turned their backs on conciliation, and, seeking to achieve the maximum degree of freedom, they walked away from possibilities of conciliation, moving further and further from the possibility of reunion with Northern Ireland. Mr. de Valera, the Taoiseach and others have travelled far and wide—to the United States, Canada, Australia and Great Britain— trying to work up opposition to Partition and seeking for the union of Ireland. I believe that their time would have been better occupied if, instead of going so far away, they had gone to Northern Ireland.

[**Mr. Baxter**](https://www.oireachtas.ie/en/members/member/Patrick-Francis-Baxter.D.1923-09-19/)

They would be arrested.

[**Mrs. Concannon**](https://www.oireachtas.ie/en/members/member/Helena-Concannon.D.1933-02-08/)

They would be arrested.

[**Professor Bigger**](https://www.oireachtas.ie/en/members/member/)

They should talk with the people of Northern Ireland— not the Government, not those wishing for reunion, but those who elect the Government, the farm workers, the ship workers, the linen workers, the shopkeepers and so on, who are strenuously opposed to reunion. They would discover that they have reasons. I believe them to be wrong, but these people are honestly convinced that they are right, and the only hope of reunion of this country is to find out the views of this quite honest group, and try and see if we cannot reconcile their ideas and ours.

The Taoiseach has referred to the intractable ruling class. If he thinks that opposition to reunion is entirely a matter for a small clique, he is making a great mistake. Behind that Government, mistaken as we may think it to be, is a very united body of public opinion which happens to represent the majority of the inhabitants of the Six Counties. I do wish to assure the Taoiseach that these people are very convinced that they are right and that everyone else is wrong. They are convinced, and so convinced are they that they will not be affected either by threats or vituperations.

Neither of these will convince them and neither of these will intimidate them. There must be something in the soil or climate of the north-east corner of Ireland, something that gives to its inhabitants their independence of spirit and of outlook. We know that this republic which it is proposed to set up will have no more authority in the Six Counties, in the north-east corner of Ireland, than would the authority of the Ardrigh have had against Cuchulainn or would the authority of King James have had in the time of the Siege of Derry. Almost alone among the people of Ireland these people in the north-east corner have not changed. Fifty and more years ago they said they wanted to remain a part of the United Kingdom and they have so far succeeded in remaining as part of that territory.

We have had a good deal of talk to-day from the Taoiseach about coercion, coercion in the Six-County area. I have been in the Six Counties probably more than the Taoiseach. Personally, I have never seen any sign of coercion. If by coercion you mean that a minority of a country is governed by a method that they do not like, then admittedly there is coercion, but I do not think that that is the ordinary meaning to be attached to the term coercion. There have been very highly-coloured accounts of coercion from which one would think that an unwilling people was kept in subjection by some kind of brutal Gestapo or OGPU. These accounts are completely without foundation.

[**Mr. Baxter**](https://www.oireachtas.ie/en/members/member/Patrick-Francis-Baxter.D.1923-09-19/)

There were a few pogroms.

[**Professor Bigger**](https://www.oireachtas.ie/en/members/member/)

There have been there, regrettably; there have been elsewhere. I think there is very much that state of peace for which the Taoiseach has correctly taken credit, or some of the credit, in this portion of the country. Law and order are being maintained now in both portions of the country. Those guilty of murder, of arson, and of robbery are punished, and, furthermore, those guilty of inciting others to these crimes, equally guilty, in my view, are also punished. I do not think that we can say that there is an absence of free speech in that area when a member of the Northern Ireland House of Commons is able to end his speech with the wish, "Long live the republic." I freely admit that only the most foolhardy man in certain areas of Belfast would wave a Tricolour and sing the *Soldier’s Song.* But what would happen in many areas in Dublin to the equally foolhardy man who would try to wave a Union Jack or sing *God Save the King.* The chairman of the Dun Laoghaire Corporation was censured for having given orders to fly the Union Jack when a section of the British fleet was in the harbour on a friendly visit, no doubt by invitation of this Government. Only a week or so ago a former Minister of the Government of this country was howled down in O'Connell Street because he had ventured to quote with some degree of approval certain utterances of a Minister in the Northern Ireland Government. The truth is that we in this country, north and south, are an intolerant people. We find it easier to howl down opposition rather than to argue with and try to convince those who hold views dissimilar from those we ourselves have.

The Taoiseach has also referred to the coercion of some of those living in Border counties. If these people are coerced, whose fault is it? By the Treaty, Article 12 I think it was, a Border commission was to be set up. The duty of this commission was to readjust the Border with a view to satisfying the legitimate requests of people living on both sides of it. A commission was actually appointed. Its report was never published. I have been told, I do not know whether rightly or wrongly, that that report was less favourable to the Free State viewpoint than had been expected. That may be entirely wrong. I do not attach any importance to it. What is important is this, that after deliberation and negotiations, Article 12, by mutual consent, was dropped in return for the dropping by the British side of Article 5. Article 5 was the article by which the Free State was made responsible for a share of the national debt at the time—a normal requirement of treaties by which a country is divided into two or more portions, and so, if these unfortunate people for whom the Taoiseach has such sympathy, these unfortunate people along the Border counties, if they are coerced, the responsibility rests on the Irish Free State Government, of which the Fine Gael Party is, I think, the lineal descendant, and on the Parliament of the Irish Free State, which, by a large majority, ratified the dropping of the Border commission.

Greatly as I desire the reunion of Ireland, I do not desire it at any price under any conditions. I want it by the only way which I believe will give complete stability and security and friendship in the future, that is, by the free will of the peoples of the two portions of the country. It is, I think, a matter for these two divisions in the country and not for anyone else. It is not, in my opinion, a matter for the British Government. If Northern Ireland or, if you like, the north-east corner—or the Government of the Six Counties— I do not much mind what you call it— and the Government of this country wanted to join together, I am quite certain that the British Government would not stand in the way. They would be delighted, I think, to be free for all time of an Irish problem. On the other hand, I would not wish that, by any bargaining, any attempt should be made to get the British Government to attempt to coerce the people of the Six Counties into an unwilling union with this country. I do not think that any British Government, mindful of the part that Northern Ireland played in the recent war, would be so base but, even if they did consent, I would object most strongly to coercion.

The Taoiseach has referred to the minority in the north-east as being coerced. If you change all this by force you only exchange one coercion for another. Conditions are not improved if there is effected a forced reunion of the whole of Ireland as a result of which there is strong and determined minority coerced by a Government supposed to be the Government of a united Ireland. I do not think force in any way can secure a satisfactory or a lasting termination of the Border, of Partition. It is by a new mutual understanding, and, I think, by a certain amount of giving away something to which we are attached that union can be effected.

No one in this House or elsewhere is more earnestly desirous of securing the reintegration of the whole of Ireland, the union of the whole of Ireland, both North and South, but I do insist on the importance of securing this reunion by some way which will not involve future bitterness or future unwillingness to be governed.

Mr. de Valera and the Taoiseach have attempted to get outside support for the reunion of Ireland, from the United States, from Canada and from Australia. I would resent any interference by these countries. I am not bothering about the legal implications. To my mind, this is a domestic matter. It affects Irishmen both North and South. It does not fundamentally affect anyone else. Now, about getting American support. The negroes in some of the Southern of the United States are down-trodden, coerced, ill-treated, deprived of their civil liberties, deprived of their rights, lynched, beaten to death, roasted to death. All this is deplorable, but what kind of reception does the Taoiseach think would be given in, shall we say, Nashville, Tennessee, to a resolution of the Dáil and Seanad of this country deploring the ill-treatment of the negro population of the United States and asking the United States Government to rectify the matter? It would be regarded as the height of impertinence and interference, and rightly so. In the same way I would regard any attempt at interference by the Government of the United States or Canada or elsewhere with this terrible problem that faces us. I would regard that as uncalled for and entirely unhelpful.

**A Senator**

And the British Government, too, which is responsible?

[**Professor Bigger**](https://www.oireachtas.ie/en/members/member/)

That is one of the points on which we differ and it is a difficulty. The fundamental responsibility for the existence of any Partition in this country rests, of course, on all of us—I am responsible, with others —all of us who have wanted some form of self-government in this country. There was no Partition of the country until——

[**Mr. Colgan**](https://www.oireachtas.ie/en/members/member/)

Until it was planted.

[**Mr. Baxter**](https://www.oireachtas.ie/en/members/member/Patrick-Francis-Baxter.D.1923-09-19/)

That is what started Partition.

[**Professor Bigger**](https://www.oireachtas.ie/en/members/member/)

I am one of those who are planters.

[**The Taoiseach**](https://www.oireachtas.ie/en/members/member/John-Aloysius-Costello.D.1933-02-08/)

That is obvious.

[**Professor Bigger**](https://www.oireachtas.ie/en/members/member/)

Well, you have to accept me as a fact.

[**Mr. Lavery**](https://www.oireachtas.ie/en/members/member/Cecil-Lavery.D.1935-06-17/)

The leopard does not change his spots.

[**Professor Bigger**](https://www.oireachtas.ie/en/members/member/)

The chief argument in favour of reunion is, of course, the sentimental one, that we are one country and should remain one country, that any partition or division of the country is unnatural and should be abolished. With that, I am in complete agreement, but, unfortunately, against this there is very determinedly held in the Six Counties of North-East Ireland another sentiment, a sentiment of loyalty to the King, and there is no use sneering at that sentiment; it is a very real thing to the people who hold this belief. The play that has recently been made of the wild threats of 40 years ago to kick the Crown into the Boyne and to sack the King and get a German Kaiser to replace him—these were wild threats but, even so, underlying them is one of the bases of the affection these people have for the King.

[**Mr. Baxter**](https://www.oireachtas.ie/en/members/member/Patrick-Francis-Baxter.D.1923-09-19/)

They have not a bit of affection. They would have kicked his Crown into the Boyne.

[**Professor Bigger**](https://www.oireachtas.ie/en/members/member/)

They have very considerable affection. They have respect for the Crown and affection for the person wearing the Crown, and, as I am trying to explain, one of the bases of that respect is this: the King is a constitutional monarch for them: he is not a King by Divine right: he is King by the will of the people. The people feel, therefore, that he is their King, their ruler, as long as he carries out essentially their wishes. There is a personal feeling and, no matter how you may scoff, no matter how you may disagree with it, that sentiment is there and, to my thinking—and I hope I am wrong—a solution will be very difficult unless allowance is made for that very real sentiment.

It is very difficult to meet the various arguments advanced by the staunch opponent of reunion in the north-east corner. Businessmen think their industry would not be as good. Workers point to their superior social services. Many point to what they think would be the compulsion of essential Gaelic— their children would be taught Gaelic, and a knowledge of the language would be necessary to secure public appointment. All this would be unpopular and I, personally, find it exceedingly difficult to meet these objections. I am glad, however, to be in a position to state—and I want to make this statement with no less publicity than any other statement I have made here this evening—one of the strongest objections in the north-east corner of Ireland is the fear that, after reunion of Ireland, their religious liberties would be interfered with by a Government predominantly, as is natural, Roman Catholic.

[**Mr. Summerfield**](https://www.oireachtas.ie/en/members/member/)

Are they interfered with down here?

[**Professor Bigger**](https://www.oireachtas.ie/en/members/member/)

I want to assure everyone in this House and outside it that in my opinion that is entirely false and erroneous.

[**The Taoiseach**](https://www.oireachtas.ie/en/members/member/John-Aloysius-Costello.D.1933-02-08/)

It is a mischievous statement to make, and you should not have made it.

[**Mr. Colgan**](https://www.oireachtas.ie/en/members/member/)

I make no apology to the Senator. I think it is an outrageous statement to make.

[**Professor Bigger**](https://www.oireachtas.ie/en/members/member/)

May I have permission to continue? I want to point out that this belief, which is held by many people in the North of Ireland, is, in my opinion, an entirely false and erroneous belief. I want to point out that I and the Protestant minority in this country have never experienced the slightest interference with our freedom to worship God as we please. I do not think a single instance of interference on religious ground with the Protestant minority can be produced in this country, and I will endeavour, and I hope successfully, to make this point clear, not only to this House, but to the whole of Ireland, North and South, that the fear commonly held by people in the North that there would be religious persecution or some religious disability in this country is entirely false and erroneous. There is complete liberty here. The Protestant minority, if there was a united Ireland with a majority of Catholics in power, would be just as well treated as they are in the Six Counties at present, in Great Britain, or in any other part of the world.

The fear of persecution or lack of freedom is entirely unfounded. I will go further than that and say that, in worldly affairs, the Protestant minority here are not merely well-treated but they are too well-treated. The various Governments of this country have been so anxious to be fair that they have awarded far more preferment to them than the numerical strength of the Protestant minority would warrant. That is very generous and I am making as public an acknowledgment of it as possible. It is as it should be.

I apologise to this House for having spoken at such length. I have done so because I am one of the very few representatives here of the very substantial minority in this country, a minority composed of people who, as I have said before, love their country no less than anyone else but who have an objection, mainly a sentimental objection, to the Republic. They are not vocal; they are not objectionable, they are not going to raise guns against our people; they are not going to burn down or destroy but they are a minority whose views, I think, substantially support my opposition to this Bill. My opposition is based mainly on my conviction that the passing of this Bill will postpone for a generation or more than a generation the one thing I most desire, the reunion of Ireland. I appeal, therefore, to the Senate—not with any great hope, I think, of being answered—even at this eleventh hour to reject the Bill, but whether you do so or whether you do not, I still stand before you unrepentant, unashamed and unapologetic, and declare that, despite all I have read on this and despite such speeches as I have heard, I would infinitely prefer, for this country, the status of a free, self-governing Dominion within the Commonwealth than the status of any republic which it is in the power of the present Government to give.

[**Mr. Lavery**](https://www.oireachtas.ie/en/members/member/Cecil-Lavery.D.1935-06-17/)

The speech we have just listened to from Senator Bigger makes it clear that he has a solution for the problem of Partition. His solution would appear to be that we should revert to the status this country enjoyed before 1921 and that we should become again part of the United Kingdom, that we should accept the Crown and probably accept the controlled Government of a Parliament in Westminster. That is a possible solution, but Senator Bigger has not shown how a proposal of that kind, which I think I am justified in saying he has clearly made, can be related to the problem of the Bill which is before the Seanad. If Senator Bigger proposes to go back, if not to the period when we were part of the United Kingdom, to the status we enjoyed immediately after the Treaty of 1921, it is perfectly competent for him or for any other person who holds the same views as he does to introduce a Bill, either in this House or in the Dáil, for that purpose, but I think that whoever introduces that Bill will very quickly get his answer from the Irish people. In his speech here on the Republic of Ireland Bill, the subject being the repeal of the External Relations Act of 1936, I think I am justified in saying that Senator Bigger has given no indication that he has ever read the External Relations Act of 1936. He certainly gave no indication in the course of his speech that he understood the history, the contents or the nature of that Act as expounded by the Taoiseach here this afternoon. The question before the Seanad to-night is not whether we should solve Partition or our other difficulties by going back into the Commonwealth. The question is what we should do in relation to the External Relations Act of 1936, and what this measure should do, having taken this definite line, in seeking what has been for centuries the ideal of Irishmen, national independence. The question really before the House is the converse of what Kevin O'Higgins said in the Treaty debates of 1921 or in the month of January, 1922, when he said in answer to Deputy de Valera:—

"If we go into the Empire we go in, not slide in in an attempt to throw dust in our people's eyes, but we go in with our heads up."

We are now in 1948 and we have reached the point when we have advanced since 1921 step by step until we are, in fact, although not yet in law, independent in every sense of the word. What we have to consider now is, if we go out of the Empire or secede from the Commonwealth, if you will, shall we go out with our heads up or shall we slide out in an attempt to throw dust in our own people's eyes? That is what has to be considered in relation to the Bill which is before the House.

I think that it would be wrong to take Senator Bigger's speech too seriously. I think that once he protested that he was not a constitutional lawyer, that he was not a politician, that he mistrusted lawyers, and that he mistrusted politicians, he disabled himself from making any serious contribution to the matter before the House. I suppose that "politicians" is a term of opprobrium in contradistinction to "statesmen." We are all in this House politicians in a sense. We are, some of us, I hope, statesmen, or with some claim or ambition of proving ourselves such. A Senator who comes in here, therefore, and says he is not a constitutional lawyer—and indeed the Senator has amply demonstrated that he was not—and says that he is not a politician, has disabled himself from making any serious contribution to the debate in this House. When he quotes nursery rhymes and makes protestations about breaches of faith, and speaks of Ireland as a geographical term, he shows that he does not, if I may say so with all respect, understand political problems, and, in particular, the political problem before this House. Ireland, in the title of this Bill, is not an island or a geographical entity; Ireland, in this Bill, is a political conception, and Ireland being the historic Irish nation, the republic we are establishing is not a republic merely of land and water, but it is a republic for living people, and it is the status which the Irish nation, which is single, united, and whole, throughout the island, desires and is declared to have. It was stated in Dáil Eireann that the opposition to breaking what was called the last link with the Crown, the secession from the Commonwealth were a minority, an insignificant minority, and I was interested to read in a leader in the *Irish Times* that, while that might be true of the Twenty-Six Counties, it would not be true of the country as a whole. It was a gratifying recommendation that Irish problems should be considered in terms of the country as a whole, and that if that is to be done, it should be done not only in relation to this particular problem, but to all political problems. It would be found that there are a substantial number of persons who oppose breaking the link with the Crown, the secession from the Commonwealth. It will be admitted by all that there remains a substantial, even an overwhelming majority who, if the country were taken as a whole, would take the line taken in the Bill, and if democratic principles are to prevail, and if we are to give them more than lip service, and let this question, like all political questions, be decided by the views of the majority, does anyone doubt what the views of the majority on this question are?

I would like to pass from these preliminary observations, possibly provoked unduly by the speech of Senator Bigger, to consider the real question before the House. The Taoiseach has, as fully as was possible in a speech of two hours, explained the nature of this Act which it is proposed to repeal. He has explained as fully as possible within the limits of a reasonably short speech the constitutional status of the country to-day. He has, I hope, made it clear that this Act, the repeal of which is proposed, has been read in two opposite senses and that while, on the one hand, Senator Bigger undoubtedly derives his popular ideas of what it contains from the newspapers he probably reads, says we are seceding from the Commonwealth, on the other hand, Senators opposite, Senator Ó Buachalla and others, say that we are a republic, that we have been a republic for 12 years, that no fundamental change is being made and that this is only a piece of political window-dressing. It is not necessary for those who have introduced this Bill to do more than to set these two points of view one against the other and to say: "There you have the justification for getting rid of this Act." But, of course, like most questions, there are two sides. Reading this Act of 1936, there is ground for saying that it maintains the Commonwealth connections, and, reading this Act, there is ground for saying that it declares a republic and gives the country a republican Constitution. It all depends on which part of the Act you read, because this Act is a composite Act and if one examines the course of its passage through Dáil Eireann at the time, in 1936, the single legislative House, one can see where the republican element comes in, and, on the other hand, where the Commonwealth or link with the Crown comes in.

The Act had a curious history, short as was the time between its introduction and its passage into law. The Taoiseach has told the House shortly what was the course of events and I do not know whether I am really justified in going over these matters in more detail. I shall try to do so as shortly as possible. I have the better justification for doing that because the Leader of the Opposition in the Dáil quoted words used by me in Dáil Éireann, in 1936, when the Constitution No. 27 Act was being passed. As Senators will remember, his Majesty King Edward abdicated or signed his instrument of abdication on 10th December, 1936. On the morning of 11th December, 1936, the Government introduced into Dáil Eireann a Bill which was passed on the same evening as the Constitution No. 27 Act. That was an Act which went over the existing Constitution with a blue pencil and struck out from it every reference to the King and every reference to the King's representative and took from the King and from his representative every function which remained after the inroads of earlier constitutional amendments. That Act, as passed, left the King of Great Britain no place whatever in the constitutional position here.

It was on 11th December, when that Bill was being debated, that I used the words which Deputy de Valera quoted in Dáil Eireann the other day at column 763 of Volume 113, No. 6 of the Dáil Debates. He said:—

"The view that was taken by some of the Deputies who were here on the opposite benches is clear from, for example, the statement that was made by Deputy Lavery, the present Attorney-General. On that occasion, he said:—

‘Examining the Bill in the time that I and the House have had in which to do it, it would seem to me that the effect of it is to remove the King from the Constitution and to give to this country a republican Constitution. That may or may not be a desirable thing.'"

I had a wisdom beyond my years, because ten years afterwards Deputy de Valera discovered that it gave us a republican Constitution.

The point I wish to bring out is that, on the 11th December, we enacted in Dáil Éireann this Act which gave us a republican Constitution and there could be no possible doubt about it. But on the morning of the 12th December another Bill was introduced. On that blessed morning Ireland was unquestionably, so far as the act of her Legislature could do it, a republic, without a King of any kind, without any kingly functions remaining in the law of the State. But on that morning there was introduced a Bill—the Executive Authority (External Relations) Bill, 1936. As it was introduced, it was a perfectly logical, if somewhat peculiar, proposition. As introduced to the House on the morning of the 12th December—at a time, mark you, when we had no King; he was gone from the Constitution, Edward VIII had abdicated, we had no concern any longer with ratifying his abdication, as we thought, because the King had no functions here—it provided in Sections 1 and 2 that diplomatic and consular representatives should be appointed by or on the authority of the Executive Council and that international agreements should be concluded on behalf of Saorstát Éireann by or on the authority of the Executive Council. It went on in Section 3 to provide in terms which ultimately became, without alteration, Section 3 (1) of the Act:—

"It is hereby declared and enacted that, so long as Saorstát Éireann is associated with the following nations, that is to say, Australia, Canada, Great Britain, New Zealand, and South Africa, and so long as the King recognised by those nations as the symbol of their co-operation continues to act on behalf of each of those nations (on the advice of the several Governments thereof) for the purposes of the appointment of diplomatic and consular representatives and the conclusion of international agreements, the King so recognised may, and is hereby authorised to, act on behalf of Saorstát Éireann for the like purposes as and when advised by the Executive Council so to do."

In the Bill as introduced, sub-section (2) of Section 3 reads:—

"The King referred to in the foregoing sub-section of this section shall for the purposes of that sub-section, be the person who, if his Majesty King Edward the Eighth had died on the 10th day of December, 1936, unmarried, would for the time being be his successor under the law of Saorstát Éireann."

Mark it—and I would invite Senator Bigger's attention to this—that this proposal was quite explicit, that the King mentioned was the King recognised by other countries as their King, and that there is the clearest safeguarding of the position of Ireland, that Ireland—or Saorstát Éireann, as the term went then—did not recognise that King as their King for any purpose, even for this particular purpose. Now, someone will tell me that this is a constitutional lawyer's point, that this is a trick. It was not I or anybody with whom I was in association who drafted this, but the thing that stands out quite clearly from it when this section became part of the Act is this, that we were giving to the king of other countries the duty of performing certain acts for us while explicitly denying to him any allegiance or recognition of him as our King. I do not suppose Senator Bigger follows that.

[**Professor Bigger**](https://www.oireachtas.ie/en/members/member/)

I follow you.

[**Mr. Lavery**](https://www.oireachtas.ie/en/members/member/Cecil-Lavery.D.1935-06-17/)

But I think it is reasonably clear, and is it not plain? That was the Bill as introduced by the Government of the day. That was Deputy de Valera's Bill. That was the whole of it. That is what I call the republican part of the External Relations Act, but, on this 12th December, 1936, for some reason that has never, so far as I know, been explained, an amendment was proposed. I hope I made it clear that the Constitution (No. 27) Act had got rid of the King altogether, that this Bill, as introduced, gave us no King. It said there was a King of other nations—"so long as we were associated with these other nations." It is to be remarked that curiously, in the Constitution of Saorstát Éireann, there was left, when the King and his representatives disappeared, Article 1, which declared that we were members of the Commonwealth. At any rate, on this blessed morn of the 12th December, we were free of the King; we were, for the time being, at least, a republic without any question of doubt, with no King, or no functions given to any King.

The republican section might have left us in that position but, for some reason that has never been explained, an amendment was proposed which amendment subsequently became sub-section (2) of Section 3 and which reads:

"Immediately upon the passing of this Act, the instrument of abdication executed by His Majesty, King Edward the Eighth, on the 10th day of December, 1936 (a copy whereof is set out in the Schedule to this Act), shall have effect according to the tenor thereof...."

Now, if I made myself clear, it is difficult to understand why we should be giving effect to the instrument of abdication of a King whose power, authority and existence under our Constitution we had destroyed the evening before. However, there it is, and it goes on:

"and His said Majesty shall, for the purposes of the foregoing sub-section of this section and all other (if any) purposes,...."

These words are new, they are not in the Bill as introduced—

"cease to be King and the King for those purposes shall henceforth be the person who, if His said Majesty had died on the 10th day of December, 1936, unmarried, would for the time being be his successor under the law of Saorstat Eireann."

And then the instrument of abdication is scheduled. That is what I suppose might be called the Commonwealth part of the Act and anybody, whether he is a constitutional lawyer or merely a man of reasonable commonsense, who examines the Act carefully will find a conflict and a contradiction between these two sub-sections.

All this was explained by the Minister for External Affairs in Dáil Eireann. He pointed out that under this sub-section it was possible to contend that there was a King of Ireland. It was not a probable construction. It was a possible one. Why it was done we have never heard but the effect of it was to give Deputies and Senators who like to maintain that this Republic was declared by the Act of 1936 full power to do so by relying upon sub-section (1) and it gave some colour to those who wanted to say the Commonwealth connection was retained by reading sub-section (2). But, however that may be, that was done in December, 1936. In the month of July, 1937, the Constitution of the Irish Free State, as amended, was disposed of and disappeared and the country, by the legal theory adopted at the time, gave to itself a new constitution which had no history but which came down by Divine inspiration through the vote of the people on a day in July, 1937. It did not spring, like the old Constitution, from a treaty or from anything else. It was enacted by the people. It came down brand new and that Constitution is the Constitution under which we live to-day and that Constitution is, as has been repeatedly said, clearly, if you examine it from end to end, a Constitution which would give this country a republican form of Government.

What, then, became of the External Relations Act of December, 1936? What became of it? Why is it still making confusion in our constitutional position? The method used by the new Constitution of providing a body of law for the new State, as in a sense it was, was to provide, as it did by Article 50, that "all laws in force in Saorstát Éireann at the date of the coming into force of the Constitution, save in so far as they are inconsistent with the provisions of this Constitution, continue in full force and effect", and by that single clause the new State provided itself with a body of law, and every statute and every principle of the common law, assuming the statute is pre-1937, has to be examined to see whether it is contrary to any provision of the Constitution, and to the extent to which conflict is established, or supposed to be established, that law is invalid and is not carried over and is not part of the law of the State.

Now, that test has to be applied to the External Relations Act, 1936. Did it survive? I do not want to be too legalistic but I think it is possible to say that, inasmuch as Article 29 of the Constitution, to which the Taoiseach has referred, empowered the Government to make use of any organ of the State or any organ recognised by a group of nations with which the State was for the time being associated, it did probably entitle the Government to utilise the King of other countries, but not our King, for the purposes of the appointment of diplomatic and consular representatives and the conclusion of international agreements.

That was what I call the republican part of the External Relations Act. But, is it not possible to argue with force that the second sub-section of Section 3 which I have read to you, and which can be read to give to Ireland a King—though that, as I say, is not the construction that it ought to be given; but it is confused and contradictory and in contradiction to the first sub-section—that that particular sub-section did not survive? It may well be that the coming into force of the Constitution of 1937 destroyed that part of the External Relations Act and left only the shadowy part of the Act that provided that the King of these other countries, without being King in any sense of Ireland, might be utilised, as a clerk in a Government office might be, for these particular purposes.

Now, if that be so, is it not consonant with the dignity of this nation that this state of affairs should be ended? Is it not due to the dignity of the British Crown that it should no longer be called on to perform these functions? There was a time when Kings had authority, when Kings had power of life and death. With the progress of civilisation and the establishment of constitutional monarchies, these powers and authority were lost but at least a King continued to hold the allegiance and loyalty of his subjects and, if I have explained the position under our Constitution and under this Act, it is stated in terms that admit of no question that the King of Great Britain gets no allegiance from the people of Ireland, that they disaffirm any loyalty to him, that they will use him at their will as the person qualified by being a King of other States for certain particular purposes. Is it reasonable to say that it is due to the dignity of the British Crown to end that state of affairs? Perhaps only constitutional lawyers can understand it, but at any rate this is a question of law and a question of constitutional practice and law.

I would not go into Senator Bigger's laboratory and lecture him on his experiments. If he comes here he ought to come here as a constitutional lawyer having studied his problem. I would like to think that he does not represent the views of the minority of people whom he claims to represent. I do not myself believe he does. I think there are people who do entertain a sentimental and real affection for the British Crown and the institution of the Crown living in this country who have in the past, do now and will in future recognise that their loyalty is due to the Government of the country in which they live, that their loyalty is due to the nation in which they live and in which they get their livelihood and where they live under the protection of the laws, just the same as Irishmen who go to Great Britain and live and work there are expected to give loyalty to the laws of that country and do. I do not think it is too much to ask of people who disapprove of the idea of a sovereign Irish nation that, if they elect to live and work here, they should do as people have to do in every civilised State in the world, give loyalty to the nation and the constitutional institutions of the nation in which they live and work.

Apart from other difficulties, there is no doubt, as the Taoiseach has explained, that the British Crown here in Ireland is not, as it is in other parts of the world, respected. I speak, of course, of the institution. I read an article by Viscount Simon—no doubt other Senators read it also—in the *Sunday Times* of last Sunday. There are many things in it which are perhaps not sustainable, on which one might join issue, but there is one passage in it, coming from a distinguished Englishman and a distinguished lawyer, a man who in his time proved himself a good friend of Ireland, which I recommend to those who wish to keep the symbol of the British Crown in Irish institutions. He said in the course of his article:—

"All who keep in mind the past history of the relations between this country and Ireland know well that, while the idea of the Crown furnishes a potent element of mutual sympathy and natural union between ourselves and, say, New Zealand, the Crown in nationalist Ireland has been in the long past regarded by many as a symbol of overlordship and oppression.

No Englishman ought ever to forget that in Ireland there is a race with a different history from ours not for the most part derived from our stock, proud of its distinctive contribution of scholars and saints and statesmen and orators and poets, with traditions which are all its own. Ireland is itself a mother country. Unhappily the implacable Irish memory is too long, and perhaps the English memory is too short. William Watson, I think, described Ireland as ‘that lovely bride whom we have wedded but have never won'. And an Englishman who knows all this and keeps it ever in his mind may understand how these surging impulses can lead to the formal declaration of the Irish Republic."

There may be nothing very new in that. It may derive its principal importance from the fact that it is an impressive statement by a man with a long life's experience of the relations between Ireland and England. It is a fair statement of the position of most Irishmen. It is a fair statement of the reasons that have in some degree impelled the introduction of this Bill.

It has been said repeatedly in the debate in the Dáil and, no doubt, will be said here—the Taoiseach did say it this afternoon—there should be no idea that the act which we are taking is an act of hostility either to Great Britain or to the nations of the Commonwealth. There is no justification for taking it in that light. It is, I think, true that, with the removal of this irritant, mutual co-operation can go forward and improve, that the people of this country can pay proper respect to their neighbours in Great Britain and to the institutions of Government in Great Britain. There have been slight indications of it already. To put it in perhaps a rather vulgar, low, way, it may bring about the time when the British National Anthem, *God Save the King*, will no longer be a Party tune in this country, because a Party tune it has been in the past and a Party tune it is to-day in the Six Counties of Northern Ireland—and I can speak with some knowledge of that.

I do not want to follow Senator Bigger—I have paid him too much attention already—into his observations about Northern Ireland. I only want to say this—if a suitable occasion offers itself in future, it can be debated more fully—it is not true that there is no coercion in the North. There may be no coercion for Senator Bigger and his co-religionists but there is persecutions for some and in one of his observations I think that he gave us a clue. He told us—he was reproved for it, I think, by the sense of the House—that in the North of Ireland one of their greatest objections to unity was the fear that there would be religious persecution here. The way they would put it—the way they used to put it—would be, "Home Rule means Rome Rule".

He paid a very proper and generous tribute to the way in which successive Governments in this country had governed the country without a trace of any such feeling of prejudice. Is it unreasonable to suggest that the people who are said to entertain these fears judge by their own actions? That might be developed. This is perhaps not the time or the place to do it. It may be they are conscious of their own motives, of their own actions and that they attribute to others similar feelings. However, that is not really germane to the subject of the Bill.

I have, perhaps, spoken too long and perhaps in too legalistic a way. It is a word that is abused nowadays. One could expound these matters in much greater detail and at much greater length. One has to choose between being over detailed, overmuch the lawyer and not being sufficiently the lawyer. I have tried to explain as I see them some of the points of this problem. I feel confident that not only the nationalist members of the Seanad who feel strongly that this Bill ought to be passed into law, but those who, for one reason or another, would wish to keep the link with the Crown, will realise, on a study of the Act and of the problem, that it is for the benefit of the nation—and for the benefit of the nation in its relations with its neighbours—that this Bill should be passed into law with as large a measure of support as it can get.

Debate adjourned.

The Seanad adjourned at 10 p.m. until 10.30 a.m. on Friday, 10th December, 1948.