

Carson, Edward Henry

by Alvin Jackson

Carson, Edward Henry (1854–1935), Baron Carson of Duncairn, lawyer and politician, was born 9 February 1854 at 4 Harcourt St., Dublin, second son among six children of Edward Henry Carson, architect and civil engineer, and Isabella Carson (née Lambert). He was educated at Arlington House school, Queen's Co. (Laois), and at TCD; he qualified as a barrister at the King's Inns, Dublin, in 1877.

**Early career, 1881–92** Carson began his career defending the farmer interest in different valuation cases arising out of the 'fair rent' provisions of the land act of 1881; but he swiftly expanded his repertoire to include criminal actions. He also came increasingly to appear for landed clients and for the crown, and particularly after the launch of the Plan of Campaign in 1886. His work was by now commanding the attention of his political and judicial masters, notably Peter O'Brien (qv) (later lord chief justice of Ireland, 1889–1913) and Arthur Balfour (qv) (chief secretary for Ireland, 1887–91). Just as the Gladstonian land act had provided a spur to his career in the early 1880s, so the Balfourian crimes act of 1887 provided opportunities at the end of the decade: in the summer of 1887 Carson was appointed as counsel to the attorney general for Ireland, and for the following years served Dublin Castle in the fight against the Plan of Campaign. He was a crown prosecutor in some of the most celebrated trials of the period, and forged a reputation that he carried for the rest of his career. The prosecution of William O'Brien (qv) after the 'Mitchelstown massacre' (9 September 1887) in itself served to win Carson the lasting contempt of nationalists, and an equally deep admiration within Irish loyalism. Balfour and the Castle establishment were impressed by this and by other displays of moral courage or forensic ability: Carson was appointed as a QC in 1889, and – shortly before the fall of the second Salisbury administration in 1892 – served briefly as solicitor general for Ireland. He had Balfour's support when, fighting in the liberal unionist interest, he contested one of the Dublin University parliamentary seats at the general election of 1892. Carson had helped to underpin the success (from the British perspective) of Balfour's administration, but the process was reciprocal, as Balfour freely acknowledged: 'I made Carson, but Carson made me'.

**Law and politics, 1893–1910** In 1893 Carson moved his legal practice to London, an upheaval that coincided with his debut in the house of commons. The two events provided a platform for the launch of what Joseph Chamberlain lauded as 'a new force . . . in politics'. Carson's maiden speech (2–3 February) incorporated a devastating critique of the liberal government's crimes policy, and was further enlivened by his quick-witted handling of interruptions: the result was an instant metropolitan celebrity for a man who, though well known in Ireland, had as yet made no impression within the British political arena. The speech, and subsequent parliamentary performances (particularly over the second home rule bill), served

as a showcase for his courtroom skills; and his business began to accumulate. He took silk at the English bar in 1894, and became embroiled in some of the most celebrated trials of the late Victorian and Edwardian periods. In April 1895 he defended the marquis of Queensberry in the first of the trials that took Oscar Wilde (qv) to Reading gaol; and in 1896 he was part of the defence team that sought to extricate Dr L. S. Jameson and his fellow raiders from the tentacles of the foreign enlistment act (on this occasion he was unsuccessful, due partly to the windy perorations of his leader, Sir Edward Clarke). His parliamentary achievements kept pace: he was returned again for Dublin University at the general election of 1895, and was appointed to the Irish privy council in 1896. He distinguished himself as a critic of the new unionist government's Irish administration, mounting an especially ferocious assault on the land bill of 1896. This often highly tetchy opposition underlined the extent to which Carson – even by the standards of the 1890s – was an unconventional, indeed unreliable, party member; it underlined, too, the extent of his independence, even from patrons such as Arthur Balfour. Above all, it was an expression of his concern for the rights of property, and for the integrity of the old, waning landed interest.

The ferocity of Carson's political passions here, as later in his career, raises the issue of the nature of his convictions. As a debater at Trinity he embraced a number of radical causes: he entered politics in the mid-1880s as a liberal (he was enrolled into the National Liberal Club in June 1886, although by this time he had also professed his unionist convictions). His early legal reputation had been founded on his defence of the farming community and its claims. As late as 1908 he remarked, half ironically, to Lady Londonderry (qv) that he looked back with sympathy to the time of the French revolution, when he jokingly imagined that he would have found employment working the guillotine; but the humour was not entirely without point. He grew more conservative with age, however; and by the 1890s he had emerged as the single most gifted champion of the landed establishment. Later he defended the constitutional rights of the house of lords, and led the Ulster unionist fight against home rule; at the end of his life he came out of retirement to champion the cause of British India. In the course of his long career he reversed his stand on women's suffrage.

There are dangers in an over-eager search for consistency, even with a career such as Carson's: but there are, none the less, clearly defined principles or themes within his biography. His devotion to the courts and to legal process was unflagging, even allowing for his association with militant Ulster unionism. His unionism was immovable. He was contemptuous of political fashion: it might be argued that much of his career was spent fighting the tide of history. He was suspicious of the expansion of the Edwardian state; and alarmed by what he saw as government interference in the judicial process or legal right. It is well known that he had strong associations, through his mother's family, with the landed interest; but he had also connections (through his wife's family) with the tenant cause. His enthusiastic landlordism may perhaps be seen as an expression, not of family sentiment, but

rather of fear at politically motivated interference in the law of contract and of property.

Carson's career of dissent in the later 1890s in some ways may have strengthened his claims on ministerial preferment; for talented dissidents were threats to the stability of the still vulnerable unionist alliance, and were not infrequently silenced through promotion (T. W. Russell (qv) is another Irish example of the rewards of disloyalty). Despite considerable competition, Carson was appointed to the solicitor generalship for England in 1900, acquiring a knighthood on the way; the post meant a reduction in income (Carson by this time was earning around £20,000 a year at the bar), but it was a recognised stepping-stone towards either further ministerial preferment or a senior post in the judiciary. As solicitor general Carson successfully prosecuted Arthur Lynch (qv) for high treason, and George Chapman (Severin Klosowski) – one of the contenders for the title of 'Jack the Ripper' – for murder; he acted for the British government in the complex arbitration over the boundary dividing Alaska and Canada. He spurned both ministerial and judicial advancement: in January 1905 he was offered and declined the presidency of the divorce court, and in March 1905 he declined the offer of the chief secretaryship for Ireland. With the fall of the unionist government (December 1905) the possibilities of office for the likes of Carson all but disappeared; but, as a parting gesture, Balfour appointed his former protégé to the privy council. There were other comforts to be drawn from the fall, and subsequent electoral humiliation, of the unionists: while the rout of the British unionists was near complete, their Irish colleagues survived relatively unscathed. One of the eighteen Irish unionists who returned to the house of commons in January 1906 was Carson; and, as one of the relatively few ministerial survivors from the deluge, he was well placed to consolidate his standing, not just within Irish unionism, but within the leadership of the British conservative party.

Out of office, and as yet relatively untrammelled by the demands of Irish politics, Carson spent much of the later Edwardian period in the courts. This was, perhaps, the apex of his legal career: he was involved in actions where (by the standards of the time) fantastic sums of money were at stake, to say nothing of lives and careers and wider issues of principle. In July 1907 he represented Lever Brothers in a celebrated libel action against the *Daily Mail* and other newspapers within the Harmsworth empire; Carson and the plaintiffs triumphed, extracting damages and costs that reached almost £220,000. In November 1909 he found himself defending the press in a similar action, a case brought by Cadbury Brothers against Standard Newspapers: here again the jury decided in favour of the plaintiffs, but such was the power of Carson's advocacy that the damages awarded to Cadbury's amounted to merely one farthing. By far the most celebrated action of this time, indeed perhaps of Carson's entire career, was his defence of George Archer-Shee, a naval cadet at Osborne, against a charge of stealing a five-shilling postal order. Archer-Shee's case was tried in July 1910, with Carson's most formidable antagonist – Sir Rufus Isaacs – leading the case for the crown. The result was a famous victory for Carson

and the complete exoneration of the hapless cadet. Carson, who has entered literary biography as the persecutor of Oscar Wilde, has simultaneously been deified in fiction as the frostily omniscient Sir Robert Morton, KC, in Terence Rattigan's 'The Winslow boy'. This somewhat ambiguous literary fate properly reflects the complexities of Carson himself.

**Unionist leader, 1910–14** In February 1910 Carson was invited to assume the chairmanship of the Irish unionist parliamentary party, a position that gave him some claims to lead the wider Irish unionist movement. Carson's acceptance is sometimes read as a withdrawal from British political life, and a renunciation of his claims within the British conservative leadership; it is also sometimes read as an unremarkable or natural development. But the position had been treated by its previous occupant, Walter Long (qv), as a temporary commitment, which could be used for British political advantage: there was, in any case, little to indicate in February 1910 that a leadership contest would soon be in the offing. When in November 1911 the contest for the succession to Balfour came, Carson could still have credibly, even perhaps successfully, pursued his claims. His acceptance did not signal, therefore, any retreat into the minutiae of Ulster loyalism. Nor was the offer of the chairmanship a foregone conclusion: Carson was a Dubliner and had little professional or personal experience of Ulster. He was essentially a southern Irish lawyer who for almost twenty years had lived and practised in England. In addition he had been soft on some – for Orange unionists – pivotal issues, such as the establishment of a catholic university. Carson may well have been chosen, not so much for his transcendent abilities or reputation, but rather simply because there was no Ulster unionist whose claims were preeminent.

Though it could scarcely have been predicted in February 1910, Carson's new role placed him at the head of the campaign against the third home rule bill. He was a central figure in all the different aspects of Ulster unionist strategy: he was the key speaker at momentous public demonstrations such as that at Craigavon House in September 1911 (when he was first introduced to his loyalist following) or at the Balmoral show grounds in April 1912 (a meeting described as the 'marriage' between toryism and unionist Ulster). He was the centrepiece of the speaking tour that culminated in Ulster Day (28 September 1912), when just under half a million men and women signed a covenant pledging to use 'all means which may be found necessary to defeat the present conspiracy to set up a home rule parliament in Dublin'. He was also the generalissimo in charge of the unionists' parliamentary and high political assault on the home rule bill. In January 1913 he proposed the exclusion of the nine counties of Ulster from the operation of the bill. In December 1913 and January 1914 he met Asquith privately in order to chart the prospects for a settlement. In July 1914, on the eve of the great war, he attended the Buckingham Palace conference, where he argued for the permanent exclusion of six counties from the home rule bill.

Two of the most controversial issues arising from the Ulster unionist campaign were militancy – or the threat of militancy – and the demand for partition. Carson, however, should not be seen as either an uncomplicated partitionist or an untrammelled militant. He was an Irish unionist, who supported the constitutional union between Great Britain and all of Ireland; but he was also an essentially pragmatic politician who by October 1913 (if not earlier) had come to realise that southern unionism was a forlorn hope. Given that an all-Ireland unionism was impracticable, Carson was interested in the notion of a broad federal settlement whereby the constituent territories of the United Kingdom might be given assemblies. Ireland would of course be included in this grand scheme, although the north would of necessity remain bound to the imperial parliament: Carson saw this connection as probably no more than a temporary arrangement. But while such a sweeping constitutional revision interested a few unionist intellectuals and others, it failed to win a wider popularity in 1913–14. Carson threw out some feelers on the issue in May 1914, but was rebuffed by his own supporters: he was forced back on to the expedient of exclusion, firstly in a nine-county formulation, and later in a six-county scheme. Nine-county exclusion, or partition, originally interested Carson because it appeared to represent an effective means of undermining the entire home rule project; later he seems to have been convinced that it offered the best means of guaranteeing both Ulster unionist rights and wider issues of justice; he also seems to have been convinced that it offered the best avenue towards an equitable scheme of reunification. But neither the liberals nor the Irish nationalists were ever likely to endorse the proposal; and more significantly – from Carson's perspective – the unionists of eastern Ulster were (notwithstanding the pledges of the Solemn League and Covenant) relatively unconcerned about the minority unionist communities beyond the heartland of the movement. From the autumn of 1913 it became clear to Carson that the six counties provided the best political vantage-ground upon which to make a stand.

Carson's militancy was also problematic. Numerous letters and platform speeches embody his apparently uncomplicated militant convictions: he told James Craig (qv) in July 1911 that he was 'not for a mere game of bluff, and, unless men are prepared to make great sacrifices which they clearly understand, the talk of resistance is no use'. He sanctioned the formation of the paramilitary Ulster Volunteer Force in January 1913; and he helped to found the Ulster provisional government of September 1913. The British government had banned the importation of weapons into Ireland on 4 December 1913; but in January 1914 Carson inaugurated the gun-running adventure that culminated at Larne (24–5 April). On the other hand, there is evidence that depicts Carson battling to moderate the hardliners within his own movement: at key unionist meetings on 15 December 1912 and in May 1913 Carson counselled restraint. Although he alone was responsible for setting in motion the gun-running conspiracy, he seems to have been under very considerable pressure at this time from within the ranks of the Ulster Volunteer Force. After January 1914 it is arguable that the relationship between Carson and his militant support changed, and that the disciplined paramilitarism that he had helped to fashion and sought to

control now obtained a momentum and vitality of its own. In January 1914 – at the time when he was under pressure from the UVF – Carson ‘confessed’ to Horace Plunkett (qv) ‘his inability to control his own forces’; in April 1914 he emphasised to Plunkett that he wanted a settlement, but that if one were not forthcoming and the Ulster unionists acted illegally or put ‘themselves hopelessly in the wrong’ or compelled troops to intervene, then ‘in such an event he would very likely resign the leadership’. Given his political sensitivities, and later fondness for histrionic resignations, this testimony carries some conviction. ‘Nobody supposes that at my age I prefer strife to peace’, Carson proclaimed on 29 April 1914; ‘only a fool would fight if there is a hope of accommodation’, he affirmed on 5 May. Throughout 1914 Carson's speeches were often tinged by calls for public order. All this should not be seen as evidence for an essentially quietist Carson. It is clear, however, that Carson was more cautious and pragmatic than has often been grasped; and that his uncertain, even manic, temperament, as well as his very finely tuned strategic sense, gave rise to more nuanced political signals than has often been allowed. Carson seems to have believed in the political usefulness of paramilitary menace; but he also seems to have believed in the potentially disastrous nature of paramilitary violence.

**World War 1, 1914–18** The outbreak of the European war ended Carson's career as a rebel, and gave him the opportunity to augment his majesty's troops (through the offer of the Ulster Volunteers) rather than conspire to shoot them. In addition, the formation of the Asquith coalition government brought the first ministerial appointment that had come his way in ten years: on 25 May 1915 he accepted the post of attorney general of England. But his tenure was brief: he was increasingly alarmed by the prodigious waste of lives and resources during the British campaign in Gallipoli, and he was appalled by what he saw as the Allied betrayal of Serbia. He resigned on 12 October 1915, retiring to the backbenches from where he coordinated a wider assault on the coalition government: in January 1916 he was elected leader of a parliamentary ginger group, the unionist war committee, whose purpose was to encourage a more vigorous mobilisation of British military resources. The position suited Carson, who was now in effect leader of the opposition: by November 1916 he had joined forces with Lloyd George and a reluctant Bonar Law in order to divert the listless Asquith away from the war effort. Asquith struggled to maintain his ascendancy, but on 5 December was forced into resignation: Robert Blake has said that ‘more than any single person, [Carson] was responsible for Asquith's fall’. Carson was now at the peak of his parliamentary influence, with nomination to the premiership a clear, if still remote, possibility. He was content, however, to subordinate his own claims, and to accept the first lordship of the admiralty from Asquith's successor, Lloyd George. He held this, one of the most demanding of wartime offices, between December 1916 and July 1917: these were months of mounting U-boat attacks on Allied shipping, with associated threats to the supply of food and other essential materials to the home front and the trenches. Criticism of Carson and of his *laissez-faire* managerial style grew; and on 30 April Lloyd George descended to the admiralty building, where he demanded, and won,

changes. Convoy protection for merchant shipping was introduced, and helped to reduce losses. Carson and his most trusted admiral, Jellicoe, had considered this initiative, but too hesitantly for the taste of Lloyd George; other necessary reforms seemed unlikely to be enacted by the plodding first lord and his nervous subordinates. Carson was therefore moved out of the admiralty in July 1917, ostensibly in a promotion to the war cabinet as a minister without portfolio. But the particular responsibilities that he was given in his new role were of secondary importance; and the 'promotion' could thus barely disguise the taint of failure and humiliation. In January 1918, after barely five months tenure, he resigned from his new post, in part because of the dismissal of Jellicoe, but professedly because of the looming crisis in Ireland.

Carson's ministerial preoccupations inevitably meant a slackening interest in Irish politics. He was involved in the Lloyd George negotiations of May–July 1916, and succeeded in winning support in Belfast for the enactment of home rule beyond the six north-eastern counties of Ulster: but the wider initiative was rejected by southern unionist sympathisers within the cabinet. He was alarmed by the Irish Convention (1917–18), and by the direction taken by the southern unionist representatives led by Lord Midleton (qv); it was partly in order to reserve his position on the Convention that he resigned from the war cabinet in January 1918.

**Disengagement, 1918–35** In the December 1918 general election he stood for the newly formed Duncairn division of Belfast, and was returned with a triumphant majority of some 9,200 votes over his nearest (nationalist) rival. But on the whole these were years of disengagement from Ulster unionism and indeed from mainstream politics. In July 1919 he threatened to call out the UVF in a speech that appeared unacceptably extreme to British opinion. While Carson resumed his legal career, his lieutenant James Craig served successfully as a junior minister in the new coalition government, and emerged in 1920 as a significant influence over the evolving government of Ireland bill; Craig was perceptibly warmer towards this, the founding charter of Northern Ireland, than was Carson. Despite the overt sympathy between the two men, differences were opening up: in January 1921 Carson was offered the chance to lead the new northern government. But he passed the invitation over to Craig in an irritating and slighting manner. He resigned from the leadership of Ulster unionism on 4 February 1921. But some of his subsequent actions created political difficulties for Craig: Carson was, for example, a bitter opponent of the Anglo–Irish treaty, and his parliamentary speech on the question (14 December 1921) 'greatly embarrassed' and angered his former lieutenant.

On 21 May 1921 Carson accepted a lordship of appeal in ordinary, and took the title of Lord Carson of Duncairn. He served as a law lord till November 1929, when ill health and old age compelled his resignation. But his time in the lords provided a certain symmetry to his long career; for an abiding concern here was the condition of the community into which he had been born – the loyalists of the south of Ireland, and their travails under the Free State dispensation. His education as an ultra-

tory was now reaching completion: in his last years he denounced what he saw as the weak-minded revision of the Book of Common Prayer, and the betrayal of the empire-builders in India. In the early 1930s he was a contemptuous observer of the dismantling of the treaty of 1921.

Family matters provided some, not always happy, distraction in his later years. Carson's first wife, Sarah Annette Foster Kirwan, whom he married on 19 December 1879, died on 6 April 1914 after a series of strokes; the couple had two sons and two daughters. The marriage had been happy, although not altogether without troubles: Annette never fully adjusted to the grand manner of living that was expected of Edwardian legal stars; and some of their children proved equally wayward. Carson married his second wife, Ruby Frewen, on 17 September 1914. There was one child, a son, from this union. Edward Carson died 22 October 1935 at his home in Kent.

**Assessment** Carson had been a brilliantly successful lawyer; and a gloriously eloquent advocate of lost causes in politics. He began his career as a liberal unionist, and he retained a whiggish devotion to the landed interest, and to the British constitution, at least in its pre-1911 formulation. He had a ferociously emphatic professional and political style. But he matured as an ultra-tory; and his determined public manner obscured a degree of private pragmatism, even hesitation. He had the temperament of a manic depressive. His time in government, except perhaps for his periods as a law officer, was undistinguished: his somewhat neurotic and disengaged manner was unsuited to the demands of (especially wartime) ministerial responsibility. On the other hand, his years in opposition, whether as an advocate of Ulster unionism in 1912–14 or as a critic of the Asquith coalition in 1916, displayed his formidable gifts to the full. Carson unquestionably contributed to the success of the Ulster unionists' demand for six-county exclusion, even though this form of settlement held little intrinsic appeal. Equally, he contributed decisively to the overthrow of Asquith in December 1916, even though he profited little from this, and came swiftly to despise Lloyd George ('a mass of corruption'). However indirect his contribution, Carson may none the less be seen as an architect of the British victory in 1918, and of the partition settlement of 1920.

He contributed a stylistic legacy, too. Given throughout his political and legal career to brilliantly argued but often emotive or even belligerent speechifying, he had a weakness for melodramatic exits from uncongenial political debates or negotiations. He preferred resignation and disengagement to political wars of attrition. He was happiest as a prosecution counsel, rather than in what might have been seen as more constructive roles. He was one of the founding fathers of modern unionism, and an example of the faith to his successors. To these he bequeathed a model of tactical brinkmanship and histrionic style.

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