

Compromise of 'Partition Act' created a long legacy

The Anglo-Irish Treaty of 1921 is often blamed for sectioning off the North, but the division was already established, writes **Thomas Mohr**

Few people had any real enthusiasm for the Government of Ireland Act 1920 when it was enacted 100 years ago. It was sometimes known as the "Fourth Home Rule Bill", a reference to three previous attempts at achieving Irish autonomy within the United Kingdom that occurred in 1886, 1893 and 1914. However, the 1920 legislation was more popularly known as the 'Partition Act' as this was its most important impact on Irish politics and society.

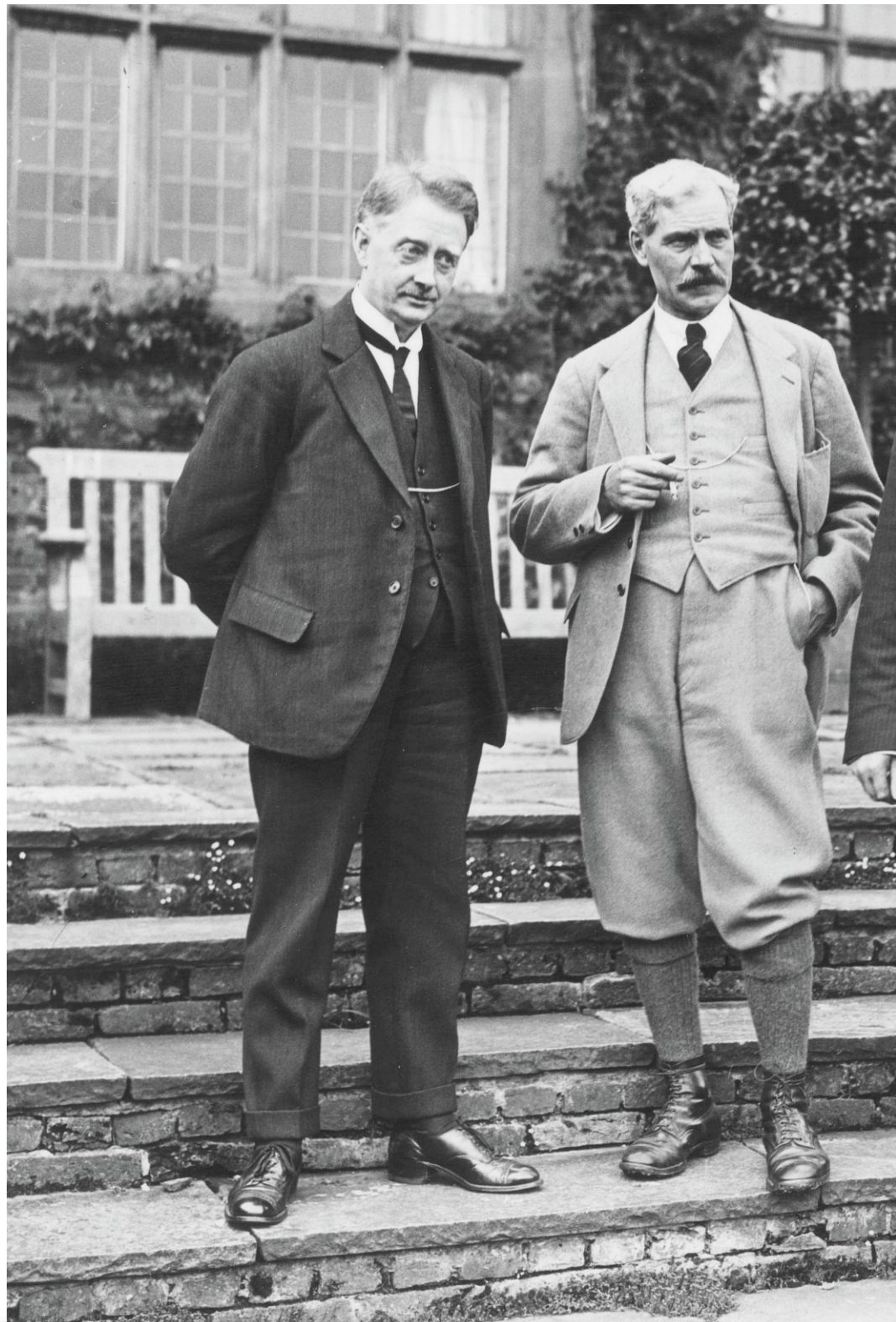
No political constituency in early 20th-century Ireland regarded partition as their ideal choice for the future of the island. Nevertheless, leading Ulster unionists gradually moved towards the possibility of detaching their province from the rest of the island based on fears that home rule would mean "Rome rule".

The 1920 Act had its origins in a British cabinet committee chaired by the unionist politician Walter Long that sought a way of implementing Irish home rule. The Long committee proposed the drastic solution of partition and the British government, led by David Lloyd George, accepted its recommendation. The British government also decided that the new entity known as "Northern Ireland" would be limited to just six of the nine Ulster counties. Lloyd George's cabinet committed itself

to this momentous decision on territory, which provided a safer unionist majority, the day before the Bill proposing partition was introduced in parliament. Many Ulster unionists, who reluctantly accepted partition, lamented the loss of counties Donegal, Cavan and Monaghan. These counties would be included with the other three provinces to form an autonomous area called "Southern Ireland".

The idea of partition was not a new one in 1920 but it still seemed preposterous to many Irish people. In 1916, the Abbey Theatre staged a play entitled *Partition: A Political Skit*, a comedy that parodied the idea of a border on the island as a crazy fantasy. Yet, by 1920 it had become clear that unionist and nationalist aspirations were moving further apart. Partition now became reality, even if it was nobody's ideal solution.

The British government considered the 1920 Act, in granting Irish autonomy, as fulfilling a political and legal commitment created by the home rule legislation passed in 1914 that had been suspended by the outbreak of the First World War. Lloyd George insisted that the 1920 Act, that would replace the 1914 legislation, was "right and fair and just". Elections were organised for the two new parliaments in Dublin and Belfast that were held on May 24, 1921.



The Government of Ireland Act 1920 did not intend to create two separate countries on the island of Ireland. Instead, it envisaged the creation of two autonomous areas within the United Kingdom. Some people even saw the 1920 Act as the beginning of a federal United Kingdom in which England, Scotland and Wales would also receive their own parliaments.

Under the 1920 Act, Northern Ireland and Southern Ireland would have their own institutions but would still send MPs to sit at Westminster. Court cases from all parts of the island could still be appealed to the House of Lords in London. The parliaments proposed for Dublin and Belfast faced strict limitations on the laws that they could pass. Yet the reality remained that much of the 1920 Act was obsolete even as it entered the statute book.

Bitter conflict

In the aftermath of the 1916 rising, nationalist opinion moved beyond campaigns for home rule towards demands for a completely separate Irish republic. This was confirmed by the general election of 1918 in which Sinn Féin, which claimed the legacy of the 1916 rising, won 73 seats out of 105 in Ireland. In January 1919, elected representatives of Sinn Féin formed their own parliament, the first Dáil Éireann, which claimed the territory of

A report from the *Irish Independent* in January 1919 (above) on the opening of Dáil Éireann at the Mansion House (above left)



the entire island. A bitter paramilitary conflict soon tightened its grip on the country. The Government of Ireland Act 1920 completely ignored all these dramatic changes.

Dáil Éireann refused to recognise the partitioning of the island or the institutions created under the 1920 Act. It declared the 1921 elections as electing a second Dáil Éireann. Few dared to stand against Sinn Féin at this time and the party won almost all seats in Southern Ireland without any opposition. Consequently, the institutions of Southern Ireland, including its parliament and system of courts, were ignored and never functioned properly. In Northern Ireland a comfortable unionist majority was returned and the new parliament, courts and other institutions provided by the 1920 Act soon began their work.

The 1920 Act retained important links between North and South, although these proved unsuccessful in practice. It created a "High Court of Appeal for Ireland" that would hear appeals from all parts of the island. The 1920 Act also provided for a "Council of Ireland" that would maintain links between the parliaments of Northern Ireland and Southern Ireland, although this never actually functioned. The door was left open to the possibility of reunification and the 1920 Act contained provisions designed to make this a reality. These proved to be wishful thinking.

Leaders' meeting: Taoiseach William Cosgrave, British prime minister Ramsay MacDonald and the first prime minister of Northern Ireland James Craig at Chequers in London in 1924

PHOTO: GETTY IMAGES

The idea of partition was not a new one in 1920 but it still seemed preposterous to many Irish people. In 1916, the Abbey Theatre staged a play entitled 'Partition: A Political Skit', a comedy that parodied the idea of a border on the island as a crazy fantasy

The Act created unhappy minorities on both sides of the border who opposed partition. Unionists south of the border, led by Lord Midleton, organised a Unionist Anti-Partition League. Nationalists north of the border pinned their hopes on Dáil Éireann. Their political representatives refused to engage with the institutions in Northern Ireland. This policy would decline as it became clear that partition would not be short-lived.

In July 1921, a truce came into force and by the following December the document popularly known as "the Treaty" was signed in London. The 1921 treaty is often blamed for creating partition. In reality, partition was already well-established and had become deeply entrenched by the end of 1921. The Government of Ireland Act ensured that Northern Ireland already had its own government, parliament, courts, civil service and police force. James Craig, its prime minister, had little incentive to compromise.

The Treaty provided that the 26 counties, which would be known as the Irish Free State, would be granted dominion status, then enjoyed by Canada, Australia, South Africa and New Zealand. It also provided for a special "Ulster month" during which the parliament of Northern Ireland could decide to opt to be part of the United Kingdom under the Government of Ireland Act 1920 or come within the Irish Free State under its 1922 Constitution.

Case for a united Ireland

When the time for decision came, on December 6, 1922, the Irish leader WT Cosgrave set out the case for a united Ireland. The 1921 Treaty and the 1922 Constitution offered Northern Ireland autonomy and safeguards within the embrace of the Irish Free State. Cosgrave concluded "we are looking Northwards with hope and confidence that, whether now or very soon the people of that corner of our land will come in with the rest of the Irish Nation". These gestures proved to be of little avail. The Belfast parliament did not require a month to make its decision and immediately opted for the United Kingdom.

The 1921 Treaty provided for a Boundary Commission that was intended to adjust the border in the event of Belfast rejecting the Free State. Many nationalists expected that it would make substantial adjustments to the border that would, in time, pave the way towards reunification. In fact, the body collapsed in 1925 and the border remains unchanged to the present day.

Apart from partition, the most obvious legal consequence of the 1920 Act that remains with us today is the proportional representation voting system that replaced Westminster's "first past the post". This was intended to ensure that minorities would be better represented in the parliaments in Dublin and Belfast. The Northern government moved to abolish the system in local government elections in 1922 and in elections for the Belfast parliament in 1929. Two attempts were made south of the border to abolish the system but were rejected by the people in referendums held in 1959 and 1968.

The 1920 Act also contained human rights provisions intended to protect minorities. These forbade legislation that discriminated on the grounds of religion and, among other things, specifically banned legislation that compelled children to attend religious instruction in a school receiving public money. Most of these safeguards were reproduced word for word in the Irish Constitutions of 1922 and 1937 and remain intact. These provisions continued to apply to Northern Ireland throughout the lifetime of the 1920 Act. The decades after 1920 proved that they were ineffective in practice in preventing religious discrimination.

The birth of the Irish Free State ensured that the Government of Ireland Act 1920 had no effect south of the border after 1922, although it was not officially repealed under Irish law until 2007. The beginning of the end for the Act in Northern Ireland came with the outbreak of the Troubles in the late 1960s and the imposition of direct rule from London in 1972. The last vestiges of the 1920 Act in Northern Ireland were repealed in 1998 soon after the signing of the Good Friday agreement. This signalled the beginning of a new era for the island of Ireland. Yet, although the Government of Ireland Act 1920 is no longer in force in any part of the island, its impact on politics and society endures.

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Irish Independent

'King's speech and Ireland: Partition as a means to unity'

Extract from the Irish Independent, December 23, 1920

Violence in Ireland was deplored in the King's speech at the prorogation of parliament last night, and his majesty expressed sympathy with the servants of the Crown endeavouring to restore peace and order.

The speech expressed the earnest hope that the Irish people would insist on a return to constitutional methods, which, it was declared, alone could end events which threaten ruin to this country and make a lasting peace impossible.

The Partition Act was referred to as a means whereby the people of their own accord can achieve unity...

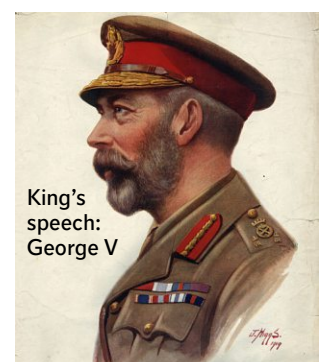
Violence in Ireland: return to constitutional methods

"The state of affairs in Ireland grieves me profoundly," said his majesty. "I deplore the campaign of violence and outrage by which a small section of my subjects seeks to sever Ireland from the Empire, and I sympathise with the loyal servants of the Crown who are endeavouring to restore peace and maintain order under conditions of unexampled difficulty and danger.

"It is my most earnest hope that all sections of the people in Ireland will insist upon a return to constitutional methods, which alone can put an end to the terrible events which now threaten ruin to that country and make impossible reconciliation and a lasting peace.

The Partition Act

"I have given my assent to a Bill for the better government of Ireland. This and the setting-up of two parliaments and a council of Ireland gives self-government to the whole of Ireland, and provides the means whereby the people can, of their own accord, achieve unity. I sincerely hope that this Act, the fruit of more than 30 years of ceaseless controversy, will finally bring about unity and friendship between all the peoples of my kingdom."



King's speech: George V