By the end of the Paris talks, the goal of British policy was no longer to prevent or delay Eire's departure from the Commonwealth, but somehow to maintain the practical elements of the Commonwealth relationship with Eire without its constitutional superstructure. The novel solution was to create a new constitutional status for Eire. While not a member of the Commonwealth, Eire would share the non-foreign status of Commonwealth countries, not by virtue of a common allegiance to the crown or any of the other constitutional fictions which bound the members of the Commonwealth, but because of mutual self-interest. For the sake of international law, however, this position had to be dressed up in a suitable constitutional form. In order to defend the new arrangement against charges which might be leveled by other nations that the agreement was simply a way for Britain to evade her most-favored-nation obligations, the "ties of blood and kinship" between Britain and Eire would be used to rationalize it. More important, perhaps, would be the continued statutory recognition of reciprocal citizenship rights already embodied in the British Nationality Act and, the British hoped, soon to be reciprocated by legislation in Eire and throughout the Commonwealth. Such reciprocal citizenship rights would be presented as proof that the relationship between Britain, the Commonwealth, and Eire was more than just a treaty agreement among foreign nations.

Several tasks remained, however, in order for the new arrangement to work. On 18 November, the British cabinet had detailed
these, noting that the most important was to gain the concurrence of Northern Ireland in the new understanding with Eire. The completion of the rest of the elements involved would be contingent upon "the results of the consultation to be undertaken" with Sir Basil Brooke, the Northern Ireland prime minister. Subject to this consultation, it was also agreed "that the Eire Government should be informed, in advance of the forthcoming debate in the Dail on the bill for the repeal of the External Relations Act, that the United Kingdom Government were prepared to proceed on the basis indicated in paragraph 8 of C.P.(48)272." (C.P.(48)272, "Eire's Future Relations with the Commonwealth," was a summary of the Paris discussions written by Noel-Baker and Jowitt.) Since "paragraph 8" was soon to constitute the essence of the agreement as understood by both sides, and will therefore receive much attention, it may be useful to reproduce it here in toto:

(i) In speeches in the Dail on the Republic of Ireland Bill the spokesman of the Eire Government will be careful to avoid saying anything which would increase the legal and political difficulties which Commonwealth Governments will have in explaining the position which will result from this legislation;

(ii) For their part Commonwealth Governments will refrain from public statements which will make it more difficult for them to maintain that, despite the repeal of the External Relations Act, Eire is not a foreign country;

(iii) When the British Nationality Act, 1948, comes into operation on 1st January, 1949, the Eire Government will make an order under section 23(2) of their Citizenship Act providing that, in view of section 3 of the United Kingdom Act, citizens of the United Kingdom and Colonies shall enjoy comparable rights and privileges in Eire. As and when other Commonwealth countries bring into effect legislation corresponding to section 3 of the British Nationality Act, 1948, the Eire Government will extend to them, by orders made under section 23(2) of their Citizenship Act, corresponding rights of citizenship.

(iv) At a later stage, and possibly within the next
six months or so, the Eire Government will undertake a comprehensive revision of their citizenship law; and they will then take the opportunity of making a direct statutory provision conferring citizenship rights comparable with those conferred by section 3 of the British Nationality Act, 1948, on the citizens of all Commonwealth countries as have enacted legislation corresponding to that section.

(v) The intention to take the action summarised in sub-paragraphs (iii) and (iv) above will be announced in the course of the debates on the Bill for the repeal of the External Relations Act.

(vi) The Eire Government will collaborate with the United Kingdom Government, and any other interested Commonwealth Governments, in resisting any claims which may be made by foreign countries, on most-favoured-nation grounds, to share the special privileges which Eire and those countries will continue to accord to one another and to one another's citizens, whether in matters of trade or in the treatment of nationals.

Being "prepared to proceed" on this basis, however, also required the agreement of the Eire government to likewise proceed, and, at this point, MacBride's concept of the understanding reached at Paris was not nearly so specific as that indicated above. Finally, subject also to the consultation with Northern Ireland, the cabinet authorized Noel-Baker to consult other Commonwealth Governments on the terms of a declaration, to be made as soon as possible after the Second Reading of the Bill for the Repeal of the External Relations Act on 24th November, to the effect that despite the repeal of that Act Commonwealth Governments would not regard Eire as a foreign country.

There were, therefore, four requirements involved in making the Paris agreement a reality: (a) getting the acquiescence of Northern Ireland; (b) agreeing with the Eire government on the specific terms of the understanding; (c) drafting a statement to announce the agreement to the House of Commons immediately after the repeal bill had been introduced in the Dail; and (d) gaining the adherence of the rest of the Commonwealth to the new policy. All of these tasks,
in addition, had to be completed by the 24th, in order to avoid any possibility of a foreign challenge to what, in British eyes, was a policy of doubtful viability at best. Because of the urgency involved, work went ahead on all four aspects at the same time, but they can, perhaps, be best understood if approached one at a time.

In order to discuss the recent developments and get his reaction, Attlee invited Sir Basil Brooke to stay at Chequers on the 20th. After hearing the details of the October and November meetings with the Eire and Commonwealth representatives, Brooke "did not consider that the United Kingdom or other Commonwealth Governments could reasonably have adopted any other policy." \(^5\) At the same time, however, Brooke added "that he and his Government must keep in mind the ultimate objectives of the Eire Government as regards partition." \(^6\) Since Eire citizens were to retain the United Kingdom franchise when resident there, his government "must, in particular, be on their guard against any large influx of Eire citizens who, having acquired some colourable pretext for exercising the franchise, might help out-vote the Loyalists in Northern Ireland on the partition issue." He proposed, therefore, "to tighten up still further the qualifications for the local franchise in Northern Ireland." \(^7\) Attlee replied that the local franchise was "a matter for the Government of Northern Ireland" to decide, and that, "if they thought it necessary" to raise the requirements, "the United Kingdom Government would raise no objection." \(^8\) Sir Basil then went further, and observed that his government "might wish to suggest some changes in the qualifications for voting in Northern Ireland elections to the Parliament at Westminster." \(^9\) This, however, was an entirely
different matter. Though Attlee agreed that any Northern Ireland representations on this point "would be carefully considered," he could not "give at this stage any indication of the view which United Kingdom Ministers might take." After Attlee explained the difficulties involved in having different qualifications for the Westminster franchise in different parts of the United Kingdom, Brooke quickly backed away from this suggestion, for the moment, and moved to another.

The real problem, he felt, was Northern Ireland's future status. Since Eire ministers had already indicated that the next step in their plans was ending the "last grievance," partition, Sir Basil believed "that his immediate anxieties would be allayed if he could be given an assurance that the constitutional position of Northern Ireland would not be prejudiced by Eire's ceasing to be a member of the Commonwealth." Attlee responded both firmly and positively, saying "that the constitutional position of Northern Ireland would be fully safeguarded, and ... that [Brooke] was at liberty to say publicly that he had received that assurance." Having thus achieved his main objective, Brooke confidently expressed the hope that this guarantee "might have some influence in restraining" Northern Ireland members of the House of Commons "from raising unnecessary difficulties" regarding the new policy toward Eire.

While he was about it, though, Sir Basil thought that this was the right time to bring up several other matters. While considered individually they might appear trivial, their very triviality is a powerful demonstration of the depth of fear and loathing with which
the Unionists regarded Eire. Taken together, they amounted to a request for a massive show of support for the Belfast government. Brooke showed, for example, that the North was just as sensitive about nomenclature as the South: "If Eire was now to take the title 'Republic of Ireland,' " he observed, "the North could not conveniently continue to be known as 'Northern Ireland,' " for this would imply that the North was or ought to be part of the new republic. Thus, "The Government of Northern Ireland would probably ask that their title should be formally changed to 'Ulster.' "

Two other matters were equally symbolic. Brooke queried Attlee, "Would Irish representative peers be entitled to sit in the House of Lords? Should it not be considered whether the election of Irish representative peers should be revived, and confined to Ulster?" In addition, he asked if it might "be possible for His Majesty to revive, in respect of Ulster, the Order of St. Patrick." It is unclear whether a third matter was simply another symbolic issue, or if Brooke was suspicious of Eire's intentions, for he also wondered if "it [was] desirable that the lights around the coast of Northern Ireland should continue to be controlled from Dublin."

Brooke was also apparently worried that the new republic would have sinister plans to subvert Northern Ireland's financial structure. Since the Belfast branch of the Bank of Ireland was the largest bank in the city and held a sizable number of United Kingdom securities, it essentially determined banking and financial policy in the province. The Northern Ireland prime minister felt that, "It might be necessary to review," the bank's position, now that Eire would no longer be in the Commonwealth. Brooke apparently hoped that
Attlee would prevail upon the Treasury to move its investments to locally-owned Belfast banks.\textsuperscript{16}

Finally, Brooke sought to have the United Kingdom government get involved in settling an old score with Eire. For many years, poachers from the Donegal side of Lough Foyle had been raiding the fisheries in the channel leased by Foyle and Bann Fisheries, Ltd., from a group chartered in London by James I, the Honourable The Irish Society. The company had sued some eighty Donegal fishermen in the Eire High Court to recover damages, but the judgment, which was over a hundred pages long and traced the history of the area back to the signing of the Magna Carta, went against the company. In October 1948, following receipt of the verdict, the company complained to the Northern Ireland government, and Brooke brought the complaint to Attlee, ostensibly on the strategic grounds that the dispute involved the use of the deep-water channel of Lough Foyle by the British navy. Both the United Kingdom and Eire had always claimed that the river was entirely within their respective territories. The British had never pressed the issue, though, because Eire had not objected to the use of the channel by American, British, and Canadian convoys during the war. These were assembled at Londonderry, located near the mouth of the river. Now, however, Brooke suggested that, "An opportunity might well be taken to reach a settlement with the Eire Government.... If these troubles were not solved amicably, there was a risk that the Eire Government might make difficulties over the use by His Majesty's ships of the deep water channel in Lough Foyle."\textsuperscript{17}

Though Attlee's note of this discussion does not indicate his responses to these requests, Brooke reported to his cabinet on the
25th that, "Mr. Attlee undertook to have them examined at once and asked that notes on any other points requiring consideration by the Imperial Government should be prepared and submitted as soon as possible." Brooke therefore suggested that a group of officials be assembled to "consider and make recommendations on any matters—constitutional, economic, or administrative—affecting Northern Ireland in consequence of the repeal of the External Relations Act." The Northern Ireland cabinet agreed, and a working party was immediately formed and set to work.

In return for Attlee's consideration of Brooke's requests, the Northern Ireland prime minister gave his blessing to the new arrangement withe Eire. In fact, some members of his cabinet saw it as a golden opportunity to increase the powers of their government. Brooke could have created great difficulty for the new policy, merely by expressing his government's dissatisfaction. Several British cabinet ministers were reluctant to accord Eire what they saw as the privileges of Commonwealth membership without its responsibilities, and were, in addition, highly conscious of Northern Ireland's contribution in the Second World War. With Brooke's approval of the agreement, however, Attlee was able to tell the cabinet that, "The way was now clear ... to proceed with the further action approved by the Cabinet on 18th November."

The next step was to procure the official agreement of the Irish government to the understandings reached at Paris. This was accomplished within a few days, but not without a hitch or two. For one thing, London had failed to notify Rugby of the results of the talks. Reporting a discussion he had had with Boland on Thursday
evening (18 November), Rugby said that Boland had worried "that there might be political difficulties" if the Irish cabinet attempted to carry out its part of the bargain. This "was Greek" to Rugby until MacBride arrived later and revealed what had transpired at Paris. While he exuded confidence, MacBride was rather slippery in relating the results of the discussions:

"He explained how it had been suggested to him that he could help matters by a declaration in some form that United Kingdom and Commonwealth citizens were not foreigners [in Eire], and that the United Kingdom was not a foreign country. Such a declaration could be interpreted as carrying something more than a mere alteration of legal and administrative procedure under existing acts. He was thinking this over. [Emphasis added.]"

Rugby reported that MacBride still seemed to feel that the British "were disposed to exaggerate the legal difficulties arising from the M-F-N and citizenship position ... for the purpose of opposing political changes." Nevertheless, MacBride also suggested that, "It would be a good thing if we all agreed not to say too much about M-F-N treatment being in jeopardy ... it would serve no purpose to excite the interest of foreign countries."25

Rugby reported this conversation shortly after noon on Friday, 19 November. Sir Eric Machtig's alarmed response was sent less than five hours later: "In the light of your telegram we feel that it would be helpful to MacBride if you gave him in writing the following summary of our understanding of the position as it was left at the conclusion of the Paris discussions on 16th November. This is in order that there may be no misunderstanding about the proposals which the two Governments are now considering."26 This summary was identical to paragraph 8 in C.P.(48)272. Machtig also indicated that
the British cabinet hoped to come to a decision regarding the agreement by Sunday, and he asked if Eire ministers could give London their own decision by Monday.\textsuperscript{27}

The next day, MacBride handed Rugby a note agreeing completely with the British summary, subject only to the observation that it was "hoped that ... nothing [would] be said by the Commonwealth Governments which would tend to create controversy as to Ireland's position after the repeal of the Act. It will be recalled that there was general agreement that Ireland would not in future be described as a member of the Commonwealth."\textsuperscript{28} Considering the controversy which Eire's position vis-a-vis the Commonwealth had often created in the Dail, this was a sensible request. MacBride also asked "whether [the British summary] was intended to mean that [the] Eire Government would grant rights to United Kingdom Nations in Eire precisely similar to those granted by [the] United Kingdom Government to Eire citizens."\textsuperscript{29} (Emphasis in original.) Under the Eire constitution, only citizens of Eire could vote. If precise reciprocity were required, an amendment to the Eire constitution would be necessary. Seeking the passage of such an amendment would be politically embarrassing to a government which was in the process of cutting the last link with the crown. Thus, MacBride "assumed that what [the British] had in mind, as he had in mind, was broad comparability in principle, and not exact similarity of treatment, on such matters as the franchise."\textsuperscript{30} Noel-Baker responded the next day that, "The word 'comparable' ... was deliberately chosen, as he supposes."\textsuperscript{31}

Now that the two governments were in agreement on what the Paris understanding meant, the next step was to work out the exact
wording of the statements that would be issued in the Dail and the House of Commons to announce it. It had been suggested to MacBride at Paris that the Eire spokesman introducing the repeal bill in the Dail should include a declaration along the lines of the formula proposed by Dr. Evatt, though amended, of course, to cover the entire Commonwealth. This went as follows:

From the point of view of Ireland, the factual relationship between it and the United Kingdom, Canada, Australia and New Zealand is clear. Ireland does not, and, when the External Relations Act, 1936, is repealed, will not regard the United Kingdom, Canada, Australia or New Zealand as "foreign" countries or treat their people as "foreigners." On the contrary the fact is that the citizens of Ireland, while resident in the United Kingdom, Canada, Australia or New Zealand, are treated by law or practice not as "foreigners" or aliens but as entitled to the rights and privileges of nationals or citizens of those nations. Similarly, while in Ireland, the nationals or citizens of the United Kingdom, Canada, Australia or New Zealand are treated not as foreigners or aliens but as entitled to the rights and privileges of citizens of Ireland. These facts not only negative the view that Ireland and the United Kingdom, Canada, Australia and New Zealand are to be regarded as "foreign" countries, but they also evidence the fact of a special association which it is the firm desire and intention of Ireland to maintain and strengthen.

The Irish declaration would require an immediate response in the House of Commons, both to explain the government's policy and to forestall embarrassing questions regarding the most-favored-nation problem. Officials in the Commonwealth Relations Office had already worked through this response, and Noel-Baker had sent a first draft to the dominions High Commissioners and Rugby on the 19th. It should be kept in mind that the draft was a projection of what Attlee would say in the House of Commons after the Irish declaration was made. The first few paragraphs presented a synopsis of Anglo-Irish constitutional relations since the adoption of Eire's 1937
constitution, ending with Costello's 7 September declaration in Canada. It then explained the progress of the October and November discussions, which had been initiated "in order to explore the consequences which would flow from" the repeal of the External Relations Act." In consultation with representatives of Canada, Australia, and New Zealand, "the most careful consideration" had been given to the future of Anglo-Irish relations when the Republic of Ireland Bill came into force. As a result, though the United Kingdom "recognise[d] that Eire [would] then no longer be a member of the Commonwealth," the Eire government had, in its declaration of 24 November, indicated that "a specially close relationship between Eire and the Commonwealth" existed, and desired to maintain it. This relationship arose from "ties of blood and kinship, and from traditional and long-established economic, social and trade arrangements based on common interest." The United Kingdom government agreed, and desired "that these close and friendly relations should continue and be strengthened." This led immediately to the announcement of the new policy:

Accordingly the United Kingdom Government will not regard the enactment of this legislation by Eire as requiring them to treat Eire as a foreign country or Eire citizens as foreigners. They have ascertained that the other members of the Commonwealth share this view and will follow the same policy.

So far as Eire citizens are concerned, the position in the United Kingdom will be governed by the British Nationality Act 1948, and legislation on similar lines has been passed, or is in contemplation, in other Commonwealth countries. Mr. MacBride has stated that the Eire Government propose to ensure that under their legislation citizens of Commonwealth countries will receive corresponding treatment in Eire. [For purposes of comparison with the final draft, the entire first draft is reproduced in the note.]
Rugby was to meet with MacBride on Monday, the 22nd, to discuss the language of both the British and Irish statements, and he received an amended text of the British statement that afternoon. The new text added the sentence: "The United Kingdom Government have also been in touch with the Government of Northern Ireland." This had been inserted that morning on the advice of the British cabinet, presumably for political reasons. Rugby did not give the British draft to MacBride until after receiving the text of the Eire declaration because he felt that, if he had given MacBride the British text first, the "Irish statement would have been watered down to fit in with minimum interpretation of our requirements which I have stressed in conversation." Rugby was worried about the need for the Eire government to make "satisfactory statutory provision conferring comparable citizenship rights since this would be basis for maintaining status quo in matters of trade and citizenship." When shown a first draft of the Irish statement Monday evening, Rugby had rejected it, but an amended draft, presented Tuesday morning, seemed "to cover this point satisfactorily."

Rugby was also concerned that the last paragraph of the United Kingdom statement "seemed to me to leave too much latitude to Eire Government to delay and finesse on this important point," so he took the liberty of replacing the last sentence with, "The Eire Government have stated that it is their intention to bring their legislation into line with that in Commonwealth countries so as to establish by statute that, in Eire, citizens of [the] Commonwealth receive comparable treatment and are not treated as aliens."
Coincidentally, the same idea had occurred to several members of the British cabinet the previous day, and they had suggested that, "It might be possible to expand the final paragraph of the draft to give greater prominence to any assurances that Mr. MacBride might make about the forthcoming amendment of the Eire citizenship law." Thus, Rugby's amendment was added to the final draft of the British announcement. When Rugby received a revised final text of the proposed Irish statement on the morning of the 23rd, this would have settled the matter except for an unforeseen difficulty caused, not by Eire, but by members of the Commonwealth.

After MacBride had agreed to the terms of the understanding on the 20th, Noel-Baker had instructed the dominions High Commissioners to pass this information on to the dominion governments and to request each to join the United Kingdom in declaring its support for the new policy as soon as possible. The responses from Australia and the Union of South Africa were immediate and positive, and New Zealand, though not enthusiastic, also agreed. The other dominions, however, were less tractable. While India did not necessarily demur, the High Commissioner there reported that Nehru wanted "to be careful to avoid giving the impression ... that he [was] pre-judging the issue of India's future relationship to the Commonwealth." The High Commissioner in Karachi reported that there was "little hope of any reply from Pakistan Government within time limit stated," because all of the important members of the government were out of town. The prime minister of Ceylon, Mr. Senanayake, admitted that he was "so imperfectly acquainted with the international difficulties which might ensue from the severance of
Eire's link with the Crown" that he would be unable to offer any reply. 47 Apparently, the members of the Ceylon government could not "make up their minds until they [knew] what attitude India [would] decide to take in regard to membership of the Commonwealth." 48

Though these replies from the Asian dominions were not encouraging, they probably would not have prevented London from going ahead. It was Canada, however, which caused the real difficulty. Given the great influence which the Canadian representatives had exerted on the results of the negotiations at Paris, it must have been more than a little surprising for Noel-Baker to receive from his High Commissioner there the following report about a Canadian ministerial meeting on the question:

Atmosphere of meeting was apparently very cool toward Eire and it was felt that these very important matters were being dealt with in unseemly haste. It was recognised that this was due to Irish pressure but it was felt that Eire Government should have been told very firmly to postpone the second reading of their Bill. Canadian Ministers take a very poor view of their action anyway but that they should attempt to rush members of the Commonwealth in this manner was regarded as altogether unbecoming.

Though their ire appeared to be directed toward Eire, their action was aimed at "the suggestions put forward by the United Kingdom Government...." The Canadian ministers felt that, "The propriety and desirability of introducing" legislation giving Eire citizens the rights of British subjects in Canada "would have to be carefully considered.... The Government certainly could not commit themselves on the point at present." 50 In addition, "The position as to preferences and trade treatment generally was by no means clear and would have to receive detailed examination." 51 As a result, the
Canadian government was only willing to issue a much watered-down version of the British statement, and even insisted that the British statement eliminate all reference to Canada or "the other Commonwealth countries." 52

Considering that the Canadian amendments were received on the 24th, only a day before Attlee was to appear in the House of Commons, there was little the British ministers could do but accede to them. Their reaction has not been recorded, but a comment in the minutes of the British cabinet meeting the next morning provides a wry hint: "In further discussion the point was made that the Governments of Canada and New Zealand seemed to have received this policy with less enthusiasm than had been shown by their representatives in the discussions with Eire Ministers." 53

Meanwhile, at 3:50 p.m. on Wednesday, the 24th, the Taoiseach himself, rather than MacBride (as had been expected), rose to introduce the Republic of Ireland Bill for its second reading in the Dail. Costello spoke for nearly three hours, often with great eloquence and apparent deep emotion, on the background and need for the bill. He emphasized that it had not been "designed nor was it conceived in any spirit of hostility to the British people or to the institution of the British Crown." 54 It was, he said, not only a "Bill to promote domestic peace and harmony, but it is a measure designed to achieve ... a greater measure of friendship and goodwill than has ever existed in the long and tragic association between Great Britain and Ireland." 55 Such friendship could be achieved because the bill got "rid of one cause of friction and leaves only one to be removed, Partition." 56 It would promote domestic peace by
clearing up the "barren and futile controversy" about what the External Relations Act meant, and whether Ireland was or was not a republic or a member of the Commonwealth. Costello spent nearly an hour detailing the history of this controversy and insisted that the bill was a natural and logical outcome of a process begun with the Treaty of 1921. To support this contention, he adduced the remarks of several of the supporters of the Treaty, including, for example, Michael Collins's famous comment that the Treaty had given Ireland "freedom, not the ultimate freedom that all nations desire and develop to, but the freedom to achieve it." The bill, asserted the Taoiseach, was the result of a "peaceful political evolution," carried through by all of the Irish governments since the Treaty. To those who asked why Eire should leave the Commonwealth now, Costello answered that, in his legal opinion, Eire had actually left in 1936, when the External Relations Act had passed.

Yet ending the "irritation and confusion that [had] been caused" by the "legal arguments ... accumulating over the years" was not, said Costello, the main reason his government had introduced the bill. Its fundamental rationale, he claimed, was "to put an end to that bitterness that was born of the civil war," and, thus, "to take the gun out of Irish politics" by creating, in "the symbol of the ideal of a republic ... a rallying point around which all sections of [the Irish] people can unite...." All political parties in the country would now be republicans, and "never again [would] an Irish Government have to execute an Irishman because he want[ed] a republic and because he [took] illegal methods to achieve it."

But what about partition? Would the bill "end for ever and ...
Costello answered emphatically in the negative. In fact, he claimed, "When this Bill has passed, every section of the ... Irish people can unite with all their energies directed and not distracted towards a solution of this last political problem." The External Relations Act had "been on the Statute Book for ... 11 years. Neither during that period nor in the previous years, [had] a single approach been made or a single friendly gesture advanced by the Government of Northern Ireland ... with a view to securing the union of [the] 32 counties." He asked, "Why then should we continue the national indignity of perpetuating the External Relations Act in the vague and vain hope that our ambiguous constitutional status under this Act would prepare the way for co-operation from the Government of the six north-eastern counties of Ireland?"

Though Costello did not offer any specific positive steps to ending partition, he indicated that, "We will still hold out the hand of friendship to the people of the northern counties who regard themselves as Irishmen and Irishwomen." This could easily be seen, and was by some, as a veiled threat, offering support to the very gunmen he was ostensibly trying to eliminate. Another tactic seemed to be an appeal to the Atlantic Pact nations, particularly the United States, to put pressure on Britain for the sake of a united front against the Soviets. Thus, Costello asserted that,

"You have only to look at the map, or ask any soldier to look at the map, to realise how the unity of Ireland would serve the cause of the maintenance of peace.... Look at what a bulwark a united country would be to any menacing horde that might threaten the peace of the world. Look at what it would mean if the millions of our race in America were satisfied that they had no longer to preoccupy..."
themselves with our problems here at home.... Look at what it would mean in the promotion of friendly relations between the United States and Great Britain.

The bill itself would help in the struggle to end partition by ending Ireland's isolation: "The clarification of our constitutional status achieved by the Bill will enable us to partake in international relations in a way that has not heretofore been possible." From this and other subsequent remarks the Taoiseach made, Rugby drew the logical conclusion that Costello intended to take the partition problem before the United Nations, assuming that the republic were to gain admission.

In spite of Costello's repeated assurances that the bill contained no spirit of hostility toward Britain, he lashed out at British governments for creating and preserving partition. Noting that British ministers had often claimed that partition was "an Irish problem, that must be settled between Irishmen," he warned that, "This Pilate-like attitude can no longer be held by statesmen with the courage and decency to look facts in the face." Since, as he put it, partition was a problem created by the British government in the Government of Ireland Act, 1920, "The problem of undoing that wrong devolves upon the British Government. We are doing our part down here. We are doing our part by the Bill." Somehow, the logic of this last point escaped Lord Rugby, and he remarked to Machtig that all the bill had really done was "to destroy the best chance of a friendly solution. The establishment here of an independent Republic will stimulate national sentiment and inflame opinion about the Border on both sides of it."

Yet tucked into Costello's rhetorical celebration of the bill
was the promised statement regarding reciprocal citizenship rights and the non-foreign policy, including the assurance that the Eire government would "make orders provisionally under Section 23(2)," which would officially enact this.\textsuperscript{72} In the midst of so much derogation of Britain, this declaration must have struck an oddly inappropriate chord in an assembly unfamiliar with the Paris negotiations. Nearly every sentence of the declaration bore the stylistic mark of Whitehall legal experts, but, ill-fitted to the rest of Costello's speech or not, it completed the Irish side of the bargain.\textsuperscript{73}

Reaction in the Dail that day was generally favorable, and much of it seized on the historicity of the moment. De Valera began with a relatively non-partisan response, yet he "could not help thinking how it would have cheered [his] heart, and cheered the hearts of many" if only Costello and his Fine Gael supporters had taken a pro-republican stance "over the past 20 or 25 years."\textsuperscript{74} He went on to once again try to explain what the External Relations Act had meant, and to minimize the importance of the new bill: "The Bill does not purport to be establishing a new State. We are simply giving a name to what exists—that is, a republican State."\textsuperscript{75} And he could not help but take a jab at previous party differences: "I am afraid that even my goodwill ..., however great, will not get me to believe that if we had proposed this Bill when on the opposite side of the House we would have got unanimity."\textsuperscript{76} Nevertheless, he vowed his support and that of Fianna Fail, despite the fact that the bill would not be "effective through the whole of Ireland."\textsuperscript{77}

A few deputies expressed dismay at the end of the Commonwealth
connection, and Dr. A.P. Byrne moved to strike the bill because he felt that it would "seriously impair the prospects of uniting the six counties of Northern Ireland with the rest of Ireland," but he received little support. Sean Lemass, however, made great capital out of the inconsistency between Fine Gael's traditional advocacy of the Commonwealth link and the party's apparent new attitude. He implied that Fine Gael's "conversion" was highly hypocritical:

> It is a matter entirely for the Taoiseach's own conscience whether he can reconcile his course of action here to-day with the declarations he made when he was seeking election or even with the declarations he made following the formation of the Coalition Government. I am not trying to lead his conscience. I think, however, that it would have been from the viewpoint of securing respect for the traditions of our public life if some evidence of this change of viewpoint had been given to the electorate before the election. [sic]

Lemass denied that there had been any kind of gradual development of Fine Gael policy toward a republic, pointing out that in previous elections, too, the party had always stood staunchly for maintaining Commonwealth membership. While Lemass might have been motivated by civil war memories of Irish men and women who had died for both sides of this question, his point was also good politics. He concluded by claiming that Fine Gael supporters might justifiably be left with "a feeling that they" were "being tricked," and, if so, "the whole reputation of [Irish] political institutions" would suffer.

This, oddly enough, brought an angry retort from MacBride, who was not even a member of Fine Gael, and the debate soon degenerated into a "pandemonium," as Rugby later described it, in which "all the animosities of the Civil War were unloosed." After several minutes, during which personal insults flew back and forth, the
Speaker finally appealed to Lemass to move an adjournment. The latter obliged, and, at 10:30, the perennial verbal cudgels of Irish party politics were laid down, at least until the next afternoon, when the whole business continued at length. Finally, after even more debate on the 26th, the bill passed to the committee stage without a division.81

While the members of the Dail were thrashing out the passions of their civil war, the Commonwealth Relations Office was thrashing out the final draft of the statement Attlee was to make in the House of Commons on the afternoon of the 25th. The Canadian amendments were reluctantly incorporated on the evening of the 24th, and these were sent out to the dominions High Commissioners at 7:30 p.m.82 The next morning, however, the cabinet suggested a few more minor wording changes, so the final draft did not go out until about 10:45 a.m. on the 25th.83 One additional question had been raised in the cabinet meeting: "What could be said in reply to the supplementary questions which were likely to be asked about the position of Irish loyalists?"84 The response was that, "Their position would not be prejudiced in any way by the adoption of the policy announced in the statement. Their rights under Section 2 of the British Nationality Act, 1948, would not be affected."85 With the apparent resolution of this last point, the cabinet agreed that the statement "should be made that afternoon by the Prime Minister in the House of Commons and by the Lord Chancellor in the House of Lords."86

This occurred at about 3:30, and the Opposition reacted immediately. Churchill had been notified of the government's intentions on the 23rd, and he came with notes prepared for a long
speech. Though technically he was out of order, since Attlee had only made a statement, not a motion, the Labour Party Chief Whip, William Whiteley, moved an adjournment to allow the Conservative leader to speak. As one of the negotiators of the 1921 Treaty, Churchill felt the repeal of the External Relations Act as a personal insult. For the British government to vitiate the consequences of this action was, to him, unconscionable:

Whereas in the Debate on the Address we had every reason to believe that His Majesty's Government intended to raise all of these issues of nationality and preference if the Dublin Government decided to sever this last tenuous link, they have now abandoned that position. They are going to acquiesce in arrangements which leave the Southern Irish in full enjoyment of any advantages there may be in being connected with the British Empire and Commonwealth without having any reciprocal obligations of their own towards it.

Churchill recited, as he had often done in the past, his old grievances against Eire's neutrality in the war, her refusal to allow Britain to use the former Treaty ports, and the fact that de Valera had allowed the existence of Axis missions in Eire throughout the conflict. The repeal of the External Relations Act would now add insult to injury, and, as such, he refused to associate the Conservative Party with the government's policy. He also hoped that the policy would not become a precedent for, as he put it, "any of the other parts of the world in--I must not say the British Empire--perhaps I may be allowed to say in which we are still at present interested." He was especially emphatic about Northern Ireland:

It is quite clear, now that Southern Ireland has separated itself altogether from the Crown, that the maintenance of the position of Northern Ireland becomes all the more obligatory upon us. It is evident that a gulf has been opened, a ditch has been dug, between Northern and Southern Ireland which invests partition with
greater permanency and reality than it ever had before. I cannot myself conceive that even the present Socialist Government, in the full tide of their destructive success, would coerce the loyal people of Ulster out of their right to choose what shall be their relationship with the British Crown and Commonwealth.

And, of course, in this latter point he was quite right, for "the present Socialist Government" had no intention of changing Northern Ireland's status. It would, in fact, further enshrine it in an act of parliament. For the present, however, Attlee merely reiterated a statement he had made on 28 October, that, "The view of His Majesty's Government ... has always been that no change should be made in the constitutional status of Northern Ireland without Northern Ireland's free agreement." He added that he did "not think that there is any immediate need for legislation. There may possibly be some need for clearing up one or two small points." Here he was to be proved incorrect, as will be seen shortly.

Because no motion was before the House, the Speaker attempted to move on to the next order of business, but he was prevented for a while by several members who wanted to get comments in. On the whole, though, the debate proceeded with a good deal more decorum than that which was occurring at the same time in the Dail. Several Labour members reacted favorably to Attlee's announcement, but Sir Hugh O'Neill, a Unionist member from Belfast, found it a matter of "the most profound regret ... that the Southern Irish Government should have decided to sever the last link with the British Commonwealth of Nations, however tenuous those links may have been in the past." He was answered by a Mr. Gallacher, who asked the prime minister if he would "remove the partition, remove the substate for a
Government in Northern Ireland....

At this point, the debate ended, for Mr. Whiteley, at the Speaker's request, withdrew his motion for adjournment.

The question was again raised in the House the following day, when Professor Savory, the member for Queen's University of Belfast, delivered a historical essay on the continuing validity of the Treaty of 1921. He asked Noel-Baker "whether the British Government are going to accept the complete repudiation of the Treaty proposed in the Republic of Ireland Bill now before the Dail." He added that, because neither Eire nor Britain had ever repudiated the Eire (Confirmation of Agreements) Act, 1938 (passed by the British parliament), the legal description of Southern Ireland must remain "Eire": "The term 'Republic of Ireland,' " he said, "is absolutely illegal...." He concluded with an admonition about the sanctity of treaties, and again asked Noel-Baker "what steps he [was] prepared to adopt to enforce a Treaty so solemnly registered at Geneva by the Irish Free State and still declared to be valid by a number of the greatest legal authorities." Obviously, Sir Basil Brooke had not quite succeeded in restraining all of his parliamentary colleagues, and another one soon added his anxieties to the debate.

Sir Ronald Ross, Unionist member for Londonderry, re-emphasized Churchill's point that the repeal of the External Relations Act "raises the barrier between Northern Ireland and Eire sky-high." Instead of offering practical suggestions to overcome this barrier, Eire politicians had always preferred to make "a magnificent red herring" out of "partition so that they had not to speak about the enormous high cost of living, the lack of social services and the
Ross, like Lemass and many others, accused Costello of "turning a political summersault" in order "to pinch somebody else's thunder." That, he said, "was the major factor" motivating the repeal of the External Relations Act.

He also complained that Eire would now have "it both ways—to have the glories of independence, and, at the same time, the material benefits of the hated British Commonwealth of Nations." Specifically, he wanted to know how the "entirely new conception" of a "non-alien"—the Eire citizen in the United Kingdom—would affect legal problems like treason and conscription. It was apparent, for example, "that, if a non-alien committed what, in the case of a British subject, would be an act of treason, he could not properly be convicted.... In future," he said, "the loyalty of that man will not be expected to be to the Government of the United Kingdom; he will be in our midst and owing his loyalty to another country." Would this new non-alien "be liable for military service? ... If he is not to do military service, he should not have civic rights, and I do not see why he should be excepted." The question which had most concerned the government, the most-favored-nation problem, also bothered Sir Ronald, but he carried the point a step further on the basis of consistency:

What I fear is that, although it is all very well for us to say to people who might wish to take advantage of the precedent, "This is not a precedent," they may say to us, "But it happened. You may say you have not treated it as a precedent, but it has happened. If it is given to them, why not give it to us?"

In his response, Noel-Baker politely evaded Professor Savory's questions, replying simply that, "The honourable Member for Queen's
University has charmed us to-day, as he always does, with his recollections." He then moved quickly on to deal with Ross's more practical queries, pointing out that, under the British Nationality Act, 1948, non-aliens would indeed be "liable to be punished for treason, in the same way as British subjects." Likewise, "Eire residents who [were] habitually resident in" Britain would be liable for military service. With the most-favored-nation point, though, he was not so sure-footed, explaining only that the preferences were based on the 1938 and 1948 trade agreements, which were of benefit to both Eire and the United Kingdom, and expressing the hope that these long-standing arrangements would not be affected. This would help build up "friendship and co-operation between the Governments and peoples of Eire and" the United Kingdom, and that is what the government sought to do.

This relatively desultory debate ended, for the moment, the parliamentary reaction to the new policy. The public reaction in both Eire and Great Britain was similarly unspectacular. The Irish Times, though not mentioned by name, had been the subject of a good deal of vitriol in Costello's speech in the Dail. Unrepentant, the paper continued a series of editorials criticizing what it, too, saw as the meretriciousness of Fine Gael's turnaround. It was conceded that the External Relations Act had been a "dishonest measure ... calculated to keep the Twenty-Six Counties inside and outside the British Commonwealth at one and the same time--a characteristic product of Mr. de Valera's higher mathematical mind." Even Costello's "arguments in favour of an unambiguous status for the Twenty-Six Counties," the paper admitted, "would be exceedingly
difficult to contravert," as would his assertion that, once the last link with the crown was cut, "Normal relations between the two peoples would become possible, and the natural bonds between them would be given a chance to strengthen themselves." In spite of these positive points, however, the paper maintained that, "Ninety-nine out of every hundred [Fianna Fáil voters] believed that Mr. Costello and his associates [had been] committed to a Commonwealth policy. Nothing," said the editor, "that the Taoiseach said yesterday can justify what appears to have been a flagrant breach of political faith." 108

The other Irish papers were content with reporting only the news of the Dail debate, holding their reactions until the bill actually became law. Most of the British editorials, logically enough, dealt with the way in which Britain and the Commonwealth were reacting to the Irish move. Their views varied from those of the Glasgow Herald and the Yorkshire Post, both of which argued that Eire should not be allowed to reduce the importance of the Commonwealth relationship by having it both ways, to that of the Manchester Guardian, which supported Attlee's statement as a "landmark in the history of the Commonwealth," and regretted only that the spirit the prime minister had demonstrated had not been present fifty or sixty years previous. 109 The Times was also broadly supportive of the new policy, noting that, "All reasons of practical good sense combine to make desirable the maintenance of the status quo between the two islands," and concluding that Attlee's statement was "the first move towards finding a new footing for Anglo-Irish friendship." 110 The Economist, however, preferred to dwell at greater length on the
partition issue. While Costello and his government were credited with sincerity, the logic of the Taoiseach's declaration that the repeal of the External Relations Act would remove a barrier to cooperation was questioned. Eire statesmen had "made it plain that very little political collaboration and none at all in the field of strategy" would be forthcoming as long as partition continued. Cutting the last link, however, "gravely ... prejudiced their chances of putting an end to" it:

Until 1939 there was a respectable body of opinion in Great Britain ... which sympathised with the object of Irish reunion and might conceivably have been stimulated to do something about it. But if Mr. Attlee refrained from making it quite clear that the Partition issue is now utterly dead in Great Britain it was presumably only out of politeness to Dublin.

Irish neutrality in World War II had "wiped clean the slate of centuries." Over and over again, it was observed, "The Irish have been able to get what they want by making a substantial part of the British public feel slightly ashamed of themselves, or at least of their forefathers. That feeling is now dead...." The needs of war had created a vital new tie between Great Britain and Northern Ireland, and "the more foreign and neutral Eire [became], the more vital" was that new relationship. While this point was "not ... recorded in any spirit of recrimination," the hopes which both Attlee and Costello had expressed for the development of friendship between the two islands now rested for their realization "entirely with one party," and it was up to Eire "whether energies [would] be concentrated on practical possibilities or wasted on sterile grievances."

While in the long run, relations between Britain and the
Republic have tended, for the most part, to justify the British policy as the most practical approach, both Churchill and The Economist were accurate in contending that, "A ditch has been dug," for partition was to be, for the next two decades at least, more firmly entrenched than ever, and, ironically enough, it was to be a Labour government which did the entrenching. This development began almost inadvertently, as a part of the process of finalizing the understandings achieved at Paris. It ended with the passage of the Ireland Act, 1949.
NOTES

1. PRO CAB 128/13, C.M.(48)74, Minutes, 18 November 1948.
2. Ibid.
3. PRO CAB 129/31, C.P.(48)272, "Eire's Future Relations with the
Commonwealth," Memorandum by Noel-Baker and Lord Jowitt, 17 November
1948, p. 4, para. 8.
4. PRO CAB 128/13, C.M.(48)74, op. cit.
5. PRO CAB 21/1842, C.P.(48)289, "Republic of Ireland Bill:
Effet on Northern Ireland," Note by Attlee, 6 December 1948.
6. Ibid.
7. Ibid. At this time, the residence requirement for
qualification to vote in Northern Ireland local elections was seven
years. There was no residence requirement anywhere in the United
Kingdom for elections to the parliament at Westminster.
8. Ibid.
9. Ibid.
10. Ibid.
11. Ibid.
12. Ibid.
13. Ibid.
14. Ibid.
15. Ibid. For background on these issues, see PRO CJ1/38,
"Supplementary notes for the meeting with Sir Basil Brooke on 6th
16. Ibid. For background on Northern Ireland's financial
proposals, see PRO CAB 21/1837, "Eire: Repeal of External Relations
Act," Memorandum by Northern Ireland Ministry of Finance, 1 December
1948; PRO CAB 21/1842, "Repeal of External Relations Act by
Government of Eire," Appendix: Financial Matters, Memorandum by the
Government of Northern Ireland, 14 December 1948; and PRO CAB 130/44,
GEN. 262/6, "Effect of Republic of Ireland Act on Northern Ireland,"
Memorandum by the Treasury, 29 December 1948.

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17 Ibid. For background on the Foyle fisheries issue, see PRO DO 35/3919, which is devoted entirely to this dispute.


19 Ibid.

20 See Ronan Fanning, "The Response of the London and Belfast Governments to the Declaration of the Republic of Ireland, 1948-49," International Affairs, Vol. 58: 1 (1981-82), p. 104-8. Fanning cites a statement by Roland Nugent, Northern Ireland Minister of Commerce, contained in PRONI CAB 4/772, p. 5, that his government was "in an exceptionally favourable position to get anything within reason for which we ask, but ... it is of the greatest importance that we should ask now...." It should be noted that it is currently impossible to confirm the existence of this citation because almost all Northern Ireland cabinet records dealing with relations with Britain or Eire were closed in 1979, after being open for three years.

21 See PRO CAB 128/13, C.M.(48)74, p. 104, para. (c), and p. 105, para. (e), 16 November 1948.

22 PRO CAB 129/13, C.M.(48)75, Minutes, 22 November 1948.

23 PRO CAB 21/1836, Telegram No. 124, Lord Rugby to Sir Eric Machtig, 19 November 1948.

24 Ibid.

25 Ibid.

26 PRO CAB 21/1836, Telegram No. 289, Sir Eric Machtig to Lord Rugby, 19 November 1948 (sent 5:30 P.M.). One indication of the level of Machtig's agitation may be the fact that he omitted "Mr." from his reference to MacBride. This is the only example of such an omission which the author has seen in any of the British or Irish records.

27 Ibid.

28 PRO CAB 21/1836, Telegram No. 125, Lord Rugby to Sir Eric Machtig, 20 November 1948.

29 PRO CAB 21/1836, Telegram No. 126, Lord Rugby to Sir Eric Machtig, 20 November 1948.

30 Ibid.


32 PRO CAB 21/1836, Telegram Y.No. 106, Noel-Baker to dominions
High Commissioners, 19 November 1948. High Commissioners were the Commonwealth equivalent of ambassadors, though ranked ceremonially far below the latter.

33 PRO CAB 21/1836, Telegram Y.No. 107, Noel-Baker to dominions High Commissioners, 19 November 1948.

34 PRO CAB 21/1836, Telegram Y.No. 108, Noel-Baker to dominions High Commissioners, 19 November 1948. The entire first draft read as follows:

In 1937 a new Constitution was enacted in Eire in which the Crown played no part. The Eire Executive Authority (External Relations) Act which was passed in 1936 however authorised His Majesty the King to act on behalf of Eire in certain matters within the field of external affairs as and when advised by the Eire Executive Council to do so. In December 1937 the United Kingdom Government stated, after consultation with the Governments of Canada, Australia, New Zealand and South Africa, that they, like those Governments, were prepared to treat the new Constitution as not effecting a fundamental alteration in the position of Eire as a member of the Commonwealth.

On the 7th September last the Prime Minister of Eire, Mr. Costello, announced during a visit to Canada that the Eire Government were preparing to repeal the External Relations Act. Subsequently, on his return to Eire, Mr. Costello confirmed this intention.

As the House is aware, I took advantage of the presence in London during October of other Commonwealth Ministers to arrange on the 17th October for preliminary discussion with Eire Ministers in order to explore the consequences which would flow from the legislation proposed in Eire. Representatives of Canada, Australia and New Zealand, the other Commonwealth countries in which there are particularly large numbers of people of Irish extraction, participated in these discussions.

Since then the matter has been under constant examination here. When the Eire Government announced that their Repeal Bill (to be entitled the "Republic of Ireland Bill") would be introduced on the 17th November, I thought it right that the situation should be further discussed with members of the Eire Government and the Prime Minister of New Zealand, the Deputy Prime Minister of Australia, and the Canadian Secretary of State for External Affairs, all of whom are in Paris for the meeting of the General Assembly of the United Nations. Discussions took place accordingly in Paris last week.

As a result of these discussions the United Kingdom Government have been able to give the most careful consideration to the relations between the United Kingdom and Eire when the Republic of Ireland Bill comes into force. The United Kingdom Government recognize that, as
has been stated by Eire Ministers, Eire will then no longer be a member of the Commonwealth. The Eire Government have however stated that they recognise the existence of a specially close relationship between Eire and the Commonwealth countries and desire that this relationship should be maintained. As Mr. MacBride said in the debate in the Dail on 24th November, these close relationships arise from ties of blood and kinship, and from traditional and long-established economic, social and trade arrangements based on common interest. The United Kingdom Government, for their part, fully associate themselves with the views expressed by Mr. MacBride and are at one with the Eire Government in desiring that these close and friendly relations should continue and be strengthened.

Accordingly the United Kingdom Government will not regard the enactment of this legislation by Eire as requiring them to treat Eire as a foreign country or Eire citizens as foreigners. They have ascertained that the other members of the Commonwealth share this view and will follow the same policy.

So far as Eire citizens are concerned, the position in the United Kingdom will be governed by the British Nationality Act 1948, and legislation on similar lines has been passed, or is in contemplation, in other Commonwealth countries. Mr. MacBride has stated that the Eire Government proposes to ensure that under their legislation citizens of Commonwealth countries will receive corresponding treatment in Eire. [See Note 83 below to compare this with the final draft as it was actually delivered.]

35 PRO CAB 21/1836, Telegram No. 294, Noel-Baker to Lord Rugby, 22 November 1948.

36 PRO CAB 128/13, C.M.(48)75, Minutes, 22 November 1948.

37 PRO CAB 21/1836, Telegram No. 131, Lord Rugby to Noel-Baker, 23 November 1948.

38 Ibid.

39 Ibid.

40 Ibid.

41 PRO CAB 128/13, C.M.(48)75, Minutes, 22 November 1948.


43 See PRO CAB 129/31, C.P.(48)280, Telegram Y. No. 109, Noel-Baker to dominions High Commissioners, 21 November 1948.

PRO CAB 129/31, C.P.(48)280, Telegram No. 4063, UK High Commissioner in India to Noel-Baker, 23 November 1948.


PRO CAB 129/31, C.P.(48)280, Telegram No. 1022, UK High Commissioner in Canada (Sir A. Clutterbuck) to Noel-Baker, 24 November 1948.

PRO CAB 129/31, Telegram No. 1022, United Kingdom High Commissioner in Canada to Commonwealth Relations Office, 24 November 1948.

Ibid.


PRO CAB 128/13, C.M.(48)76, Minutes, 25 November 1948, p. 120.


Ibid., col. 350.

Ibid., col. 354.

Ibid., col. 364.

Ibid., col. 361.

Ibid., cols. 373-6.

Ibid., col. 378.

Ibid., col. 380.

Ibid., col. 385.
See PRO DO 130/91, Letter from Lord Rugby to Sir Eric Machtig, 2 December 1948. Referring to a cutting citing remarks Costello had made in the Dail on 1 December, Rugby wrote, "You will note that if and when Eire gains admission to U.N.O. the Eire Government intend to bring up the question of Partition." Costello had responded positively to a query by one Mr. Dunne, a Labour TD, when asked, "If, in the event of Ireland gaining admission to U.N.O. the Government would seek to have the injustice of Partition brought to the attention of the Assembly and to the world." The article was published under the headline "Two Northern Counties Coerced, Taoiseach Says," Irish Independent, 2 December 1948.

Rugby's response to this was to suggest to London that now was the time to beat Dublin to the punch by having "the Northern Ireland Government consider taking the initiative by boldly indicating their willingness to refer the Partition question to international arbitration of some kind...." (See "The Writing on the Wall," Memorandum by Lord Rugby, PRO DO 35/3936, 27 November 1948.) While the Commonwealth Relations Office discussed this proposal, and Attlee himself later saw Rugby about it, London was not willing to take the risk involved. See PRO DO 35/3936, Memoranda by N.E. Archer to Noel-Baker, 2 and 3 December 1948; and Note by Attlee, 16 December 1948.

Reciprocity is, of course, the basis of all exchanges of citizenship and trade preference rights. Accordingly, we propose, as and when the Commonwealth countries grant our citizens recognition and rights, to make Orders provisionally under Section 23(2) giving their citizens comparable rights.

At a later stage—but in the near future, I hope—it is the Government's intention to review our whole
nationality law and to bring before the Dail a comprehensive measure to rectify many of the anomalies that exist under the Act of 1935. In the new Bill provisions will be made to ensure that Commonwealth citizens shall be afforded rights comparable to those afforded our citizens in the Commonwealth of Nations.

There is one thing I should like to make clear to our friends in Britain and the Commonwealth generally. It is that after the passage of this Bill we will continue, provided they so desire, the exchange of citizenship rights and privileges. Ireland does not now, and when the Executive Authority (External Relations) Act of 1936 is repealed, does not intend to regard their citizens as "foreigners" or their countries as "foreign" countries. Throughout, the position of the Irish Government is that while Ireland is not a member of the Commonwealth, it recognises and confirms the existence of a specially close relationship arising not only from ties of friendship and kinship but from traditional and long-established economic, social and trade relations, based on common interest with with the nations that form the Commonwealth of Nations. This exchange of rights and privileges, which it is our firm desire and intention to maintain and strengthen, in our view constitutes a special relationship which negatives the view that other countries could raise valid objections on the ground that Ireland should be treated as a "foreign" country by Britain and the Commonwealth countries for the purpose of this exchange of rights and privileges.

These are the considerations which we put forward to Britain and the Commonwealth countries. We found that they on their part were equally determined not to regard the passage of this Bill as placing Ireland in the category of "foreign" countries or our citizens in the category of "foreigners, but were prepared to continue the exchange of citizenship and trade preference rights. Accordingly, the factual exchange of rights that has existed hitherto will continue unimpaired.

74 Ibid., col. 406.
75 Ibid., col. 410.
76 Ibid., cols. 410-11.
77 Ibid., col. 411.
78 Ibid., col. 450.
79 Ibid., col. 452.
80 PRO CAB 21/1836, Telegram No. 134, Lord Rugby to Noel-Baker, 25 November 1948; and PRO DO 35/3963, Letter from Lord Rugby to Sir
In 1937 a new Constitution was enacted in Eire in which no reference was made to the Crown. This, however, left in force the Eire Executive Authority (External Relations) Act, 1936, which authorised His Majesty the King to act on behalf of Eire in certain matters within the field of external affairs as and when advised by the Eire Executive Council to do so. In December, 1937, the United Kingdom Government stated, after consultation with the Governments of Canada, Australia, New Zealand and South Africa, that they, like those Governments, were prepared to treat the new Constitution as not effecting a fundamental alteration in the position of Eire as a member of the Commonwealth.

On 7th September last the Prime Minister of Eire, Mr. Costello, announced that the Eire Government were preparing to repeal the External Relations Act. Subsequently, Mr. Costello confirmed this intention. As the House is aware, I took advantage of the presence in London during October of other Commonwealth Ministers to arrange on 17th October for preliminary discussions with Eire Ministers in order to explore the consequences which would flow from the legislation proposed in Eire. Representatives of Canada, Australia and New Zealand, in which there are particularly large numbers of people of Irish ancestry, participated in these discussions.

Since then the matter has been under constant examination here. When the Eire Government announced that their Repeal Bill, to be entitled the "Republic of Ireland Bill," would be introduced on 17th November, I thought it right that the situation should be further discussed with members of the Eire Government and with the Prime Minister of New Zealand, the Deputy Prime Minister of Australia and the Canadian Secretary of State for External Affairs, all of whom were in Paris for the meeting of the General Assembly of the United Nations. Discussions took place accordingly in Paris last week. I should like to take this opportunity of expressing my warm appreciation of the constructive part played by Mr. St. Laurent, Mr. Fraser, Dr. Evatt and Mr. Pearson in the preliminary discussions. I have also discussed this matter personally with the Prime Minister of Northern Ireland and informed him fully
As a result of these discussions the United Kingdom Government have been able to give the most careful consideration to the relations between the United Kingdom and Eire when the Republic of Ireland Bill comes into force. They regret that Eire will then no longer be a member of the Commonwealth. The Eire Government have, however, stated that they recognise the existence of a specially close relationship between Eire and the Commonwealth countries and desire that this relationship should be maintained. These close relations arise from ties of kinship and from traditional and long-established economic, social and trade connections based on common interest. The United Kingdom Government, for their part, also recognise the existence of these factual ties, and are at one with the Eire Government in desiring that close and friendly relations should continue and be strengthened.

Accordingly the United Kingdom Government will not regard the enactment of this legislation by Eire as placing Eire in the category of foreign countries or Eire citizens in the category of foreigners. The other Governments of the Commonwealth will, we understand, take an early opportunity of stating their policy in the matter.

The position of Eire citizens in the United Kingdom will be governed by the British Nationality Act, 1948. The Eire Government have stated that it is their intention to bring their legislation into line with that in Commonwealth countries so as to establish by statute that, in Eire, citizens of Commonwealth countries receive comparable treatment. (PRO CAB 21/1837, Excerpt from Hansard, Vol. 459, 25 November 1948, cols. 1413-1415.)

PRO CAB 128/13, C.M.(48)76, Minutes, 25 November 1948, p. 120.

Ibid.

Ibid.


Ibid.

Ibid.

Conservative discussing "the lack of social services" in Eire has not, alas, been recorded.

While Noel-Baker was technically correct on this point, Sir Harold Wiles of the Ministry of Labour later pointed out to the Cabinet Working Party on Eire that "Eire citizens did not become liable to call-up under the National Service Act until they had resided in [the United Kingdom] for two years. He explained that the Act was administered leniently. Eire citizens, when they became liable to call up, were given the option of returning to Eire, and the number who did not so opt to return and were actually called up did not amount to more than forty or fifty a year. Relations between the Ministry of Labour and the High Commissioner's Office were good, and there was little trouble over individual cases." (PRO CAB 130/44, GEN. 262/2nd Meeting, Minutes, 22 December 1948, p. 1.)

Several debates later took place in the House of Lords, but they had little effect on the government's policy until the Ireland Bill itself was introduced in January.


110 "Eire," The Times, 26 November 1948.


112 Ibid.

113 Ibid.
V. THE IRELAND ACT, 1949

In order for the policy which Noel-Baker and Viscount Jowitt had advocated in "Eire's Future Relations with the Commonwealth" to work, Eire and the United Kingdom would have to present a common front to nations like Denmark and Argentina which might present most-favored-nation claims against the arrangement. To facilitate this common effort, the two ministers had suggested to the cabinet that:

It would also be expedient to communicate to the Eire Government, at the earliest possible date, a detailed statement of the treaty provisions under which difficulties might at some stage arise, even though we maintain that despite the repeal of the External Relations Act Eire has not become "foreign" to the countries of the Commonwealth. This might be accompanied by an invitation to the Eire Government to send one of their legal advisers to this country to confer with ours on the arguments which the two Governments might jointly use to rebut any such claim.

At the cabinet meeting of 22 November, Attlee recalled this point and suggested that,

What was required at this stage was not a general repetition of the general warning about the possible dangers under most-favoured-nation clauses, but an appreciation of the quarters from which such a challenge might come, the grounds on which a claim might be made by those particular countries, and an indication of possible arguments which might be used to rebut that claim.

Noel-Baker was therefore assigned to arrange "for officials of the Departments concerned to prepare a detailed statement on the treaty provisions under which difficulties might arise, as the result of the adoption of the policy set out in C.P. (48) 272."3

Officials at the Commonwealth Relations Office and the Foreign Office were soon once again busily at work examining treaties between
the United Kingdom and other countries which contained most-favored-nation clauses. By early January, the Commonwealth Relations Office had put together a lengthy paper on the challenges which might arise to the agreement with Eire, and this paper was discussed in detail at two Anglo-Irish meetings of officials on 6-7 January 1949. The officials concluded that, while a challenge might be offered to the continuation of trade preferences and reciprocal citizenship rights after the Republic of Ireland Act went into force, it would have little success before an international tribunal adjudicating the claim:

One of the factors which an international tribunal would need to consider would be how the two nations regard each other inter se. If it were established that there is a continuing uninterrupted history of special trade relationship and of special rights granted mutually to each other's citizens, that would be a fact which the tribunal would need to take into account in considering whether or not Eire had become a country foreign to the United Kingdom within the meaning of any particular treaty.

The Republic of Ireland Act will make no material change in the relations that have existed between Eire and the United Kingdom for many years. It would therefore be wrong to attach too much importance to the purely formal changes which it will make.

Since this optimistic conclusion had been the contention and hope of both Eire and the United Kingdom since Noel-Baker and Jowitt had first submitted their memorandum on 17 November, the eventual result must have been fairly clear early in the process of investigating the matter. Whether this was solid reasoning or just wishful thinking will probably never be known, since the only country that even considered a challenge, Denmark, was deterred from doing so through diplomatic channels.

International challenges, however, were not the only area which required investigation as a result of the new policy. At the same
cabinet meeting on 22 November, Attlee had pointed out that,

"There were also many existing arrangements which would have to be reviewed in consequence of Eire's ceasing to be a member of the Commonwealth. The first need was to assemble these in a report for consideration by Ministers and, if the Cabinet agreed, he proposed to invite the Secretary of the Cabinet to convene a working party of officials to prepare such a report."

Thus, Sir Norman Brook was once again called upon at a critical time for British policy toward Ireland.

Brook set to work almost immediately, and, four days later, he sent a form letter to the many divisions of the Foreign Office, the Home Office, the Commonwealth Relations Office, the Treasury, and even the Colonial Office, requesting help in drawing up a list of matters which would require adjustment as part of the "consequential action" resulting from the repeal of the External Relations Act. In addition, he specifically asked the Foreign Office to provide a list of the treaties and international conventions to which Eire had adhered as a member of the Commonwealth. Looking over his shoulder at the most-favored-nation problem, Brook pointed out the general nature of the task the working party faced:

I invite particular attention to the effect of Eire's ceasing to be a member of the Commonwealth on subjects where a jurisdiction, obligation, or right is conferred by statute in terms of "His Majesty's dominions." It will be appreciated that, after the commencement of the Republic of Ireland Act, Eire, though not regarded as a foreign country, will no longer be part of "His Majesty's dominions." It is specially important that the working party should be informed on all subjects on which it may prove difficult to maintain the status quo in respect of Eire by reason of statutory provisions which define foreign countries, either expressly or by implication, as countries not forming part of His Majesty's dominions.

The difficulty with which Brook and his group wrestled was,
essentially, how to revise all of those treaties, laws, conventions, and so on, so that Eire could continue to retain the privileges of being a member of the Commonwealth without actually being a member. Previously, the British had grouped all other nations into two categories, those which were "foreign," and those which were members of the Commonwealth. Members of the Commonwealth were not foreign to one another because, theoretically, they were really all members of a single political entity.\(^8\) Since the new republic, however, was to be neither foreign nor a member of the Commonwealth, virtually every law or treaty which dealt in any way with foreign nations or foreigners would have to be re-worded to somehow accommodate this new third category. The variety and number of matters requiring adjustment appeared initially to be staggering, and Brook's preliminary list, distributed to the working party on 3 December, was fifteen pages long—even without the three-page addendum by the Colonial Office, which Brook received too late to include in his first list.\(^9\)

Many of these changes were technical and administrative questions like the rules of registration and qualifications for doctors. Would, for example, a change be required to allow Irish doctors to continue to practice in Britain, or British doctors in Eire? Another issue was welfare and insurance payments for Irish families who had relocated in Britain or British families who had emigrated to Eire. The Family Allowances Act and the National Insurance Act gave the British government authority to make reciprocal payments only with nations which were "a part of His Majesty's dominions outside Great Britain."\(^10\) While such problems might seem less than earth-shaking, they affected thousands of people in Britain and Eire who had been
qualified for certain types of benefits or privileges, were required to meet certain responsibilities, or who had been subject to specified types of penalties, all because Eire had been regarded as a member of the Commonwealth. In order to prevent administrative chaos in nearly every department of the United Kingdom government, it appeared at first as if all of these laws and regulations would have to be altered to exclude Eire both from its previous description as a part of the Commonwealth and from the category of nations defined as "foreign."

There were, of course, more generalized problems, too, like the statutes dealing with trade preferences and reciprocal citizenship rights as a whole. These involved such questions as: would Eire citizens still be eligible to work in the United Kingdom civil service or to serve in the armed forces? Would specific legislation be required to carry through the policy of continuing to grant Eire imperial preference? Could Eire companies continue to receive preference over other nations in the allocation of government contracts? Again, the sheer volume of questions seemed at first insuperable.

Finally, several issues impinged directly on the political sensitivities of both the United Kingdom and Eire. For example, what title would the British government use in addressing or referring to the new republic? Could "Eire" continue to be used, as the government of Northern Ireland insisted, or would "Republic of Ireland" or "Irish Republic" become necessary? Would the title of the United Kingdom Representative to Eire remain the same, or would this position have to be re-titled "Ambassador," or something else?11

Perhaps the most important of these issues, certainly from the
viewpoint of British domestic politics, was the king’s title, "George VI, by the Grace of God of Great Britain, Ireland, and the British Dominions beyond the seas King, Defender of the Faith." To a Labour government actively seeking to reform the House of Lords, reshape the constitutional basis of the Commonwealth, and wash away many of the traditions of British society, a change in the King’s title could easily become a political albatross as a rallying point for Conservative revulsion and reaction. Yet the title could no longer logically include "Ireland," which would be both geographically inaccurate and an insult to the new republic. On the other hand, Northern Ireland was still a part of the United Kingdom, and Sir Basil Brooke felt the title should emphasize this. According to the Statute of Westminster, changes in the King’s title required legislation not only in the United Kingdom, but also in all of the dominions. Canada had often raised objections to the term "British dominions." A title change could easily become the occasion for wider changes and yet another time-consuming and uncontrollable examination of the whole constitutional nature of the Commonwealth relationship. This would be especially undesirable at a time when India was considering whether to remain in the Commonwealth or not. On top of all of this, it may be recalled that Sir Basil Brooke had requested that the name of Northern Ireland be changed to "Ulster," as a way of dissociating the province from the republic. Should this request, bound to infuriate Eire, be honored, then would "Ireland" in the King’s title have to be changed to "Ulster"?

These potent political problems were complicated on 2 December, when Attlee received a rather insistent letter from Sir Basil Brooke,
which followed up on their conversation of 20 November:

While we were very glad to get your assurance on behalf of the Imperial Government as to our constitutional position, our examination of the problem has shown that legislation at Westminster will be needed to provide more effectively for the proper functioning of the Parliament and Government of Northern Ireland in the new conditions which have arisen.

My colleagues and I feel that we must look to the Imperial Government to promote the appropriate legislation at Westminster as a matter of urgency when the various points are determined, and we would welcome an assurance from you that this will be done.

Four days later, this letter was passed on to Sir Norman Brook by Attlee's personal secretary, L.N.H. Helsby, who added a note indicating that, "Questions affecting Northern Ireland which may require legislative or administrative action in Great Britain will no doubt ... be considered in due course by the Working Party under your Chairmanship." Brook was also asked to draft a reply to the Northern Ireland prime minister. The reply Brook drafted (and which Attlee sent on 14 December) was encouraging without making a specific commitment, other than that "the most sympathetic consideration" would be given to Sir Basil's suggestions.

While Brook was sympathetic to the Northern Ireland point of view, he told his colleagues that Attlee "ought not to give a blank cheque" of the kind implied in the Northern Ireland prime minister's letter. The Cabinet Secretary's view was reinforced by a note he received on 8 December from W.S. Murrie, an official in the Home Office. Murrie wrote that he "had reason to believe that the Northern Ireland Government will make this the occasion for proposing changes, e.g. the setting up of an independent Northern Ireland Supreme Court and the transfer to Northern Ireland of certain
reserved powers, which are not strictly necessary because of the secession of Eire."\[17\]

At this point, however, Murrie's comments were just speculation, for the Northern Ireland cabinet would not meet to consider what action it felt was needed until the 14th. In any case, the working party had plenty to do without delving too deeply into the anxieties of Northern Ireland. At a meeting on 6 December, the officials divided all the matters of concern into areas to be investigated, and each was assigned tasks in the process. Sir John Rowlatt of the Parliamentary Counsel Office, for example, was detailed to have a draft bill ready by Friday, 10 December. It was hoped that this could be an omnibus law covering at one time most of the terminological changes that would be required. Murrie was asked to discover the Latin equivalent for "Ulster," in case it was required for a change in the King's title. (Murrie learned that it was Ultoniae.)\[18\]

Over the next week, the working party produced some encouraging results. The Foreign Office had determined that, because of international practice regarding the continuity of treaties when a new state was established, it would probably be unnecessary to revise any of the treaties applicable to Eire, and certainly none signed since 1922, when the Irish Free State was established.\[19\] In addition, investigation had satisfied Brook that any matters dealing with individuals were sufficiently covered by Section 3(2) of the British Nationality Act.\[20\] While legislation would still be required, he felt it could be "general legislation providing that any reference to 'His Majesty's dominions,' 'British ships,' etc., shall, if it would
hitherto have included Eire, continue to operate as if it included the Republic of Ireland." Finally, Rowlatt had duly completed the draft bill on the 10th, and it was distributed for consideration to the working party the next day.

Things were going well enough, in fact, that Noel-Baker instructed Rugby to "inform Mr. MacBride that our officials have now made some progress in the examination of the details of the action which will be required to implement internally and to maintain internationally the agreements agreed with Eire and Commonwealth Ministers in Paris...." It was at this point that Noel-Baker suggested the arrangement of the Anglo-Irish meetings of officials that were to take place on 6-7 January 1949, to coordinate "the line which both Governments might take in defending the agreed policy...." He also noted that this would be a "particularly unfortunate" time, when both parties were "trying to establish vis-a-vis third parties that the United Kingdom and Eire [were] not foreign to one another," to publicly discuss "such matters as changes of title of diplomatic representatives, Letters of Credence, etc." Eire governments had long resented the fact that the British diplomatic representative to their country was not an ambassador, a title reserved for emissaries to foreign countries. An unpleasant contretemps had occurred on Rugby's appointment in 1939, which was only resolved when the Commonwealth designation of High Commissioner was dropped in favor of the innocuous "United Kingdom Representative to Eire." While Noel-Baker considered that this title might be abandoned eventually, he felt it was "essential that any such changes should be made gradually over a period of years, and not introduced at this stage, when
international opinion is likely to be closely studying the implications of the new arrangements."^{26}

By 14 December, the technical problems of adjusting British law to Eire's new status had been essentially solved by the draft legislation the working party had written. The political problems, however, remained, and they were exacerbated by a memorandum the Home Office received that day from the Northern Ireland government. This asked "that urgent consideration be given to" several matters, and spelled out the action it saw as necessary.^{27} Apparently, Attlee's public and private assurances of Northern Ireland's constitutional position were not regarded as sufficient, for the memorandum included a draft provision to be included in the new United Kingdom legislation. This conferred upon the Northern Ireland parliament virtually co-equal sovereignty with Westminster on all matters relating to Northern Ireland's constitutional position by proposing that, "Any alteration in the law affecting" this position "shall hereafter require the assent" of both parliaments.

In addition, all of the concerns which Sir Basil Brooke had discussed with Attlee on 20 November reappeared in amplified form, and the Northern Ireland Government also sought several other new powers as well. In what could be interpreted as a desire to implement a separate foreign policy, authority was requested "to make laws on matters of mutual interest or concern to Eire and Northern Ireland and not involving any other part of the United Kingdom.... The Government also desires to be empowered to enter, subject to the approval of the Imperial Government, into arrangements with other states."^{28} "Power to legislate upon qualification and disqualifi-
cation of members of the [Northern Ireland] House of Commons or the Senate" was also sought. Finally, "Since control of the administration of justice ... is constitutionally necessary to the performance of that function," the Northern Ireland Government desired that, "Legislative power in relation to all Supreme Court matters should now be transferred to the Parliament of Northern Ireland."30

The Home Office did not immediately circulate this memorandum to the working party, so their meeting held on 16 December dealt only with the draft bill already prepared. In a discussion of Clause 1, which concerned the King's title, the working party agreed that the use of "Eire" could not continue:

In the international field, any country had the right to call itself what it liked, and it would therefore by merely pin-pricking on our part to maintain the use of "Eire." We should, however, endeavor to use "The Republic of Ireland" rather than "Ireland." We had been given this opportunity by the very title of the "Republic of Ireland Act" and we should cling to this point.

There was no agreement, however, on what to call Northern Ireland. Norman Archer, Assistant Under-Secretary in the Commonwealth Relations Office, argued that adopting "Ulster" in the King's title would give Eire exclusive use of the word "Ireland," and would involve the King in a political argument because the dominions might create difficulties regarding a title change. He also felt that, "The use of term 'The United Kingdom of Great Britain and Ulster' implied some shrinkage as from 'The United Kingdom of Great Britain and Northern Ireland.' "32 This last point was rather ironic, in view of the fact that everyone was aware that the historic province of Ulster was actually larger, by three counties, than Northern Ireland.
Against these points, other members of the working party argued that the retention of "Northern Ireland" implied that the six counties ought really be part of the rest of Ireland. Some change in the King's title was inevitable anyway, and "'Great Britain and Ulster' was, they thought, a more resounding title than 'Great Britain and Northern Ireland.'" As far as the dominions were concerned, "The line could be taken that [requests for other changes] were not appropriate in the present Bill." Finally, "The position and wishes of Ulster" had to be considered. Since Sir Basil Brooke's request regarding "Eire" could not be gratified, at least the use of "Ulster" could be conceded.³³

No decision was reached on the point, and, "It was emphasised that the views which had been expressed were those of the officials only."³⁴ This meant that the officials were passing the problem up to the ministerial level. The working party also suggested that the other concerns put forward by Northern Ireland "would have to be covered in a special Government of Ireland (Miscellaneous Provisions) Bill, and not the present Bill."³⁵ The group then decided to submit a draft of what they had called the "Republic of Ireland (Adaptation of Titles and Enactments) Bill" to all of the concerned departments for their comments, and to try to have a completed report for ministerial consideration by the first week of January, so that the prime minister could discuss it with Sir Basil Brooke.³⁶

The Commonwealth Relations Office, however, was not about to give up its case without a fight, and, on that same day (16 December), it circulated a memorandum on the topic of the king's title, supplying additional reasons why "Ulster" should not be used.
The most important of these was that the term was simply geographically incorrect. It was also suggested that it would be easier to gain Commonwealth support for "Northern Ireland" than for "Ulster."³⁷ Five days later, when the first draft of the working party's report was circulated, Norman Archer drafted a dissenting alternative to the section on the king's title. The report asserted that, "The balance of advantage lies on the side of adopting 'Ulster' for the 6 counties," because, aside from the reasons already given, "As a name, 'Ulster' is clearly to be preferred to 'Northern Ireland'--it has colour and history, and has the added merit of being only two syllables instead of four."³⁸ Archer's alternative responded that, despite "the importance of strengthening Northern Ireland against an intensified anti-Partition campaign," the necessity and difficulty of a Commonwealth consultation on the subject argued decisively against a change to "Ulster."³⁹

Archer also enlisted the support of Lord Rugby, who had finally been briefed on the situation when he visited London over the weekend of 17-19 December. Archer's memorandum included an extract from a telegram received from Rugby in which the Representative asserted that he had:

no doubt whatever that adoption by Northern Ireland of geographical title of Ulster would give Eire immense satisfaction and a new field for bitter propaganda. Dublin and London would be set at loggerheads over this (with Belfast on the sideline). Northern Ireland is not Ulster and the designation is false and therefore dangerous.

When Archer sent a copy of his alternative section to Sir Frank Newsam at the Home Office, however, the latter was unmoved, replying that, "If after considering these objections Sir Basil Brooke still
presses for the change, I believe that we ought to make it..."  

The Commonwealth Relations Office was still not ready to give in, though. On 22 December, Archer circulated to the working party another memorandum which re-emphasized the difficulties and dangers involved in obtaining Commonwealth support for a change in the title, and suggested that this might be a lot easier if the bill did not attempt to change the name of Northern Ireland to "Ulster." Archer also wrote to Sir Norman Brook, warning him of the "essential distinction between ... political steps to support Northern Ireland...; [and] mere terminological adjustments due to Eire's formal departure from the Commonwealth."  

Newsam fought back with a set of notes amplifying his position on the Northern Ireland memorandum. Observing that Attlee had promised to meet with Sir Basil toward the end of the first week in January, Newsam suggested that the report of the working party should indicate which of the Northern Ireland proposals could be accepted, what means should be used to effect them, and what reasons Attlee might give for turning down those deemed unacceptable. Newsam recognized the political nature of the Northern Ireland requests, but felt they should be treated as sympathetically as possible:  

"Few, if any, of the proposals can be regarded as consequential on the repeal by Eire of the External Relations Act in the strict sense in which most of the contents of the Republic of Ireland (Adaptation of Titles and Enactments) Bill can be so described. But the Northern Ireland Government contend that Eire's secession from the Commonwealth has killed any lingering hope of a United Ireland and that there is, therefore, no ground for the continuance of arrangements which are based on the assumption that partition might some day be ended. At the same time the Northern Ireland Government fear that Eire's
latest move is a prelude to a violent campaign for the ending of partition and are naturally anxious to strengthen their hands against any such campaign. In my view we cannot brush aside these considerations and treat the Northern Ireland proposals as though all we were concerned to do was to recommend such changes as are consequential in the strictest sense of the word. 

"Sympathetic consideration," however, did not imply uncritical acceptance, and Newsam was careful to consider the political impact which granting Northern Ireland's demands might have. On the Foyle fisheries question, for example, the solution advocated by the Northern Ireland government had been to have the border between Northern Ireland and Eire absolutely determined—to the benefit, of course, of Northern Ireland and the Irish Society, which owned the fisheries. The Northern Ireland government had presented the problem as one of national security, insisting that the boundary of Lough Foyle should be settled to insure access for the Royal Navy. Newsam, however, saw the issue to its original context, suggesting that, "Any attempt by the United Kingdom Government, whether by legislation or declaration, to define the boundary of Northern Ireland would be disastrous." 46

Newsam took a similarly conservative approach to issues like the operation of the Irish lights, where raising the question with Eire might again occasion a boundary dispute. He suggested that a joint operating board might be discussed, but that the legislation currently under consideration was not the place for such an issue. 47

On the control of the Northern Ireland Supreme Court, he was non-committal, presenting arguments for both sides. Finally, on the question of altering the requirements for the Westminster franchise in Northern Ireland, he was sympathetic, but felt that such a change
would be contrary to the stipulations of the recently-passed Representation of the People Act, 1948. To significantly alter the provisions of a law so recently passed by the government would be politically embarrassing.

Yet on several other points, he recommended acceptance and implementation of the Northern Ireland proposals. It was, he thought, "difficult to resist" the request that the Northern Ireland government should be given the power to legislate on the qualifications for membership in the Northern Ireland parliament. Likewise, within certain limitations, there was "no reason why" Northern Ireland should not be granted the power to make arrangements with Eire—though not with "other states," as the Northern Ireland memorandum had requested. Moreover, on Northern Ireland's constitutional position, he thought that the working party should recommend "legislation to provide that no law, the effect of which would be to make Northern Ireland cease to be a part of the United Kingdom, should be enacted in the Westminster Parliament otherwise than at the request and with the consent of the Northern Ireland Parliament." Though this did not go quite as far as Sir Basil Brooke desired, it was certainly fairly close.

On the contentious question of nomenclature, Newsam felt that, since it was impossible to maintain the use of "Eire," the United Kingdom should "adhere strictly to the nomenclature adopted by the Eire Parliament itself and refer always to the twenty-six counties as 'the Republic of Ireland' avoiding the use of the term 'Ireland' to describe the Republic of Ireland." He acknowledged that there were valid objections to the use of "Ulster," "but if, after weighing
those objections, the Northern Ireland Government still press[ed] this proposal," he did "not see how their request [could] be refused. 49

The working party met for the third time on 23 December, seeking to resolve all of these issues before making its final report to the cabinet. Time was growing short, since it was believed at this point that the Republic of Ireland bill would go into force on 21 January, and the British government wanted its consequential legislation also to go into force as soon as possible after that date. 50 The meeting was a qualified victory for Newsam, since the working party agreed to include many of his recommendations in its final report. In some respects, the group's final recommendations were more cautious. In the matter of voter qualifications, for example, they decided that, "The Report should simply state the arguments on both sides without offering any recommendations." 51

Sir John Rowlatt, Parliamentary Counsel, also pointed out that the provision drafted by the Northern Ireland cabinet giving the Northern Ireland parliament power to veto any constitutional change of status would be both undesirable and difficult to enact because it would involve giving up Westminster's "existing omnipotence" over the United Kingdom. "This began," he said, "to approach the conception of a written Federal Constitution, which was clearly undesirable." 52 Possible ways of getting around this difficulty involved either inserting Newsam's suggested wording as a declaration during the reading of the bill in the House of Commons, or having the leaders of the three major political parties jointly re-affirm Attlee's declaration of 25 November. The working party decided to recommend the
latter course; if it did not satisfy Sir Basil Brooke, then a "declaration regarding the inseparability of Ulster from the United Kingdom should be placed close against the declaration that Eire was no longer part of His Majesty's dominions, in order to emphasise the unchanged position of Northern Ireland. Such a declaration was included in the draft bill annexed to the final report of the working party. Thus, in Clause 1(1b), "Parliament hereby--affirms that in no event will Ulster cease to be part of the United Kingdom except at the request and with the consent of Ulster." 

The working party also "agreed that the Report should point out that logically and technically there could be no objection to" Sir Basil's request for authority to determine qualifications for members of the Northern Ireland parliament, "but that, owing to the political implications the Report could make no definite recommendations." 

On the issues involved in the titles question, Newsam's recommendations carried the day. Rowlatt attempted to calm some of the fear about the need for Commonwealth consultation for a change in the King's title, observing that, 

The Statute of Westminster did not have the effect that an Act changing the King's title would be invalid for the United Kingdom if it were passed without the concurrence of the other Commonwealth Governments. As a matter of pure law [the United Kingdom] could, without impropriety, pass a Bill--as in the draft Bill under consideration--taking power to change the King's title without prior reference to other Commonwealth Governments." 

This legal point, of course, did not alter the political necessity of consulting the other Commonwealth governments, to which Rowlatt readily agreed. Thus, the working party recommended that those governments "should be informed, in firm terms, of the proposal to
change the King's title as a necessary outcome of the new status of Eire, and ... their concurrence should be sought, if possible, before 21st January."

Granting Sir Basil Brooke's request for the retention of the use of "Eire" was viewed as "impossible," but the working party agreed to mention "Ulster's preference," anyway. However, on the future title of Northern Ireland, the meeting minutes themselves indicated the decision through the constant use of "Ulster." In discussion, Archer once again protested against the change, but Newsam argued that,

An entirely new situation had arisen and the fact must be faced that there was now no practical possibility of ending partition. Even if Ulster should want to join with the Republic of Ireland, we could not let her do so now that the Republic ... no longer owed allegiance to the King. The North must, therefore, be defended, if necessary against itself."

The best Archer could do was to get the working party to agree to insert Rugby's arguments into the report, "with a note that they were supported by the Commonwealth Relations Office." The opposing view would also be "expounded," and Sir Basil Brooke should be given his choice. Thus, when the report was issued to the cabinet on 1 January, it actually argued that, "It surely does not lie in the mouths of Southern Irishmen, who are laying claim to the title of 'Ireland,' to object to our conceding to the North the title of 'Ulster.' This is as good a demonstration as any of how little many British civil servants knew about Irish sensitivities.

The new year started out optimistically for Anglo-Irish relations, as for the United Kingdom generally. The Portsmouth
Evening News, for example, reported that Britain was "slowly turning the corner toward more prosperous times," while, in Eire, the government published the Citizens of United Kingdom and Colonies (Irish Citizenship Rights) Order, in fulfillment of the November agreement. The Commonwealth Relations Office had nearly finished its investigation of possible challenges to the agreement, and were confident that they could be successfully resisted. The working party had submitted its report and, despite the fact that it was not all that Sir Basil Brooke might have hoped for, his most important proposals had been sympathetically received. The Northern Ireland prime minister was also to be given another opportunity to make his case on 6 January, when he and several members of his cabinet were to have discussions with Attlee, Chuter-Ede, and Noel-Baker.

Just prior to these talks, Sir Norman Brook made a last-minute lobbying effort to persuade the ministers to grant as many of the Northern Ireland requests as possible. "Eire's new status," he wrote in a memorandum to Attlee, would "make it impossible for any political Party" in Britain to preserve a "detached attitude" toward Northern Ireland. In fact, he said that, despite "some political inconveniences" involved in supporting a government "whose outlook and activities" ministers had not always viewed favorably, "any United Kingdom Government will be compelled to take a positive line in supporting the continuance of Partition." The Commonwealth Relations Office, however, also did some persuading. Gordon-Walker wrote to Attlee to support Rugby's opinion that, if Britain were to "adopt a series of measures designed to support Northern Ireland, the good relations established" with Eire
"would be jeopardised," and the "extremist element in Eire" would be supplied "with propaganda for an intensified anti-Partition campaign." Even more important, though, was the negative effect which such measures might have on Commonwealth relations, for, he said, "Commonwealth countries with large Irish populations are now conscious of the Irish problem and are ready to disagree with us." While Gordon-Walker had no difficulty accepting most of the action sought by Northern Ireland, he was "very doubtful about the change from 'Northern Ireland' to 'Ulster' in the Royal Title," and he warned that "it would be folly" to risk involving the government with Canada and other Commonwealth countries in a title problem before the question of India's future status was cleared up. Therefore, he advocated a simple change from "Ireland" to "Northern Ireland" in the title, feeling that this "was purely consequential upon Eire's new status," and would not "cause any trouble." He also offered an interesting alternative: "We might [instead] redefine 'Great Britain' to include Northern Ireland (or Ulster)." Since "Great Britain" already included England, Scotland, and Wales, "It would not be altogether inappropriate to consider extending it to include the one remaining part of the United Kingdom. The result would be to declare Northern Ireland as much a part of the United Kingdom as (say) Kent." This, of course, would allow the change in the King's title to be simply to drop "Ireland" and thus, he hoped, prevent any potential controversy.63

The decisions that actually determined the final shape of the Ireland Act were taken during a ministerial meeting held on the morning of 6 January at No. 10 Downing Street. In attendance,
besides Attlee, were Jowitt, Noel-Baker, Chuter-Ede, Gordon-Walker, Sir Hartley Shawcross (Attorney-General), Sir Percivale Liesching (who had recently replaced Sir Eric Machtig as Permanent Under-Secretary at the Commonwealth Relations Office), Sir Frank Newsam, E.G. Compton (Treasury), and, of course, Sir Norman Brook. This was the first opportunity that members of Attlee's cabinet had had to jointly discuss the working party's report, and the proposals there advocated did not fare very well. While the reasons for this are nowhere spelled out, it may well be that the ministers, being elected politicians, were perhaps even less anxious than civil servants to commit themselves to any actions which might have damaging political consequences.

The ministers did accept the need for "a further assurance of the constitutional position of Northern Ireland," and likewise agreed that the best way to meet this was by "a statutory affirmation" similar to that proposed by the working party. Yet, significantly, they carefully excised Newsam's phrase "at the request and"—which would have limited the initiative for any constitutional change to the Northern Ireland parliament—from the draft clause the working party had provided. 64

After all of the conflict over the king's title, the ministers also "felt that it would be easier to obtain" the consent of the dominions "to the use of 'Northern Ireland' rather than 'Ulster.' "65 Similarly, each of the other proposals of the Northern Ireland government were watered down or rejected entirely, and all but one was completely eliminated from any consideration as part of the draft legislation. The sole exception was Sir Basil Brooke's
request for a six-month residency requirement for voters in Northern Ireland. On this matter,

Ministers agreed that Northern Ireland Ministers should be informed that sympathetic consideration would be given to imposition of a three-months' residence qualification for the Westminster Franchise; but they warned that any such proposal would give rise to criticism in the House of Commons, and that on this account it would be helpful if the Northern Ireland Government could undertake to reduce the residence qualification for their local franchise.

The meeting with the Northern Ireland delegation that afternoon was virtually a set-piece, with Sir Basil Brooke for the most part on the receiving end of disappointing news from Attlee. It was clear that the cabinet had no intention of substantially increasing the powers of either the government or the parliament of Northern Ireland. In each case in which such power had been requested, the British ministers indicated that the Northern Ireland government should "submit specific proposals for consideration by the United Kingdom Government," or similar terms. In any event, none of these proposals would form part of the legislation resulting from the repeal of the External Relations Act. If the minutes of the meeting may be assumed to accurately represent what was said, the Northern Ireland delegation sat silent and helpless through most of it, but Sir Basil did manage to win a couple of points. He asked for, and received, an assurance that the affirmation clause "should include specific reference to the existing boundaries of Northern Ireland." Though he was unable to persuade the British to change their minds about the dropping the use "Eire," or even to allow Northern Ireland to become "Ulster," he was successful in promoting the use of "Irish Republic" rather than "Republic of Ireland," at
least in "less formal contexts" than the draft bill itself. He also "welcomed warmly the suggestion that the words 'Northern Ireland' should be included in the King's title." On the question of the residence requirement, he got some help from his Minister of Home Affairs, J.E. Warnock, who pointed out that, "Northern Ireland had a common land frontier with Eire, and it would be perfectly easy for large numbers of people from Eire to enter Northern Ireland and have themselves registered as electors there simply by being present on the qualifying date."

Chuter-Ede countered this by noting the political difficulty of obtaining agreement from the House of Commons for such a requirement; the proposal would almost certainly "arouse strong criticism of the Northern Ireland Government," especially since the local franchise already had a seven-year residence requirement. He "could hardly expect to carry" such a measure unless the Northern Ireland parliament "were prepared to reduce substantially" their local restrictions. Attlee then intervened, indicating that his cabinet would have to discuss the matter. "Any concession which the Northern Ireland Government were able to make ... would be a great help," though. Despite this and subsequent attempts the British made to pressure the Northern Ireland cabinet, they refused to compromise, and, in the end, they did get a three-month requirement for the Westminster franchise without changing the local qualification.

On the whole, then, the attempt by Sir Basil Brooke to gain a little more Home Rule as a consequence of the creation of the Irish Republic was a failure, but his efforts to re-emphasize Northern Ireland's integral place in the United Kingdom were a relative
success. And rumors of this success occasioned an angry response from Eire.

On the morning before the Northern Ireland group had met with the British ministers, *The Times* had speculated that,

The Northern Ireland ministers are expected to raise the subject of a possible change in the name of their part of the United Kingdom... Another matter likely to be raised is whether Eire citizens resident in Northern Ireland are to be permitted to vote in elections for the Parliament at Westminster. Northern Ireland's only present check on the movement of Eire citizens across the border is a local Act under which persons not normally resident in Northern Ireland cannot enter employment there except with permission of the Ministry of Labour.

A government communique issued that evening, however, indicated only that Attlee had repeated the assurance given Sir Basil Brooke in November, and that ministers "discussed the measures that might require legislation at Westminster in order to maintain the constitutional position of Northern Ireland as part of the United Kingdom." 75

The next day J.W. Dulanty, the Eire High Commissioner in London, called Noel-Baker to report that, "He had been talking on the telephone to Dublin about the communique in the 'Times' [sic] on [the] meeting with Northern Ireland Ministers...." 76 Dublin had asked Dulanty what he knew, but he could reply only "that he had heard nothing but what he had seen in the press." Dulanty was instructed to tell the British "that they had read the communique with some apprehension; they would regard with particular concern any action by Northern Ireland on the subject of the right to vote." 77 Dulanty then delivered an aide-memoire to Noel-Baker which stated that,
The Irish Government is deeply concerned at the nature and implications of the Official Communiqué issued yesterday evening following upon the discussions which took place between Members of the British Government and Members of the Northern Ireland Government.

The Irish Government trusts that nothing will be done, by legislation or otherwise, which could, in any way, be construed as prolonging or strengthening the undemocratic anomaly whereby our country has been partitioned against the will of the overwhelming majority of the Irish people. The existing situation is rendered even more indefensible by reason of the fact that in an area approximating four of the six North Eastern Counties, the majority of the people desire to be united with the rest of Ireland.

The Irish Government further trusts that the British Government will take no steps which might be regarded as encouraging or sanctioning further denials of elementary democratic rights in the six North Eastern Counties of Ireland. The British Government is, no doubt, already fully aware of the devices that have been used to deprive a large part of the population of elementary democratic rights in this area.

No further conversations took place between the two governments until three days later, when Dulanty explained to Noel-Baker that the Eire government's apprehension "was due to press reports that it was intended (1) to restrict the cross-Border movement of Eire citizens, or (2) to limit their exercise of the Westminster franchise in Northern Ireland more closely than in Great Britain. He asked if the Secretary of State could comment on these two points." Noel-Baker responded that, "He could not make any detailed comment," since the measures consequent on Eire's departure from the Commonwealth had not yet been decided. There the matter ended, except that it was stored up by MacBride, who later tried to use it as evidence that the British government had defrauded the Irish in failing to consult with them on the contents of the Ireland Act.

The presentation of the 7 January aide-memoire was just one of many incidents viewed by the Commonwealth Relations Office as part of
an anti-partition campaign which had begun when de Valera went on a world speaking tour in early March of 1948. The former Taoiseach visited the United States, Australia, India, and New Zealand, and spoke in several cities throughout Great Britain the following autumn. In Britain he was supported by the "Friends of Ireland," of which several Labour MPs were members. 81

Rugby had predicted that the passage of the Republic of Ireland Act would result in an anti-partition bandwagon on which the Costello government would be forced to jump to maintain political credibility. 82 Now his fears were being realized. On 2 December, he had forwarded to Machtig a cutting from the Irish Independent which reported that Costello had said in the Dail that, if the republic gained admission to the United Nations, "The Government would seek to have the injustice of Partition brought to the attention of the Assembly and to the world." 83 The next day, Rugby had again predicted "an all-out campaign against Partition," and he reiterated his fears on this score to Attlee in a discussion with the prime minister on the 16th. 84

The campaign did not begin in earnest, though, until the formation of the all-party Mansion House Committee on 27 January 1949. Just why the Committee was formed at this particular time is not certain. It may have been a response to rumors about the legislation the British were drafting, or to the announcement, on 21 January, that a general election would soon be held in the North. 85 Whatever the motivation, the Mansion House Committee attracted de Valera, Costello, and all of the political leadership of Eire, even James Dillon. Starting with an evening rally and sabre-rattling
speeches on the 27th, it soon evolved into a well-organized, quasi-official body. The Costello government made "all necessary facilities" available, including government staff members. 86

The Committee's first initiative was a drive to collect funds for nationalist candidates in the North, and collection points were set up outside church-gates on Sunday, 30 January. About £50,000, a large amount at the time, was raised in this manner. 87 All of this money was unsuccessful in affecting the election, however, for the Unionists actually gained three seats in the Northern Ireland parliament. After the election, the Committee devoted itself to anti-partition propaganda, and de Valera, at least, seems soon to have lost much enthusiasm for the group. 88

One of the nastier pieces of this propaganda was a venomous broadside distributed by Dulanty on 12 February, called "The Six-County Elections—What is Behind the Results" [sic]. In capital letters and most undiplomatic language, it lambasted the recent elections in the North and accused the Northern Ireland government of gerrymandering and "playing tricks" with the voters' register. 89 "The election was so defective from the beginning," it was stated, that the nationalist opposition was prevented "from polling their full strength or securing the seats to which in a democracy they would be entitled." Thus, only a Unionist victory was possible. 90

The British government was, by implication, condemned for allowing such things to happen in a part of the United Kingdom. Though some of the accusations may well have been true, others were largely a matter of interpretation, and the issuing of such propaganda by the diplomatic representative of a state which the British government was
trying to regard as "non-foreign" was, at the least, questionable conduct. Logically enough, the British were intensely irritated, and Herbert Morrison, the Lord President, raised the issue with Attlee as a "grave breach of diplomatic etiquette." Both the Foreign Office and the Commonwealth Relations Office discussed what, if anything, ought to be done, but Archer minuted that, "Our previous policy has been to ignore rather than protest [such propaganda], on the ground that protest pleases the Eire govt & makes them feel that they have 'touched us up.'[sic]" Thus, despite the fact that Gordon-Walker, at least, was "incensed by Dulanty's impertinence," and the fact that the incident was even discussed in the cabinet, the only direct result was that Noel-Baker "mentioned it to Mr. Dulanty" on 4 March, three weeks later. For several months, British policy remained to disregard such provocations.

The anti-partition campaign acquired international significance when the Eire government replied to an American invitation to Eire, issued on 7 January, to join the nations of the Atlantic Pact. The Irish answered in an aide-memoire on 9 February, stating that Eire was unable to join the Pact because,

Any military alliance with, or commitment involving military action jointly with the state that is responsible for the unnatural division of Ireland, which occupies a portion of our country with its armed forces, and which supports undemocratic institutions in the north-eastern corner of Ireland, would be entirely repugnant and unacceptable to the Irish people.

This official decision by the Eire government reflected what its members, particularly MacBride, had been saying for many months. MacBride apparently hoped that the Pact could be used as a tool with which to bring pressure upon Britain, for the aide-memoire also
appealed to "the States of the Atlantic community" to help:

By offering their assistance and mediation, and by creating a situation wherein the problem could be discussed, the participating nations would help to end an undemocratic anomaly and dangerous situation, and in so doing would render an invaluable service by strengthening the internal harmony and cohesion of the States in the North Atlantic."

MacBride also sent a copy of the aide-memoire to the Canadian government "with an appeal to them to take up the question with the United Kingdom Government and to make their good offices available with a view to bringing about a settlement."96 Early in March, however, Norman Robertson, the Canadian High Commissioner in London, bluntly told MacBride that Canada would not get involved.97

Ever resourceful, MacBride even tried a little personal diplomacy with the British Foreign Secretary, Ernest Bevin. Addressing him as "Dear Ernie," MacBride asked Bevin "not to dismiss our Aide-Memoire on the Atlantic Pact casually as merely an irritating contretemps ... [or] merely as a tactical move."98 In a conversationally intimate style, he marshalled all of the Irish arguments for ending partition, "a constant source of danger to Ireland and of embarrassment to Britain," and the "one obstacle" to Eire's enthusiastic participation in the Atlantic Pact.99 While Bevin's reply, if any, is not extant, his position was made clear to MacBride in a conversation between the two men and Noel-Baker on 5 May. Bevin admitted that, "many people in this country, and ... in the present Government, were in broad sympathy with the ideal of a united Ireland." Nevertheless, he said,

We could not ignore the history of the last fifty years. Northern Ireland had stood with us against Hitler when the South was neutral. Without the help of the North, Hitler
would unquestionably have won the submarine war, and the
United Kingdom would have been defeated. That would have
brought Hitler at once to Dublin, and [he] would have made
the Irish become as slaves. Until the majority of the
Northerners were persuaded, therefore, that it was in
their interests to join the South, the British people
would oblige us to give them guarantees that they would
not be coerced.

Moreover, the present Government of the Irish
Republic had made it much more difficult to make any move
about Partition.

Firstly, they had gone out of the Commonwealth, and
it was virtually impossible for us to give the impression
that we were encouraging or desiring Northern Ireland to
go out, too.

Secondly, they had refused to join the Atlantic
Pact. This meant that we had no assurance of the help of
the Irish Republic in time of trouble, and after our last
experience, people would not be willing to take a
chance.100

With this, Bevin had effectively turned the tables on MacBride.

While to MacBride, partition necessitated Eire's refusal to join the
Pact, to Bevin, it was that refusal that necessitated the maintenance
of partition.

The other Atlantic Pact nations were not willing to intervene
on Eire's behalf, either, and Sean Nunan, the Irish Minister in
Washington, reported that he had been informed verbally by the
American State Department, on 31 March, that those nations, including
the United States, felt "that the Atlantic Pact was not a suitable
framework within which to discuss problems which were 'entirely the
concern of the Government of Ireland and the United Kingdom.' ... It
was not considered that the situation outlined in the Irish
Government's Aide-Memoire was connected in any way with membership in
the North Atlantic Pact."101

MacBride had also attempted to take the Atlantic Pact issue to
the British public. At the same time as Dulanty had issued "The Six-
County Elections" paper, he had compounded his offense in British eyes by distributing another piece called "Atlantic Pact—The Irish Point of View" which, like the Irish aide-memoire, asserted that, "The non-co-operation of the Government of Ireland in the North Atlantic Pact is not due to any lack of sympathy with the aims of that Agreement." The Irish government could not, however, enter "into any kind of external alliance while Partition remains." If it did so, "it would be in danger of repudiation by its own people, since it would be allying itself to the Power that maintains an undemocratic regime in the partitioned area.... The unification of Ireland," however, "would transform the situation. The last grievance of the Irish nation against Britain would be ended, and the natural friendship of our people for their neighbors would express itself in a wave of generous cordiality." 102

Despite all of these efforts, MacBride's attempt to trade membership in the Pact for the ending of partition failed because the Pact really had no need for the participation of Eire. As an American analysis compiled for the National Security Council put it, Irish "bases or facilities would be complementary to those already available to the North Atlantic forces in this area through the adherence to the North Atlantic Treaty of Great Britain and Northern Ireland." 103 Though MacBride continued throughout the duration of the coalition government to try to persuade both Britain and the United States that partition was an issue which should attract the attention of the Pact, this fact had doomed his efforts from the start. 104

While the anti-partition campaign accelerated, what had by now
become known as the Ireland Bill ground its way inexorably toward the House of Commons. On 19 January, Attlee circulated a memorandum to the cabinet covering the modifications to the working party's recommendations resulting from the recent meeting with Northern Ireland ministers. Lord Pakenham, the Minister of Civil Aviation, and a partisan for Irish interests, sought Attlee's permission to speak to the cabinet against making the guarantee to Northern Ireland. This was granted, but Pakenham's appeal fell on deaf ears. Sir Basil Brooke wrote once more to plead, if not for "Eire," then at least for the use of "Irish Republic" in the bill as a "reasonable compromise" preferable to "Republic of Ireland." This, too, was ineffectual: the cabinet "agreed that the North should continue to be described as 'Northern Ireland,' and that the South should be described by statute as 'the Republic of Ireland' but in official usage as 'the Irish Republic.'"

Only two concerns remained about the introduction of the bill into the House of Commons. Attlee observed that, "In view of the anti-partition campaign which was being fostered by the Eire Government, he might be asked whether British troops would be used to defend Northern Ireland against aggression." While the ministers felt that no assurance of this nature should be volunteered, if the prime minister were pressed on the point, "He would have no alternative but to say that Northern Ireland would be defended against aggression just like any other part of the United Kingdom—though, even then, it would be wise to preface such a statement by expressing the hope that the differences between the North and the South would never give rise to the use of force." They also
agreed that Attlee should "make a further attempt to persuade the Northern Ireland Government to reduce the residence requirement" for the local franchise from seven to five years. Subject to these considerations, the cabinet "approved in principle the introduction" of the draft Ireland Bill in the House of Commons.

One very important issue, however, had escaped the cabinet's notice. This was the need for Commonwealth concurrence in the change in the king's title from "Ireland" to "Northern Ireland." Attlee had believed that there would "be little difficulty or delay in securing the consent of other Commonwealth Governments to this simple change." Telegrams went out to those governments on 13 January, asking them to agree to the substitution and to obtain the assent of their parliaments. While it was realized that this could hardly be done before the introduction of the bill, it would be sufficient if Attlee could state in the House that assurances of agreement had been given. Replies were sought, however, as soon as possible. In a follow-up message to the High Commissioners, Noel-Baker asked them to do whatever you can to secure affirmative reply ... at latest by 21st January and if possible before that date, and to discourage firmly any suggestion that this change should be (a) deferred until opportunity arises for a general review of His Majesty's Title, or (b) made the occasion for proposing wider changes in His Majesty's Title at the present time.

While Australia and New Zealand were amenable, some of the other Commonwealth governments were not inclined to be helpful. The Union of South Africa, for example, rather disingenuously replied that, "We understand there has been some question between the Eire and United Kingdom Governments as to the description of that part of
Ireland not included in the Republic. If this is so, we should appreciate an indication as to whether the suggested description ... follows agreement reached on the subject." Naturally, the British were irritated by this response, and Archer told Murrie on the telephone that, "The Commonwealth Relations Office were disposed to tell the South African Government that as Eire had gone out of the Commonwealth the title of Northern Ireland was not her business." Noel-Baker did take the precaution of soliciting Rugby's opinion as to whether an approach ought to be made to Eire, but Rugby's terse reply was that this "would not only serve no useful purpose; it would provoke violent rejoinder on whole question of Partition." Thus, the answer given to South Africa, in the form of an aide-memoire, was that,

The maintenance of the description 'Northern Ireland' has not been the subject of discussion between the Governments of the United Kingdom and Eire. The Government of Eire recently announced their intention to adopt the description 'Republic of Ireland' for that part of Ireland previously known as 'Eire.' We did not question their right to decide by what name their country should be called. Similarly, we regard it as a matter for the United Kingdom Government to decide, as it has, upon the continuation of 'Northern Ireland' as the description of that part of the United Kingdom hitherto known by that name.

While South Africa offered no more obstacles, objections from Canada and Pakistan significantly affected the final form of the Ireland bill. Sir A. Clutterbuck, the British High Commissioner in Canada, reported on the 18th that Lester Pearson, the Canadian Secretary of State of the Department of External Affairs, felt "very strongly ... that it would be politically impossible for Canada to accept the proposal." Not only would it give "undue prominence to
Northern Ireland inconsistent with its position as part of the United Kingdom," but, and this was the crux of the matter, the Canadians were not about to "legislate ... for such a change while leaving alone the outdated phrase 'British Dominions beyond the Seas,' " which was considered "highly derogatory." The United Kingdom, it was suggested, should either make the substitution a part of the discussion of wider changes, or defer any change until an opportunity for such a discussion could be found. Pearson himself preferred a generalized title, such as "of the Nations of the Commonwealth King," supplemented by short titles "describing His Majesty as King of the country concerned" for each Commonwealth nation to use in its domestic affairs. When the Canadian cabinet discussed the issue two days later, Pearson's suggestion was supported to the extent that the government refused to concur with the British proposal.

Pakistan's disagreement had little to do with the title change itself; rather, the Pakistani prime minister, Liaquat Aly Khan, objected to the whole nature of the understanding with Eire. In a personal message to Attlee, he said that the policy of not treating Eire as a foreign country "raises a fundamental issue which affects the entire basis of the Commonwealth structure." If he were to ask his Constituent Assembly to legislate for a title change, "They would naturally and quite legitimately ask me what particular advantage Pakistan will derive by retaining the link with the British Crown," since Eire seemed to have retained all the advantages without it. Since Pakistan had yet to decide whether to remain in the Commonwealth or not, Liaquat Aly Khan asked Attlee if he would "kindly elucidate to me the nature and scope of the Commonwealth
association to enable me to understand the position with particular reference to the special advantages which a Dominion enjoys if it continues to remain under the Crown of England and which it would cease to enjoy if it seceded from the Commonwealth. While the Pakistani prime minister's ostensible concern was with Eire's retention of Commonwealth benefits, the British High Commissioner in Pakistan pointed out that Liaquat Aly Khan's "main interest is of course directed to future relationship of India with Commonwealth; and it is India rather than Eire that will be in the minds of the Parliament and public here if and when Bill for change in King's title is presented." If India, like Eire, abandoned the crown, but was still treated as "non-foreign," the Pakistani prime minister would "find it very difficult to carry public opinion with him" in a decision to keep Pakistan in the Commonwealth. Though further attempts were made to persuade both Canada and Pakistan to agree to the title change, neither country altered its stance.

While the other dominions were more cooperative, the Eire government suddenly added a new factor by deciding not to bring the Republic of Ireland Act into force until 18 April, Easter Monday, and the anniversary of the 1916 Easter Rising. Neil Pritchard was first informed of this change by Boland on 14 January, but no official notice was given until almost a month later. No reason was given for the change, with which the British were rather unhappy. Though he himself was unsure of the cause, Boland said that perhaps the Eire cabinet was attempting to avoid any controversy about whether or not the date should be a public holiday. Rugby later suggested that the new date had "been carefully selected by the present Government in
order that the Opposition cannot treat the Republic of Ireland Act as a Party measure and are forced into the open to celebrate it. It is one more political move to dish the Opposition. Whatever the reason, the Irish move upset the British schedule for the introduction of the Ireland bill. Sir Norman Brook commented sourly that, "The choice of this date is hardly in accord with their professed desire for friendlier relations.... Moreover, it puts us in difficulties over our time-table." He had hoped "to shorten Parliamentary discussion of the Bill by representing it as an urgent measure consequential upon an Irish Act which had already been brought into operation." If the British government now went ahead with the bill, that advantage would be lost, and the opportunity for all sorts of inflammatory rhetoric would be presented. On the other hand, if introduction of the bill were postponed until after 18 April, a number of problems revolving around scheduling parliamentary business would occur. More important, much of the bill had already leaked to the press, and, in the election in Northern Ireland (which at this point was imminent), the government there would be under tremendous pressure to reveal at least some of the substance of its conversations with London. Thus, Brook, supported by Newsam, recommended that the bill should be introduced as soon as possible.

Since the title problem with Canada and Pakistan and Eire's date change threatened both the substance of the Ireland bill and the process of passing it, Attlee met with Chuter-Ede and Noel-Baker on 27 January to consider the situation. While logic demanded a title change for the king, the intransigence of Canada and Pakistan
precluded it. Another attempt to change their attitude was all that could be done, and Noel-Baker unsuccessfully pursued this course. The ministers also considered that, whatever advantages going ahead with the bill right away might have, "There was a further consideration of importance ..., viz., that" the government should not "do anything which might be represented as taking the initiative in thrusting Eire out of the Commonwealth or provoking the Eire Government into bringing the Republic of Ireland Act into operation" prematurely. They concluded, therefore, that the bill should be postponed. This decision effectively put the bill on ice, at least at the cabinet level, until 4 March, when Attlee brought his colleagues up to date with a lengthy memorandum on the topic.

By this time, it had become clear that neither Canada nor Pakistan would reverse its decision, so Attlee recommended "that no provision should be included in the Ireland Bill for a change in the King's Title." He also suggested that the bill not be introduced until after the Easter parliamentary recess. The cabinet agreed to these suggestions on 8 March, and, except for some re-drafting of technical points, nothing more was done about the bill until the first week of May.

Anglo-Irish relations, however, were not placed in a like state of hibernation, at least throughout February. The vigor with which the anti-partition campaign was being waged created sufficient concern that Noel-Baker and Chuter-Ede addressed a paper on the subject, entitled "Ireland: The Anti-Partition Campaign," to the cabinet. The two ministers discussed the latest tactics in Eire propaganda, noting the presence of a "carrot-and-stick" sort of
approach. The "carrot" was characterized by suggestions from Eire that, "If partition were ended the Parliament and Government of Northern Ireland would be allowed to continue to exercise their present powers, and that only powers now exercised from Westminster should be transferred to the Dail, in which there would, of course, be some representation of Northern Ireland." In addition, MacBride had recently been attempting to arrange a face-to-face meeting with Sir Basil Brooke. He first expressed this desire to Rugby early in February, asking the Representative "most earnestly to try and arrange for him to meet and have a talk with" the Northern Ireland Premier. Rugby, who felt that MacBride was "the man of the future in Irish politics," thought "that it would be in every way advantageous for Sir Basil to meet" with MacBride. Though little of substantive value might be accomplished, at least "the effect of a meeting would be wholly good in bringing down the temperature."

The Commonwealth Relations Office responded with qualified warmth to the idea because, as Archer noted, "Sir Basil Brooke would be unlikely to be willing to consider a meeting with Mr. MacBride so soon after the Northern Ireland election. " Archer did feel, however, "that an approach might be made ... later on." Noel-Baker added that, though the result of such a meeting would probably be "only a firm restatement of Northern Ireland's views (and, hence, some diversion of the Dublin pressure from London to Belfast), and possibly some encouragement of cross-Border technical arrangements," even "this would be really worthwhile."

The Dulanty press releases, however, given out the same day as Noel-Baker's optimistic comment (12 February), characterized the
"stick" of the Eire campaign. The portrayal of the Northern Ireland government as "an undemocratic anomaly" which suppressed all opposition dampened whatever enthusiasm that might have existed for a MacBride-Brooke meeting. In fact, on 18 February, Sir Basil had become concerned enough about the Eire propaganda to ask Attlee to "bring it home to the Government of Eire that these threats to our internal security must cease." Both Chuter-Ede and Noel-Baker, though, were "satisfied that any protest addressed to the Eire Government would merely lead to a rebuff and encourage Eire Ministers to intensify the campaign even further." In view of this rather frustrating situation, the cabinet could do little except agree "that, in the debate on the Ireland Bill, the Government should take a clear and firm line in support of partition."

The anti-partition campaign cooled down a little in March and April, as the Eire government got busy preparing for the national celebrations which would mark the coming of the republic on 18 April. Though Rugby had predicted that Fianna Fail would perforce need to participate in the ceremonies, de Valera rather sourly refused an invitation from Costello to join in a series of radio addresses to be broadcast that day, replying that, "Public demonstrations and rejoicings are out of place and are likely to be misunderstood so long as" partition remained. Fianna Fail boycotted the day's events, and de Valera's newspaper, the Irish Press, as well as the Irish Independent, were relatively downbeat in their coverage of the historic day. The government, however, was determined not to let the nay-sayers spoil the occasion, and messages of congratulations to President O'Kelly from many major heads of
state, including George VI, helped to lend it an appropriate air of significance.

Lord Rugby, however, did not join the celebrations; he had ended his decade of service in Eire the week before, flying home on 6 April. He retired amidst speeches, banquets, flowers, and other tributes, which seemed to express a genuinely warm feeling on the part of the Irish for the man who had piloted Anglo-Irish relations through some very grim days. He was replaced by Sir Gilbert Laithwaite, who, like Rugby, had long experience as a diplomat throughout the Commonwealth. Both Rugby and Laithwaite, for example, had served as Secretary to the Viceroy of India, but their respective terms of office had been some twenty years apart.157

In Britain, the attention of the government was turned toward another Commonwealth conference, which met from 22-26 April. The single item on the agenda, the future relationship of India to the Commonwealth, had been a prominent topic among ministers and officials for many months. The "ingenious Commonwealth solution" whereby India, though a republic, remained within the Commonwealth, was to create for the British monarch "a double role: he [was to be] both a symbol of the unity of the Commonwealth," as well as "King of all those Commonwealth countries who wish to retain the monarchy." While the respective Irish and Indian situations were frequently compared, there were really very few parallels. The fundamental difference was that India, unlike Eire, wanted to remain in the Commonwealth.158

Toward the end of April, the draft Ireland bill was finally ready for publication, and, on the 25th, a copy was sent in
confidence to Sir Basil Brooke, with the understanding that its terms would not be revealed outside the Northern Ireland cabinet, as this would be a breach of parliamentary privilege. The next day, the Commonwealth Relations Office asked Attlee if it would be acceptable to send a summary of the bill's provisions to the Irish government on Tuesday, 2 May, the day before the bill was to be published. The prime minister approved, and that evening the summary was given to Boland. (MacBride had not yet returned from an anti-partition speaking tour in the United States and Britain.) The External Affairs Secretary remarked that, "It might be assumed that there would be considerable criticism" regarding the re-affirmation of the position of Northern Ireland. Laithwaite responded that the object of this clause was "to give statutory effect to the understanding that had been given by the Prime Minister in the House of Commons last October, which had stood on record ever since. Boland accepted this," wrote Laithwaite, "but urged strongly that if in Debate it was possible for anything to be said on the lines that any understanding between the two countries would be welcomed, that would be of great assistance" in shaping public opinion in the republic.

It was not until two days later, after the bill had been given its first reading in the House of Commons, that the Irish reaction erupted. On 4 May, all three of the major Dublin dailies carried front-page stories on the bill, and both the Irish Press and the Irish Independent carried long articles on a debate on the bill between de Valera and Professor Savory held in London the previous evening. De Valera had declared, "It is a very bad day for the relations between Ireland and Britain when the British Government
should choose ... to introduce a Bill telling us that Partition is going to be perpetual.... The clause that has been introduced is ... the worst thing that has happened ... since 1920." Though the Irish Press did not detail the actual contents of the bill, both the Irish Independent and the Irish Times carried full texts. An editorial in the Irish Independent called the guarantee a "crime," but the Irish Times emphasized the clauses recognizing the republic's non-foreign status. "All in all," the paper declared, the bill "confers on this country all the dignity of a Republic and all the practical advantages of a Dominion." It was "a constitutional miracle second only to the Commonwealth itself." If blame attached to the inclusion of the guarantee to Northern Ireland, Costello's government deserved the lion's share for repealing the External Relations Act and giving the Unionists an "excuse to drive another, and a very formidable, nail into the coffin of Irish unity." Even so, the paper lamented that, "In our wildest imaginings, however, we had not believed that Great Britain would be provoked into the playing of an active part in what ought to be a domestic issue between the two parts of our sundered nation." The bill, and the House of Commons debates on it, remained front-page news in the republic for several weeks.

MacBride, like de Valera, was in London when the bill was introduced, and he commented that, though he "had not had an opportunity of studying all the implications of the Bill, ... the enactment of a law by another Parliament, purposing [sic] to dispose of the territorial integrity of a portion of our country is an obvious infringement of ... the right of the people of any nation to
decide their own form of government without outside interference." The Irish Times stated that MacBride had added that, "There had been no official intimations that the Bill would contain provisions guaranteeing the territorial integrity of the partitioned area. [This] would add tremendously to existing difficulties." Back in Ireland, however, Costello was conspicuously silent, declining to offer any statement.

The next day, a belligerent MacBride went to see Bevin and Noel-Baker at the Foreign Office and expressed what could only be regarded as threats:

He would not like to predict what the consequences [of the bill] might be, but he reminded [Bevin and Noel-Baker] that de Valera was already saying that they were right back to 1916, and that the use of force would be required.

What would happen, asked Mr. MacBride, if the I.R.A. reorganised themselves and began using their guns in the North? After the Treaty of 1921, he, de Valera, and others had started a civil war against the Cosgrave Government for having accepted Partition of the country. Civil war had lasted for five years [sic] and many lives had been lost. There would not be another civil war. For the present Government would not do what Cosgrave had done. The position was therefore very dangerous, and he asked [the British ministers] to consider again whether [they] could drop this Clause, or better still, find some way in which proper negotiations about Partition could be begun and the present anomalous, undemocratic and illegal division of the country brought to an end.

Bevin had seldom involved himself in Irish affairs and had supported a cabinet decision taken in December to leave relations with the new republic in the hands of the Commonwealth Relations Office. He was not, however, about to accept threats with equanimity. After making the comments noted previously, he added that, "The Irish Government ... would be well advised to change its tactics altogether, to cease making inflammatory speeches about Partition, and to
start joint talks with Sir Basil Brooke and his colleagues on any practical matter of common interest on which joint action would be useful.171

Noel-Baker attempted to calm things down a bit, and he pointed out how much the United Kingdom had done to "ease the transition in the status of Eire from that of a Dominion to that of a Republic." He asked MacBride "to ensure that his Government and its followers did nothing to inflame opinion about Partition, and thus to create a situation more dangerous than it already" was. Apparently, MacBride cooled off somewhat because, according to Noel-Baker, "Before he left [he] was using much milder language."172

The "milder language" did not last very long, though, for that evening MacBride issued another statement, this one comparing the British guarantee to "the action of Germany before the war, or Russia since the war, in seeking to impose their systems of Government in Central Europe." The guarantee to Northern Ireland was "gratuitous" and "unnecessary," and could "only be damaging to [the] Anglo-Irish relationship...."173

This was only the beginning of the uproar. Within a couple of days, all of the political leadership of the republic were unanimous in attacking the guarantee to Northern Ireland. De Valera was reported as having instructed Fianna Fail leaders to tone down criticism of the Costello government and concentrate instead on arranging anti-partition meetings "all over the country."174 The National Council of Fine Gael passed a resolution condemning the bill, while Norton told a meeting of the Irish Labour Party's Dublin branch that the bill was "a hostile act towards the Irish nation."175
On 7 May, the Irish cabinet approved the issuance of an aide-memoire to the British and a draft resolution to be presented in the Dail. The aide-memoire, handed to Laithwaite the next afternoon, was a remarkable document, almost child-like in its unrealistic expectations and righteous indignation. The key theme was a sense of betrayal by the British government which, knowing how the Irish felt about partition, had gone ahead and guaranteed it, without even consulting with the Irish government:

The British Government cannot have been unaware of the feelings of deep concern and indignation with which these provisions would be viewed by the Irish Government and people. When press reports first suggested, early in January, that legislation of this nature might be introduced in the British Parliament, the Irish Government stated their position in the matter in the clearest and most emphatic terms in their Aide-Memoire of the 7th January, 1949, to the British Government....

No reply or comment in respect of the Aide-Memoire was received by the Irish Government, notwithstanding the fact that in the meantime the urgent need for finding a solution of the problem of Partition has frequently been urged by the Irish Government....

In the light of these circumstances, and the British legislation whereby Ireland was partitioned being still on the British Statute Book, the Government of Ireland can only regard the enactment of the provisions referred to as an unnecessary, provocative and gratuitous re-assertion of the claim of the British Parliament to intervene in Irish affairs....

While all Irish politicians shared a patriotic disgust with partition, an important element in the Costello government's response was the fact that all of its claims that the repeal of the External Relations Act would help end partition now appeared as mere demagogy. In addition, MacBride later claimed that the understandings reached at Paris clearly included an agreement by all parties to consultation before any British legislation consequent upon the repeal of the External Relations Act were introduced. While
such an agreement is nowhere to be found in the understanding to which both the British and Eire governments acceded, the emotions which motivated both the aide-memoire and the expanded anti-partition campaign which followed it left little room for objective argument. 178

A substantial portion of the aide-memoire attempted to justify the republic's decision not to join the Atlantic Pact by linking it to partition. Thus, the Irish government claimed incredulity at the guarantee given to Northern Ireland: "The taking of such a step at a time when friendly co-operation between democratic nations is of such vital importance makes it even more difficult to understand the reasons which have prompted it." 179 A certain amount of self-pity was even displayed: "The fact that Ireland is a small nation debarred by her exclusion from the United Nations Organisation from other means of redress makes it all the more necessary for the Government of Ireland to reassert unequivocally the right of the Irish people to determine, democratically, of their own free will, without outside interference, their own affairs." 180

When MacBride presented the aide-memoire to Laithwaite on the afternoon of 8 May, he probably astounded the Representative by contending that it "was much milder and more restrained in tone than" the Irish cabinet had originally intended. 181 MacBride also claimed that, "He had been astonished at the depth and strength of feeling" caused by the British assurance to Northern Ireland. 182 Laithwaite responded that he, too, was astonished at this reaction to the mere reaffirmation of a declaration made originally in October. He added that MacBride's view of local feeling did not square with his own
observations; he saw little or no reaction in the populace. Laithwaite reported that MacBride then "took the line that he had been serving as a brake on his colleagues on the Cabinet," who had considered "some very strong suggestions." While Laithwaite was rather cynical about all of this, suggesting that it was a drama played more for domestic politics than for its substance, he noted that the Irish aide-memoire was "clearly written with a view to publication. It is misleading and tendentious, but if published without a reply from us might well cloud the issues and lead to a real misunderstanding of His Majesty's Government's case." Thus, though it was contrary to the policy previously established, he felt that a "short, firm, but temperately worded answer" was necessary.

The draft resolution Costello presented two days later in the Dail was shorter than the aide-memoire, but equally filled with anger and indignation. It "re-asserted the indefeasible right of the Irish nation to the unity and integrity of the national territory," and called "upon the British Government and people to end the present occupation of our six north-eastern counties, and thereby enable the unity of Ireland to be restored and the age-long differences between our two nations brought to an end." Costello spoke for over an hour, accusing the Attlee government of "stupidity" and "political cowardice" in a "political Party game in order to try and snatch for themselves ... some sort of advantage against their Tory opponents." He saw "something sinister" in the appearance of the words "territorial integrity" in the title of the Ireland bill because they had also been used in the mutual guarantee given in Article 4 of the North Atlantic Treaty. Would its signatories thus
be required to defend this "so-called integrity of Northern Ireland?" Lashing out at "the Squire of Colebrook," as he termed Sir Basil Brooke, and the "privileged class" which held Northern Ireland in its "clutches," he wondered how the British parliament could give away its prerogatives to "the subordinate Legislature of Northern Ireland." The theme of British bad faith took a prominent place. Costello claimed that since early January, when the first rumors of the bill's likely contents were published, members of the Irish government had repeatedly sought information on this subject. On each occasion this had been refused, until less than 24 hours before the bill was published. "Is it any wonder," he asked, now that we know the provisions of the Bill, that the British Ministers and officials were ashamed to show it to us, were afraid ... that we would ... raise such a protest and such a storm before it was brought into the House of Commons that it would never get into the House of Commons? The object was, apparently, to get it into the House of Commons so that it would be too late for the protest and too late for examination to affect their prestige.... Now we are faced with a fait accompli. Ireland was not, however, helpless. If Britain insisted on perpetuating partition, Ireland would "marshal the terrific energies of [her] people in the North American Continent. We can," he said, "direct the unified effort of our people here in Ireland and in Great Britain and we can urge that terrific force behind our efforts to end Partition.... We can hit the British Government in their prestige and in their pride and in their pocket." A spate of rip-roaring rhetoric followed the Taoiseach's speech, each speaker more belligerent than the last. Captain Cowan tabled an amendment to the resolution, which he felt was not strong
enough. Several members of the Dail even demanded that the republic invade the North. Yet Laithwaite continued to observe "no signs of marked public interest or excitement," despite unanimous pledges of support for an all-out propaganda campaign in the United States by the Mansion House Committee. 192

The British reply to the Irish aide-memoire, written in the Commonwealth Relations Office, was, as Laithwaite had hoped, very temperate in tone. It explained that the guarantee represented no change of policy and simply reaffirmed pledges previously made to Northern Ireland. Noel-Baker could not resist, however, a wry pin-prick at the emotion of the Irish protest:

The United Kingdom Government are at a loss to understand how they can be legitimately accused by the Government of the Irish Republic of impairing in any way the co-operation between democratic nations by their proposal to declare ... that Northern Ireland remains part of His Majesty's dominions and of the United Kingdom, and that no change will be made in her status unless the consent of the people of Northern Ireland, expressed through their Parliament, has first been obtained.

It is open, as it always has been open, to the Government of the Irish Republic to provide evidence to the people of Northern Ireland that their interests lie with the people of the Irish Republic rather than with the rest of the United Kingdom. The United Kingdom Government will always be happy to see the development of good feeling between Northern Ireland and the Irish Republic. Meanwhile they are satisfied that no good would come were they to leave in doubt the right of Northern Ireland to remain within the United Kingdom so long as the majority of its people desire this. 193

There was no official response from the Irish government, only speeches in the Dail.

The Ireland Bill was debated in the House of Commons on Wednesday, 11 May. In introducing it, Attlee emphasized that the
bill was a response to the decision by Eire to leave the Commonwealth, rather than any sort of policy innovation by the Labour government. He summarized the background of the discussions of October and November, and the difficulties which would have arisen had the Commonwealth decided to treat the new Irish Republic as a foreign country. Dealing briefly with the guarantee to Northern Ireland, he noted its consistency with his previous declarations on 28 October and 25 November 1948, insisting that these were received "without protest" from the Irish government. Thus, he could not "understand why the Clause should seem to evoke a great deal of opposition and heated protest."\textsuperscript{194} It was "inevitable that a declaration as to the part of Ireland which is continuing in the Commonwealth should be made." With a certain amount of irony, Attlee granted that, "There may be something of a spiritual unity" in Ireland, but his government had to deal with political realities, and the bill simply dealt "with the actual facts of the situation."\textsuperscript{195} Some had criticized the veto power given to the Northern Ireland parliament, preferring some sort of direct plebiscite. This was illogical: the Eire and British parliaments legislated, respectively, on their status within or without the Commonwealth; therefore, the Northern Ireland parliament, as the elected representatives of Northern Ireland, should rightfully have the authority to make such a decision. (No one, apparently, caught the prime minister's \textit{non sequitur} here; obviously, however, the cases were not parallel because the Northern Ireland parliament was not \textit{sovereign}.) Attlee had, he said, previously taken "the opportunity of pointing ... out" to Costello that Eire's decision to leave the Commonwealth "would
increase the difficulty of arriving at any agreement on the partition question.... Since Eire had chosen to leave the Commonwealth, the prime minister could only conclude that, "The Government of Eire considered the cutting of the last ties which united Eire to the British Commonwealth as a more important objective of policy than ending partition."  

The largest part of Attlee's speech, though, did not deal with the guarantee to Northern Ireland; he spent much more time explaining how the British Nationality Act would continue to apply to citizens of the Republic. He closed by defending the bill against the charge that the Republic was receiving all of the privileges of Commonwealth membership without any of its responsibilities. Such a charge, he argued, greatly underestimated "the advantages of belonging to the Commonwealth and the close consultation and mutual support which belong to members." This was perhaps the weakest of Attlee's arguments, since such abstract advantages did not stack up too well against the reciprocal citizenship rights and Commonwealth trade preferences which the Republic would continue to retain.

This point was implicit in the Conservative response, which was given by Anthony Eden. While Eden regretted Eire's decision, he recognized that it was Eire's right to secede from the Commonwealth. He was not pleased that the privileges of British citizenship given to Eire citizens under the British Nationality Act would continue, but he felt that his party must "welcome and support" the pledge given to Northern Ireland. Thus, though the bill was "not all [they] had hoped for, that many had worked for," the Opposition would not oppose it.
Many other members spoke on the bill, but the debate was generally very restrained, in deference both to a request by Attlee and to a perception that no real alternative policy recommended itself. Hugh Delargy, a Labour MP and leader of the "Friends of Ireland," and Sir Hugh O'Neill, Unionist MP from Antrim, provided a few fireworks, the former claiming that the guarantee clause was "gratuitously hostile" to the Republic and a "piece of sheer political effrontery," while the latter agonized over a renewal of "terroristic bomb outrages, the malicious burning of public offices and private houses," and other IRA violence which might now occur in Ulster. The Northern Ireland government, he said, would be "firm and relentless" in defending itself from such attacks, and he was confident that there would be "no lack of volunteers to re-form the special constabulary" which had done "such splendid work a generation" before. This drew a complaint from another Member, and there was little other contentious behavior throughout the evening. The bill passed, 317 to 12, most of the dissenters coming from the Labour Party.

It had yet, of course, to pass through the committee and third reading stage, as well as to be passed by the House of Lords. The government was somewhat embarrassed during the committee stage on 16 May, when a group of Labour members tabled amendments deleting the guarantee clause. Five of this group were Parliamentary Private Secretaries to government ministers. Attlee immediately moved to restore party discipline by writing the ministers concerned, and, within a few days, four of the five had been dismissed, while the fifth had resigned. After two more days of long-winded, complex,
and no longer very reserved debate, Hugh Delargy finally announced that he would support the bill during its third reading, and, "He earned the approval of the House when he urged everybody who had influence in Ireland to use it in order to ensure calmness and discretion." All of the amendments were decisively defeated, and the bill completed its passage through the House of Commons on 17 May.

In the meantime, the Irish all-party anti-partition crusade had heated up sufficiently that both Chuter-Ede and Herbert Morrison expressed some alarm in a cabinet meeting of 12 May, and ministers considered again the appropriateness of a statement in the House that, "Northern Ireland would be defended against aggression just like any other part of the United Kingdom." The cabinet, however, reaffirmed that the assurance should only be given if the question were raised directly from outside the government.

A mass protest was held in Dublin on Friday evening, 13 May, but Laithwaite reported that the crowd "did not come up to expectations." The speeches were angry and bellicose, though, and Laithwaite noted that the Swiss Charge was reminded "of one of Hitler's harangues" by Costello's remarks. De Valera, Norton, and MacBride, among other prominent politicians, all added their voices, but Laithwaite judged that, "The bulk of the crowd was mainly a sightseeing one who regarded the meeting as an additional amenity of the traditional Dublin Friday night out on a fine evening."

While Laithwaite was still unworried about the reaction of the general public, he was becoming concerned that there might be "very rough water ahead, if only because the guarantee [to Northern
Ireland] has got under the skin of the politicians...."206 He reiterated the view that the whole campaign was becoming increasingly a matter of domestic politics, in which the government kept raising the temperature to try to out-bid de Valera and to quiet "critics of delays in the implementing of the Government's social services programme, or its inability or failure to pursue other schemes of economic or social improvement."207 If the agitation continued, the public might "well come to believe that there is a real justification for it, and the emotions of the younger, less stable, and more Left-wing elements may be worked on in a way that will lead to some incident ... the consequences of which might be great."208 While Laithwaite felt that there were "obvious objections to becoming entangled in a war of words," the cabinet could not afford to "let our case go by default." He suggested that some sort of counter-propaganda was both appropriate and necessary.209

Laithwaite's anxiety was caused, at least in part, by the fact that the accusation of British duplicity was becoming an increasingly more prominent part of the campaign. At a Department of External Affairs tea on the afternoon of the 16th, for example, MacBride claimed to Laithwaite not only that the Irish government had protested when rumors of the Ireland bill's contents were published in January, but also that the legislation was "a breach of the understanding reached at Paris that, to prevent mutual embarrassment, both parties would maintain closest contact about statements subsequently to be made and action to be taken."210 This contention was amplified a week later in a statement issued by the Irish Government Information Bureau, which added a new wrinkle. The
statement set up a "strawman": the British supposedly were justifying the fact that they had not conferred with the Irish government about the guarantee clause of the Ireland bill because the Irish had not consulted them regarding the repeal of the External Relations Act. Then the strawman was summarily knocked down:

It has also been suggested that there had been no consultations between the British and Irish Governments prior to the repeal of the External Relations Act and the introduction of the Republic of Ireland Act. That is not in accordance with the facts.

The Irish Government's views in relation to the External Relations Act were expressed by the Minister of External Affairs, when introducing the estimates of his Department on the 20th and 21st July, 1948, by Mr. Norton, the Tanaiste, in the adjournment debate on the 6th August, and again by Mr. Costello, the Taoiseach, on the 7th September, 1948.

The Republic of Ireland Act, which repealed the External Relations Act, was introduced in the Dail on the 17th November, 1948.

In the months of October and November, detailed exchanges of views took place between the two Governments in writing and at conferences held in Chequers and Paris.

The question of whether the British were aware of the imminent repeal of the External Relations Act prior to Costello's Canadian announcement has been discussed at length in a previous section. That question now became an issue between the two governments. Of course, the "strawman" was just that: the British had never justified their lack of consultation with the Irish prior to the Ireland bill's publication on the basis of similar Irish action prior to the introduction of the Republic of Ireland Act. Neither had they ever maintained that there had been no consultations before the repeal of the External Relations Act, but only before Costello announced the decision to do so on 7 September. Nevertheless, Laithwaite reported that the statement "has attracted great attention here," and he
suggested that, "It is important to take opportunity of the Lords debate to correct misleading impression left by it...."\textsuperscript{212} These two points, that the British had failed to notify the Irish that a guarantee to Northern Ireland was imminent, plus this latest statement, would "seriously mislead opinion" in the republic, unless steps were "taken temperately but clearly and decisively to set out the facts...."\textsuperscript{213}

Sir Percivale Liesching had already responded to the first point in a closely reasoned set of arguments sent to Laithwaite on 19 May. He followed this with supplementary materials in several dispatches over the next ten days. His most telling point was that the understanding embodied in paragraph 8 of C.P.(48)272 had nothing to do with Northern Ireland. The collaboration there discussed referred to the "non-foreign" policy only.\textsuperscript{214} These arguments were passed on the Irish Department of External Affairs, and the "war of words" which Laithwaite had hoped to avoid continued almost until the end of the month. The Representative noted in a letter to Rugby that, "We are having a busy time with all these protests and counter-protests about Partition. It is quite clear ... that they are very anxious to cloud the issue!"\textsuperscript{215} Rugby was concerned because the war had become public, and articles discussing the conflict were published in the \textit{Manchester Guardian} and the \textit{Irish Times}, among other papers.\textsuperscript{216} The former Representative did not "want a theory to be built up that I kept my government in the dark."\textsuperscript{217} Rugby need not have worried because MacBride's assertions were fairly well destroyed by statements made by Attlee and Morrison on the 23rd and 25th, respectively, at Westminster, as well as by a conversation which Noel-
Baker had with Dulanty on the 25th, in which the Secretary of State demolished the inaccuracies in MacBride's case. Ironically, it was only at this point that Noel-Baker chose to employ the argument MacBride had accused the British of using previously:

In any case,... I could not recognise MacBride's right to raise the point now. What we put in our Bill about any part of the United Kingdom was entirely our affair. If charges of bad faith were to be made, we might make damaging complaints about Costello's speech in the Dail in which he accused our Prime Minister of stupidity, political cowardice, and electioneering, but we did not intend to engage in recriminations or quarrelling of this kind. They had not consulted us about the repeal of the External Relations Act or the all-party fund for intervention in the Northern Ireland election. If there was no obligation on one side to consult, then evidently there should not be on the other.218

Dulanty must have gotten the point across to MacBride because Laithwaite was soon able to report to Noel-Baker that, "MacBride has not reverted to the subject with me.... He was rather inclined to allege that the suggested divergence of views was an illustration of the 'haphazard way' in which Irish affairs were conducted in the United Kingdom."219 Liesching later wrote Rugby to assure him that, "There is not, and never has been, any danger of a theory growing up that you left the United Kingdom Government in the dark."220

MacBride just could not leave the matter alone, though. He addressed a personal letter to each member of Fianna Fail, attempting to justify his previous actions. Laithwaite reported that this was "regarded ... as [showing] a lack of political wisdom," and was "much resented in certain opposition quarters and at once released to the Press by a recipient...."221 MacBride also wrote a blistering critique of the editorial viewpoint of the Irish Times, which was published there on 30 May. This missive was not only mendacious, but
also displayed the politically more grievous faults of uncontrolled bad temper and desperation. Laithwaite later commented to Rugby that,

MacBride, in my view, has been very unwise and has got himself entangled in a correspondence with the Press. Both in that correspondence and in a variety of speeches, he has, I fear (much as I like him), tried to disguise the true facts which all of us are perfectly well aware of. The Opposition... know pretty well what the true position is, and bit by bit MacBride has been driven from one explanation to another. The battle, in fact, is becoming essentially one between the Opposition and the Government...

Laithwaite had already noted other signs that the unity of the all-party anti-partition campaign was crumbling. On the 23rd, he had observed that the attempt to muzzle criticism of the government was causing a good deal of strain in Fianna Fail, noting that Gerald Boland, former Minister of Justice under de Valera, could not resist telling a party meeting in Cork that,

The deterioration of relations with the British is due either to short-sighted, incompetent leadership or to deliberate mischief-making by the Government.... This is not a time for incompetent leaders announcing from Canada a policy of cooperation with the Commonwealth one day and the next day completely reversing that policy. It is no time for futile threats.

In addition to the breakdown of all-party solidarity, the campaign was further crippled by the fact that there was little effective action which the Irish could take. While Costello had spoken of hurting Britain "in the pocket," James Dillon, the Minister for Agriculture, defended the Anglo-Irish trade agreement, and told the Dail that the government had no intention of repudiating it. A front-page broadside in the Irish Catholic advocated that the republic should "stop luxury imports from Britain," but, as Neil
Pritchard wrote on a copy of this article, "Stopping of UK luxury imports into this country will of course hurt no one—except those who would like to have them." It also became quickly obvious that even strong nationalist groups would not support independent acts of violence. On the 17th, a nationalist leader in the Northern Ireland parliament told his supporters in Londonderry, "I want you to understand, and it is a message from Dublin, that no man in the six counties must take any action that is not directed and inspired by our own Government in Dublin." A few days later, Liam Cosgrave, Parliamentary Secretary to the Taoiseach, echoed this sentiment, insisting that, "However fierce our resentment against the Ireland Bill ... we must display a dignified restraint...."

This "restraint" was, perhaps, stretched just a little more when the Ireland bill went to the House of Lords for its second reading and debate on 23 May. Viscount Jowitt, who introduced the bill, regretted the Eire decision which had made it necessary and responded skillfully to MacBride's public accusations of British bad faith. For the Conservatives, the Marquis of Salisbury expressed his party's dislike of giving the Irish reciprocal citizenship rights and called the anti-partition campaign "an intolerable intrusion" of the Irish question into British domestic politics. He also indicated, though, that the Conservatives would not oppose the bill. Yet another Conservative peer, Viscount Simon, a former Lord Chancellor, voiced several constitutional and technical objections to the bill, and the most important of these were presented as an amendment on the 26th. Lord Simon had long opposed the bill on constitutional grounds, questioning the legality and propriety of the
reciprocal rights provisions. Now he objected to the fact that, under Irish law, a person born in Ireland before 6 December 1922—the date on which the Irish Free State came into existence—was automatically regarded by the Irish government as an Irish citizen, even if he had left the twenty-six counties for another part of the United Kingdom before that date. The British government had not previously been opposed to this position, but Simon said that an individual who had been born in Ireland while that country was still part of the United Kingdom ought to be considered—if he so desired—as a British subject. As matters now stood, under Section 2 of the British Nationality Act, such an individual would have to apply to the Home Office to be granted British citizenship. Simon's amendment would rectify this situation, treating United Kingdom residents born in Ireland before 6 December 1922 as British subjects.

While the amendment might seem picayune and did not affect a large number of people, the issue was something of a sore point for Conservatives and Unionists, for it applied both to Irish Loyalists who had been driven out of their homes in Ireland during the rebellion against Britain and to people who had been born in Dublin before 1922 but who had moved to Northern Ireland. Yet the point was arcane enough that, when asked by Jowitt, Dulanty was not sure if his government really considered such people Irish citizens. Upon checking with Dublin, however, Dulanty not only received confirmation of this, but also a memorandum strongly objecting to the amendment as a violation of understandings reached during the Commonwealth Nationality Conference in February 1947. Later that same day (26 May), Boland threatened Pritchard with the possibility that, if the
amendment were passed, it might "make difficulties about the passage of ... [the] new citizenship legislation which form[ed] part of the understanding reached at Paris about the 'non-foreign' policy."234

Since the point was also one the British cabinet had not previously investigated, Jowitt adjourned the House of Lords debate to give ministers time to consider the amendment. The Lord Chancellor, Chuter-Ede, and Noel-Baker examined the British Nationality Act and the policies arising from it, and, two days later, decided that Simon was correct—the people he had described were indeed considered Irish citizens.235 As such, a new clause was inserted into the Ireland bill that provided that any section of the British Nationality Act which prevented an individual from being recognized as a British subject because he had been resident in Ireland on or before 6 December 1922 no longer applied, unless this person had continued to live in the Irish Free State or had registered as a citizen of Eire. Otherwise, he would automatically be considered a British citizen.236

When Pritchard gave Boland a copy of the new clause on 31 May, the External Affairs Secretary argued for a short time about what exactly it meant, but then he gave up, saying, according to Pritchard, "that the persons dealt with were a small and dying class. He laid some stress on the fact that the claim that such persons were Eire citizens rested solely on a court judgement which no one had appealed and by which the Government were therefore bound."237 And with that slight display of sour grapes, the issue was buried.

The insertion of the new clause rendered Simon's amendment
superfluous, clearing the way for final passage of the bill. It received the Royal Assent on 2 June, becoming the Ireland Act, 1949. From Belfast, Sir Basil Brooke wrote Attlee a letter of thanks, but only more protests were heard from the republic.238 Speaking at a meeting of the Irish Labour Party a few days later at Skibbereen, William Norton said that the attitude of the British government was "nauseating," and he also criticized Fianna Fail for being "defeatist" and trying "to undermine the national discipline" of the anti-partition drive.239

The frustration of the Costello government grew as the summer wore on. Its inability to deliver anything substantial in the way of progress on partition led to a certain desperation in its approach. Costello's latest tactic was to demand the "return" of Tyrone and Fermanagh "as a first installment of our rights."240 Government ministers at international gatherings bewildered delegations from other countries with harangues about partition, and a bill was introduced in the Dail to set up an Irish News Agency to disseminate anti-partition propaganda throughout the world.241

Fianna Fail increasingly distanced itself from the apocalyptic tone of government pronouncements, and the Irish Press criticized the desperate optimism they exuded, repeating de Valera's view that ending partition would be a long and hard struggle.242 In the debate on the External Affairs estimates on 13 July, this divergence of views was brought fully into the open, when de Valera attacked Costello and MacBride for previously promising that the end of partition "would come in nine months or three months. If the Minister and the head of the Government believed that," the former
Taoiseach said, "then they must have been incapable of forming any fair estimate of the situation at all." Now, however, they were "up against the stark realities."243 Sean Lemass also characterized MacBride's opposition to British proposals at a recent OEEC conference at Paris as a fit of personal pique detrimental to the republic's economic well-being.244 Thus, just as Laithwaite and Rugby had predicted, the anti-partition issue had become simply an issue in Irish domestic politics, with little relevance to actual relations between Britain and the republic.

MacBride himself gradually lost much of his influence, particularly on economic policy, over which he had previously wielded enormous power through his control of Marshall Plan funds allocated to the Republic. In September 1949, when the British devalued the pound against the dollar, he advocated breaking the link with sterling and attempting to maintain the current exchange rate of the Irish pound. In an economy so tightly bound to Britain's such a move would have been disastrous, and on this proposal, as well as in several other decisions, he was defeated by the other ministers in the Costello cabinet.245 The collapse of the inter-party government, in May 1951, also signaled the end of MacBride's party, Clann na Poblachta. MacBride himself, though he retained his seat in the Dail, never served in another Irish cabinet.

By then, the anti-partition campaign had long been reduced to uncoordinated sniping, usually addressed at the government of Northern Ireland, rather than directly at Britain. As early as 20 July 1949, Costello's opening speech in the debate on the estimates for the Taoiseach's Department concentrated on economic mat-
ters, and, as Neil Pritchard observed, "He did not, for once, stray into irrelevancies about Partition!" Britain's financial crisis of September 1949 was a crisis for the Republic, too, and social and economic issues soon overshadowed partition among the government's concerns. Less than a year later, the advent of the "Mother and Child Scheme" conflict with the Roman Catholic hierarchy virtually obscured all other questions and eventually brought the government down.

For the Attlee government, the passage of the Ireland Act effectively pushed Anglo-Irish affairs into the background. The 1949 financial crisis was followed by an election, in February 1950, which severely reduced Labour's parliamentary majority. Attlee was forced to back away from parts of the broad program of nationalization Labour had begun with such optimism in 1945. Domestic difficulties were further complicated by Britain's support for the United States in the Korean War, which began in June 1950.

During the same month, negotiations between the United Kingdom and the Irish Republic brought about an agreement on an exchange of ambassadors, and Dulanty became the first Ambassador Extraordinary and Plenipotentiary of Ireland to Great Britain on 26 July. Simultaneously, Sir Gilbert Laithwaite became the first British Ambassador to the Republic of Ireland. Dulanty's appointment was actually a sinecure rewarding his long service—he retired the same day he was appointed, and was replaced by Frederick Boland. The British Foreign Office began gradually to share responsibility for Anglo-Irish affairs, yet the Commonwealth Relations Office continued to have the major part. Partition remained as a constant in the
relationship, but discussions between the two governments tended more and more to revolve around economic matters. The political and constitutional framework for Anglo-Irish relations had been set, and no real changes were to occur until both nations joined the European Common Market at the end of 1972.

That year also marked the first substantive alteration in the triangular problem of Northern Ireland, when four years of sectarian violence brought about the passage of the Northern Ireland (Temporary Provisions) Act of 30 March. The new law suspended the Stormont parliament, replacing it with direct British rule through a Secretary of State for Northern Ireland. Attempts to create an executive sharing power between Catholic and Protestant sections of the province collapsed in 1974, and no new initiatives were tested until October 1985, when an agreement between British prime minister Margaret Thatcher and Taoiseach Dr. Desmond Fitzgerald gave the Republic a consultative role in the treatment of minorities in Northern Ireland. In return, Fitzgerald committed his government to abandon the long claim of republican sovereignty over the province until a majority of its people declares itself in favor of union with the Republic. It is, of course, too early to tell what this agreement actually portends.

History abounds with so-called "turning points," and it would, perhaps, be presumptuous to claim that 1947-49 is such a period in Anglo-Irish relations. Many other years, like 1916, 1921, or 1936, could justify that distinction with equal or better cause. Nevertheless, it must also be pointed out that the repeal of the External Relations Act, coupled with the declaration of an Irish
Republic, ended, presumably forever, the centuries of argument and violence, both between the British and the Irish and among the Irish themselves, over the sovereignty of at least twenty-six counties of Ireland. The British Nationality Act, the Anglo-Irish understanding, and the Ireland Act not only created a unique constitutional relationship between Britain and Eire, but also contributed to a new concept of the British Commonwealth, one which was realized when India, though a republic, accepted membership. Perhaps more important for Anglo-Irish relations, however, is that the actions of the British and Irish governments recognized legislatively what had long been true substantively: that there is, and has long been a "special relationship"—cultural, social, economic, and even fraternal—between their two peoples, one that has subsisted, and continues, despite the rhetoric of governments and the violence of extremists.
NOTES


2 PRO CAB 128/13, C.M.(48)75, Minutes, 22 November 1948, p. 112.

3 Ibid.


5 Ibid.

6 PRO CAB 128/13, C.M.(48)75, Minutes, 22 November 1948, p. 112.


8 The "unitary" part was especially important, and the British had always resisted attempts to create a setup like the dual monarchy the old Habsburg Empire had become in 1867, or, worse, multiple monarchies, in which the king would be recognized in each nation of the Commonwealth as king of that nation and the Commonwealth. Canadian statesmen, for example, who had long resented the term "dominions," especially in the Latin contained in the king's title, Quae Ditione Sunt Britannica (literally, "which are British dominions," but the Latin strongly implies subordination), had advocated such a multiple monarchy, but the United Kingdom had resisted this on the practical grounds that it would weaken the case for Commonwealth preferences, as well as the sentimental and political grounds that it would weaken the international status of the Commonwealth. See PRO CAB 130/44, GEN. 262/9 "Amendment of His Majesty's Title," Notes prepared in the Commonwealth Relations Office, 22 December 1948.


10 Ibid.

11 Ibid., p. 12. The Irish were once again pushing for a British ambassador, but the British resisted, this time because such an appointment would weaken the case for maintaining that Eire was non-foreign to the United Kingdom and Commonwealth.

12 Ibid.

14 PRO CAB 21/1842, Letter from Sir Basil Brooke to Attlee, 2 December 1948.

15 PRO CAB 21/1842, Letter from Helsby to Sir Norman Brook, 6 December 1948.

16 PRO CJ1/33, Letter from Attlee to Sir Basil Brooke, 10 December 1948.


18 PRO CAB 21/1842, Note from Murrie to Sir Norman Brook, 8 December 1948.


20 PRO CAB 21/1837, Pt. 1, Memorandum from Sir Norman Brook to Attlee, 10 December 1948.

21 Ibid.

22 PRO CAB 130/44, GEN. 262/4, "Republic of Ireland (Adaptation of Titles and Enactments) Bill," Note by Sir Norman Brook, 11 December 1948.


24 Ibid.

25 Ibid.

26 Ibid. An interesting feature of this despatch is that, typically, Rugby was left totally uninformed regarding any of the matters which Northern Ireland had raised, and he was to remain so until he visited London on 15-17 December. When Rugby communicated all of this to MacBride, the latter was agreeable on all counts, reserving only the point that no more Letters of Credence would be signed by the king. See PRO CAB 21/1838, Telegram No. 139, Rugby to Noel-Baker, 13 December 1948.

28 Ibid.
29 Ibid., p. 3.
30 Ibid.

31 PRO CAB 130/44, GEN.262/1st Meeting Minutes, 16 December 1948, p. 3. The distinction made was that "Ireland" was a geographical term applied to the entire island, while "Republic of Ireland" was a political term describing only the 26 counties formerly called "Eire."

32 Ibid.
33 Ibid., p. 4.
34 Ibid.
35 Ibid.
36 Ibid., p. 5.

37 See PRO CAB 130/44, GEN. 262/5, "Change of Title of Eire," Note prepared in the Commonwealth Relations Office, 16 December 1948. This note, one of the few British documents that acknowledges inter-departmental feuding, is a splendid display of both tight logic and civil service pedantry.


40 PRO DO 35/3968, Telegram No. 142, Lord Rugby to Noel-Baker, 21 December 1948.

41 PRO DO 35/3968, Letter from Sir Frank Newsam, Permanent Under-Secretary, Home Office, to Archer, 20 December 1948.

42 See PRO CAB 130/44, GEN. 262/9, "Amendment of His Majesty's Title," Note prepared in the Commonwealth Relations Office, 22 December 1948.

43 PRO CAB 21/1838, Letter from Archer to Sir Norman Brook, 21 December 1948.


45 Ibid.
46 Ibid., p. 3. See also PRO CAB 21/1842, "Repeal of External Relations Act by Government of Eire," Memorandum by the Government of Northern Ireland, 14 December 1948, p. 2. Part of the problem of viewing the matter as one of defense was that the deep-water navigable channel in Lough Foyle did not run down the middle but hugged the Donegal shore. During the war, the Irish had made only minimal protests against the use of the channel by the Royal Navy to gain access to Londonderry, and any dispute over the actual boundary, as a matter of equity, was likely to be decided by placing the border down the middle. This would have the effect of denying the navigable channel to the Royal Navy and negating the whole point of bringing the matter up in the first place. See PRO DO 35/3919, entire file, for relevant documents outlining the history and development of the Foyle fisheries issue. It was finally solved in 1951, when a Foyle fisheries board, jointly operated by the Republic and Northern Ireland, was created.

47 Ibid., pp. 3-4.

48 Ibid., p. 2.

49 Ibid., p. 2.

50 See PRO CAB 21/1836, Telegram No. 136, Lord Rugby to Noel-Baker, 27 November 1948; PRO CAB 21/1841, Telegram No. 306, Noel-Baker to Lord Rugby, 3 December 1948; PRO CAB 21/1838, Telegram No. 314, Noel-Baker to Lord Rugby, 11 December 1948; and PRO CAB 21/1841, Telegram No. 140, Lord Rugby to Noel-Baker, 21 December 1948. All of these despatches deal with the problem of when the Republic of Ireland Act would go into force. When the Eire government had introduced the bill into the Dail, the date of commencement was deliberately left unspecified, in order to give the British time to study its effects and prepare whatever legislation might be seen as necessary to prevent both domestic difficulties and international challenges to the maintenance of reciprocal citizenship rights and trade preferences. Helping to prepare that response, of course, was the original purpose of Sir Norman Brook's working party. The Irish settled on 21 January as a suitable date, both because the British indicated that this would provide them sufficient time to prepare their bill and because it was the anniversary of the opening of the first Dail in 1919.

51 PRO CAB 130/44, GEN. 262/3rd Meeting, Minutes, 23 December 1948, p. 4.

52 Ibid., p. 3.

53 Ibid.

of the Foreign Office who said, in a note to Brook on 22 December, "A statutory promise to consult the Northern Ireland Parliament is really worthless, as the United Kingdom Parliament is sovereign and cannot effectively bind itself.... The best solution would be to abolish the Northern Ireland set-up, and bring Ulster fully into the United Kingdom as part of Great Britain. It is ridiculous to have a Government for a million people." See PRO CAB 21/1843, Note from R. Dunbar to Sir Norman Brook, 22 December 1948.

55. PRO CAB 130/44, GEN. 262, 3rd Meeting, Minutes, op. cit., p. 5.
56. Ibid., p. 2.
57. Ibid.
58. Ibid.
59. Ibid.

60. PRO CAB 21/1842, "Report of Working Party of Officials," 1 January 1949, p. 8. It should be noted that the concerns which Sir Basil Brooke had expressed regarding the Bank of Ireland were not handled directly by the working party, but had been passed on to the Treasury for its recommendations. These were circulated as GEN. 262/11, "Effect of Republic of Ireland Act on Northern Ireland: Memorandum by the Treasury on the Appendix to the Memorandum by the Government of Northern Ireland (GEN. 262/6)," on 29 December. The Treasury's recommendations, though rather long-winded, were neatly summed up in two short paragraphs:

In short, the Treasury attitude, as at present advised, is this. The Northern Ireland Government's avowed object is to dethrone the Bank of Ireland in order to assert control over the local banks. Northern Ireland, in effect, ask us to help them achieve their object by a flank attack on the Bank of Ireland. They want us to take away the Bank's Imperial business and so damage its prestige. This could no doubt be done, but would involve complicated legislation, troublesome administrative consequences and considerable expense. The straightforward way by which the Northern Ireland Government should achieve their object is by local action. This course should be considered in the first place....

For these reasons, the Treasury recommend that the report to Ministers on the Financial Appendix should be on the following lines. None of the proposals qualified for inclusion in the draft Bill as a necessary consequence of the repeal by Eire of the External Relations on which immediate action is essential. (P. 4.)
People in the Treasury were obviously a good deal less sentimental about Northern Ireland than officials in the Home Office.

"We Are Turning The Corner," Portsmouth Evening News, 1 January 1949 (contained in Attlee Papers, Department of Western Manuscripts, Bodleian Library, Oxford University); and PRO DO 35/3947B, Telegram No. 2, Lord Rugby to Noel-Baker, 3 January 1949.

PRO CAB 21/1838, Memorandum from Brook to Attlee, 5 January 1949.

PRO CAB 21/1838, Memorandum from Patrick Gordon-Walker, Parliamentary Under-Secretary, Commonwealth Relations Office, to Attlee, 5 January 1949.

PRO CAB 21/1842, GEN. 262(M), 1st Meeting, Minutes, 6 January 1949. Clause 1(2) of the Ireland Act (as passed) reads:

> It is hereby declared that Northern Ireland remains part of His Majesty's dominions and of the United Kingdom and it is hereby affirmed that in no event will Northern Ireland or any part thereof cease to be part of His Majesty's dominions without the consent of the Parliament of Northern Ireland. [12 and 13 Geo. 6, Ch. 41, Ireland Act, 1949 (London: reprinted 1976).]

PRO CAB 21/1842, GEN. 262(M), 1st Meeting, Minutes, 6 January 1949.

Ibid.

PRO CAB 130/44, GEN. 262(M), 2nd Meeting, Minutes, 6 January 1949, p. 6.

Ibid., p. 1. This became the phrase "or any part thereof" in Clause 1(2) of the Ireland Act.

Ibid., p. 3. Some British officials had difficulty seeing the difference, but to the Northern Ireland delegation, "Republic of Ireland" contained the implicit assumption of territorial sovereignty over the entire island, while "Irish Republic" did not.

Ibid.

Ibid., p. 5.

Ibid., p. 6.

Though letters and memoranda went back and forth between London and Belfast, as well as among British officials, Attlee finally agreed, in a meeting with Sir Basil on 18 January, to recommend to the British cabinet that the qualification be accepted, and the cabinet agreed on 4 March. The new residence rule formed...
Clause 6(1) of the Ireland Act. See PRO CAB 21/1842, GEN. 262(M), 3rd Meeting, Minutes, 18 January 1949; and PRO CAB 128/15, C.M.(49)18, Minutes, 4 March 1949.


75 "Assurance Given to Ulster," The Times (London), 7 January 1949.

76 PRO DO 35/3968, "Record of Conversations with Secretary of State on Eire and Northern Ireland, 6th January, 1949, and 7th Jan., 1949," 7 January 1949.

77 Ibid.

78 PRO CAB 21/1838, Aide-memoire to British government from Eire government, 7 January 1949.

79 PRO CAB 21/1838, "Record of Conversation between Secretary of State for Commonwealth Relations and Mr. Dulanty," 10 January 1949.


83 PRO DO 130/91, Letter from Lord Rugby to Sir Eric Machtig, containing extract from "Two Northern Counties Coerced, Taoiseach Says," Irish Independent, 2 December 1948.

84 PRO CAB 21/1837, "Repeal of the Eire External Relations Act, Further memorandum by the UK Representative, Dublin," 3 December 1948; and PRO DO 35/3936, "Note by the Prime Minister," 16 December 1948.

85 See John Bowman, De Valera and the Ulster Question 1917-1973 (Oxford: 1982), pp. 273-5; Ronan Fanning, Independent Ireland (Dublin: 1983), pp. 179-80; David Harkness, Northern Ireland since 1920 (Dublin: 1983), pp. 119-21; and PRO CAB 21/1838, "The Inter­Party Government in Eire, Memorandum by the UK Representative," 8 March 1948. Harkness implies that Sir Basil Brooke's decision to call an election was a response to assurances he received in London on 6 January, but Northern Ireland cabinet records demonstrate that the decision to hold a general election was taken on 18 November
1948, even before Sir Basil's 20 November visit to Chequers. See
PRONI CAB 4/768/11, Minutes, 18 November 1948.

86 Fanning, Independent Ireland, op. cit., p. 179.

87 The figures on the church-gate collections vary, Rugby giving
£53,000, while Harkness claims only £46,000. See "The Inter-Party
Government in Eire," and Northern Ireland since 1920, op. cit.,
respectively.

88 Bowman, op. cit., p. 274.

89 PRO CAB 21/1843, "The Six-County Elections—What is Behind
the Results," Press release by J.W. Dulanty, Eire High Commissioner

90 Ibid.

91 PRO DO 35/3938, Minute from Gordon-Walker to Sir Percivale
Liesching, Permanent Under-Secretary, Commonwealth Relations Office,
15 February 1949.

92 PRO DO 35/3938, Minute by Archer, 15 February 1949.

93 PRO DO 35/3938, Minute by Noel-Baker, 4 March 1949.

94 Texts concerning Ireland's position in relation to the North

95 Ibid., p. 8.

96 PRO DO 35/3935, "The Irish Republic and the Atlantic Pact,"
Despatch No. 8, Sir Gilbert Laithwaite to Gordon-Walker, 15 May
1950. Laithwaite replaced the retiring Lord Rugby as UK
Representative on 12 April 1949. Gordon-Walker replaced Noel-Baker
as Secretary of State for Commonwealth Relations in a cabinet shake-
up following the February 1950 election.

97 Ibid.; and PRO DO 130/99, Letter from Neil Pritchard to
Archer, 7 March 1949.

98 PRO DO 35/3974, Personal letter from MacBride to Ernest
Bevin, British Foreign Secretary, 9 March 1949, p. 1.

99 Ibid., p. 2.

100 PRO DO 130/106, Telegram No. 79, Noel-Baker to Sir Gilbert
Laithwaite, 9 May 1949.

101 Texts concerning Ireland's position in relation to the North


105. See PRO CAB 129/33, Pt. 1, C.P.(49)5, "Ireland," Memorandum by the Prime Minister, 10 January 1949.

106. PRO CAB 21/1838, Letter from Lord Pakenham to Attlee, 11 January 1949; and PRO CAB 21/1838, Minutes from Sir Norman Brook to Attlee, 10 and 11 January 1949.

107. See PRO CAB 128/15, C.M.(49)1, Minutes, p. 5.


109. PRO CAB 128/15, C.M.(49)1, Minutes, p. 5.

110. Ibid.

111. Ibid.

112. Ibid., p. 7.

113. Ibid.

114. PRO CAB 129/33, Pt. 1, C.P.(49)5, "Ireland," Memorandum by the Prime Minister, 10 January 1949, op. cit., p. 2.


116. Ibid.

117. PRO CJ 1/34, Telegram Y. No. 19, Noel-Baker to dominions High Commissioners, 13 January 1949.


119. PRO CJ 1/34, Note from Murrie to Sir Frank Newsam, 17 January 1949.
120 PRO DO 130/105, Telegram No. 6, Lord Rugby to Noel-Baker, 17 January 1949.

121 PRO CJ 1/34, Aide-memoire to Union of South Africa, Telegram No. 16, Noel-Baker to UK High Commissioner (Acting) in the Union of South Africa, 18 January 1949.

122 PRO CJ 1/34, Telegram No. 63, Sir A. Clutterbuck, UK High Commissioner in Canada, to Noel-Baker, 18 January 1949

123 Ibid.

124 Ibid.


127 Ibid.

128 Ibid.

129 PRO CJ 1/34, Telegram No. 102, UK High Commissioner in Pakistan to Noel-Baker, 20 January 1949.

130 See PRO CJ 1/35, Telegram No. 211, Attlee to Liaquat Aly Khan, 28 January 1949; and DO 35/3935, Minute by Archer, 12 February 1949. Attlee’s telegram contained his appreciation of what benefits obtained for Commonwealth members. The Pakistani prime minister must at least have been somewhat persuaded, for Pakistan remained in the Commonwealth, even after the decision of its arch-enemy, India, to do likewise.


132 PRO DO 130/104, Note by Pritchard, op. cit.

133 PRO DO 130/104, Telegram No. 30, Lord Rugby to Noel-Baker, 8 March 1949.

134 PRO CAB 21/1842, Note from Sir Norman Brook to Attlee, 25 January 1949.

135 Ibid.

136 Ibid.
137 Ibid.; and PRO CJ 1/38, Note from Sir Frank Newsam to Chuter-Ede, 26 January 1949.

138 PRO CAB 130/44, GEN. 262(M), 4th Meeting, Minutes, 27 January 1949, p. 2.

139 Ibid., p. 1

140 Ibid.

141 PRO CAB 129/33, Pt. 1, C.P.(49)47, "Ireland Bill," Memorandum by the Prime Minister, 4 March 1949.

142 Ibid., p. 2.

143 Ibid., p. 1.


145 Ibid.

146 PRO PREM 8/1222, Pt. 2, Memorandum by Lord Rugby, 4 February 1949.

147 Ibid.

148 Ibid.

149 PRO DO 35/3935, Minute by Archer, 12 February 1949.

150 Ibid.

151 Though Rugby again put the suggestion forward in his meeting with Attlee on 16 February, the prime minister wrote to Noel-Baker that Rugby should tell MacBride that, "The immediate future is not a propitious time for such a meeting, though it might be arranged at a later date." If MacBride brought the matter up again, Rugby was to say that Noel-Baker would be glad to discuss it with him, but Rugby himself was instructed not to mention it again. See PRO DO 130/33, Minute by Pritchard, 16 February 1949; and PRO PREM 8/1222, Pt. 2, Telegram No. 36, Noel-Baker to Lord Rugby, 19 February 1949.


154 PRO CAB 128/15, C.M.(49)18, Minutes, 8 March 1949.
155 SPO Sl4440, Letter from de Valera to Costello, 7 April 1949.


157 See PRO DO 35/3970, Letter from Pritchard to Sir Percivale Liesching, 2 February 1949; "An Irishman's Diary," Irish Times, 5 February 1949; and "Lord and Lady Rugby Leave Ireland," Irish Times, 7 April 1949. On 24 January, the Eire government gave a banquet in Rugby's honor and surprised him with gifts of an 18th-century silver entree dish and four silver salt salvers. Shortly before leaving for England, Rugby was asked "if there was any significance in the fact that he was leaving before the Republic of Ireland Day." He responded that, "There is a very great significance, but not the kind you have in mind. If I had gone back to England yesterday, I should have been liable for income tax for 1948-49, and my successor has to make a quick run-out or else he will be liable for income tax for 1949-50." He also added, however, that, "When changes in the decorations are being made, it is not a bad thing to move with the furniture."

158 Hugh Massingham, "An ingenious Commonwealth solution," Liverpool Daily Post, 28 April 1949. See also, "India's Relationship to the Commonwealth," Glasgow Herald, 21 April 1949. The diplomatic correspondent for the Glasgow Herald pointed out that, "Like Mr. MacBride, Mr. Nehru wants to go away and come back at the same time," but "that feat, quite possible for Eire, a mere speck on the map, is not possible for India, a sub-continent." The Irish problem was "a purely family one" which had "been inextricably mixed up with United Kingdom politics" and the "tormented history" of Anglo-Irish relations. India, unlike Ireland, had not been "coerced" into being a dominion, "but became one of her own choice" because, "for military, economic, and political reasons she needed an alliance with an existing association...." Nehru, like MacBride, felt the demands of history for a republic, but India, unlike Eire, needed to remain within the Commonwealth.

159 PRO DO 35/3973, Letter from Helsby to Murrie, 24 April 1949.

160 PRO DO 35/3973, Letter from Patricia Llewelyn-Davies, Commonwealth Relations Office, to Helsby, 26 April 1949.

161 PRO DO 130/105, Telegram No. 60, Sir Gilbert Laithwaite to Noel-Baker, 2 May 1949.


164 "Another Nail," op. cit.
See SPO S14528. The Department of External Affairs collected a hefty file of articles from both British and Irish papers on the issue, running from 4 May through the end of July.

"Bill Will Add to Difficulties," Irish Times, 4 May 1949.

Ibid.

Ibid.

PRO DO 35/3973, "Record of conversation between Foreign Secretary, Mr. Sean MacBride, Minister for External Relations of the Irish Republic, and the Secretary of State for Commonwealth Relations, dated 5th May, 1949," 5 May 1949.


PRO DO 35/3973, "Record of conversation ...," op. cit. See Note 282 below.

Ibid.

PRO CAB 21/1843, Telegram No. 63, Sir Gilbert Laithwaite to Noel-Baker, 6 May 1949.


SPO S14528, Aide-memoire to the British government, 7 May 1949.

Introducing the Republic of Ireland Bill in the Dail, for example, Cosetllo had asserted that the bill would foster "greater goodwill with Great Britain. We hope through the creation of that goodwill, through fostering further goodwill, that that will help materially to induce the British Government and Great Britain to take a hand in the undoing of the wrong for which their predecessors were responsible in 1920." See Dail debates, Vol. 113, col. 397, 24 November 1948.

One cannot help feeling that, occasionally at least, the British would like to have said to MacBride and Sir Basil Brooke, "A plague on both your houses!" Between hysterical letters from Sir Basil and charges of bad faith from MacBride, it must only have been Britain's strategic needs which motivated the Attlee government's careful attempt to balance the two complementary aspects of the Ireland bill.

SPO S14528, Aide-memoire to the British government. op. cit.
180 Ibid.
181 PRO DO 35/3973, Telegram No. 69, Sir Gilbert Laithwaite to Noel-Baker, 8 May 1949.
182 Ibid.
183 Ibid.
184 Ibid.
185 Ibid.
186 SPO SI4528, Draft Dail resolution, 10 May 1949
187 Dail debates, Vol. 115, 10 May 1949, col. 792.
188 Ibid.
189 Ibid., cols. 792-5.
190 Ibid., cols. 801-3.
191 Ibid., cols. 806-7.
192 PRO CAB 21/1843, Telegram No. 74, Sir Gilbert Laithwaite to Noel-Baker, 10 May 1949. See also "Party Leaders Unanimous in Ireland Bill Policy" and "Deputy's Amendment to Taoiseach's Motion," Irish Times, 10 May 1949.
193 PRO DO 35/3973, Aide-memoire to the Irish government, Telegram No. 81, Noel-Baker to Sir Gilbert Laithwaite, 19 May 1949.
195 Ibid., cols. 1856-7.
196 Ibid., col. 1858.
197 Ibid., cols. 1858-9.
198 Ibid., col. 1862.
199 Ibid., col. 1867.
200 Ibid., cols. 1882-4.
203 PRO CAB 128/14, C.M.(49)34, Minutes, 12 May 1949, p. 131.

204 Ibid.

205 PRO DO 35/3973, Telegram No. 81, Sir Gilbert Laithwaite to Noel-Baker, 14 May 1949.


208 Ibid.

209 Ibid.

210 PRO DO 35/3973, Telegram No. 82, Sir Gilbert Laithwaite to Sir Percivale Liesching, 16 May 1949.


213 Ibid.


216 See "Eire's Charge of Bad Faith," Manchester Guardian, 24 May 1949; and "What Is Truth?" Irish Times, 28 May 1949. It should be noted that the Irish Times sided staunchly with the British case.

217 PRO DO 35/3974, Letter from Lord Rugby to Sir Percivale Liesching, 30 May 1949.


220 PRO DO 130/104, Letter from Sir Percivale Liesching to Lord Rugby, 2 June 1949.

221 See PRO CJ 1/36, Telegram No. 13 Saving, Supplement to Opdom ("Opinions of the Dominions") No. 6, Sir Gilbert Laithwaite to Noel-Baker, 9 June 1949.


223 PRO DO 130/104, Letter from Sir Gilbert Laithwaite to Lord Rugby, 7 June 1949.


225 See PRO DO 35/3940, Minute by MacLennan, citing Dillon's remarks in the Dail on 18 May, 21 May 1949.

226 PRO DO 130/100, Cutting from Irish Catholic, 19 May 1949.


228 Ibid.


230 Ibid.

231 Lord Simon's objections had appeared as an article, "The Status of Ireland," in the Sunday Times, 5 December 1948.


234 PRO DO 35/3973, Cited in a note from MacLennan to Murrie, 26 May 1949.
236. PRO CAB 128/15, C.M.(49)39, Minutes, 30 May 1949, p. 154.

237. PRO DO 130/105, Note from Pritchard to Macleman, 31 May 1949.

238. PRO DO 35/3973, Letter from Sir Basil Brooke to Attlee, 3 June 1949.


Lord Glenavy also reported that Patrick McGilligan, the Minister of Finance, had wanted to retire because of ill-health, but had been prevailed upon by Costello not to do so because MacBride had immediately put in a claim for the job. MacBride's position, apparently, "had become a monomania with him. His motto appeared to..."
be not, like Sinn Fein, 'Ourselves alone,' but 'myself alone.' " See PRO DO 130/110, Minute by Sir Percivale Liesching, 1 June 1950.


VI. CONCLUSION

This study has attempted to define the elements which constitute a "special relationship" which exists between Great Britain and the Republic of Ireland, and to explain how each of these constituent parts came to exist. The term itself is the name which Sean MacBride applied to the constitutional anomaly of two completely sovereign and independent nations which, even so, do not regard one another as foreign countries. No one, with the possible exception of MacBride himself, ever consciously set out to create such a relationship. It was, rather, an expedient, a solution to a problem that was centuries-old in its origins, but of immediate practical importance to both the British and the Irish. The age-old conflict was between the British Empire and Irish republicans; the immediate practical problem was the survival of two war-ravaged economies. While de Valera's concept of "external association" provided the theoretical basis for the special relationship, it took World War II to provide the conditions in which it could become a reality.

Though on paper the British were among the victors, the war destroyed the United Kingdom as a world power. The Attlee government, a group of individuals whose attitudes were formed in the heyday of the Empire, had to face rebellious colonies, nationalistic dominions, and a new totalitarian enemy, the Soviet Union, with a depleted industrial and financial base and a people impatient for broad economic and social changes. If Winston Churchill might be offered as a convenient symbol of the historic might of the old
British Empire, then Attlee represents the new, rather threadbare, and inward-looking Britain of the Commonwealth, just one nation among many struggling to recover from the war's destruction. The stubborn maintenance of the fiction that Eire was still a member of the Commonwealth, despite her neutrality and de Valera's occasionally ambivalent protests to the contrary, reflected the Churchillian view, while the bargain with Eire involved in the creation of the special relationship demonstrates the Labour government's pragmatic, unsentimental approach to relations with the Irish. Eire's wartime neutrality made her Commonwealth connection look ridiculous to many Irish politicians; attempts by Britain to draw Eire back into a closer relationship were hopeless because the trend of Irish politics was in fact in the other direction. At the same time, postwar shortages and rationing in Britain forced the Labour government to begin to appreciate the value of Eire as a source of food and labor, and as a market for British goods. The growing awareness that the continuation of Commonwealth trade preferences to Eire were at least as beneficial to Britain as to Eire helped to reinforce this appreciation.

Of course, this new attitude was neither unanimous nor taken with any particular enthusiasm. Herbert Morrison, Ernest Bevin, Viscount Jowitt, and Harold Wilson, among other ministers, resented the repeal of the External Relations Act, arguing that the end of Eire's membership in the Commonwealth must also end reciprocal citizenship rights and imperial preferences. Yet, unlike Churchill, they did not appeal to the sanctity of the Empire, but, rather, to more materialistic concerns about Britain's trade relations with
other nations. While it is possible that arguments based on the most-favored-nation problem were really rationalizations of anger with Eire's "betrayal" of the Commonwealth, such a psychological analysis would be hazardous without much more conclusive evidence than is currently available. When other ministers, like Lord Addison, James Chuter-Ede, and Phillip Noel-Baker, sought an accommodation with the Irish, their arguments were not based on any apparent affection for the Irish or the merits of the Irish viewpoint, but on the unmanageable difficulties which any other solution would entail.

A critical factor in the creation of the special relationship may well have been the pressure exerted by the dominions, Australia and Canada, whose representatives at the Chequers and Paris conferences were no longer willing to follow Britain's lead in Commonwealth policy towards Eire. Certainly, this was not a revolutionary development; as David Harkness has shown, before the war Eire had often cooperated with the other dominions in working to loosen the ties of the Commonwealth relationship. The views which Evatt and the Canadians expressed at Chequers and Paris may be seen as a natural consequence of the evolution of the Commonwealth. On the other hand, a new element was also present, for the Irish made it clear that what was being considered at the Paris conference was emphatically not a new kind of Commonwealth relationship, but the continuation of imperial preferences and reciprocal citizenship rights to a republic outside the Commonwealth. Nicholas Mansergh has questioned the "lack of foresight" on the part of the British in failing to alter the conditions of membership so that the Irish Republic, like India a short time later, could have remained within
It must, however, be borne in mind that, though de Valera might have been willing to lead a republican Ireland into membership of a newly constituted Commonwealth, Costello and MacBride were unwilling to do so. MacBride’s statements in the Dail and, more important, Costello’s announcement in Canada destroyed this possibility before it could be effectively considered. External association, not the special relationship, was the Irish model upon which Nehru based his willingness to remain in the Commonwealth. To save the idea of the Commonwealth, the Attlee government had to allow its substance and form to change, including even the end of Eire’s membership. Whether that idea, in view of the way in which the Commonwealth has evolved since 1947, was worth saving, is a matter of debate.

Consideration of the factors involved in the creation of the special relationship must also include the somewhat more mundane realities of partisan politics. The evidence would seem to indicate that Costello’s government was motivated to repeal the External Relations Act as much by concern for its majority in the Dail as by the historic demand for an Irish republic. At Chequers and Paris, the dominions representatives voiced their worries about the effects of Eire becoming a foreign country on the voting patterns of their constituents of Irish descent, and they demanded that Britain find some way of allaying this consequence of the Irish action. Attlee, too, may have been moved as much by domestic politics as by any philosophy toward the Commonwealth. When it became clear that the dominions would not support Britain, the possibility of repercussions in parliament became an important consideration. An substantial part of the Labour Party, particularly the “Friends of Ireland,” (who
represented sizable blocks of voters of Irish ancestry), would have been enraged by a punitive British response to the declaration of the Republic, and that is how many in the Labour Party would have viewed a unilateral British declaration that Eire was a foreign country. The depth of this feeling was revealed in the debates on the Ireland Act. Despite the government's acknowledgement of the special relationship, it was still a struggle for Attlee to achieve party unity on the guarantee to Northern Ireland. The cabinet probably could not have granted the Northern Ireland government's other requests without facing a parliamentary revolt in its own party. Finally, even the Ulstermen, probably the most ideologically-motivated group involved in the whole process, were not hesitant about using the situation for their own political gain.

If all of these factors were causative elements involved in the creation of the special relationship, what, then, were its effects? Certainly, they are more evident in the case of Ireland because it was the Costello government which took the initiative in altering Eire's relationship to the Commonwealth. Though his hope that the Republic of Ireland Act would finally "take the gun out of politics" in Ireland has not been completely fulfilled, the 1948 election was the last in which the "Green card" was a significant factor. Since 1951, elections in the Republic have tended to be fought on economic and social issues rather than on relations with Great Britain. Support for the IRA and a coercive resolution of the partition issue has been reduced to a minute part of the Irish public, and IRA violence, though occasionally spectacular, is almost universally regarded throughout the Republic with anger and revulsion. Ronan
Fanning has reported the growing tendency among Irish citizens to view partition as a fact of life "far removed" from their daily concerns.³

It is in those daily concerns, moreover, that the special relationship has had its greatest effect. Patterns of trade, employment, and consumer spending have been affected somewhat by the fact that both the United Kingdom and the Republic have been members of the Common Market for nearly a decade-and-a-half, and a visitor from America may note a conspicuously "European" orientation to advertising for the Irish Industrial Development Authority, Aer Lingus, and even in the area of consumer goods.⁴ Yet the typical Dublin taxi-driver will inevitably tell the curious traveler about his brother or sister, son or daughter, working in London or Liverpool or Glasgow—he may even have worked there himself, all without a visa or special work permit, without ever having had to display his emerald-colored Irish passport. And arrival at Heathrow from Dublin immediately provides a symbolic demonstration of the resilience and practical significance of the special relationship, for the Irish citizens move quickly through the same checkpoint as British and other Commonwealth citizens, while Americans join the long queues of foreigners. Despite its political independence and distinct cultural identity, the Republic remains in many ways as much an appendage of the United Kingdom as Scotland or Wales.

In Britain, however, the special relationship has had no especially observable effect, and this, of course, is exactly what was intended. It was, in fact, the elevation of the French maxim, plus ca change, plus c'est la meme chose into the goal of British
policy. Time and again, Attlee and other members of his government emphasized that both aspects of the Ireland Act, the recognition of the Republic's "non-foreign" status, as well as the guarantee to Northern Ireland, represented no new policy, but simply an attempt to maintain the status quo. The same is true for the other elements in the special relationship. The British Nationality Act acknowledged Eire's symbolic need for a separate citizenship without changing its practical effects on individuals. The Republic of Ireland Act created in law what had been in fact true since the External Relations Act was passed in 1936: Eire had been a sovereign, independent republic, and not really much of a member of the Commonwealth since that date. At the same time, the stern realities of the post-war world required a way of recognizing the interdependence of the British and Irish economies, and the special relationship provided this. Finally, the Ireland Act also acknowledged two other realities, the desire of the Eire government to manifest its independence from the United Kingdom, and that of the Northern Ireland government to maintain its independence from Eire. British policy toward partition never changed: if the Northern and Southern Irish wanted to get together, fine; but no British government, not even a Labour government with a large parliamentary majority, could give away a part of the United Kingdom against its wishes, especially when that part had been, and continued to be, a strategic necessity.5

If the special relationship were merely a unique set of constitutional arrangements, it would hardly merit detailed examination. In fact, however, it is representative of something much more
fundamental to Anglo-Irish relations. In the midst of the public outcry over the Ireland Bill by Irish politicians, an observation made by I.M.R. Maclellan, an official in the Commonwealth Relations Office, in May 1949, was particularly apposite:

The really important point about which little or nothing has been said is the illustration which the Bill gives of the close ties joining the United Kingdom and the Republic of Ireland.... It is these close ties which justify the main object of the Bill, viz. to ensure that the Republic of Ireland is not a foreign country nor are citizens of the Republic foreigners. This is a remarkable acknowledgment that the interests of the two countries are closely bound together, and it follows that in the interests of both they must work together in amity for the future.

This principle defined the basis of the special relationship in 1949, and, despite continued differences between the United Kingdom and the Republic of Ireland, that is what defines it today.
NOTES


2 Ibid., pp. 151-2.


4 Billboards and television and magazine ads for the IDA, for example, have been designed around the slogan, “We’re the Young Europeans,” emphasizing both the youth and (supposed) cosmopolitanism of Ireland’s current population.

5 The new Anglo-Irish agreement, signed by British prime minister Margaret Thatcher and Irish Taoiseach Dr. Garret Fitzgerald, on 15 November 1985, provides a particularly apt demonstration of the enduring strength of the special relationship. Britain has long been uncomfortable with, and even embarrassed by, what many consider atavistic sectarian paranoia on the part of Ulster Protestants. In an age when nuclear missiles and Britain’s retreat from world power status have made the need for British bases in Ireland, north or south, virtually obsolete, the only claim the Unionists have on the United Kingdom is a sentimental attachment which is often no longer reciprocated. While the expressed purpose of the new agreement is to bring peace to the North, where Protestants still constitute a two-to-one majority, the fact that it was concluded between Britain and the Republic, without consultation with the Unionists, is a decisive indication of the continued priority of the special relationship.

The period of this study, 1947-49, has not received much detailed attention from scholars, probably, in part, because the British records of the period have only become available in the last few years. Most of the Irish records, except for those of the Department of the Taoiseach are, unfortunately, still unavailable. These may be viewed at the State Paper Office in Dublin. De Valera's legendary reluctance to put things in writing, however, was adopted by the Costello government, and Irish cabinet minutes, in particular, are not particularly informative. The Archives Department of University College Dublin has opened its collection of the Patrick McGilligan papers, and these are invaluable, particularly since they contain many memos, letters, and other materials which the former Finance Minister received from other departments. Among them is a complete set of the minutes of the British nationality conference of February 1947. The papers of Cearbhall O Dalaigh, de Valera's Attorney-General, have also proved useful. Despite the valiant efforts of Dr. G.J. Slater, of the Departmental Records Section of the Northern Ireland Public Record Office, most of the Northern Ireland cabinet records have remained partially or entirely closed. They were open for a period of three years, 1976-79, but were then re-closed, apparently as the result of political sensitivity to their contents. The most important source, however, is the Public Records Office, Kew, London, and the file numbers of the files of the Commonwealth Relations Office (DO), the Foreign Office (FO), Home
which have been used are listed in the section on sources. In the autumn of 1984, a new PRO classification, the CJ files, dealing principally with partition and Northern Ireland, was added.

The published sources are mostly general accounts devoted to Irish history in the twentieth century, or topical works. Perhaps the most valuable of the former is Ronan Fanning's *Independent Ireland* (Dublin: 1983), which provides a good discussion of the reasons behind Costello's announcement in Canada. Because of the controversy it aroused at the time, this aspect of creation of the special relationship has received more attention than others, including accounts in Brian Farrell's *Chairman or Chief? The Role of Taoiseach in Irish Government* (Dublin: 1971); Patrick Keatinge's *A Place Among the Nations: Issues in Irish Foreign Policy* (Dublin: 1978), and *The Formulation of Irish Foreign Policy* (Dublin: 1973); John A. Murphy's "'Put them out!' Parties and Elections, 1948-69," in *Ireland 1945-70*, J.J. Lee, ed. (New York: 1980), and his *Ireland in the Twentieth Century* (Dublin: 1975); F.S.L. Lyons' *Ireland Since the Famine* (Bungay, Suffolk: 1973); and Nicholas Mansergh's "Irish Foreign Policy, 1945-51," in *Ireland in the War Years and After 1939-51*, Kevin B. Nolan and T. Desmond Williams, eds. (Dublin: 1969). A discussion which is especially intriguing, both because of its accuracy and the fact that it was written long before the pertinent documents were made public, is contained in Mansergh's *Survey of Commonwealth Affairs: Problems of Wartime Cooperation and Post-War Change, 1939-1952* (London: 1958), Ch. 6, "Ireland: External Association, the Republic and Secession," pp. 262-304. Mansergh also

The only published source which deals with other aspects of the special relationship in any detail is an article by Ronan Fanning, "London and Belfast's Response to the Declaration of the Republic of Ireland, 1948-49," in *International Affairs*, Vol. 58: 1, 1981-82, pp. 95-114. Fanning illustrates the important influence of British civil servants like Sir Norman Brook on the formulation of British policy. The article is especially valuable because Fanning did the research for it during the period in which the cabinet records of the Public Record Office of Northern Ireland were open, and it is the only currently-available source for information based on these records.

Fanning has also covered many of the economic and financial aspects of Anglo-Irish relations, including the Trade Agreement of 1948, in *The Irish Department of Finance 1922-58* (Dublin: 1978) His discussions of the impact of the British currency crisis and the Marshall Plan on Ireland help to explain some of the economic motivations which lay behind the creation of the special relationship. Some helpful data on trade and Irish agriculture may be found in James Meenan's *The Irish Economy Since 1922* (Liverpool: 1970).

Fanning has also been on the leading edge of work in related areas. He discusses, for example, the Costello government's refusal
to join the Atlantic Pact in "The United States and Irish Participation in NATO: The Debate of 1950," in *Irish Studies in International Affairs*, Vol. 1: 1, 1979, p. 33-49. In an unpublished draft manuscript, "Ireland's NATO Decision 1949: A Reassessment" (n.d.), Raymond J. Raymond has argued that partition was probably not the real issue behind the refusal, but he provides little direct evidence to support this contention. (I offer my thanks to Dr. Thomas Hachey, Chairman, Marquette University History Department, for providing me with a copy of this manuscript.)

Partition itself has been the subject of innumerable works of history, political science, sociology, and even social psychology. Most of these are not really relevant to the study of the special relationship, but a few have been helpful as background material. Among these are Patrick Buckland's *A History of Northern Ireland* (Dublin: 1981), and his *The Factory of Grievances: Devolved Government in Northern Ireland 1921-39* (Dublin: 1979), as well as David Harkness's *Northern Ireland since 1920* (Dublin: 1983).

Ireland has never had a very prominent place in British historiography, and the period of the Attlee government is no exception. Two recent studies on this era, Henry Pelling's *The Labour Governments 1945-51* (London: 1984), and Kenneth O. Morgan's *Labour in Power 1945-1951* (Oxford: 1984), have provided a general context to the decisions the Attlee government took on Ireland. A very valuable work for background on the personalities involved is Joe Garner's *The Commonwealth Office 1925-68* (London: 1978). Kenneth Harris's *Attlee* (London: 1982) is a fascinating study of the personality and career of this quietly forceful prime minister, but
it does not illuminate his attitudes toward Ireland. Neither does Attlee's own *As It Happened* (London: 1954), an extremely brief and sketchy autobiographical account of the author's tenure as premier. Just as disappointing are Attlee's private papers, held at Churchill College, Cambridge, and in the Department of Western Manuscripts, Bodleian Library, Oxford. Other private papers, like those of Patrick Gordon-Walker and Phillip Noel-Baker, both in the Churchill College Archives, and the James Chuter-Ede diaries, located in the Rare Manuscripts Room at the British Library, London, are also largely bereft of relevant material. The few papers of Sir Norman Brook which are owned by the Public Record Office do not deal with the period 1947-49 at all. Lord Rugby's papers are currently kept by his daughter, Lady Penelope Aitken, and are not available for perusal. Other sources which have been of some incidental value are listed in the section which follows.
A. Unpublished Sources


James Chuter-Ede diaries


Clement Attlee Papers, ATLE 1/17

Patrick Gordon-Walker Papers, GNWR 3/2

Phillip Noel-Baker Papers, NBKR 9/41/5

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Clement R. Attlee Papers

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Irish Press
Irish Times
Manchester Guardian
Belfast News Letter
London News Review
The Scotsman (Edinburgh)
The Statist (London)
Sunday Observer (London)
Sunday Picture-Post (London)
The Times (London)
Yorkshire Post

Parliamentary Papers
