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# ADJUSTING TO PARTITION: FROM IRREDENTISM TO “CONSENT” IN TWENTIETH-CENTURY IRELAND

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## Abstract

When articles 2 and 3 of the Irish constitution were amended under the terms of the 1998 Good Friday agreement to replace an apparent claim to jurisdiction over Northern Ireland by an aspirational statement regarding Irish unity, it seemed that many of the issues of conflict in the North-South relationship had been resolved. This article traces the process by which ideological change and policy reformation in southern Ireland during the course of the twentieth century facilitated this agreement and the associated constitutional reformulation, looking at three areas within which change is obvious. First, demands for Irish unity, vigorously expressed but confined substantially to the domain of rhetoric, were revisited in the early 1970s when the fuller implications of Irish unity became clearer, and in the context of a possible British withdrawal from Northern Ireland. Second, distaste for North-South institutions such as a Council of Ireland, on the ground that it implied recognition of partition, was replaced by a willingness to accept a modest level of institutionalised cross-border cooperation. Third, reluctance to recognise the legitimacy of Northern Ireland was reversed, with Irish governments moving progressively towards recognition of the principle of “consent” in the late twentieth century. Together, these changes amounted to a reversal of traditional irredentist policies and a formal acceptance of partition.

**Keywords:** Northern Ireland, British-Irish relations, peace agreements, irredentism, partition.

## Introduction

To what extent was the Irish peace settlement of 1998 a radical new departure arising from the negotiating skills of those who were party to it, or was it a predictable—or even inevitable—consequence of steady ideological change on the island of Ireland? The path-breaking nature of the Good Friday agreement has been widely acknowledged. As one Northern Ireland Secretary put it, it was “a major achievement” which “repaired many of the faults of the 1920-21 Anglo-Irish settlement”, and “drew on the creative and constructive elements of every political initiative and movement of the past 200 years”.<sup>1</sup> Since it was negotiated in 1998, it has attracted near-universal support across the political spectrum. Its role in paving the way for Irish unity has been stressed by its nationalist supporters, notably Sinn Féin.<sup>2</sup> In the words of one of the agreement’s principal architects, Bertie Ahern, it could play a central part in the process of attaining Irish unity: “for the first time, a precise mechanism for achieving a united Ireland, which is possible only with the consent of the Irish people, has been defined and accepted by all sides”.<sup>3</sup>

Cold water has, however, been poured on the potential contribution that the Republic of Ireland might play in the process of attaining Irish unity. A persuasive analysis of official Irish discourse in the last three decades of the twentieth century argued that “the Irish governmental elite has relied heavily on nationalist discourse to bolster the impression of adherence to a 32 county ideal whilst conducting an essentially 26 county-based policy”.<sup>4</sup> In other words, the reinterpretation and re-presentation of traditional nationalist rhetoric gave

cover for a shift, in reality, from traditional nationalist priorities to a more unreserved accommodation with the political reality of partition.

This article argues that, while this redefinition of nationalist vocabulary was indeed widely shared by the southern political elites (defined as the leadership of the major parties, but extending also to senior civil servants) in the quarter century leading to the Good Friday agreement, it had deeper roots in Irish political history. The new interpretation of the issue of partition and Irish unity associated with the Good Friday agreement was not a fresh departure, but represented the culmination of a set of ideological changes and shifts in policy priorities that had been going on throughout the twentieth century. In particular, it amounted to a sharp (if largely unremarked) reversal of state policy on Northern Ireland, which had called, in the rhetoric of its leaders and the phraseology of its constitution, for Irish unity. The article aims to explore how this change took place at elite level.

Rather than adopting a chronological approach, the article addresses three themes in the process of ideological and policy transition, moving from the most structurally adventurous to the most subtle. The first is the pursuit of the politically ambitious but only occasionally salient goal of Irish unity, implying the short, sharp imposition of an all-Ireland state, justified as vindication of the collective wishes of the Irish people. The second is the more modest but more sustained question of functional North-South cooperation and the incremental creation of over-arching institutions, based on and promoting the construction of trust between the peoples of the two parts of the island. The third is associated with the tension between these approaches, in that the strategies of coercive unity and voluntary collaboration rest on conflicting interpretations of the rights of those living on either side of the border: the issue of definition and redefinition of the status of Northern Ireland. In the case of each theme, the article traces evolution from an initially uncompromisingly irredentist position to de facto and, ultimately, de jure acceptance of the status quo.

### **The goal of Irish unity**

The irony of the installation of a unionist “home rule” administration in Northern Ireland in 1921 immediately constrained the options facing the southern elites following agreement on the Anglo-Irish Treaty of 1921. Essentially, the Treaty offered three mechanisms that opened the prospect of a restoration of Irish unity. One, the creation of a Council of Ireland, presented as an embryonic Irish parliament, is discussed in the next section. A second was a formal provision of articles 11 and 12 of the Treaty to the effect that the jurisdiction of the Irish Free State would extend over all 32 counties, but that Northern Ireland could opt out within one month of enactment of the Treaty (this “Ulster month” was later interpreted as meaning one month after the formal birth of the Irish Free State). A 32-county independent Irish Free State thus came into existence on 6 December 1922, when its new constitution was proclaimed. The following day, the Northern Ireland House of Commons and Senate petitioned the King “that the powers of the Parliament and Government of the Irish Free State shall no longer extend to Northern Ireland”.<sup>5</sup> This brought to a decisive end, after one day, the brief history of the 32-county Irish Free State, replacing it by its familiar 26-county version.

Northern Ireland’s opting out triggered a third mechanism, for which provision was made in article 12 of the Treaty: the appointment of a three-person commission to “determine in accordance with the wishes of the inhabitants, so far as may be compatible with economic and geographic conditions, the boundaries between Northern Ireland and the rest of Ireland”. The southern negotiators of the Treaty had placed great faith in the belief that this provision would bring Northern Ireland to heel. They apparently believed that it was likely that the egregiously unfair line of the boundary between Northern Ireland and the South (which allocated two predominantly Catholic and nationalist counties, and other sizeable Catholic districts, to Northern Ireland) would be rectified by means of a boundary adjustment so substantial that it would make the northern state unviable.<sup>6</sup> The failure of the commission

ultimately to make any such recommendation, and the leaking in 1925 of its draft report, which proposed only minor changes to the existing border and, to the dismay of nationalists, the transfer of some territory to Northern Ireland, provoked a political crisis in Dublin.<sup>7</sup> This culminated in a tripartite agreement between Dublin, London and Belfast in 1925 to shelve the report and adhere to the existing line of the border, as discussed in the next section.

The southern government appears not to have assessed carefully the implications of the boundary commission, whose terms of reference (and especially the question as to how far economic and geographic considerations might outweigh the wishes of the inhabitants) have been criticised as too open-ended for clear interpretation, making this “a classic case study of a poorly-planned boundary commission”.<sup>8</sup> This overlooks the fact that in several other border disputes in post-1918 Europe account also had to be taken of economic and geographic factors, but a more fair-minded approach that sought to assess popular preferences by plebiscite resulted in widespread acceptance of the outcome.<sup>9</sup> The southern representative on the Commission, the Minister for Education, Eoin MacNeill, displayed none of the single-mindedness of his northern counterpart, and appears to have been out-manoeuvred. The whole episode suggests policy incoherence, in that in early 1923 the Free State government was already working on the consolidation of the existing border by establishing customs posts—“an anomalous example of a phase of boundary administration actually predating final boundary delimitation”.<sup>10</sup> Even had the territory of Northern Ireland been drastically reduced, though, there is little evidence that this would have compromised its viability. County Antrim alone was a good deal larger in area and population than the Free City of Danzig, which came into existence as an autonomous state in 1920, and much larger than Gibraltar, another small but enduring entity that should have been familiar to Irish leaders.<sup>11</sup> But there is also evidence that if a plebiscite had taken place along the lines of those that had recently been conducted in East Prussia, Upper Silesia, Schleswig and Klagenfurt, the result might have been less favourable to nationalists than the data in the 1911 census used by the boundary commission.<sup>12</sup>

The central issue in the South at this time was the failure of the new Irish state to establish its complete independence of the UK, not the success of Ulster unionists in excluding six counties from its writ. This was reflected in the Dáil debate on the 1921 Treaty, which concentrated on “the crown, the oath and the empire”, with no more than “fleeting reference” to the Northern Ireland question, a topic that took up no more than nine of the 338 pages that reported the Treaty debates.<sup>13</sup> This reflected the reality of southern perspectives on the North: “Dáil deputies, and later IRA members, had more interest in the status of the new Ireland than in its size”.<sup>14</sup> Much of the history of the subsequent years was dominated by the efforts of the new state to differentiate itself further from the United Kingdom—even if that also meant reinforcing the border with Northern Ireland. The burning issue was “sovereignty, not unity”, and “what mattered above all was Dublin’s relations with London, not Dublin’s relations with Belfast”.<sup>15</sup> Dublin’s focus shifted decisively away from Northern Ireland, a circumstance aggravated by the death in August 1922 of Michael Collins, one of the few southern political leaders with a “genuine and consistent concern for Irish unity and the welfare of the northern nationalists”.<sup>16</sup>

Formally, however, the goal of Irish unity remained supreme, at least at the rhetorical level, for the first five decades of the life of the new Irish state. This was reflected in party programmes and constitutions. The new pro-Treaty governing party, which by 1923 had adopted the name Cumann na nGaedheal, gave unity first place in its list of objectives: “to secure the unity of Ireland and to combine the divergent elements of the nation in a common bond of citizenship in harmony with national security”.<sup>17</sup> When the party merged in 1933 with two smaller groups, the new party formed in the merger adopted the politically pointed name “United Ireland Party”, though within a few years it began to be better known by its Irish name, Fine Gael.<sup>18</sup> The Labour Party initially sought to maintain a difficult balance that could accommodate a diversity of views, because of its links with the labour movement in Northern

Ireland.<sup>19</sup> But it was also heir to the executed 1916 leader James Connolly, and in the mid-1930s the nationalist position was formally incorporated in the party constitution.<sup>20</sup>

On the anti-Treaty side, the Fianna Fáil party defined Irish unity as its primary aim from its foundation in 1926; its first objective was “to secure the unity and independence of Ireland as a Republic”. The party’s subsequent history, however, showed little engagement with this issue; its position up to 1971 has been persuasively described as “a mixture of outdated, piecemeal and short-term ad-hoc policies”, with the party offering an entirely misleading image of commitment to the pursuit of unity.<sup>21</sup> From a practical perspective, its founding leader, de Valera, was wedded to a formula he first outlined on 14 December 1921 as an alternative to the Treaty. This was to play a later role as a model for redefining the Irish-British relationship and, indeed, for restructuring relationships within the Commonwealth.<sup>22</sup> It departed from the terms of the Treaty mainly by proposing association with rather than membership of the Commonwealth, by reducing the role of the King and by asserting a more independent position in respect of military matters.<sup>23</sup> Most surprisingly, it left intact the proposal in the Treaty that Northern Ireland be allowed to opt out within one month.<sup>24</sup> This, however, was dropped in a later version of the document, intended for presentation to the Dáil on 4 Jan. 1922, and published in the *Freeman’s Journal* the following day. This became known, rather misleadingly, as “document no. 2”, and provided for the incorporation of Northern Ireland as an autonomous entity within Ireland.<sup>25</sup> A mechanism for achieving this was written into the 1937 constitution by de Valera; the otherwise puzzling article 15.2.2° states that “provision may however be made by law for the creation or recognition of subordinate legislatures and for the powers and functions of these legislatures”, a federative-type arrangement designed to allow Northern Ireland to continue with its existing institutions, while those retained by Westminster would be transferred to Dublin.

As well as this provision, the 1937 constitution addressed the question of partition more explicitly. Article 2 defined the “national territory” as consisting of “the whole island of Ireland, its islands and the territorial seas”, while article 3 asserted the Irish government’s right “to exercise jurisdiction over the whole territory”. It is not clear whether this was an elegant way of “parking” the Northern Ireland question by “resolving” it at the level of the constitution (thus allowing Irish governments to get on with the administration of their 26-county state) or a genuine device for achieving unity. If the latter, then de Valera’s attitude is puzzling when at two critical moments in the second world war (after the fall of France in 1940, and after Pearl Harbour in 1941) he rejected British overtures that appeared to offer Irish unity in return for Irish participation in the war.<sup>26</sup> It is unclear whether de Valera’s rejection of these approaches was based on doubts about British sincerity, about Britain’s capacity to deliver, or about the abandonment of the recently declared policy of Irish neutrality.<sup>27</sup> But it demonstrated that there were obvious limits to the weight de Valera attached to the value of Irish unity. Nevertheless, the federative approach remained a cornerstone of Fianna Fáil policy. As Sean Lemass, who took over as Taoiseach from de Valera in 1959, put it

I would regard as an honourable solution of this national problem, an arrangement on the lines of the proposal put forward on behalf of Dáil Éireann prior to the Treaty negotiations of 1921 and repeated on many occasions since, involving, subject to safeguards, the confirmation of the position of the Northern Ireland legislature with its existing powers within an all-Ireland constitution, for so long as the people of the north-eastern counties might desire it.<sup>28</sup>

Substantial consensus between the parties was reflected in the All-Party Anti-Partition Conference. Established in January 1949 on the initiative of the new Minister for External Affairs, Sean McBride, and including his own Clann na Poblachta party as well as Fianna Fáil, Fine Gael and Labour, its objective was to disseminate the traditional irredentist message rather than to rethink it.<sup>29</sup> Its policy statement rehearsed traditional nationalist arguments, describing partition as a “denial of the right to self-determination”, essentially accusing the British government of ignoring and obstructing the will of a majority of the people of Ireland.<sup>30</sup>

Notwithstanding conciliatory moves in the mid-1960s, the outbreak of civil unrest in 1968 resulted initially in restatement of traditional positions, with the Taoiseach, Jack Lynch seeing the appropriate course as “to eliminate the root cause of dissension among Irishmen in the North—that is, the Partition of our country against the wishes of the overwhelming majority of the Irish people”.<sup>31</sup> This continued to be his position in talks with the British Prime Minister on 30 October 1968.<sup>32</sup> It was to be seen also among senior members of Lynch’s cabinet, who were accused in 1970 of involvement in the illegal importation of arms for transfer to Northern Ireland in a traumatic event that became known as the “arms crisis”.<sup>33</sup>

In many respects, though, this episode represented one of the last outbursts of traditional irredentism within the main parties. Lynch’s occasionally bellicose references to partition were interleaved by more conciliatory language stressing the need for North-South agreement and eschewing any idea of coercing Northern Ireland.<sup>34</sup> In any case, the political and socio-economic realities exposed by the Northern Ireland conflict forced the government in the Republic to reconsider its stance on Irish unity and pushed the governing party, Fianna Fáil, into undertaking a fundamental re-evaluation of its policy.<sup>35</sup> This reconsideration extended also to the two main opposition parties, which had been moving steadily away from the traditional nationalist consensus.<sup>36</sup> Within Fine Gael, which was traditionally less assertive on the question of Irish unity, Garret FitzGerald (future party leader and Taoiseach, and himself with a strong Northern Ireland background through his mother, a northern Protestant nationalist) successfully proposed change in 1972. This new approach was based on a more thoughtful and politically nuanced programme in relation to Northern Ireland, emphasising the need for agreement.<sup>37</sup> At the same time, the views of the most outspoken member of the Labour Party, Conor Cruise O’Brien, acquired a position of dominance in party thinking on Northern Ireland, with his advocacy of a cooperative North-South relationship and abandonment of propaganda for unity, which would become a long-term aspiration.<sup>38</sup>

These ideological shifts reflected a more hard-headed understanding of existing realities. As the violence began to escalate in Northern Ireland in 1970, the Lynch government asked the Irish army to investigate the feasibility of military intervention. The army’s conclusion was that no more than 2,500 troops would be available for such a mission, and that they would face forces “vastly superior in strength, organisation, combat training and equipment”.<sup>39</sup> While the notion of military intervention was abandoned forthwith, another danger appeared on the horizon: the risk of a British withdrawal, which became a realistic possibility in 1974-75 and prompted the Irish government to stress to the British, ironically in light of decades of irredentist rhetoric, the catastrophic consequences that might follow, given limited Irish government resources to cope with the heightened level of violence that they believed would erupt in these circumstances.<sup>40</sup>

It could be argued that the swan song of southern Irish irredentism was represented by the New Ireland Forum of 1983-84. Convened by the Taoiseach, Garret FitzGerald, and comprising representatives of the three principal southern parties and the main northern nationalist party, the Social Democratic and Labour Party (SDLP), it was the most sustained attempt since partition to work out a nationalist consensus on the future.<sup>41</sup> It identified three political models: a unitary Irish state, a federal or confederal Ireland, and joint rule over Northern Ireland by the British and Irish governments.<sup>42</sup> Under pressure from Fianna Fáil leader Charles Haughey, it adopted the model of a unitary state as its preferred option.<sup>43</sup> Nothing like this had been advocated in the context of Irish independence by any leading political group or individual since the nineteenth century, and it was so far removed from political reality that it received little further consideration. Even the less demanding federal and confederal options fell off the menu of British-Irish negotiations that began in the mid-1980s. In any case, the perspectives of the parties had moved far towards recognising the need for agreement with Northern Ireland. This had been stressed by Fine Gael and Labour since the early 1970s; and in 1995 Fianna Fáil, which had been making a gradual transition

in a less irredentist direction, formally changed its first basic aim, so that it was now “to secure in peace and agreement the unity of Ireland and its people”.<sup>44</sup>

### **The Council of Ireland concept**

There was a tension between the pursuit of Irish unity (seen as giving Dublin a decisive voice in the government of the entire island, even if autonomous institutions were to survive in Belfast) and mechanisms for North-South cooperation such as the 1920 Council of Ireland (which implied accepting not just partition, but also equality between the two parts of the island). It is true that the latter formula could be presented as the embryo of a united Ireland, to be achieved in steady stages—a strategy that as applied later to the European integration process would be labelled “functionalist”.<sup>45</sup>

The Government of Ireland Act, 1920, which first prescribed this mechanism for sugaring the bitter pill of partition, indeed conformed to the gradualist interpretation. Clause 2 (1) provided for the creation of a 40-member Council of Ireland, drawn equally from the Northern and Southern parliaments, “with a view to the eventual establishment of a Parliament for the whole of Ireland” and to promote contact and cooperation between North and South. In the meantime, it would have responsibility for just a few areas (private bill legislation, railways, fisheries and infectious diseases of animals), though other areas could be transferred if the northern and southern authorities so agreed.

This initiative was, however, overtaken by events. Although the new Northern Ireland parliament selected its 20 members of the Council on 23 June 1921, its southern counterpart was rendered entirely ineffective. The Treaty of 1921 dealt the Council a significant blow: it led to the disappearance of the major all-Ireland institutions with which the Council was linked, including the offices of Lord Lieutenant and Lord Chancellor, the Irish Privy Council (of which both northern and southern ministers would have been members) and the High Court of Appeal for Ireland. The Treaty also transferred the functions of the Council in respect of the Irish Free State to that state, leaving intact only those relating to Northern Ireland. The fact that the Council’s powers in relation to Northern Ireland had been reserved to the British government caused practical difficulties, as in the case of Irish government’s efforts to consolidate the railway system in 1924. In the course of the debate on the Railways Bill, government hostility to the Council of Ireland was clear; the Attorney General, Hugh Kennedy warned that “the Council of Ireland was the creation of the Government of Ireland Act, 1920, which we have always refused to recognise”, and that retaining it would have negative consequences.<sup>46</sup> A month later, the Labour Party tried to force action to be taken on the Council, but it was comfortably outvoted by Cumann na nGaedheal.<sup>47</sup>

The crisis associated with the Boundary Commission debacle in 1925 finally killed off the Council. The Irish, Northern Irish and British governments agreed on 3 December 1925 not only to suppress the boundary commission’s report and accept the existing line of the border, but also to abolish the Council of Ireland, transferring its remaining functions to Northern Ireland, and to offer a package to the Irish Free State in respect of its financial liabilities under the Treaty.<sup>48</sup> This represented a significant re-orientation of the nationalist position, with the Irish government not only abandoning the concept of institutionalised links with Northern Ireland, but also distancing itself further from the nationalist minority there.<sup>49</sup> As Vice President Kevin O’Higgins put it during negotiations with the British, his government would be able to survive the shock of the boundary commission’s award only if either the conditions of Northern Ireland Catholics were improved or the British were to make “some form of concession by which they would be able to deaden in the 26 counties the echo of the outcry of the Catholics in North-East Ireland”. In settling for a financial deal, the Irish government acknowledged that it was “open to the taunt of having sold the Roman Catholics in Northern Ireland”.<sup>50</sup>

The Dáil debate on the 1925 agreement offers a revealing insight into southern views of the Council of Ireland. Ministers lined up to belittle its value, especially as amended by the

Treaty. President Cosgrave saw nothing to be lost by abandoning this structure; Desmond FitzGerald described it as an “irritant” that would be an obstacle to unity; Kevin O’Higgins criticised it as having “a kind of mutilated and lopsided existence”; Ernest Blythe dismissed it as “a body which would have done no good and might have done harm”; and ministers Hogan and McGilligan were similarly dismissive. In this, the Government was supported by Farmers’ Party leader Denis Gorey (who said that the Council “serves no purpose whatsoever”) and two prominent independents from unionist backgrounds, Bryan Cooper (who said that it “could never have achieved anything of permanent value”) and Professor William Thrift (who described it as “a bond of unity in the sense in which a handcuff is a bond between a prisoner and his jailer”). From the Government side, only Richard Mulcahy admitted to having “some misgivings” over the abolition, while his colleague Professor William Magennis (who resigned from Cumann na nGaedheal over the boundary commission issue) was also critical. A single speaker predictably offered a considered defence of the Council of Ireland: Labour leader Thomas Johnson described it as keeping open the door to Irish unity, and criticised its abolition as giving effect to a “complete and absolute severance” of links between the two parts of Ireland of a kind never contemplated while the treaty was being debated.<sup>51</sup>

The 1925 debate set the tone for the following decades. The Council was not just an uncomfortable reminder of partition, but, with its equal representation from the two states, implied parity between an independent state and a region of the UK. Belated regrets over the abandonment of the Council, and proposals for its resuscitation, were nevertheless occasionally to be heard. For example, in 1947 Fine Gael’s Eamonn Coogan, calling for an opening up of dialogue with Northern Ireland to pave the way for unity, commented on the casual manner in which this institution had been set aside.<sup>52</sup> Shortly afterwards, Senator James Douglas called for a Council of Ireland modelled on the Council of Europe.<sup>53</sup> The Dublin Central branch of Fine Gael made a similar call at the party’s 1954 ard-fheis.<sup>54</sup> Indeed, de Valera himself referred favourably to the old Council of Ireland in the course of a Seanad debate on a resolution of Professor W.B. Stanford calling for the promotion of social, economic and cultural co-operation with Northern Ireland—a debate showing the strong influence of a young lawyer, Donal Barrington, who called for a new policy of engagement with Northern Ireland.<sup>55</sup>

Notwithstanding commitments in the 1925 agreement that the two governments would meet “as and when necessary” to consider matters of common interest in the areas where the Council of Ireland would have functioned, the two parts of Ireland subsequently went their separate ways, though a reasonable level of political and official contact was maintained up to 1932.<sup>56</sup> Following the change in government in that year, however, such contacts continued only at official level, and were confined to areas where they could hardly have been avoided: the generation and distribution of electricity, cross-border railways, and management of shared fisheries.<sup>57</sup> The flavour at political level is conveyed by the Northern Ireland government’s reaction to a proposed visit by de Valera to Co. Down in 1938; it pointed out that “the expulsion order against Mr de Valera of some years back was still in force”.<sup>58</sup>

It was only a thaw in the North-South “cold war” in the 1960s that permitted a normalisation of relations. Subsequent developments fell under the umbrella of two strands that were later to become familiar themes in the negotiation of a settlement: Ireland’s relationship with the United Kingdom, and Northern Ireland’s relationship with the Republic.<sup>59</sup> Much of the momentum of the new approach was driven by economic considerations, culminating in the signing of a landmark Anglo-Irish Free Trade Agreement on 14 December 1965. Efforts to improve the political climate followed. On the proposal of Francis Noel-Baker, a British Labour MP, formal links between the Irish and British parliaments were established in 1966 under the auspices of the Inter-Parliamentary Union, and an Irish-British Parliamentary Group was created.<sup>60</sup> It adopted a constitution on 27 April 1966, and had attracted the affiliation of 69 members of the Oireachtas (one third of the total) by 1969.<sup>61</sup>



Parallel to this, a rather more visible rapprochement with Northern Ireland was facilitated by the warmer political atmosphere marked by the succession of Sean Lemass (1959) and Terence O'Neill (1963) as southern and northern prime ministers.<sup>62</sup> A vital role was played by the civil servant most associated with the re-direction of Irish policy, Ken Whitaker—himself born in what would become Northern Ireland.<sup>63</sup> Although Lemass formally supported de Valera's federative formula, his new policy was "to build brotherly regard and respect for the national heritage, and to promote agreements which will result in practical benefits while helping to emphasise the basic similarity of the problems and possibilities in all areas of Ireland, and the advantages of working in unison".<sup>64</sup>

The most dramatic outcome was Sean Lemass's visit to Stormont on 14 January 1965, followed by a reciprocal visit by O'Neill to Dublin on 2 February. The matter-of-fact nature of these meetings, and of the ministerial ones that followed (which focused on 14 areas of potential cooperation), was reflected in the fact that even O'Neill's hardline predecessor, Brookeborough, quietly gave O'Neill his blessing: "I do not think that either the Constitution or Protestantism is threatened in any way. This is purely a question of the economic welfare and happiness of the two countries".<sup>65</sup> The atmosphere in the ministerial talks was businesslike and friendly, with, in the words of a northern official about a meeting in January 1968, "no hint from the Southern side of any topic which could conceivably have any embarrassing political or constitutional implications".<sup>66</sup>

Calls for formalising the relationship had followed the Lemass-O'Neill talks. Thus, the *Irish Times* interpreted Lemass's visit as implicit recognition of Northern Ireland and as opening the way to a possible Council of Ireland, and similar suggestions were made by private individuals.<sup>67</sup> The idea was not, however, pushed by the Irish government, and in any case O'Neill dismissed it as premature.<sup>68</sup> The Irish Government was more reserved on a proposal for an "Irish Parliamentary Union", linking North and South, comparable with the Irish-British one. The Minister for External Affairs, Frank Aiken, preferred informal contact between northern and southern parliamentarians, and this view was shared by his departmental secretary, Hugh McCann, who feared that "for some time to come relations with the North will be delicate and sensitive and whether all parliamentarians could be relied on to bring the necessary degree of circumspection, tact and prudence to bear on the problems might be open to doubt".<sup>69</sup> Cooperation through such mechanisms as a Council of Ireland, and any symmetrical federal model, were seen as hazardous, since they implied equal status for Northern Ireland with the Republic.<sup>70</sup>

The new policy of intergovernmental cooperation and de facto mutual recognition had practical consequences that northern nationalists found alarming: Stormont would continue in its existing, unreformed manner. As Aiken had put it privately in early 1965, northern nationalists should be encouraged to make the best of their current position within Northern Ireland and accept its British culture, including such irritants to nationalists as ubiquitous "loyal toasts".<sup>71</sup> Northern nationalists were deeply offended when in October 1967 Lemass, now in retirement, called on them to accept their position and adopt a more flexible attitude to the state; as he saw it, the onus was on minorities to adapt, as Ireland's southern Protestant minority had done.<sup>72</sup> As Nationalist Party leader Eddie McAteer put it, "you are penned into a ghetto and then blamed for being in the ghetto".<sup>73</sup>

The explosion of Catholic grievance reflected in the outbreak of civil unrest made reconsideration of traditional policy necessary. Fresh Irish government thinking on Northern Ireland was kicked off in late 1969 by a group of officials led by Ken Whitaker, who outlined a wide and imaginative range of options for institutionalised North-South and British-Irish links, including also Europe-related options.<sup>74</sup> Shortly afterwards, on 27 May 1970, the government appointed a small "Inter-Departmental Unit" (IDU) to advise on Northern Ireland policy and to explore constitutional options.<sup>75</sup> Drawn from the departments of the Taoiseach, External Affairs and Finance, one of its earliest tasks was to explore the possible shape that a Council of Ireland might take.<sup>76</sup> This idea also attracted interest outside Irish government circles. The notion of a Council of Ireland was floated by a leading Labour peer, Lord Longford, in

October 1969.<sup>77</sup> An influential *Irish Times* columnist, Michael McInerney, also proposed this formula in January 1970, and six months later it was taken up by the National Democratic Party, a precursor to the SDLP.<sup>78</sup> In May 1971, J.C. Beckett, a distinguished professor of history in Queen's University Belfast, made the original suggestion that a Council of Ireland could be established by amendment of article 3 of the Irish constitution.<sup>79</sup>

The suspension of devolved government in Northern Ireland in March 1972 gave this discussion more immediacy. A "Future Policy Group" of senior northern civil servants came together to examine long-term constitutional options, including Irish unity, and produced a set of thoughtful policy papers.<sup>80</sup> The idea of institutionalised North-South links was formally put forward by the British Government in its discussion document or "green paper" of 30 October 1972 and in a policy "white paper" on 20 March 1973. The Sunningdale conference that followed on 6-9 December 1973 brought together the British and Irish governments and the three parties which had agreed to form a power-sharing executive in Northern Ireland. It resulted in an agreement on a blueprint very similar to that proposed by the IDU: a Council of Ireland comprising a ministerial body with equal representation from North and South, a parliamentary tier drawn from the Northern Ireland Assembly and the Dáil, and a standing secretariat. The big question concerned its functions. The IDU prepared an ambitious list, but encountered relatively little enthusiasm among Irish government departments.<sup>81</sup> As one of the Northern Ireland civil servants involved in the process drily remarked, the list of areas proposed for transfer gave the impression of "departments protecting themselves", adding that "what is involved is a largely symbolic transfer of the responsibility of secondary bodies to the Council of Ireland, leaving the departments largely unscathed".<sup>82</sup> Foreign Affairs Minister Garret FitzGerald put this down to a partitionist mentality among southern civil servants, who tended to see the Council of Ireland as "some kind of external threat to the institutions of the state".<sup>83</sup>

The proposed Council never came into existence, and disappeared with the collapse of one of its legs, the power-sharing executive, on 28 May 1974 under pressure from the Ulster Workers' Council strike. This experience left a lasting legacy, one which showed a remarkable shift in nationalist discourse as represented by the southern political elites. This change was conditioned by recognition of certain undeniable realities: the vehemence of Protestant opposition to Irish unity, the autonomous path of development taken by northern nationalism in the 1970s and later that differentiated its priorities from those of the south, and the huge costs—economic, political and even military—that the Republic would have to bear were it to pursue successfully a campaign for Irish unity. In particular, though, the collapse of the Sunningdale arrangements in May 1974 had demonstrated the very considerable resources that unionists could mobilise against their perceived enemies; and fears of a British withdrawal in 1974-75 heightened Irish government anxieties about involvement in the administration of Northern Ireland. There was, then, a sharp shift in Irish government thinking on Northern Ireland. A discussion paper in June 1974 suggested that, as well as investigating the possibility of United Nations involvement, the government should "exert pressure, discreetly, directly and indirectly e.g. through EEC partners and others on the British to continue direct rule", and that it should "conduct here a discreet educational exercise among the public on the (1) security, and (2) economic consequences of a British withdrawal".<sup>84</sup>

Following the setback of 1974, the idea of North-South institutional links was put on the long finger; indeed, the impossibility of putting power sharing institutions in place in Northern Ireland seemed to remove a prerequisite to such links. In these circumstances, the Irish government moved to a different level—a direct relationship with London—rather than focusing primarily on the North-South relationship. The outcome was the Anglo-Irish agreement of 1985, which created an Anglo-Irish Intergovernmental Conference, serviced by a permanent secretariat, which would discuss matters of shared interest at head of government, ministerial and official level. In particular, this arrangement would give the Irish government a voice in the political affairs of Northern Ireland. Parallel to this, a parliamentary

tier was established in 1990—the British-Irish Interparliamentary Body, its members drawn equally from the British and Irish parliaments.<sup>85</sup> As in the 1960s, East-West collaboration seemed to present a more manageable challenge than North-South cooperation.

The Good Friday agreement of 1998 redefined these structures and introduced new ones.<sup>86</sup> The new structures, with an Assembly and Executive at their core, were mainly focused on devolved government within Northern Ireland. But in addition to changes at this level, now labelled “strand one”, two other strands were identified. The second referred to the North-South dimension, where a small set of North-South “implementation bodies” was established, alongside an overarching North/South Ministerial Council with a permanent secretariat, and with provision for cooperation in other areas. The range of areas was considerably less than those identified in 1974; but, unlike the earlier experience, perhaps because of the modesty of the areas covered, the institutions themselves have functioned effectively. A joint parliamentary forum linking the two jurisdictions was planned, but came into existence only in 2012 as the North/South Interparliamentary Association; a planned parallel consultative forum representing civil society interests never took shape.

By contrast with the slow pace of progress in strand two, strand three has shown greater vigour. The British-Irish Intergovernmental Conference that replaced the Anglo-Irish Intergovernmental Conference created in 1985 receded in importance as power was devolved to the new institutions in Belfast; since the restoration of devolution in 2007 it has not met. The Irish part of its secretariat nevertheless continues to give the Irish government a presence in Belfast, and alternative channels of British-Irish communication have developed (notably, the Permanent Secretaries and Secretaries General Group, set up in 2013 to bring together senior civil servants from London and Dublin). The Good Friday agreement also established a British-Irish Council, including the governments of the two sovereign states, the three devolved administrations of the United Kingdom, and the three crown dependences of Jersey, Guernsey and the Isle of Man. Parallel to this, the parliamentary forum expanded its membership to include all of these jurisdictions, and in 2008 it was re-designated the British-Irish Parliamentary Assembly.<sup>87</sup>

Thus, nothing as ambitious as the Council of Ireland provided for in the Sunningdale agreement was to emerge later. Seamus Mallon’s quip that the Good Friday agreement was “Sunningdale for slow learners” gives a misleading impression of the similarities between the North/South Ministerial Council of 1998, with its strictly limited jurisdiction, and the promise that Irish policy makers saw in the Council of Ireland of 1973-74, even if the latter never came into existence.

### **The status of Northern Ireland**

Changes in the position of the Republic’s political leadership on the so-called “national question” were reflected in a shift in principle in relation to a more fundamental issue. Running alongside the debate about Irish unity and the discussion of proposals for institutionalised North-South cooperation ran a more fundamental and generally subterranean (but occasional overt) disagreement about the status of Northern Ireland and, indeed, about the status of the jurisdictions that laid claim to it. There were two aspects to this: the relatively superficial (but diplomatically challenging) issue of state nomenclature, and the question of formal recognition of the territorial integrity of neighbouring states.

The official title of the state of which Ireland was a part until 1922, as defined in 1801 in the royal title, was “the United Kingdom of Great Britain and Ireland”. The Government of Ireland Act, 1920, proclaimed two new autonomous entities of equal status within this, Southern Ireland and Northern Ireland. The latter came into existence in 1921; the former never effectively existed and was superseded by the Anglo-Irish Treaty of 1921. On 6 December 1922, the United Kingdom was disrupted by the departure of the whole island of Ireland, marked by the appearance of a new dominion, the Irish Free State. On the following day, however, in a pre-arranged piece of constitutional choreography, Northern Ireland left the

Irish Free State to return to the United Kingdom. The designation “Irish Free State” subsequently referred to the 26 counties of independent Ireland only. Nevertheless, the British government continued to acknowledge the integrity of the island of Ireland. This was reflected in the change in the royal title made necessary by the end of the union of 1801: in 1927 “United Kingdom” was dropped, and the King’s jurisdiction was redefined, using “O’Higgins’s comma” (so called after the Irish external affairs minister who negotiated this) as “Great Britain, Ireland”, and his other dominions.<sup>88</sup> This formula survived the retitling of the Irish Free State as “Éire, or, in the English language, Ireland” in the 1937 constitution, and even the creation in that constitution of the office of President of Ireland, an international anomaly whose functions were wholly domestic.<sup>89</sup>

Although the President of Ireland and the King of Ireland were to coexist for over a decade, this balancing act did not survive the decision of a new coalition government in 1948 to terminate the King’s role in external affairs and to sever remaining links with the Commonwealth. The Republic of Ireland Act, 1948, transferred the King’s functions in external relations (signing the credentials of heads of Irish diplomatic missions, accepting letters of credence from external governments, and signing treaties) to the President, terminating the ambiguous position that had lasted up to then, and introduced “Republic of Ireland” as the “description” (not the name!) of the state. This brought to a head tensions over the naming issue. The Irish government insisted that for international purposes the country would be represented by the “President of Ireland”; the British flatly refused to accept this designation, but were prepared to accept “Éire” (which by now was widely seen outside the state as referring to the 26 counties only), or “Irish Republic”, or, at a pinch, “Republic of Ireland”. Another consequence was the practice of completing British-Irish treaties “in two originals” rather than in duplicate: the Irish version referred to “Ireland” and “the United Kingdom”; the British version to “the Republic of Ireland” and “the United Kingdom of Great Britain and Northern Ireland”.<sup>90</sup>

The dispute over nomenclature reflected a more profound failure of the two states to accept each other’s boundaries.<sup>91</sup> The British position was complex. As already indicated, the Government of Ireland Act, 1920, indicated support for Irish unity in the long term, though within the framework of the United Kingdom. British governments of course recognised the Free State’s dominion status, but could do little to prevent Irish governments, especially after de Valera’s accession to power in 1932, from dismantling most of the constitutional links with the United Kingdom. Even the territorial statement in the Irish constitution of 1937 drew no legal response from the British side. The Republic of Ireland Act, 1948, however, implied a complete break with the United Kingdom, one that by implication extended to all 32 counties. The British responded with the Ireland Act, 1949. This appeared to underwrite partition more completely than ever before, giving a veto to the Northern Ireland parliament over its status within the United Kingdom: “in no event will Northern Ireland or any part thereof cease to be part of His Majesty’s dominions and of the United Kingdom without the consent of the Parliament of Northern Ireland”. The Act did not, as is sometimes suggested, in any way grant Northern Ireland the right to leave the United Kingdom. But since it prevented the British parliament from even adjusting the border of Northern Ireland without the consent of the “subordinate parliament” in Belfast, “the boundary acquired an air of permanence and of rigidity in law which it had not hitherto possessed.”<sup>92</sup>

At a political level, this commitment was repeated by successive prime ministers: Atlee did so in 1948, affirming that it was British government policy that “no change should be made in the constitutional status of Northern Ireland without Northern Ireland’s free agreement”, and Wilson repeated this assurance in 1965.<sup>93</sup> The Northern Ireland government was nevertheless worried, since Wilson was reported in January 1967 as saying that “Irish unity would have his blessing”.<sup>94</sup> Following the outbreak of civil unrest, Wilson restated his pledge in October 1968, but added that partition was “a matter for Irish people on both sides of the border”.<sup>95</sup> The Northern Ireland Constitution Act, 1973, repeated the commitment, but

replaced “the consent of the Parliament of Northern Ireland” by “the consent of the majority of the people of Northern Ireland voting in a poll”, since the parliament no longer existed.

Within months, a process of convergence between the British and Irish positions had begun. One of the irreversible aspects of the Sunningdale agreement was that while agreed institutions were subject to collapse, statements made could not be unsaid, though they might later be changed or rejected. At Sunningdale, the British position was formally stated:

The British Government solemnly declared that it was, and would remain, their policy to support the wishes of the majority of the people of Northern Ireland. The present status of Northern Ireland is that it is part of the United Kingdom. If in the future the majority of the people of Northern Ireland should indicate a wish to become part of a united Ireland, the British Government would support that wish.<sup>96</sup>

This represented a big change in the British position; it formally declared its willingness to see Northern Ireland leave the United Kingdom, subject only to the wishes of a majority there (though the expression “the majority” could be seen as referring to the unionist community, the definite article implying the support of the “majority community”). For its part, the Irish government acknowledged that any change in the status of Northern Ireland could only come about if a majority there so wished. However, a clever device was used to ensure that this did not imply acceptance of the status of Northern Ireland as part of the United Kingdom: the Irish and British declarations were printed alongside each other, so the Irish declaration did not follow the British one, and left Northern Ireland’s status open:

The Irish Government fully accepted and solemnly declared that there could be no change in the status of Northern Ireland until a majority of the people of Northern Ireland desired a change in that status.<sup>97</sup>

This declaration, ambiguous though it was, was challenged in the High Court by a former Fianna Fáil minister, Kevin Boland, on the basis that it was in conflict with the constitution. This was rejected by the High Court (in a judgement later upheld by the Supreme Court) since, the court held, there had not been an agreement on the status of Northern Ireland, the Irish government’s declaration was a statement of policy and referred only to the *de facto* status of Northern Ireland, and in any case the courts had no right to intervene in matters that were appropriately the domain of parliament and government.<sup>98</sup> This left the Taoiseach, Liam Cosgrave, free to offer a political confirmation of what had been agreed, and he made a statement in the Dáil that was welcomed by the head of the power-sharing administration in Northern Ireland, Brian Faulkner:

I now therefore solemnly reaffirm that the factual position of Northern Ireland within the United Kingdom cannot be changed except by a decision of a majority of the people of Northern Ireland. This declaration, I believe, is in accordance with and follows from the resolve of all the democratic parties in the Republic that the unity of Ireland is to be achieved only by peaceful means and by consent.<sup>99</sup>

The next major step was the Anglo-Irish Agreement of 1985. This included a joint declaration which continued to leave the status of Northern Ireland undefined, acknowledged that a majority there supported the status quo, but committed the two governments to make provision for Irish unity should a majority within Northern Ireland so wish.<sup>100</sup> This time, the unionist side used the courts in a clever move designed to upset the agreement by demonstrating its incompatibility with the Irish constitution. Two members of the Ulster Unionist Party, Christopher and Michael McGimpsey, took the case, but the Supreme Court’s judgement in 1988 (upholding that of the High Court) was that article 1 of the agreement “constitutes a recognition of the *de facto* situation in Northern Ireland but does so expressly without abandoning the claim to the re-integration of the national territory”.<sup>101</sup>

The Downing St Declaration of 1993 spelled out further the clearly non-coercive nature of any path towards unity, and its principles were written into the Good Friday agreement in 1998. The British government committed itself to upholding “the democratic wish of the greater number of the people of Northern Ireland on the issue of whether they prefer to

support the Union or a sovereign united Ireland”, and reiterated that it had “no selfish strategic or economic interest in Northern Ireland”. It agreed that “it is for the people of the island of Ireland alone, by agreement between the two parts respectively, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland”. The Irish government made a reciprocal gesture by accepting that “the democratic right of self-determination by the people of Ireland as a whole must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland”.<sup>102</sup>

As well as incorporating these principles, the Good Friday agreement formally recognised the legitimacy of “whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its status”, and formally acknowledged Northern Ireland’s status as part of the United Kingdom, since “the present wish of a majority of the people of Northern Ireland, freely exercised and legitimate, is to maintain the Union”.<sup>103</sup> This time, the agreement was proofed against the kind of legal challenge that had threatened earlier agreements; the Irish constitution was amended by popular referendum, so that article 3.1 now reads

It is the firm will of the Irish nation, in harmony and friendship, to unite all the people who share the territory of the island of Ireland, in all the diversity of their identities and traditions, recognising that a united Ireland shall be brought about only by peaceful means with the consent of a majority of the people, democratically expressed, in both jurisdictions in the island.

Notwithstanding the fact that the constitution proclaimed in article 3 that unity was “the firm will of the Irish nation”, the status of Northern Ireland as part of the United Kingdom is thus unambiguously embedded in the Irish constitution, which now specifies a more demanding path to Irish unity (implying support in referenda North and South) than ever previously contemplated. In thus endorsing the “principle of consent”, the Irish government was subscribing to a quiet redefinition of its traditional position. The crucial change was in effect in counting rules: the people who would make a decision on the relationship between North and South would now be the people of Northern Ireland (and, separately, the people of the Republic), not the people of the whole island.<sup>104</sup>

## Conclusion

This article has argued that a radical shift in the perspectives of Irish politicians and senior officials in relation to Northern Ireland took place during the course of the twentieth century, a process marked by patterns of abrupt change at certain critical periods. This emerges in three interrelated areas. First, the programme of Irish unity, once stridently articulated, acquired a softer edge, and there appears to have developed a new form of civic nationalism in the Republic, one coterminous with the state—a development which has undermined support for Irish unity. Second, the intense reluctance to cooperate with Northern Ireland, reflected in suspicion of the Council of Ireland project of the 1920s, has been replaced by a more benevolent attitude towards North-South cooperation since the 1970s, one which rests on acceptance of the reality of partition. Third, commitment to the notion of the island of Ireland as the primary decision making unit on matters affecting the island’s future has given way to acceptance of the right of the people of Northern Ireland to opt out of all-island institutions and to exercise a veto on Irish unity.

What, then, is the answer to the question posed at the start of this article: to what extent was the Good Friday agreement the outcome of skilled negotiation and bargaining at the end of the twentieth century, or a function of long-term ideological shifts throughout that century? It would be judicious to respond that there is truth in each of these alternative views. The historical picture records the sequence of outcomes to deft inter-state diplomacy from 1973 to 1998, with greatly varying contributions from the main political parties. But these negotiations took place within the context of evolving public opinion, with Catholics in Northern Ireland showing an increased disposition to accept the union, and public opinion in

the South ultimately abandoning the attitudinal ambiguity that had been such a feature of the pre-1969 period to embrace instead the geopolitical status quo. As events showed, the official ideological position of the southern state was brittle. More than a generation ago, one acute observer detected an “ironic role reversal” in attitudes in the Republic towards Northern Ireland, resembling that of the British towards Ireland under the Act of Union:

When it suited, the geographical integrity of the single island would dominate the nationalist’s mental map. But there were times and moods (more frequent, needless to add, in recent years) when such a picture did not suit, when it became impossible to distance oneself from the north-east corner of the Irish land-mass, and to attach significance to its being painted politically another colour. At such times and in such moods ... the boundary stands out, as a weal, marking, not mere county lines, but the start of a different, if not indeed an alien, country.<sup>105</sup>

This retraction of the territory of the “imagined community”, it has been argued in this article, had deep roots. The Republic’s ambiguous attitude towards Northern Ireland may well be traceable back to a perception, deeply embedded within southern political elites already by the time partition was implemented, of that part of the island as “a place apart”—an “alien and remote” corner, politically and culturally distinct from the rest of the island, yet forming part of nationalists’ mental image of “Ireland”.<sup>106</sup>

The creation of a separate Northern Ireland entity has been described as an “awesome enterprise”, given its absence of an identity; labour and radical opinion in Britain in the early twentieth century saw it as “leading on to entrenchment of vested interests building up either side of an indefensible border line and resulting in progressive alienation”.<sup>107</sup> This interpretation is compatible with the processes of change and adaptation discussed in this article: the progressive relegation of demands for Irish unity to the domain of rhetoric, and their collapse in the 1970s; the preference for modest cross-border cooperation rather than strong all-island institutions; and the steady move initially towards de facto recognition of Northern Ireland and then, more haltingly, towards de jure recognition. In each of these areas, the Good Friday agreement of 1998, it might be argued, constituted the cap-stone of political evolution towards acceptance of the reality of partition. It is, however, too early to predict whether this new, apparently stable alignment of ideology with geopolitical structures has the capacity to withstand the shocks and unintended consequences of the United Kingdom’s painful path towards redefining its relationship with the European Union.

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## Notes

1. Mandelson, “Good Friday Agreement”, 117.
2. This was the main headline at the launch of the party’s 2016 *ard-fheis* programme; *An Phoblacht*, 19 April 2016.
3. Ahern, “In Search of Peace”, 28.
4. Hayward, “Politics of Nuance”, 22.
5. *Northern Ireland. Parliamentary Debates: House of Commons*, 7 Dec. 1922, vol. 2, col. 1147.
6. For background, see O’Callaghan, “Old Parchment”; Murray, *Irish Boundary Commission*.

7. Rankin, "Deducing Rationales", 919.
8. Blake, "Some Lessons", 58.
9. Murray, *Irish Boundary Commission*, 240-247.
10. Rankin, "Role of the Irish Boundary Commission", 434.
11. Ernest Blythe was unusual in recognising this point; Ó Corráin, "Ireland in His Heart", 64.
12. Other plebiscites showed that voters did not always follow the allegiance implied in their cultural characteristics, such as language; Murray, *Irish Boundary Commission*, 268-63.
13. Wall, "Partition", 87.
14. Laffan, *Partition*, 88.
15. Fanning, *Fatal Path*, 314.
16. Phoenix, "Michael Collins", 116.
17. Coakley, "Appendix 1", 157.
18. Farrell, "From Cumann na nGaedheal to Fine Gael", 166-7.
19. Mitchell, *Labour*, 104-43.
20. Puirseil, *Irish Labour Party*, 8-9, 54-57.
21. Kelly, *Fianna Fáil*; 365; see also Ó Beacháin, *Destiny of the Soldiers*; Bowman, *De Valera*.
22. Mansergh, "Implications of Eire's Relationship".
23. Akenson, "Was de Valera a Republican?", 248-50; Lee, "De Valera's Use of Words", 77-85; Knirck, *Imagining Ireland's Independence*, 153-160.
24. At an early stage in the Treaty negotiations, de Valera made it clear to his colleagues that, in his view, force should not be used against Ulster, as that "would be making the same mistake with that section as England had made with Ireland"; he would be prepared to allow individual Ulster counties to opt out of the Republic; *Dáil Debates: Vol. S*, 22 Aug 1921, 28-29.
25. If the Treaty is regarded as "document no. 1", two later formulations prepared by de Valera (in December 1921 and January 1922 respectively) should be labelled documents no. 2 and 3. These are reproduced in *Dáil Debates: Vol T (Treaty Debates)*, appendices 17 ("Proposed treaty of association between Ireland and the British Commonwealth presented by President de Valera to the secret session of An Dáil") and 18 ("The President's alternative proposals"), and in *Documents on Irish Foreign Policy*, vol. 1, nos 217 and 218. The latter source refers to de Valera's second document (in reality, "Document no. 3") as "Document no. 2", and Dorothy Macardle also so describes it, stating that de Valera intended to move it as an amendment on 4 Jan. 1922; see Macardle, *Irish Republic*, 886-91.
26. For the terms of the offers, see Note of conversations between Eamon de Valera and Malcolm MacDonald, 23 June 1940, and Memorandum of talks between Eamon de Valera and Malcolm MacDonald, 28 June 1940, *Documents on Irish Foreign Policy*, vol. 6 (1939-41), nos. 198 and 207, and Telegram from Winston Churchill to Eamon de Valera, 8 Dec. 1940, and Memorandum by Eamon de Valera of a meeting with Sir John Maffey, Dec. 1941, *Documents on Irish Foreign Policy*, vol. 7 (1941-45), nos. 154-155.
27. Bew, *Churchill and Ireland*, 141-154; see also Mansergh, *Unresolved Question*, 312-4.
28. *Dáil Debates*, 10 Feb. 1965, vol 214, cols 3-4. It is clear from the records of the Taoiseach's department that this was settled government policy; see T. Ó Cearbhall to Minister Patrick Hillery, 26 Mar. 1965, National Archive of Ireland (NAI), Taoiseach's Department (TSCH) TSCH/96/6/250. As late as 1966, de Valera (then President of Ireland) appealed for the transfer of Westminster's power to Dublin, promising that "Northern Ireland could still have local autonomy with the powers they possess at present"; *Irish Times*, 18 Apr. 1966.
29. Kelly, "Policy of Futility", 5-6. There were independent minded critics, such as Ernest Blythe, who opposed this approach; Ó Corráin, "Ireland in His Heart", 65-70.
30. All-Party Anti-Partition Conference, *Ireland's Right to Unity*, 16.



31. Taoiseach's remarks on Derry incidents – Extract from speech made at Clonmel, 8 Oct. 1968, NAI, Department of Foreign Affairs papers (DFA), DFA/2000/5/12.
32. *Irish Times*, 31 Oct. 1968.
33. For a full account, see O'Brien, *Arms Trial*.
34. See a collection of Lynch's speeches from this period circulated by the government, Lynch, *Speeches and Statements*.
35. O'Donnell, *Fianna Fáil*.
36. Ivory, "Revisions in nationalist discourse", 89-90; McDermott, "Dimensions of Irish Government involvement", 102.
37. FitzGerald, *Towards a New Ireland*.
38. O'Brien, *States of Ireland*, 298-9.
39. Keogh, *Jack Lynch*, 234-7.
40. FitzGerald, "The 1974-5 Threat", 150.
41. Boyle and Hadden, "How to Read"; MacDonagh, "What was New?".
42. New Ireland Forum, *Report*.
43. Kelly, "*Failed Political Entity*", 285-94.
44. Coakley, "Appendix 1", 156.
45. See, for example, Webber, "How Likely?".
46. *Dáil Debates*, 28 May 1924, Vol. 7, cols 1502-3.
47. *Dáil Debates*, 13, 18, 20 and 25 June 1924, Vol. 7, cols 2368-80, 2603-32, 2819-38 and 2996-3000.
48. Curran, "Anglo-Irish Agreement"; for the text of the agreement, see *Documents in Irish Foreign Policy* vol. 2 (1922-26), no. 368.
49. Murray, "Partition", 195.
50. Draft notes of a conference held in the Board Room, Treasury, Whitehall, 1 Dec. 1925, *Documents on Irish Foreign Policy*, vol. 2 (1922-26), no. 359.
51. See *Dáil Debates*, 7-10 Dec. 1925, vol. 13, for the second reading debate on the bill to give effect to the agreement, and 15 Dec. 1925 for the remaining stages (where many of these points were repeated). These references are to Cosgrave (col. 1313), FitzGerald (1446), O'Higgins (1365-6), Blythe (1596), Hogan (col. 1691), McGilligan (1714-5), Gorey (1438), Cooper (1428), Thrift (1558), Mulcahy (1673) and Maginness (1334-5). Johnson's criticisms of the Council's abolition are at cols 1480 and 1852-4. The Council of Ireland was barely mentioned during the bill's speedy passage through the Seanad on 16 Dec. 1925 (*Seanad Debates*, vol. 6, cols 122-242).
52. *Dáil Debates*, 24 June 1947, vol 107, cols 57-59.
53. *Irish Times*, 6 Aug. 1949.
54. *Irish Times*, 12 Feb. 1954.
55. *Seanad Debates*, 29 Jan. 1958, vol. 48, col. 1415; see Barrington, "Uniting Ireland".
56. Kennedy, *Division and Consensus*, 21-42.
57. Kennedy, *Division and Consensus*; Coakley, Ó Caoindealbháin and Wilson, *Institutional Cooperation*, 33-35.
58. Letter from Seán Murphy to John W. Dulanty, 19 May 1938, *Documents on Irish Foreign Policy*, vol. 5 (1937-39), no. 185.
59. These were labelled strands 2 and 3 in the peace talks of the 1990s; strand 1 referred to the internal politics of Northern Ireland.

60. Aiken to Lemass, 21 July 1965, in Irish Parliamentary Union proposals, 1965-, NAI TSCH/97/6/376.
61. Lemass to Aiken, 22 July 1965; text of constitution as amended, 21 May 1969; and Chairman's report for 1969; all in Irish Parliamentary Union proposals, 1965-, NAI TSCH/97/6/376.
62. Kennedy, "Northern Ireland".
63. McCann, "Mr Whitaker", 174-176.
64. Speech by the Taoiseach, Seán Lemass, at annual dinner of Cumann Seosamh Hudson Fianna Fáil, Ross's Hotel, Dún Laoghaire; NAI TSCH/98/6/495.
65. Report of a conversation with Lord Brookeborough, 1 Feb. 1965, Public Record Office of Northern Ireland (PRONI), Cabinet Office papers (CAB) CAB9U/5/1.
66. Note of a meeting in Iveagh House, 8 Jan. 1968, PRONI CAB/9/U/5/2/.
67. *Irish Times*, 15 Jan. 1965.
68. See letter on Council of Ireland, 11 Mar. 1965, and news cutting, *Irish Independent*, 19 Feb. 1965; NAI DFA/2000/14/444.
69. McCann to N.S. Ó Nualláin, 8 Dec. 1967; NAI TSCH/98/6/435.
70. T. Ó Cearbhall to Hillery, 22 Mar. 65; NAI TSCH/96/6/250.
71. Memo from Frank Aiken, Minister for External Affairs, to Seán Lemass, Taoiseach, regarding nationalists in Northern Ireland, 27 Jan. 1965, NAI TSCH/98/6/429.
72. *Irish Times*, 24 Oct. 1967.
73. *Sunday Independent*, 29 Oct. 1967. Gerry Fitt, leader of the small Republican Labour Party and future founding leader of the SDLP, also joined in the criticism. See also Memorandum by N. S. Ó Nualláin, Secretary of the Department and Private Secretary to the Taoiseach, for the Taoiseach, Jack Lynch, regarding a meeting with Edward McAteer, MP, 3 Nov. 1967, NAI TSCH/99/1/76.
74. The Constitutional Position of Northern Ireland, Part IV: Possible reconciliation between North and South; NAI TSCH/2001/8/6.
75. N.S. Ó Nualláin, Secretary to the Government, to J. McColgan, Department of External Affairs, 28 May 1970, NAI TSCH/2001/6/549.
76. On the operation of the unit, see Charles Whelan, Inter-Departmental Unit on Northern Ireland, 3 Aug. 1973, NAI TSCH/2004/21/624.
77. Report by Kevin Rush, Irish Embassy, 7 Oct. 1969, NAI DFA/2000/14/444. When Longford addressed the subject in the House of Lords, however, he was vaguer and more cautious, on the ground that "I do not think that one wants to say anything to imply far-reaching developments which might alarm people in the North who are undoubtedly in a rather sensitive condition"; *Parliamentary Debates, House of Lords*, 15 Oct. 1969, vol. 304, col. 1465. As author of the classic study of the Anglo-Irish Treaty negotiations (Pakenham, *Peace by Ordeal*), Longford was particularly sensitive to the political niceties of the issue.
78. *Irish Times*, 2 Jan. and 11 June 1970.
79. Account of meeting in London, Institute of Commonwealth Relations, 7-8 May 1971, NAI TSCH/2002/8/77.
80. Future Policy Group minutes, 26 April 1972 - 1 Aug 1973; PRONI CAB/9/J/90/1.
81. IDU Interim report (final version), June 1973, appendix 2: responses from departments, NAI TSCH/2004/21/624.
82. Maurice Hayes to Kenneth Bloomfield, 31 Jan 1974, PRONI, Office of the Executive (OE), OE/1/19. Austin Currie, an SDLP minister in the power sharing executive during these discussions, recalled surprise on the part of northern civil servants at the absence of enthusiasm of southern civil servants in transferring functions to the Council of Ireland; witness seminar on Sunningdale agreement, Institute for British-Irish Studies, UCD, 7 Sept. 2005, part of the oral archive, "Breaking patterns of conflict".

83. FitzGerald, *All in a Life*, 203.
84. Policy on Northern Ireland: discussion paper, June 1974, NAI TSCH/2005/7/606.
85. Coakley, "British-Irish Institutional Structures".
86. Ruane and Todd, *After the Good Friday Agreement*.
87. Coakley, "British-Irish Institutional Structures".
88. Shinn, "Changing the King's Title".
89. Coakley, "Ambiguous Office".
90. Coakley, "Irish Republic".
91. The issue of designation applied also to Northern Ireland (which itself had toyed with the idea of redesignation as "Ulster", but backed away when it became clear that this would require British government approval). In official and colloquial southern usage, the expression "Six Counties" was generally used. Lemass sought vigorously in the 1960s to replace this by the official title of the state, "Northern Ireland"; Horgan, *Sean Lemass*, 260-62. This apparently trivial gesture was of great significance in the atmosphere of the 1960s; Garvin, *Judging Lemass*, 218. However, it was not until the early 1970s that official usage shifted to "Northern Ireland".
92. Mansergh, *Unresolved Question*, 341.
93. *House of Commons Debates*, 28 Oct. 1948, vol. 457, col. 239; 6 May 1965, Vol. 711, col. 560.
94. *Irish Times*, 24 Jan. 1967; see PRONI CAB9B/201/13.
95. Wilson to O'Neill, 31 Oct. 1968, PRONI CAB9U/7/1.
96. Sunningdale Agreement, clause 5.
97. Sunningdale Agreement, clause 5. The idea of using parallel columns was suggested as a compromise by the Irish side during the negotiations; witness seminar on Sunningdale agreement, Institute for British-Irish Studies, UCD, 7 Sept. 2005, part of the oral archive, "Breaking patterns of conflict".
98. "Kevin Boland, Plaintiff, v. an Taoiseach and Others, Defendants", *Irish Reports* (1974): 338-372, at pp. 350-354.
99. *Dáil Debates*, 13 Mar. 1974, Vol. 271, col. 8.
100. Anglo-Irish Agreement, Clause 1.
101. "Christopher McGimpsey and Michael McGimpsey Plaintiffs v. Ireland, An Taoiseach and Other Defendants", *Irish Reports* (1990): 110-125, at pp. 120-121.
102. Downing St Declaration, clauses 4, 5.
103. Good Friday agreement, Constitutional issues, clause 1.
104. For discussion, see Ivory, "Revisions in nationalist discourse", 89-91; Coakley, "Does Ulster Still Say 'No'?", 49-51; on legal aspects, Humphreys, *Countdown to Unity*, 108-136.
105. MacDonagh, *States of Mind*, 33.
106. O'Halloran, *Partition*, 25-26.
107. Mansergh, *Unresolved Question*, 336.

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