

# History

Sean Delap

Higher Level

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***State Building, 1922 - 1939***



## State Building 1922-1939

The Irish Free State came into existence in December 1922 amid the fighting of the Civil War. Although the Civil War ended in May 1923, the rule of law had broken down and the future of the new state depended on a return to democratic means as soon as possible. The refusal of the Anti-treaty deputies led by De Valera to take the oath of allegiance, kept them out of the Dáil for nearly five years. This added to the problems of Cumann na nGaedheal in their efforts to build a democratic state.

### Cumann na nGaedheal Government 1922-1932:

#### The Administration of the State:

#### The 1922 Constitution:

In October 1922 the Dáil adopted a new Constitution for the Irish Free State:

- The Irish Free State was to have **dominion status** within the British Commonwealth. The head of state was the British King and all members of the Dáil had to take an **oath of allegiance** to him.
- The parliament consisted of two houses, the Dáil and the Seanad.
- The power of the Free State Government was restricted to 26 counties.
- The king was represented in Ireland by a **Governor General**.
- The Dáil elected a **President of the Executive** (Prime Minister). **W.T. Cosgrave** held this position during the years 1922-1932.
- All citizens had the right to freedom of speech and assembly.

#### Key Personality W.T. Cosgrave:

W.T. Cosgrave was active in Irish politics since the foundation of Sinn Féin in 1905. He played a major role in the 1916 Rising and became a Sinn Féin MP in 1917. He served as Minister for Local Government in the First Dáil and took a pro-Treaty side during the Civil war. He took over the leadership of Cumann na nGaedheal following the death of Griffith and Collins. He was a quiet unassuming man and tended to lead as a **chairman rather than a chief**. His style of leadership was **conservative and cautious**.

## Law and Order:

The task of re-establishing law and order in Ireland fell mainly to **Kevin O' Higgins**, Vice President and Minister for Home Affairs. O'Higgins was seen as the strong man of this government and was sometimes referred to as "**Ireland's Mussolini**".

- One of the first decisions taken by O' Higgins was to establish an unarmed police force. In the autumn of 1922 The **Garda Síochána** replaced the former police force the R.I.C. The force had an initial strength of 4,000 members but was later increased to 6,333 under the terms of the Garda Síochána Act (1924). The Garda quickly established trust within the community and moved into local barracks vacated by the R.I.C as soon as the Civil War was over.
- By the terms of the **Courts of Justice Act 1924**, the former British and Sinn Féin Courts were abolished and replaced by District Courts, Circuit Courts, Court of criminal Appeal, the High court and Supreme Court.
- Any remaining threat to the rule of law by the I.R.A that continued after the Civil War was dealt with by the introduction of **Public Safety Acts**. A series of these acts were passed during the years 1923-32. The Acts allowed for internment without trial, flogging and the death penalty in some cases.

## The Army Mutiny:

The greatest threat to the stability of the new state was the Army Mutiny, 1924. Tension within the Free State Army was prompted by two factors. With Civil War tensions easing the government announced that the 60,000 strong Army would be reduced to nearly half that number. Resentment was also growing at the influence within the army of the Irish Republican Brotherhood, an organisation to which the Minister for Defence, General **Richard Mulcahy** was a former member. On 6 March 1924 two senior army members, **Liam Tobin and C.F. Dalton** presented an ultimatum to the government demanding an end to demobilisation and the abolition of the army Council that was dominated by the IRB.

O' Higgins moved quickly to prevent the situation getting out of hand. He appointed general Eoin O' Duffy to command the armed forces and had the two signatories of the ultimatum arrested. The mutiny was brought to an end when the genuine grievances of the army were settled by O' Higgins. The I.R.B were removed from the army council and it was agreed that demobilised soldiers would be entitled to a state pension. O Higgins told the Dáil that from now on the army must be non-political. Addressing the Dáil on the issue in October 1924 he declared that "*those who take the pay and wear the uniform of the state must be non-political servants of the state*".

### **The founding of Fianna Fáil:**

De Valera found himself in the political wilderness after Civil War due to Sinn Féin's policy of parliamentary abstention. He refused to enter the Dáil as long as the Oath of Allegiance was required. In 1926 he broke with Sinn Féin's militant policy and decided to form his own constitutional party-Fianna Fáil.

### **The Electoral Amendment Act 1927:**

In 1927 IRA renegades assassinated Kevin O'Higgins. The government responded by passing the Electoral Amendment Act. This act forced De Valera and Fianna Fáil to enter the Dáil. The Act stated that if elected deputies failed to enter the Dáil and take the Oath of Allegiance within 3 months of being elected that they would lose their Dáil seats. This proved to be a major turning point in the road to building a democratic state, as all major political parties in the Free State were participating in the political process.

By the time Cumann na nGaedheal fell from power in 1932 political stability was well established in the Free State. Perhaps the greatest sign of this was the peaceful hand over of power between old civil war enemies in 1932. Fianna Fáil fears that the Irish Army might prevent them taking power proved to be unfounded.

### **Fianna Fáil in Power:**

#### **Key Personality Eamon De Valera:**

As a senior surviving leader of 1916 Rising he became a natural choice for the leadership of the re-organised Sinn Féin and the Volunteers in 1917. He was elected as an MP during a by-election in East Clare in 1917 which he represented until his retirement from the Dáil in 1959. Following Sinn Féin's success in the 1918 election, de Valera was chosen as the President of the first Dáil in 1919.

De Valera did not play a significant role in the War of Independence (1919-1921). However major controversy surrounds his role in the Treaty negotiations in autumn 1921. His decision not to lead delegation is seen as a major political miscalculation.

De Valera's rejection of Treaty was based on his republican idealism set against a more pragmatic approach by Collins and Griffith. He resigned as president of the Dáil in January 1922 following its approval of the Treaty by 64 votes to 57. He now found himself in the political wilderness until he founded Fianna Fáil in 1926.

By the time De Valera took power in 1932, he had already been active in politics for over 20 years and therefore came into office with much experience.

## **Law and Order:**

When De Valera came to power in 1932 he suspended the Public Safety Acts and abolished the Military Tribunal. However within a short time he too found it necessary to introduce harsh laws to deal with two potential threats to the stability of the Irish State.

## **The Blueshirts:**

The first threat involved the semi-fascist Blueshirt movement. Led by General Eoin O'Duffy the Blueshirts favoured an authoritarian form of government similar to that established by Mussolini in Italy. Matters came to a head between De Valera and the Blueshirts in August 1933 when **Eoin O Duffy** announced that the Blueshirts intended to march through Dublin city to commemorate the deaths of Griffith, Collins and O'Higgins. De Valera feared that the Blueshirts might attempt a coup d'état similar to Mussolini's *March on Rome* in 1922. He also became aware of an I.R.A plan to attack the march. De Valera banned the march and revived the 1931 Public Safety Act and Military Tribunal. A special police force, the **Broy Harriers** (named after the new Garda Commissioner, Eamonn Broy) was set-up to deal with subversive organisations. However the crisis passed when O' Duffy decided to call off the march.

## **The IRA:**

The I.R.A also caused de Valera some major concern throughout the 1930s. At first de Valera attempted to woo and encourage them to adopt constitutional means in their struggle to bring about a united Ireland. He released political prisoners and lifted the ban on the I.R.A as soon as he took office. In 1934 members of the I.R.A who fought on the anti-Treaty side in the Civil War received pensions. However despite de Valera's efforts a small militant element within the I.R.A continued to refuse to recognise the legitimacy of the state and announced its intention to continue with its armed tactics.

De Valera was eventually forced to take a hard-line against the I.R.A following a series of murders in 1935/36. The organisation was banned in 1936 and its leader **Maurice Twomey** was sentenced to three years hard labour.

## **The 1937 Constitution:**

During the period 1932 - 37 he dismantled the Treaty, removing the oath of allegiance and all references to the Crown. He introduced a new constitution in 1937-Bunreacht na hÉireann. The new constitution had 58 articles:

- Art. 2 and 3 declared Ireland an independent state consisting of the whole Island and its territorial waters.

- There were to be 2 houses of parliament; the Dáil and the Seanad. The Seanad could only delay a bill for 90 days.
- There was to be a **Taoiseach** (head of Government) and a President (head of State). Although the presidency was seen largely as a ceremonial office, the **President** as the guardian of the constitution can refer a bill to the Supreme Court.
- Fundamental Human rights are guaranteed in Article 40 although these rights may be suspended in times of emergency.
- The constitution was very Catholic in its outlook and was **influenced by 3 Papal Encyclicals of Pope Pius XI**: The Christian Education of Youth (1929), Christian Marriage (1930) and Quadragesimo Anno (1931). The constitution also recognised the “**special position**” of the **Catholic Church** in Ireland and banned divorce.

The constitution contained all the traits of a Republic (Democratic independent state with a president), prompting political observers at the time to refer to Ireland as a “**dictionary Republic**”. De Valera deliberately stopped short of declaring a Republic at this time because of his failure to secure control of the six counties.

### **The War Years 1939-45:**

During the war years the Irish Government faced both internal and external threats to the security of the state.

- Suspected members of the IRA were interned without trial. The Government feared that they would seek help from the Germans to drive the British out of Northern Ireland. The **Army intelligence service G2** successfully infiltrated the IRA and remained one step ahead throughout the war.
- Over £5 million was provided for extra security.
- The size of the Army was increased and a Local Defence Force (LDF) was established (see notes on World War II)
- The government also withstood pressure from Britain and America to enter the war on the Allied side.

### **Overview:**

By the end of the Second World War in 1945 the Irish State was stable. Law and order had been established and the 1937 Constitution helped remove some of the obstacles that had caused so much division following the Treaty. The 1937 Constitution was drawn up by Irish people for Irish people at a time when there was no threat of war hanging over its decision whether to accept or reject it. The war years also served to bring the public closer together and civil war rivalries were temporarily set aside as Fine Gael supported Fianna Fáil’s policy of neutrality.