

### An Bhunreachta

Lawrence Landrigan, '39

The morning of Dec. 29, 1937, heard the thunderous booming of 21 gun salutes and stirring patriotic speeches in Dublin; there too it saw mighty parades and enthusiastic rallies. Throughout the whole of the former Free State similar civil functions were carried out in welcome to the new-born Bhunreachta of Eire. But long before the commencement of the civil ceremonies, the religious celebration of the natal day of Ireland's new Constitution was observed by the offering of special Votive Masses throughout the length and breadth of the country. Men prominent in drafting the Constitution and setting the stage for its "grand debut" together with the Irish masses thus began the birthday of a new Eire. That the day should have begun with attendance at Holy Mass is not surprising; rather it is typical of Ireland's great Catholic Faith and suggests that this document is founded on principles that are truly Christian.

The promulgation of An Bhunreachta is of more than passing interest to the modern world, the greater part of which is striving to extricate itself from social chaos. For Catholics whose forbears were sons of Ireland it should have an added interest, for it is only natural that there should be a warm spot in our hearts for Ireland and all that pertains to the life of our blood and spiritual kinsmen. The spirit of the struggle for self-determination, for freedom and for all the other rights of man so long denied Irishmen has been inbred into us by seven centuries of trial. Then too, there is the added bond of that glorious heritage which has cost Ireland so much to hold, the Faith of St. Patrick and St. Brigid. Because of these ties of relationship what we are anxious to discover in this Irish Bill of Rights may be summarized under the following headings: (1) to what extent it has been influenced by Catholic doctrine, (2) how far it realizes the demands of Irish history, (3) what effect it will have on Eire's relations with England and the Six Counties.

With regard to the influence of Catholic doctrine in the forming of An Bhunreachta, the document speaks for itself. Its preamble beginning as it does, "In the name of the Most Holy Trinity, from Whom is all authority and to



Whom, as our final end, all actions both of men and states must be referred . . . ,” is particularly significant of the ancient Faith of Ireland. It continues, “Humbly acknowledging all our obligations to our Divine Lord, Jesus Christ,” as if to convince the dubious that this is still Catholic Ireland. Not content with the above declaration of faith it proceeds, in the body of the document itself, to substantiate it by saying that, “the state acknowledges that the homage of public worship is due to Almighty God. It should hold His Name in reverence and shall respect and honour religion” (Art. 44, sec. 1, n.1.). Speaking of the Catholic Church the same article contains, as we should expect, the recognition of, “the special position of the Holy, Catholic, Apostolic and Roman Church as the guardian of the Faith possessed by the great majority of the citizens” (Ibid., n.2.). This might point to religious intolerance were not provisions also made for the recognition of all the different religious denominations existing in Ireland at the date of the promulgation of the Constitution. An Bhunreachta explicitly establishes that, “freedom of conscience and the free profession and practise of religion are subject to public order and morality, guaranteed to every citizen” (Art. 44, sec. 2, n.1.). Thus we see that Catholicism occupies its rightful place and that there is no indication of intolerance.

Proceeding to survey the section which deals with Fundamental Rights we find that here again Christian principles dominate. It is, in fact, nothing more than Catholic teaching in compact form. The rights of the human beings are proclaimed along with freedom of speech and of the press—subject, of course, to public order and morality. On the Family, the document fairly glows with Catholic sociological teaching: it declares that “the State recognizes the family as the natural, primary and fundamental unit group of society and as a moral institution possessing inalienable and imprescriptable rights, antecedent and superior to positive Law,” (Art. 41, sec. 1.). For its protection it decrees that, “no law shall be enacted providing for the grant of a dissolution of marriage” (Art. 41, sec. 3, n.1.).

The teaching of An Bhunreachta on Education is another statement of Catholic doctrine. “The State,” it says, “acknowledges that the primary and natural educator of the child is the family and guarantees to respect the



unalienable right and duty to provide . . . for the religious and moral, intellectual, physical and social education of their children" (Art. 42, sec. 1). On Private Property we find what might be the statement of a philosophical thesis: "man in virtue of his rational being has the natural right, antecedent to positive law, to the private ownership of external goods" (Art. 43, sec. 1, n.1.).

From what we have said it is easy to see that the "Faith of the Mass-rocks and the philosophy of the hedge-schools" have been the dominating factors in the formation of Eire's An Bhunreachta.

The second thing that we are anxious to discover in this document is whether or not it realizes the historical demands and claims of the Irish people. Does it attain those things for which so many of Ireland's sons and daughters have suffered? Does it contain the ideal of a free, integral nation and a free religion which the O'Donnells and the O'Neils, Sarsfield, the Emmets Gratton, O'Connell, Parnell, Redmond, Griffith, Collins, DeValera and a host of others have championed during seven centuries of resisting the encroachments of a nation which Ireland has always considered a foreign power? Theoretically, that is, as far as the Constitution itself is concerned, we may answer in the affirmative, indeed, speaking of the freedom of the nation the document declares, Ireland is a sovereign, independent and democratic state" (Art. 5.). However, despite the claim of the Constitution that, "the national territory consists of the whole island of Ireland, its islands and territorial seas" (Art. 2.), this will not be true in practice until unhappily separated Northern Ireland is united with the South.

At the time of promulgation the hope of such a union, at least in the near future, seemed extremely doubtful. Sufficient grounds for this contention seem to be found in the following statement issued by the British Government on the very day An Bhunreachta was promulgated: "They . . . regard the use of the name 'Eire' or 'Ireland' . . . as relating to that area which has hitherto been known as the Irish Free State" (Irish Press, Dec. 29, 1937). Commenting on this statement Northern Ireland's Premier, Viscount Craigavon, declared: "Ulster loyalists. . . will welcome . . . the emphatic declaration of His Majesty's Government at Westminster that Northern Ireland's position as an integral part of the United Kingdom, re-



mains unaffected by the provisions of the New Constitution which came into effect in Southern Ireland today" (Irish Press. Dec. 29, 1937).

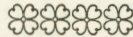
Thus we see the attitude of the governments of England and Northern Ireland towards the claim of An Bhunreachta that the whole island of Ireland with its islands and territorial seas constitute the national territory of Eire. The stand taken by both governments in this matter is in defence of the partition of Ireland into The Irish Free State and Northern Ireland by a treaty which was signed in London on Dec. 6, 1921. This partition has given rise to what is known as the "Partition Question." It is this question which is now the paramount issue as far as Eire's relations with England and the Six Counties are concerned.

As recently as the first of February of this year Prime Minister De Valera set out to negotiate many things with the British Government not the least of which was the "Partition Question." Previous to the opening of negotiations An Taoiseach, (The Prime Minister) in an interview given to the Manchester Guardian, gave some indication of a plan on which, in his estimation, a united Ireland might be formed. It is similar to that proposed by the Rt. Hon. Lloyd George in 1921. The then Prime Minister of Great Britain, aimed at bringing Northern Ireland into a settlement under an All-Ireland Parliament. He proposed that, "the Government of Northern Ireland would retain all the powers conferred upon her by the Government of Ireland Act. The unity of Ireland would be recognized by the establishment of an All-Ireland Parliament upon which would be devolved the further powers necessary for the self-governing Irish state" (Irish Press, Jan. 30, 1938). It would seem from this interview that Mr. De Valera is making this proposal his own. Commenting on it he said: "The further powers were the reserved powers withheld from the Belfast Government by the British Government. That seems to me a basis of a feasible scheme" (Irish Press report of Manchester Guardian interview, Jan. 31, '38). The opposition to Lloyd George's proposal came from the Government of Northern Ireland under the leadership of Viscount Craigavon. In view of the fact that the Viscount is still Premier of Northern Ireland, we should expect opposition from the same quarter whence it came 17 years ago. Conditions and opinions,



however, have changed somewhat since 1921. The unnatural division has been shown by the authoritative Denis Gywn to be economically and politically unsound, "the balance between industry and agriculture," he says, "has been lost by both, and each has had to organize its institutions and establish political traditions on a basis that produced unnatural difficulties." Then too, the enormous expense of maintaining customs and border patrols coupled with the inconvenience such produces on the zig-zag boundary line (the Great Northern Railroad crosses the boundary at least fourteen times) has caused opinion to grow more favorable to some form of a United Ireland. Another obstacle to the Anti-Partition party is the fact that the boundary was set up with little or no regard for the wishes of the people of the border counties. The main argument against union with Eire is fear of religious intolerance. But, even though those in control in Northern Ireland are measuring their southern neighbours by their own standards, both the guarantee of religious freedom by An Bhunreachta and the feelings of the people of the South as expressed by Mr. DeValera, "We have a tradition of tolerance," prove this fear baseless.

In the light of what we have seen, then, it is reasonable to expect that soon Eire will include that part so unhappily severed from it and that the new era which the promulgation of An Bhunreachta has introduced may be one of happiness, peace and goodwill.



There is a time in every man's education, when he arrives at the conviction that envy is ignorance; that imitation is suicide; that he must take himself for better or for worse as his portion; that though the wide universe is full of good, no kernel of nourishing corn can come to him but through his toil bestowed on that plot of ground (himself) which is given to him to till.—*Emerson*.

---

That wherein one man excels another man is given him of God that wherewith he may serve other men.  
—*St. Thomas Aquinas*.