# Collins and the 'Treaty'

The negotiations which led to what is called *"the Treaty"* had to do with two things: Partition and the Crown. The *Agreement* that was signed by Griffith and Collins included recognition of Partition and the Crown.

Only one of them was negotiable to some extent: the Crown. But Collins, after being set up under the 'Treaty' with a Provisional Government and a new Army, prioritised the issue on which no gains could be made: Partition.

In April 1922 he invaded the North with the anti-Treaty IRA and brought the Northern IRA out in an insurrection. He seems to have believed that he had been given permission by his British colleagues in the 'Treaty' negotiations to do this. He had no grounds for that belief except an understanding which he thought he had established with Lord Birkenhead on the basis of mutual sympathy. He thought that the Northern Ireland Government was something that Whitehall would be glad to see whittled away.

He found, when he acted on his 'understanding' with Birkenhead, that it had been a gross misunderstanding, and that Northern Ireland was in no sense a State, but was a particular political arrangement of the British State in the Six Counties. He found that he could not make war on the Northern Ireland Government as a distinct entity. He had some success in conflict with local Ulster Unionist forces, but then he came up against the military FORCE of the State - the same State that had set him up as the Provisional Government in the 26 Counties - and he had to retreat at Pettigo, leaving the Northern Republicans, whom he had brought out into the open, to be dealt with by the Northern Ireland Government with its A-Specials, B-Specials, and C-Specials, along with its local police force, the Royal Ulster Constabulary.

The RUC was not the 6-County region of the RIC. It was a different kind of police force than the RIC. The RIC was a state police force, directed by the Government of the UK State, and not subject to Local Government authority. It was relatively impartial in the policing of local conflicts. But the RUC was a local police force run by the Northern Ireland Government. It was therefore the police force of the ruling community, the Protestant community. In the Six Counties - excluded from British politics - the only possible form of politics was the conflict of the Protestant and Catholic communities. And a police force drawn from that conflict, and having the function of defending the dominant community as the Government, could in practice only be Protestant.

Collins could possibly have defeated the local forces of the devolved Government in the North in 1922. He could certainly have done so in areas which were predominantly Catholic. I doubt that, even if the forces of the State did not intervene, he would have made much headway in Protestant majority areas. But the State did intervene, and it held the Border set by the 1920 British Act which set up Northern Ireland.

By signing the 'Treaty', Collins recognised the 6 Counties as part of the British state, whether he knew it or not. I assume that, in fact, because of his peculiar relationship with Birkenhead, he did not know it. He thought that, along with signing the Treaty, he had been given informal authority to over-ride it in this respect.

**A Meeting of Minds?**

Tim Pat Coogan, whom I first came across as the Treatyite Editor on the Anti-Treaty *Irish Press*, dedicated much of his life to presenting Collins to the public of the post-1969 generation. He wrote best-sellers praising Collins and disparaging De Valera. I was very surprised to find that these books were the source from which a whole generation - in Dublin if not throughout the country - got their information of what had happened since 1914.

Here is his account of the Collins/Birkenhead affair:

> "Taken together, the English negotiators [of the 'Treaty' - BC], backed up inside the chamber by two of the most brilliant public servants of the century, Lionel Curtis and Tom Jones, and outside it by the resources of an imperial civil service, presented an obstacle of Himalayan proportions to Irish Republican aspirations.
>
> "Collins established an extraordinary friendship with one of his adversaries during the struggle to surmount that obstacle, courageous, fractious, noble and foredoomed as the attempt was. Apart from his affinity to Collins by virtue of their shared realism, audacity and courage, Birkenhead was in his heyday a great athlete and visitors to his estate were exposed to a daily routine of golf, riding and tennis. Like Collins ... Birkenhead loved women, and social drinking - though he seems to have eschewed the bottle for most of the negotiations - and one could well imagine the pair, had Birkenhead been younger at the time, enthusiastically fighting, and biting, for 'a bit of ear'. Birkenhead, like Collins, had an 'X' factor behind the ruthlessness, the patronising, baiting, put-down demeanour which he carried like a weapon. The factor in both cases was patriotism, a patriotism which so often seems to be the Karma of the Anglo-Irish relationship that one appears as the obverse of the other's medal: freedom-fighter/terrorist, law-giver/oppressor. Austen Chamberlain afterwards wrote that Birkenhead had managed to 'enter Michael Collins' mind, won his sympathy, and secured his confidence. The very fact that to him life was a gallant adventure created a link between him and Michael Collin without which we might never have reached agreement'. It was an extraordinary turn-around for 'Galloper Smith', who as a rising lawyer and Tory politician, F.E. Smith, had acted as Carson's 'galloper' in the great anti-Home Rule rallies in Ulster. Whether he had come to his new position through expediency, because it was the way the compass of empire was now set, or for any other reason, Birkenhead's conversion was so complete that on the Treaty debates on Ireland he became Carson's principal, and most successful, adversary in the House of Lords" (p236).

"Birkenhead turned to Collins after putting his name to the document and said, 'I may have signed my political death-warrant tonight'. The younger man replied, 'I may have signed my actual death-warrant'..." (p276).

What grounds could Collins have had for making that remark? Who was going to shoot him for signing? Coogan does not explain, nor does any one of the many other writers who have noted that reported remark. The fact that he was actually shot seven months later is taken to be sufficient explanation.

What did Birkenhead actually do in the Irish interest to merit this outburst of praise from Coogan? Nothing whatever as far as I can see. And Coogan seems to lose interest in him after introducing him with that purple passage.

It might be that, as Chamberlain suggests, they would not have got Collins to sign the Treaty without the authority of his Government if Birkenhead had not got into his mind and unhinged it - or freed it from its obligations.

Collins signed at 2.30 a.m. on December 6th. By signing on his authority, in defiance of the instructions of his Government, he usurped the authority of that Government. Perhaps that is what he had in mind when he said he may have signed his own death warrant. But he wasn't shot for signing the 'Treaty'. He returned to Dublin and set up a 'Provisional Government' on British authority.

The delegates negotiating with Whitehall were under instruction from their Government - the elected Government of Dail Eireann - to sign nothing without its approval. The leader of the delegates, Arthur Griffith, reported to the Dail Government on December 3rd that he had got as much from the British as he thought it was possible to get, and he thought it was enough to make a settlement on. But the Government did not agree that enough had been got for a settlement. Griffith agreed to return to London and try to get further concessions. He agreed that signing the British document as it stood would split the country. And he undertook to sign nothing without returning to the Government for approval. But, less than three days later, early in the morning of December 6th, he signed the British document without informing his Government.

Collins said nothing to the point at the Government meeting of December 3rd. Unlike Griffith, he did not say that what the British were offering was good enough.

It seems that, shortly before midnight, in London, on December 5th, he told his fellow delegates that he intended to sign.

It does not seem that Griffith reminded him that they were under instruction by their Government not to sign anything without its explicit authority.

Griffith seems to have forgotten that there was an Irish Government in Ireland, to which he was responsible. Collins is less likely to have forgotten it, as he was a member of both the Dail Government and of a parallel Government maintained in

Platonic form by the Irish Republican Brotherhood conspiracy. In fact, he had discussed the British document on December 3rd with the IRB while remaining silent on it at the meeting of the Dail Government.

Collins and Griffith did the same thing by signing the British document without Dail authority at 2.30 in the morning of December 6th, but they did it within different perspectives and in different states of mind.

Collins' state of mind must have been Napoleonic. He must have known that, as a man of action, with physical power at his command, he was usurping the authority of a Government which he saw as dithering in a moment of crisis, and was confident that he had the contacts for managing the situation and bringing it all back together at the end, at the cost of disrupting it for a while.

But the moment when authoritarian action is taken is also the most dangerous moment. Hence his repartee with Lord Birkenhead at 2.30 am on December 6th.

**Collins and Lenin**

Collins later insisted that he did not act under the duress of the moment on December 6th, and he was rather contemptuous of Barton, who said that nothing but the duress of the moment had made him sign.

Barton was the last hold-out against signing. It was put to him forcefully that, if he did not sign at once, he would be responsible for making Lloyd George go on a killing spree in Ireland. He was a Protestant gentleman with a large landholding and he did not feel, when the chiefs of the native population were supporting Lloyd George, that he should be the one who stood in the way of their settlement, and subjected the people to *"immediate and terrible war"*. So he signed, under duress, against his Government's instructions, and made no pretence otherwise.

It seemed to be important to Collins to insist that he had not signed under the stress of the moment (the threat of *immediate and terrible war*) but out of some more general considerations. And that was a bad mistake.

A number of years ago the leader of Fine Gael, Enda Kenny, compared Collins to Lenin in the matter of signing Treaties with a much stronger enemy. Collins signed with Britain in 1921 to get a breathing space as Lenin had signed with Germany at Brest-Litovsk in 1918 to get a breathing space. But Lenin made a virtue of signing under duress - he was a politician of the first order - and extracted advantage from it at every turn, while Collins threw his best card away.

Lenin lost the support of the Socialist Revolutionaries by making peace with Germany and they tried to assassinate him. But he conceded in a way that convinced realists of his determination to make good use of the breathing space he had gained. He said nothing good about the Treaty he signed. Its only saving grace was its necessity in the moment.

**Harry Boland**

Collins spoiled the ground for himself by denying duress and praising his *"Treaty"* (which, unlike Brest-Litovsk, was not actually a Treaty at all). That stance lacked credibility. Some of his supporters, Mulcahy for example, seemed to see the sense in stressing helplessness in the face of brutal power, and the need to withdraw in the hope of making a better leap in the future. But that was not the Collins way - at least, not in public.

According to Harry Boland—a close friend whom he had expected to be a supporter, he tried to play the thing both ways: the Treaty was both a good deal, which conferred the substance of independence, and was a pause in the struggle for independence which enabled them to strengthen their forces for a resumption of the struggle. And, as for Oaths, they were expedients.

Here is the gist of a statement written by Boland, in early June 1922 I would guess:

> "The future of Ireland under the Treaty is a very difficult subject to discuss. I prefer to deal with the immediate present. Ireland under the Treaty is now rent asunder and I cannot see any grounds for hope unless the Treatyites explicitly assert in the constitution of the Free State:
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> 1. That the nation is one and indivisible
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> 2. That all authority in Ireland is derived from the people of Ireland, and
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> 3. That the oath of allegiance and the Governor-General must be omitted from the Treaty.
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> "…But it must be understood that England forced the plenipotentiaries to sign under the threat of 'immediate and terrible war'. Of all England's abominable crimes against Ireland this latest is, to my mind, the most revolting.
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> "There are two shades of political thought represented in those who favour the Articles of Agreement signed in London. One, led by Mr. Arthur Griffith, asserts that the agreement gives Ireland essential liberty and is quite prepared to accept the arrangement in complete satisfaction of Ireland's claims or, in the words of Mr. Griffith, to 'march into the British Empire with our heads up' - and settle down … with the hope that some day the ultra-Imperialists of the Six Counties called Ulster will come into the Imperial Free State.
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> …
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> "The other group, led by Mr. Michael Collins, claims that the Treaty gives Ireland 'freedom to achieve freedom'. 'Get the British out of Ireland, build up the country, and in ten or twenty years Ireland will be in a better position to fight England and so establish the Republic'. This plea has secured many adherents to the Treaty … Indeed, were it not for the fact that Mr. Collins signed them, the Articles of Agreement would have received very short shrift in Dail Eireann.
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> "The Republican point of view expressed by De Valera and supported by the young men of the Irish Republican Army … is a simple one,

based on the fundamental right of the Irish nation to the undictated control of its own affairs …, prepared to stand on the fundamental rock of right, refusing to give democratic title to the British King in Ireland, and refusing to march into the Empire with heads up as Mr. Griffith invites, or march in with hands up for ten years or more, as Mr. Collins would have it. Of the two policies that of the 'heads up' is the more honourable.

"Republicans argue that once the Irish nation sanctions this Treaty and ratifies it in the ballot-box, the honour of the nation is committed, and by doing so Ireland wills her own national death. The sanctity of treaties is invoked against Mr. Collins' arguments. It is pointed out that entering the Empire gives the lie to all that for which countless generations of Irishmen have contended …

"Now that the army of the Republic has cut itself off from those who would accept the agreement, the future of Ireland under the Treaty is very doubtful. It remains to be seen whether Messrs. Collins and Griffith will persevere in their efforts to force the Free State against the Irish Republican Army opposition. If they so persist, then I look for serious trouble in Ireland. If, on the other hand, they tell the British that they cannot 'deliver the goods', I feel sure that a just peace can be negotiated between England and Ireland. Of one thing I am certain: this so-called Treaty will not bring peace to Ireland… In the words of Franklin, 'Those who would give up essential liberty to purchase a life-safety deserve neither safety nor liberty' …"

Collins and Griffith did *"persevere in their efforts to force the Free State against IRA opposition"*. Griffith, who was not the one who would have the task of doing it, had long been eager for it. Collins, who would have to do the dirty work, had restrained Griffith, and had even obliged him to accept a Treatyite/Anti-Treatyite Coalition in the Election. And Collins had formulated a Free State Constitution which approximated to the conditions set out by Boland.

But then it turned out that the forming of a Constitution for the Free State was not Free State business at all. It was British business. Collins was called to Whitehall and told the facts of life about the Treaty. Here is Coogan's crisp account of the encounter:

> "Days of frequently emotional exchange followed. At one meeting Collins burst out at Lloyd George that during the Anglo-Irish war, the British had released Childers 'after half an hour because he was an Englishman', whereas had he fallen into English hands he would have been shot. The Prime Minister replied evenly that 'they would indeed have shot him'. Lionel Curtis was present at this meeting and after it he and Lloyd George discussed Collins. Lloyd George said that 'Collins was just a wild animal, a mustang'. Curtis compared negotiating with Collins to 'trying to write on water'. Lloyd George replied, 'Shallow and agitated water' …
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> "One can say with certainty that few issues in the long, stormy history of Anglo-Irish relations produced such blunt speaking in Downing St., or so little positive result, as did Michael

Collins' Constitution" (*Michael Collins*, p326-7).

**Birkenhead**

Collins found that he was a caged animal and he went wild. And where was his kindred spirit at this moment of crisis for him? Birkenhead had entered his mind and led him into the cage, but he is not recorded as being present when Collins came to see what had been done with him by those admirable people who had given him his Treaty.

Birkenhead (a.k.a. F.E. Smith) was bred to Orange politics in Liverpool, but in British terms he was not a *"reactionary"* on Irish affairs. He was an outstandingly successful lawyer in private practice and was able to buy an aristocratic façade and fund an extravagant lifestyle out of earnings. He gained a toehold on the margin of high politics, and seems as Lord Chancellor to have made some reforms of a legal system which, because of its free-wheeling character, is always in need of reform. But his chief contribution to statecraft does seem to be the influence he exerted on Collins during the 'Treaty' negotiations. It is what he is remembered for in that most authoritative account of British history, the first edition of the *Dictionary Of National Biography*:

> "Birkenhead's place as one of the statesmen of the third Coalition government must fall … by his attitude to the Irish question. So long as the only course open to the government seemed to be that of resistance to a criminal conspiracy, Birkenhead was for the maintenance of the struggle. As late as 21 June, he delivered in the House of Lords a speech which gave no indication of any intent to seek peace. But negotiations had already begun… On 10 August Birkenhead spoke in the House advocating a settlement by consent … He desired to save the effusion of English blood and the waste of English treasure in Southern Ireland, provided only that he could secure the independence of Ulster … As soon as he met the Irish negotiators he became convinced of their sincerity … He acquitted a respect which amounted almost to affection for Arthur Griffith and Michael Collins and it was in the spirit not of one who had been defeated but of a statesman bent on securing a long-desired aim that he supported the proposals of the government to give effect to the Irish Treaty …"

Birkenhead presented to Collins a facet of the multi-faceted Imperial State which appealed to him and persuaded him to sign on the dotted line - and then apparently left him to sink or swim in the reality of things. That was his service to his State. He warded off a re-appearance in Whitehall of the resourceful and unimpressionable De Valera - that actual **Ulysses** of the Irish story.

Pacing around in his cage in mid-June 1922, Collins had to make a decision under duress - the thing he denied doing on December 6th. He had made a political arrangement with the Anti-Treatyites, against Griffiths' wishes, to contest the Election on an agreed platform, in which the Treaty did not figure, and to form a Coalition Government with them in the new Dail. Whitehall condemned the

Election agreement as undemocratic - imagine the brazenness of such a judgement made by an Imperial Power - and it threw out the Constitution Collins had drawn up for the Free State and gave him another one.

Of course Collins was not in actual confinement. He was a free man in everything but his own mind. His position was stronger than De Valera's had been in December. He was the strong man in a Government set up by Whitehall. He had his own Army, given to him by Whitehall, and the IRA was still in being, was bigger and better armed, and was collaborating with him in the North.

If he had stood by his Constitution and his Election Agreement, what could Whitehall have done about it? Declared war on the instrument which it had itself chosen to govern Southern Ireland?

**'Civil War' By Miscalculation?**

Collins had a decision to make. And he had choices. He could join the Empire which had defeated him and given it a fresh source of energy - the Afrikaaner Smuts was there to show him the way. Or he could stand by the Dominion/Republic of his Constitution, hold Birkenhead to his lightly given promises, and given Lloyd George a headache.

But he did not make the decision at that point. He dithered. He did not come home and revoke the Election Pact. He just made a low-level equivocal speech - the kind of nod that is as good as a wink to a blind horse - leaving the Election a confused affair.

But Churchill had warned him:

> "You will find that we are just as tenacious on essential points - the Crown, the British Commonwealth, No Republic - as de Valera and Rory O'Connor, and we intend to fight for our points" (quoted from Coogan, p326).

When Field Marshal Wilson, strong man of the Northern Ireland Government, was shot in London by two British ex-Servicemen on 22nd June 1920, Whitehall said the Anti-Treatyites were responsible, and ordered its Army, which was still in Dublin, to act against the Anti-Treaty headquarters in the Four Courts. But the General on the spot - Macready - delayed. He did not believe the Four Courts Republicans were responsible for killing Wilson. (Who did believe it!)

During the British delay Collins agreed to act against the Four Courts and that started the 'Civil War'. But it could hardly be said that he decided to make war on the IRA.

Collins was badly informed about the IRA, although usually described as being head of it. His dimension of the War of Independence was Counter-Intelligence, assassination of enemy agents, and supplies. He seems to have had little sense of the Republicanism of the country, which sprang up from the world of Canon Sheehan's *Graves At Kilmorna*. And Irish society was predominantly country society in those times.

He struck at the Four Courts, apparently believing that this would keep Whitehall happy while maintaining the *status quo* with the territorial IRA - and found

himself engaged in a war of conquest of Munster.

He had, unintentionally, decided in effect to make war on the IRA, rather than stand by his Constitution and his election agreement in the face of Lloyd George's threats.

If he was relying on the Irish Republican Brotherhood, then the IRB failed him - possibly because of the democratising influence exerted on it by De Valera.

**A Letter To Boland**

Collins wrote to his friend, Harry Boland, former President of the IRB Supreme Council:

> "Harry—it has come to this! Of all things it has come to this.
>
> "It is in my power to arrest you and destroy you. This I cannot do. If you will think over the influence which has dominated you it should change your mind.
>
> "You are walking under false colours. If no words of mine will change your attitude then you are beyond all hope - my hope".

This letter, dated July 28th, is quoted by Coogan (p387) from Rex Taylor's 1961 biography. Coogan comments that - *"Boland seems to have taken Collins' appeal to him as some kind of implied threat"*. What else could it have been? It was a combination of threat and promise. Boland was lost if he did not shake off the evil influence under which he had fallen, but Collins could save him!

The entry on Boland in the *Dictionary Of Irish Biography* (a poor imitation of the *British Dictionary Of National Biography*, produced for Ireland by Cambridge University and the Royal Irish Academy) is by David Fitzpatrick, an Australian who as a Professor at Trinity College supervised the rubbishing of Irish history. He says that Boland's -

> "chief partner in both republican and sexual politics was Collins, who usually excelled Boland in both pursuits and thus gained an ascendancy that turned sour only in 1921 ..."

Fitzpatrick then makes this curious remark: *"At the outbreak of the civil war (28 June 1922), for the first time he took up arms against the government"* - that is, Collins' Government, which had launched 'civil war' for the purpose of pre-empting a possible British intervention.

Boland was captured by Collins' forces on July 31st, three days after Collins wrote to him that, if he did not free himself from De Valera's evil influence, he was lost. He died of his wounds in St. Vincent's Hospital on August 1st, after being held for a while in Portobello Barracks.

Coogan quotes a letter from Collins to his Director of Intelligence on July 31st asking about Boland's condition and saying *"There will not be a guard placed over him but we want to take some precaution to prevent escapes"*

Professor Fitzpatrick published a biography of Boland. It did not come my way, and I did not go in search of it because I knew from his writing on

Northern Ireland that he played fast and loose with historical fact, and I had seen the damaging effect of his perverse academic regime on some of his students.

The late Manus O'Riordan reviewed the biography at length and said it provided evidence that Collins had got rid of Boland. Some exchanges followed between Manus and Fitzpatrick which might be looked at in a later issue. Manus, in my experience, was very careful with facts.

**Hayden Talbot**

The statement by Boland on the possibilities of the Treaty, which I quoted above, is from *Michael Collins' Own Story. Told To Hayden Talbot*. This was published by Hutchinsons of London in 1923. It was one of the first books about Collins that I read.

Talbot was an American newspaper correspondent who managed to strike up an acquaintance with Collins at the end of 1921. He put it to Collins that his story needed to be told to the world. Collins was too busy to write it himself but agreed to find time now and then to tell it to Talbot, and he recommended others, including Eoin MacNeill and Hannah Sheehy Skeffington, to co-operate with Talbot.

The final chapter, *"What The Treaty Means - A Symposium*, is made up of contributions from Sean McEoin, Cathal Brugha, Eoin MacNeill, Sean McEntee, Ernest Blythe, Countess Markievicz, Liam de Roiste, W.F.P. Stockley, William Sears, H.J. Boland, Dan MacCarthy, Joseph MacDonough, P.J. Hogan, Sir Maurice Dockrell, Archbishop Gilmartin, Richard Croker, Erskine Childers, Sean Milroy, Mary MacSwiney, J.J. Walsh, Sean Etchingham and Kevin O'Higgins.

But there is an *Addendum* explaining that, when some of the chapters were published in a London newspaper, the work was denounced as a forgery by General Pierce Beasley, Chief of the Free State Censorship Bureau, who said that the powers of international law would be used to prevent publication as a book. Talbot said he had ample documentary proof that Collins collaborated with him, and this must have convinced the publisher, as the book was published.

Beyond this, Talbot said that Collins had given the handling of him to Sean McGarry:

> "Now, General Pierce Beasley, you need look no further. Although I am not sure of McGarry's rank, I think he must be less than a general. As his superior officer call him before you and let him tell you what I tell you - that you are not telling the truth! Michael Collins is dead, but Sean McGarry is alive, and from what I saw of him and from what Collins told me about him I am willing to leave the matter to McGarry. Collins could not have been so fond of him if he were not both courageous and honest" (p253).

I did not try to follow up on this at the time. I was preoccupied with the North and not particularly interested in Collins or the Civil War. I knew that Beasley wrote his own book about Collins, in two volumes. I glanced through it but it made little impression on me. I expected that

sooner or later I would come across Beasley's dispute with Talbot, but I never did. I just left it with a question mark over it. But now I notice that Coogan lists it in his Bibliography, though he does not mention it in his text, except for using it as a reference somewhere.

Sean McGarry was an IRB member of very long standing. He was associated with Hobson and McCullough and later with Tom Clarke and Sean McDiarmada. He was a member of the Supreme Council, and was President at one moment. He was an electrician by trade. He was with Collins on the Treaty. His shop was destroyed, after the Immaculate Conception murders of Mellows, O'Connor etc. by the Free State Government. In 1924, after the 'Mutiny of the Major Generals', he resigned from the Treaty Party (Cumann na nGaedheal) along with a number of others who saw that the strategy by which Collins got support for his Treaty had been rejected by the Cosgrave Government.

That group also resigned their seats in the Free State Dail and applied their energies to developments in civil society. Their outstanding achievement was the world-famous Irish Sweepstake.

It is evident that the Cosgrave Government sought to monopolise the dead Collins as an icon while rejecting his purposes. And I see no reason not to trust the book on which he collaborated with Hayden Talbot as his last will and testament.

**Brendan Clifford**