

*From Division to Dissension: Irish Trade Unions in the Nineteen Thirties (Part One)**

CHARLES McCARTHY

IN 1930 the Irish labour movement divided, the Irish Trade Union Congress forming one organisation and the Labour Party another. It was an amicable recognition, despite reservations and regrets, that Connolly's syndicalism was incompatible with parliamentary democracy—although for many reasons this could not be said, nor even perhaps contemplated in such stark terms. It was also an amicable recognition that while the industrial arm of the movement, the trade unions, could still hope to represent workers throughout the whole island, the political arm, the Labour Party, could not. The Belfast group had quite some time before, declared themselves to be the Northern Ireland Labour Party and there was nothing in common sense that anyone could do about it.¹ Thus the decade began. It ended with a far from amicable recognition that the whole trade union movement was cleaved on the issue of Irish-based and British-based trade unions; it ended with the establishing of the Council of Irish Unions, a body which was declared to be advisory in character but which was to provide the basis, six years later, of the new nationalist congress, the Congress of Irish Unions.

It was a period of great significance in our understanding of modern Irish trade unions but, because it was a quarrelsome and unhappy time, it has received

*The second part of this two-part paper will appear in the next issue of the REVIEW—Editors

1. At the annual conference of the Irish Labour Party and Trade Union Congress in Cork in 1924, Cathal O'Shannon expressed concern because the Belfast Labour Party had declared itself to be the Northern Ireland Labour Party, and urged that whatever the political difficulties there should be no separation of any part. The matter, however, was taken no further. See *Thirtieth Annual Report: Irish Labour Party and Trade Union Congress 1924*.

little attention. And those who dominated the period, men such as William O'Brien of the Irish Transport and General Workers Union, look in their memoirs to earlier days, to the great stirrings in the earlier part of the century, seeing in the 'thirties a period that was humdrum and dark with disputes². In this account we shall see, in particular, the rise of national separatism of a strikingly xenophobic kind, which almost overwhelmed the broader-based, more international character of the Irish trade union movement. Some would attribute all that took place to the purposiveness of one man, William O'Brien and his ambitions, than to the nationalist instinct, and equally they would attribute the survival of international trade unionism in Ireland to the enmities which O'Brien aroused. But even if we were to accept his exceptional influence—and there are some who see the personal hostilities of the time as more widespread than this—nevertheless the significance of the nationalist impulse, its power to move men, in a way little else could, is in no way diminished. Much of what O'Brien attempted was possible only because of such a widespread feeling. Indeed, the surprising thing is that the original trade union idea survived in any form. In a way this—the survival of international trade unionism—is a more surprising and intriguing outcome than the impact of nationalism, and for that reason it is necessary to look briefly at the origins of the trade union movement in Ireland.

A handful of years before the turn of the century, in 1894, the Irish Trades Union Congress was founded, resting on the two pillars, the Belfast and the Dublin trades councils.³ The trade union movement of the time was dominated by the great British unions or amalgamated unions as they were called to which, in the second half of the nineteenth century, the small local Irish unions affiliated.

2. The reminiscences of William O'Brien were published in 1969, as told to Edward MacLysaght under the title *Forth the Banners Go*, Dublin, The Three Candles, 1969; the account ends at 1922 and MacLysaght comments: "William O'Brien was disinclined to discuss at length the events and problems which belong to the years after 1922." pp. 228–229. John Swift in *History of the Dublin Bakers and Others*, published by the Irish Bakers, Confectionery and Allied Workers' Union in 1948 devotes only a few pages in the final chapter to recent trade union affairs, although in fairness he might have strayed beyond his brief had he done more. Emmet Larkin in his authoritative biography *James Larkin: Irish Labour Leader 1876–1947*, London, Routledge & Kegan Paul, 1965, gives little attention to the period from 1928 onwards. "To chronicle nearly twenty years of decline is depressing." No doubt this was so, but in the organisational affairs of the trade union movement his enmity with O'Brien was of the first importance. R. M. Fox in his biography: *Lowie Bennett: Her Life and Times*, Dublin, Talbot Press, 1958, does treat of the 'thirties and 'forties, but not in any depth. Academic studies have not moved beyond the end of the 'twenties with the exception of Jerome J. Judge. An unpublished thesis for the Degree of Master of Economic Science in University College, Dublin in 1951 deals with trade union organisation in the Republic of Ireland; his Ph.D. thesis 1955 "*The Labour Movement in the Republic of Ireland*" while helpful is largely concerned with an evaluation and criticism of *Labour and Nationalism in Ireland* by J. D. Clarkson. Columbia University 1925. Neither the work of Arthur H. Mitchell nor that of J. W. Boyle, both scholars in the field, has been taken beyond the division of the labour movement in 1930. There is, however, a significant article by Donal Nevin in *Ireland in the War Years and After 1939–1951*: Ed. Nowlan and Williams, Gill and Macmillan 1969, p. 96 ff.

3. See also Charles McCarthy, "Civil Strife and the Growth of Trade Union Unity: The Case of Ireland" in *Government and Opposition*, Vol. 8, No. 4, Autumn, 1973.

This was not, as some have suggested,⁴ an invasion of the country by the large English unions; Irish immigrant workers had become prominent in trade union affairs, and in any event there was much movement between the two countries. This broad kingdom-wide movement, as it was described, was hard-hatted and respectable in its origins, winning the great democratic crusade in 1906, and the enactment of the Trade Disputes Act, not by legal action in the courts, still less by strikes, but by parliamentary means. The new unionism, the unionism of the labourer and the unskilled, came to Ireland a generation later than its development in England; under the leadership of Jim Larkin it began to sweep the country from Belfast in 1907 to Dublin in 1914, the year in which Larkin, after a stormy and controversial career, left for the United States. He returned in 1923 to an Ireland that, politically and socially, was greatly changed and to a trade union movement that was greatly changed as well.

In the south there were, during this period, three influences of great significance. The first—Connolly's syndicalism—was of an intellectual kind, but although it was for many years (and no doubt still is) a political position held by a tiny minority, it gained enormously in significance, firstly because of the role Connolly played in the 1916 rising, secondly, because it made Irish separatism attractive to socialist opinion abroad, and thirdly, because its proposed programme of industry-based trade unionism with militant purpose accorded well with Larkin's use of the sympathetic strike in his pragmatic campaign on behalf of the impoverished labourers. The second was Larkinism, a grassroots movement of great power which attracted worldwide attention, and thirdly there was the great impulse of nationalism, growing from the early rather cantankerous campaign of Sinn Féin⁵ to the great national movement of a high millenarian kind which swept the country from 1917 until its destruction in the viciousness of the civil war.

The Irish Transport and General Workers Union seemed to sum up, in a unique way, all these things. It was established by Larkin in 1909 as an Irish breakaway from the National Union of Dock Labourers, anticipating the splintering of Irish from amalgamated unions which occurred in such measure under the nationalist impulse from 1919 to 1921 in particular; it had the mantle of Connolly who led it from 1914 until his execution in 1916; but in a special way it became an instrument of nationalist fervour and its numbers leapt up. When Larkin left for the United States in 1914, the union had a membership of 5,000 or so. (The organised trade union movement at the time, north and south, comprised approximately forty unions and about 50,000 members.⁶) And then the dramatic change occurred. In the autumn of 1917, the Transport Union had grown to 12,000 in membership, by the end of 1918 to nearly 70,000, and in the course of the following year 1919, membership reached 100,000. Of course, this expansion was not confined to the Irish Transport; other unions also experienced increased member-

4. Report: Commission on Vocational Organisation: Dublin, 1943, p. 182.

5. See the motion of P. T. Daly at the annual conference in 1909: *Report: 16th Annual Irish Trades Union Congress 1909*, p. 50 ff.

6. Judge, *op. cit.*, M.Econ.Sc. thesis 1951. See also Clarkson, *op. cit.*, pp. 323, 324.

ship, and the trades councils in particular sprang into life as centres of local republican and labour sentiment. It was a heady time. Sinn Féin swept the country and the militant labour movement expanded in sympathy. The Russian revolution seemed to catch at the very spirit of Irish labour, not only in its hostility to capitalism and in its celebration of the proletariat but also in its emphasis on self-determination. In 1918 came the great twenty-four hour general strike against conscription "against the blood-levy to which no popular or representative consent had been asked or given."⁷ And when William O'Brien rose as president to address the 1918 annual conference of the Irish Labour Party and Trade Union Congress there were present 240 delegates, more than twice the number than at any previous conference in the Congress history, and here we begin to see in his speech as well the beginning of that reverence, for Connolly and his teachings⁸ which is still today a feature of Irish trade unionism, at least in name.

In Belfast the war had brought sectarian peace, largely because of the demand for labour, but in 1920 demobilisation changed the whole climate and Carson's inflammatory speech on 12 July 1920 led to two years of sectarian frightfulness. In the south the feeling of high promise was followed by the ugliness of the civil war, the militarism of both the republicans and the government and, during the twenties, the difficult and uncertain journey back to democracy, in which the labour movement had an honourable part.

What then are the major characteristics of the trade union movement as we approach the 'thirties? Firstly, even in Ireland, it was in many respects still an international movement and saw itself as having a shared purpose and indeed in some sense a shared structure whether in England, Scotland, Wales or Ireland; this was so although it was now confronted not with one government in Westminster as in the past, but since 1922 with, in addition, the defensive Protestant government in the north and the fragile democracy of the Free State. The amalgamated unions were particularly conscious of this; in Ireland they still held to the international frame, within which they recognised that nationalism had created in the south a separate but still tolerable presence. Secondly, it was still an all-Ireland movement, in particular by reason of the existence of the Irish Congress; delegates from the north still attended its conferences although Belfast had drawn away in practice under the pressures of the time. Thirdly, in the south Congress had retained its unique character of being both a trade union centre and also a political party. This last—its political function—is what was significant in the 'twenties, not its trade union character. In fulfilling its political role within the Free State, in providing during much of the 'twenties the official opposition in Dáil Éireann, it allowed its trade union function to become somewhat obscure. Perhaps this was the reason why Congress itself, in its international and in its all-Ireland character, did not break up under the nationalist pressures of the time. Yet, while recognising this, we must not underestimate the grip of internationalism

7. *Ireland at Berne*: Irish Labour Party and Trade Union Congress: p. 19.

8. *Annual Report, 1918*: Irish Labour Party and Trade Union Congress: pp. 8, 9.

in the trade union movement, the instinct of loyalty to a wider working class ideal which survived even the direct assault of William O'Brien in the 'thirties; and to this we now turn.

The 'twenties had been a difficult time for the labour movement. The trade unions had experienced tumbling membership so that by 1930 they numbered in total a little over 100,000, of which the Irish Transport had perhaps a third. And then in 1927 political labour suffered an eclipse. De Valera's entry to Dáil Éireann had polarised the electorate between Cumann na nGaedheal and Fianna Fáil in a manner quite disastrous for the smaller parties including Labour. But even by the end of the decade there was still a deep conviction among the Labour leaders that the future of the movement lay in the political field. Indeed, it had seemed for a heady moment in 1927 that Labour would not only enter on government but, with the support of Fianna Fáil, provide all the ministries as well.⁹ Thus it was decided that a separate political organisation should be brought into being.

In the division of the labour movement in 1930 therefore the trade union organisation was the remnant. There is little or no mention in the report¹⁰ of the special congress of any advantage which the division might bring to the trade unions; the object was to free the Labour Party for political activity, to create "... a reorganised and revived Labour Party ... a new departure in the political progress of the country."¹¹ The trade union type organisation was frankly too limiting. "Our ranks must be as comprehensive as our policies," said the president of Congress, T. J. O'Connell, "uniting farmer and town-worker, wage-earner, salary-earner, professional man, shopkeeper, industrialist, housewife, in the bonds of genuine political conviction, realist patriotism and patient enthusiasm for social progress and reconstruction,"¹² a sentiment reinforced in more blunt terms by William Norton, who was later to become leader of the party: "It is not possible, practically or efficiently to have combined in one movement the trade unions and the political organisations. That kind of machinery is not suitable for the direction and control of the political Labour Party and this fact is becoming increasingly obvious in the country."¹³

There was a belief, of course, that circumstances favoured a Labour Party. The idea of a Labour government was no longer a curiosity in Europe; and in Ireland, the Congress leaders believed that while dissatisfaction, and even hostility, was growing with regard to Cumann na nGaedheal, the country was not "... yet prepared to entrust its destinies to Fianna Fáil."¹⁴ Yet the Irish Labour Party and Trade Union Congress looked a most unlikely starter. It had a grubby syndicalist look about it which did not attract the middle class and the intellectual Left, and

9. O'Brien papers: National Library: 15704 (1).

10. Irish Labour Party and Trade Union Congress: Special Congress Report 1930.

11. Irish Labour Party and Trade Union Congress: Special Congress Report 1930, p. 5.

12. *Idem.*, p. 6.

13. *Idem.*, p. 7.

14. *Idem.*, p. 5.

while this, under the banner of class conflict, might be acceptable if the working class gave the movement political support, the position in fact was quite the contrary and quite deplorable. Dan Morrissey, a delegate to the special congress of 1930, declared impatiently: "Here in the heart of the Trade Union movement with 40,000 trade unionists affiliated to the United Trades and Labour Council you could not return a single Labour man for any of the 26 Dublin City and County constituencies. . . . It is because we in the Dáil realise that things cannot go on with a miserable little Labour Party, as at present, that we desire a change in the organisation."¹⁵ The fact was that the Labour Party did not appear to rely on any coherent political policy; the Labour deputies who had secured election depended essentially on a personal following, much more than on any political programme or, for that matter, on any trade union support.

There seems to be a dilemma in attempting a syndicalist solution in a parliamentary democracy. Trade unionists are elected to represent not so much the person in his full social role (and certainly not in his political role) but rather in his role of dissent. A trade union is an anti-establishment gesture (although trade union leaders might be somewhat shocked at such an idea); but such a gesture can be made only when the establishment is secure: otherwise it is too perilous. In the present difficulties in Northern Ireland we have seen, for example, radicals well supported for trade union office, but hopelessly defeated at the political polls; and equally in this critical period in 1930, the Congress leaders were aware that such a dilemma existed, that while syndicalism might succeed by revolution, it could never succeed by parliamentary democratic means and, consequently, a bid had to be made for an independent party of the left which would recommend itself to many in a broadly based way as an alternative establishment.

If the new party were to be of the Left, then, it should not be embarrassingly so; and in the draft constitutions both of the new Labour Party and the new trade union body, socialist principles were prudently muted, as organisations were shaped for different times. There were some quite good reasons for this development, as we shall see in a moment, although William Norton, to say the least of it, was somewhat fanciful when he claimed that ". . . James Connolly, were he alive today, would be the first to endorse the proposals now being submitted to Congress."¹⁶

Here we see clearly the political ambiguity which lies at the heart of the Irish labour movement and which has continued to our own day. Connolly was regarded as the prophet of the movement; in the introduction to the published reports of the time, his motion at the 1912 Clonmel congress (seeking independent representation for Labour on all public boards) was presented as the great watershed in the political evolution of Congress, a point that was referred to once again by T. J. O'Connell at this special congress of 1930. This exaggerates the significance of the Clonmel resolution but not the significance of Connolly himself. He had been virtually canonised by William O'Brien, and although Johnson took a more

15. *Idem.*, p. 9.

16. *Idem.*, p. 7.

measured view, we, nevertheless, find not only socialism but echoes of syndicalism in the draft democratic programme which Johnson submitted, at their request, to the Sinn Féin leaders in January 1919.¹⁷ "It shall be the purpose of the Government," he wrote, "to encourage the organisation of the people citizens (*sic*) into Trade Unions and Cooperative Societies with a view to the control and administration of the industries by the workers engaged in those industries."

But in the event, Connolly's ideas were virtually impossible to implement. As far as socialism was concerned, the labour politicians themselves not only did not need a political philosophy, but, worse than that, found this one to be embarrassing; and as for the syndicalist structure of the Labour movement, this had been found in practice to be a serious liability. Connolly therefore continued to be lauded as a prophet, while his teachings were gingerly put aside. There was a good deal of this that came from sheer political pragmatism and, consequently, it looked a little shabby at times, and perhaps a little shamefaced, when confronted with the pure ringing voice of idealism. But it seems clear that Johnson reached down for much deeper and more compelling reasons for his reluctance to support the socialism of Connolly; and in examining these reasons, we must not underestimate Thomas Johnson's influence at this most formative time. He was secretary of the Congress; but more than that, for much of the 'twenties, he was not only leader of the Labour Party in Dail Eireann but leader of the official opposition as well.

In July 1925, full of misgivings with regard to his own adequacy as a leader,¹⁸ Johnson had contemplated not continuing as secretary of Congress and wrote a lengthy letter to the national executive.¹⁹ ". . . I see," he said, "how great is the opportunity and how insistent the need that the workers should be wisely led and inspired by a lofty purpose . . ." and if he were to continue in office he was anxious to know how far his own thinking was consistent with that of the national executive. For that reason he set down his views at some length. At no time did he mention Connolly, although there was much in what he said that not only departed from syndicalism but actually discounted it. ". . . I have advocated," he said, "the use by the workers of political means and parliamentary institutions to further their cause. I have opposed the proposition that the workers should rely solely on their economic power to attain their ends—the theory that only by organising their strength in the field of industry and using it to bring the economic machinery to a full stop can the workers' ideals be realised. I have acted in the belief that a democratic government would preserve the fundamental rights

17. Johnson's papers: available in the National Library: Ms. 17124.

18. Johnson about this time had taken a libel action against Larkin for vituperative attacks on him in the *Irish Worker*, in which he was accused of being "an English traitor", "going over to capitalism". Thomas Johnson had been born in Liverpool in 1872, but had taken a job in Kinsale as a clerk when he was nineteen years of age. He became a commercial traveller in Belfast, immediately began his trade union career in that city, rising to be president of Congress in 1916 and secretary in 1918. (Johnson papers: 17149 (1). (For a transcript of the hearing of the action Johnson v. Larkin in April 1925 see Johnson papers 17149 (11).)

19. William O'Brien's papers: available in the National Library: Ms. 13951.

which have been won and would not lightly cast aside those social obligations which they had inherited from their predecessors—and in that faith I have played a somewhat prominent part in helping to create a public opinion favourable to the political institutions through which the will of the people may be exercised.”²⁰ With regard to the current campaign on unemployment he asked: “Shall the aim be honestly to remove poverty . . . or are we to agitate and organise with the object of waging the “class war” more relentlessly, and use “the unemployed” and the “poverty of the workers” as propagandist cries to justify our actions?” For the truth was that he had little time for the left wing of European Labour, for the class struggle and notions of conflict for economic power. “I do not think this view of the mission of the Labour Movement has any promise of ultimate usefulness in Ireland. . . . In this connection I ask the Executive to walk warily when entering upon an adult education policy. The Independent Working-Class Education Movement is doing excellent work and the National Council of Labour Colleges has succeeded in pushing that work with tremendous vigour. But let us not overlook the fact that the dominant ideas within the movement, as judged by the text books in commonest use, are in direct conflict with the religious faith of our people.”²¹ Nothing would I dread more than to give occasion for a charge that I was even partially responsible for entering upon a policy which will inevitably, as I believe, mean the splitting up, on *doctrinal grounds*, of the Labour Movement in Ireland. . . .”

These views I have set out at some length, because they represent very fairly the settled position of many of the trade union and labour leaders that followed, although their articulation was obscured at times by the need to pay public tribute to James Connolly.²² There were some, of course, who continued to be uncompromisingly radical; and on the other hand, there were many, especially in the 'forties and 'fifties, who reflected the impatient dogmatism of the Catholic Church of the time; but the substantive trade union opinion was really that outlined by Johnson in 1925, a sensitive, mild, parliamentary socialism.²³

20. It is important to recognise how profoundly this contradicted Connolly's views, who, in contrast to orthodox marxism, saw the trade unions as the instrument of revolution. The trade union would initially provide the worker with his education and ideology, and would later become the means by which, through a mounting series of strikes, domination would be secured by *la grève générale*. Syndicalism therefore had two objects: a militant working class, and industrial trade unionism. (See James Connolly: *The Axe to the Root*, Dublin 1921, p. 18 ff.)

21. Johnson's own family background was Church of England (Johnson papers 17149 (1)).

22. It is likely that William O'Brien himself never departed from his belief in Connolly's teachings, but Larkin had taken to him the banner of radicalism, and O'Brien's intractable dispute with him which persisted from 1923 (when Larkin returned from the US) for a full quarter of a century, obliged him to reserve.

23. In 1936 the Labour Party adopted a new constitution which was introduced by Johnson, pledging the party to the establishment of a Workers' Republic, but the Irish National Teachers' Organisation, after consulting with the Catholic hierarchy, challenged it, and in a new constitution in 1940 the objective became the establishment of a “Republican form of government”. See also J. H. Whyte. *Church and State in Modern Ireland 1923-1970*, Dublin, Gill and Macmillan, 1971, pp. 81-84.

But there were quite a number at the 1930 special congress who, while they were prepared to abandon the syndicalist structure, nonetheless wanted full-blooded socialist objectives both for the Congress and for the party. The Women Workers²⁴ led the way; and where the draft constitution of Congress sought “. . . for all workers, subject to the general interest, adequate control of the industries or services in which they were engaged”²⁵ the Women Workers moved the following instead: “(a) To win for the workers of Ireland collectively the ownership and control of the whole produce of their labour. (b) To secure the management and control of all industries and services, by the whole body of workers, manual and mental, engaged therein in the interests of the nation and subject to the authority of the national government.”²⁶ There was a good deal of pooh-poohing of this from the platform; it was true that some such phrases had appeared in the 1918 constitution of Congress but that was because of the need to find a formula at the time to express both trade union and political aspirations, a formula which now seemed rather in the clouds. The executive draft, the platform claimed, was a straightforward statement that people could understand. But although the women were defeated by 60 votes to 31 they got a good deal of important support, not least from William McMullen of the Irish Transport.²⁷ Later in the conference the same question arose again, this time in connection with the draft constitution of the Labour Party, and having already had a run over the field, the delegates showed more sharpness of position and more impatience. Helena Molony in moving her amendment said spiritedly that the objects in the constitution “. . . contained all the vagueness and insincerity of an election speech,”²⁸ McMullen described them as pink, bourgeois and middle class and Cathal O’Shannon urged the delegates to pitch their banner a little nearer the skies; nevertheless, the amendment was defeated by 52 votes to 34. It appears however, that there was no attempt at any real debate, and the discussion that did take place appeared to be short and somewhat perfunctory, as if the substance of agreement had been reached at an earlier stage by those who commanded the majority. Finally, there was much anxiety about relations politically with the Northern Ireland Labour Party (which was represented at the special congress by Sam Kyle and two others); in this account of trade unions, however, it is a topic which, regretfully, we cannot pursue.

The Labour Party was now launched on its separate way, with its separate leadership²⁹ full of hope that, stripped of its constricting trade union shell, it would blossom as a full socialist party with a broad general appeal. It was a hope

24. Irish Women Workers’ Union.

25. Special Congress Report 1930, p. 39.

26. *Idem*, p. 10.

27. *Idem*, p. 11.

28. *Idem*, p. 18.

29. The special congress of 1930 decided that officers of Congress would be ineligible for office in the party and vice versa. (Report *op. cit.*, pp. 12, 24); many of the prominent leaders, including Johnson and O’Brien declared for the political organisation.

that was not fulfilled. The character of the Labour Party continued, for many years, to be intractably the same.

The great watershed in trade union history—certainly up to the reconciliation of the 'fifties—was the trade union commission of inquiry which was established by Congress in 1936 and which reported three years later. But from the year 1930, when the trade union movement went its separate way, until 1936, there were a number of major developments, a number of shifts in the attitudes of some of the leaders, which contributed greatly to the intractable character of the commission's discussions. The period from 1930 to 1936 was for Ireland an eventful and, in many ways, a perilous time, perilous economically because of the economic war, and perilous politically as well. Economically perhaps the Free State fared better than most countries, despite the economic war which persisted until 1938; the programme of protection and industrialisation brought new industries and more jobs until the policy began to flag towards the end of the decade. The north was more vulnerable; a hunger march in 1932 in Belfast was followed by non-sectarian rioting; and unemployment and economic stagnation continued to intensify during the decade. But the political situation, violent and unstable; was the more threatening, as indeed it was throughout Europe. De Valera's entry into government in 1932 was followed by a reaction both from the Right and from the Left. There was, on the one hand, the rise of O'Duffy, the Blue Shirts, Fine Gael and the idea of the corporate state, and underlying it was the notion of vocational organisation, with its echoes of ultramontane catholicism, which persisted long after fascism was disgraced; on the other hand there was the IRA, from whom Fianna Fáil had sprung, with whom Fianna Fáil marched to Bodenstown as late as 1931, but now whose challenge de Valera answered with the Broy harriers and the military tribunal. In a way, the Spanish Civil War broke the spell; O'Duffy, after his political eclipse went adventuring there on Franco's side and the IRA too were caught up—but on the Republican side—in the Spanish crusade. In the north, the Ulster Protestant League which was founded in 1932 campaigned against any social or economic intercourse with Catholics³⁰ and as unemployment continued, sectarian feelings began to increase reaching their climax on 12 July 1935 when rioting broke out in the Falls-Shankill area and lasted for three weeks. During this dreadful time, twelve people were killed and many were injured or made homeless. But the Catholic population on the whole were apathetic and made little enough response. Nevertheless, sectarian and political tensions (and they tended now to be almost identical) continued to intensify as de Valera drew away from Britain, and Northern Ireland drew ever closer to it. At the beginning of the decade the trade union movement, both north and south, was at its lowest ebb. The number of delegates attending the annual conference in 1929 was 121, the lowest figure since the burgeoning in 1918, but from this on the tempo began to quicken again, as industrial employment on the whole improved under protection.

30. See Budge and O'Leary: *Approach to Crisis: A Study of Belfast Politics 1613-1970*, Macmillan 1973, p. 151.

In considering the events which led up to the trade union commission of inquiry in 1936 we can distinguish three impulses towards trade union reform, and although we identify them separately, they were deeply intertwined. The first was the desire of the trade union movement to attain its social objectives, in particular to combat the worst effects of industrialisation and to combat the dangers of fascism; this impulse was probably the weakest of the three. Secondly, there was the desire to coordinate trade union activity, and in particular to avoid disputes which both weakened the trade union movement and brought it into disrepute; and thirdly—closely related to this—there was the belief, not by any means confined to the Irish based unions, that the days of the British unions in Ireland were numbered, and that their demise in the national interest should be hurried along. To many it appeared self-evident that this should be so, and—in a manner which reveals only too clearly the character of the society of the time—it was by far the greatest impulse towards structural reform, far more real and far more immediate than the achievement of high-sounding socialist aims or even the promise of more efficiency in getting things done. This belief in the extinguishing of the British-based unions in the Free State coincided with their actual increase in membership, perhaps because, quite fortuitously, they happened to be well organised in those industries which grew under protection. It was this, indeed, which sharpened the conflict and gave a certain inevitability to the split when it eventually came in the following decade. But this was all much later.

It is important, before we begin to consider these three strands bearing on trade union organisation, to remember how weak the trade unions were at the time, and, in national terms, how lacking they were in significance; and when we come to consider the growing acrimony during the 'thirties, it is important that we should not import into it the wider national implications which such disputes might carry today.

Let us take first then the larger question of unemployment and industrialisation. Although the Free State may have been cushioned to some extent against the worst effects of the depression, we must not lose sight of the grinding poverty of the time and the personal disaster of disemployment. In Dublin in 1931, for example, thirty five per cent. of the population was living at a density of more than two persons to a room, and in one ward in the city, Mountjoy, almost half the people were living at a density of more than four to a room.³¹

At this time there was a popular view in many countries that new machines, new processes and factory reorganisation were contributing greatly to unemployment, and, furthermore, that such increased production that came from these changes did little to absorb those who were disemployed. In 1929 the Women Workers had taken up this point at the annual conference to such good effect that the executive appointed a committee to investigate and report. The committee's remit also included works councils, which they merely touched on, and the employment of women, which they were unable to reach; but a substantial report

31. See L. M. Cullen: *An Economic History of Ireland since 1660*, London, Batsford, 1972, p. 175.

was presented to the 1930 annual conference on industrial rationalisation, as it was called and clearly a great deal of work had gone into it.³² However, it was adopted by the 1930 annual conference without discussion; it was described as an interim report, but the committee never made another, and the committee itself did not appear to be particularly heavyweight—of the eight members only three were members of the national executive, and one of these attended no meeting of the committee. On the other hand, two members, Louie Bennett and Denis Cullen became presidents of Congress in the years that immediately followed. Few enough unions replied to the questionnaire of the committee; among those who did not were some of the large unions with widespread interests, and one suspects that many saw in unemployment a far deeper and more pervasive problem than could be attributed to industrial rationalisation alone.

Such replies as were received—from ten unions and from the Belfast and Limerick trades councils—give a predictable enough picture. The Limerick council estimated that in the sweet industry and in condensed milk and in butter, fifty per cent of the women workers were unemployed, and in the tobacco trade girls under 16 were being employed instead of women; and the Irish Women Workers reported that new machinery in the laundries and in bottling plants had caused much unemployment. The women had suffered also in the printing trade, unlike the men who had benefited from the increased volume of printing work; paper bag machines and binding machines caused much redundancy. Matters were made worse by amalgamations and the closure of old firms. One can, therefore, understand only too well the anxiety of Louie Bennett and the manner in which she connected unemployment and industrial change. There was unemployment too among the men—just as pervasive as among the women—although the limited number of replies does not help very much. In Limerick the council estimated that in flour milling, forty per cent of the men were unemployed, and in the bacon trade thirty-three per cent. The Belfast council was unable to provide an adequate picture, but the seamen claimed that the introduction of oil-burning vessels had reduced employment by fifty per cent. Clerks had suffered substantially because of the introduction of comptometers; in the case of the railways, reports were contradictory. On the other hand, the bakers, the printers and the craftworkers in the furniture trade were holding their own.

One of the most significant reports was that of the Amalgamated Engineering Union which estimated that “one out of every six fully skilled men in a shop (was) displaced by semi-skilled and boy labour owing to the simplified working of up-to-date machines.” And they pointed out that the possibilities of safeguards were nullified by the number of competing unions in the trade. “Only solid industrial organisation can safeguard workers.” This was much in contrast with the printer and the bricklayer who could resist lower-skilled labour and maintain the level of their wages by tight organisation.

There were of course many solutions proposed by the committee, alternative

32. *Annual Report: Irish Trade Union Congress 1930*, p. 43.

employment, compensation, the raising of the school leaving age, the extending of holidays, the limiting of the number of apprentices and so forth, but the question of tight organisation came prominently through in the conclusions. "We have found," they said, "that all whom we have consulted agree that the one really reliable defence force for the workers is solid and tight organisation. We have also found a general conviction that the present system of Trade Union organisation in Ireland is thoroughly unsatisfactory and that the movement itself needs rationalisation. Our correspondents have urged that competing Trade Unions in one industry should cease to compete; and again, that all Trade Unions concerned in an industry should amalgamate or form a Federation. A means by which this desirable end may be achieved has not been suggested, and we, as a special Committee, feel that it would be outside our terms of reference to tackle the subject of Trade Union organisation, but we suggest to the Congress that it demands immediate and most serious attention."³³

The subject may have demanded immediate and most serious attention, but in fact it did not get it, and perhaps we should reflect for a moment on the possible reasons for this. The unions that were able to defend themselves against a lowering of skill and a reduction in wages were tightly organised not on an industry basis but on the basis of the skill itself. This in itself would hardly have been enough, but the groups in addition were tribal in character, each person giving a swift and unquestioned loyalty to the other members and forming thereby the basis of the work-group's economic power. This the bricklayers had, and the printers and the furniture workers, and the seamen seemed to manifest it as well. It was the tribalism of craft. It had nothing to do with a federal structure or with industry-wide unions; the tribalism would not extend so far. The Women Workers Union, who saw their members suffering both in the printing industry and in the furniture industry no doubt hoped that this loyalty could be extended to them if the same union or federation were to cater for all, but it is not immediately clear that this would follow. Furthermore, the position of the AEU might have been misunderstood; they were, I imagine, referring to competing unions, not within an industry, but within the skill itself, inhibiting the development of a craft loyalty in a trade which did not have as strong traditions as the others had. It would be very wrong to discount—even in the circumstances of the 'thirties—the possibilities that lay with industry-wide trade-unionism, but there is an ambiguity in using the loyalty within crafts or skills as an analogue. While tribal loyalty can be remarkable in defence of its own, it can be quite disruptive to the larger comity, even when that comity is made up of fellow workers and trade unionists. Larkin's cry that an injury to one is the concern of all finds a response only among those who are already tightly knit in a common fate. No strong feelings of this kind existed at the broad level of an industry, and, consequently, there was little impulse to create industry-wide organisation which reflected a commonly-shared fate. If they had been created then perhaps such loyalties could

33. *Annual Report 1930, op. cit.*, p. 48.

have been fostered, but the creation of such organisation in the first instance, without any natural trend in that direction, would have been a formidable task. This was a dilemma that occurred again and again in the years that followed.

On the other hand one would expect that amalgamations should occur within the same skill or among neighbouring skills, and experience in Britain right down through the years bears this out. There was something of the same development in the Free State—and later in the Republic—but here there is a central frustration which gives the Irish situation its special character, because the multiplicity of unions within certain skills sprang from the breaking off from amalgamated unions of nationalist-inspired groups who, characteristically, were small and intensely separatist, and who consequently would view a merger not as amalgamation but as domination, both numerically and politically. The complaint of the AEU, therefore, concerning competing unions—even when it referred to workers within the same skill—had a somewhat hollow ring to it.

Although the report of the committee was adopted without discussion, there was some debate on trade union cooperation on an industry basis when the National Amalgamated Furniture Trade Association moved a resolution on the control of industry.³⁴ But the resolution was most non-committal. It directed that the Congress executive—as far as practicable—should establish industrial committees in each industry, to correlate the work of the unions, to strengthen organisation and to promote joint action. The debate which was limp, brief and repetitive, dealt essentially with the wrangles of unions within an industry. The role of trades councils in promoting joint action was not discussed, nor was the question of worker control. Let us, however, consider briefly what the committee reported about both these significant questions.

The committee did little more than “point to the importance of stimulating the activities of Trades and Workers’ Councils” largely, it would appear, under the stimulus of Limerick.³⁵ In a trade union situation such as that which exists in Ireland where characteristically there are many national, horizontally-organised unions (that is, spread throughout a number of industries) there are usually three major points of interunion contact: at the national level (which was met by Congress for example), at the level of an industry (which was the substance of the 1930 debate), and at the level of the local community, that is to say the trades council. Yet clearly the trades councils were not regarded as a fruitful line of development. Events were moving against them. In the absence of political stimulus they tumbled down in number from 46 in 1921 (the high point) to 10 in the year we now discuss.³⁶ Industrially too, the trend towards national bargaining tended to make them irrelevant. Some were unhappy organisations: the Dublin council, for one, had been wracked with dissension, and apart from all that, the effective rejection by the Irish people of real local government and the centrality that

34. *Annual Report 1930, op. cit.*, p. 101 ff.

35. *Ibid.*, p. 49.

36. Judge: Ph.D. thesis: *op. cit.* Appendix II.

followed³⁷ diminished their significance both in function and in the general regard of the members. And yet there remains the uneasy feeling that as a unifying agency among trade unions they are somewhat undervalued. In any event, in the report of the special committee, they ranked little more than a mention.

Towards the close of the committee's report, there were some quite unclear passages concerning industrial councils and works councils. Although the idea of worker control—an idea very close to Connolly's syndicalism—seemed to be always the objective in some form, and although the report spoke explicitly of an equal share in the control of industry, the report saw in the works councils merely a means of getting "a voice in industrial changes" and this in fact was the full extent of what was discussed. Indeed R. M. Fox, a member of the committee, fearing for the worker's independence favoured separate workers' committees "with possible representation on joint committees."³⁸ The larger thinking had been much eroded by the practical difficulties of the time, and was in considerable contrast to the fine rhetoric of the constitution debate a few months earlier.

There was, therefore, considerable complexity in the relations between the unions at the time, and this we shall explore more fully when we come to discuss our two further topics, the disputes between unions and the tensions between amalgamated and Irish-based organisations, but before leaving the wider social initiatives of the trade union movement, let us consider their response to fascism and to the growth of the power of the state.

Unemployment too is the backdrop against which we must set our discussion on the rise of fascism in Ireland in the early 'thirties and the reaction of the trade union movement to it. The sheer scale of the unemployment problem in some European countries—far worse indeed than the Irish experience—began to be realised in the years that immediately followed, dwarfing the concern about industrial organisation, although this still was debated in the annual conference of 1932.³⁹ Denis Cullen who was president in 1931 spoke graphically of the rise in unemployment, particularly in Germany. "The mind stands aghast, appalled, at the figures indicated, and at the sum of human anguish, misery and suffering represented by them."⁴⁰ But when he spoke about the danger of recurring economic crises, he recognised that "this may appear to have only a remote or indirect interest for us. . . ." If such remoteness existed, it quickly disappeared, and

37. The Department of Local Government, which was established in 1924, grew rapidly in power; indeed the people seemed to have lost confidence in their ability to govern themselves locally. Not only did they acquiesce in the elimination in 1924 of rural district councils, but when the Minister for Local Government took power in 1925 to inquire into the conduct of local bodies and dissolve them if necessary, putting commissioners in their place, the people generally welcomed the system with relief, and even contrived ways by which commissioners could be reappointed. By 1929 Cork council had appointed a manager with considerable powers; the system spread rapidly until it became the settled system of local government, and government by popular local democracy virtually disappeared.

38. *Annual Report 1930, op. cit.*, p. 50.

39. *Annual Report ITUC 1932*, p. 85 ff.

40. *Idem*, 1931, p. 21.

the following year, Luke Duffy, when moving the major resolution on economic planning, was very conscious of the immediacy and of the relevance of what was happening in Germany: "Somebody has said that the peace of Europe today depends on the life of one old man who is 86 years of age. It is suggested that if the President of the German Republic dropped dead tomorrow there would be a revolution in Germany which would sweep all Europe and sweep aside what we call civilisation. It is a doubtful civilisation where you find millions unemployed, millions hungry, and millions goaded to desperation in the midst of a world of plenty."⁴¹

Of course in August 1932, when the Congress met in Cork, they were well pleased with the vigorous policies of de Valera's government. Louie Bennett was president, the first woman to hold the office, and in an address of great power she praised the policy of the new government which "has brought a wave of hope and vitality into depressed and apathetic ranks" but she was deeply concerned at the sudden increase of the power of the state which she saw as a fascist tendency.⁴² "I refer to differential tariffs, and taxes, powers assumed to promote certain industries and business enterprises and to place an embargo on others. Many of these schemes may be excellent but they bring us perilously near to a Dictatorship,"⁴³ a sentiment from which William Norton gently tried to disengage the Congress in his vote of thanks, pointing out that the tariff policy followed the lines of other governments who had adopted protection.

There was one major recommendation to the government which was urged both by Louie Bennett in her address and by the conference itself. It was that a national economic council be established "to plan and reorganise the industrial, economic, social and financial organisations of the Nation, and to secure that the economic programme of the First Dáil will be effectively applied as an essential element of National Reconstruction."⁴⁴ Congress contemplated a considerable extension of state activity: the assuming possession of unoccupied or unused land; the assuming control of industrial and public utilities and their democratic management (in which the workers would have a voice).⁴⁵ The national economic council itself, however, was seen as essentially an advisory council in which the trade unions would have an influential part to play.

There was considerable confidence that the council would, in fact, be set up. "This has been stated over and over again by the head of state," said Luke Duffy in his reply to the debate, "and I have no doubt that there will be an Economic Council established. . . ."⁴⁶ In the event it never was. Instead the menace of fascism came to dominate all the social thinking of the trade union movement.

"Socialism and Fascism are both on trial," said Louie Bennett in her presidential

41. *Idem*, 1932, p. 82.

42. *Idem*, 1932, p. 25.

43. *Idem*, 1932, p. 26.

44. *Idem*, 1932, p. 79.

45. *Ibid.*, 1932, p. 80.

46. *Ibid.*, 1932, p. 87.

address in 1932. "They are working on the mind of Europe like an autumn wind in the trees. And we are likely to see rapid revolutionary changes in the economic structure of many countries, our own included, in the course of the next few years."⁴⁷ These changes were intensified by widespread unemployment and economic decline. But if Ireland now suffered under the effects of the economic war, the trade unions were ready enough to recognise the greater dangers elsewhere. "Today," said Sean P. Campbell⁴⁸ in Killarney in 1933: "the period of expansion seems to have ended, and society is sick unto death, and unable to shake off the advance of deadly economic coma which is overtaking it, despite all the economic conferences of the statesmen of the world, who foregather one day in Locarno, another in Lausanne, and yet again in London." It was the consequence of all this that appalled them "when we look at the face of modern Europe with its catastrophic political upheavals arising from economic depression and resulting in the entire destruction of democratic principles of Government, Trade Unions, and all other democratic organisations—where even religious freedom is in peril, and race hatred inculcated; and where war with all its fiendish abominations of mass destruction trembles in the balance."⁴⁹ At the Congress of 1933 there had been vigorous attacks on the growth of dictatorship in Germany; and Norton had very explicitly nailed the growth of fascism in Ireland; it was still, however, a matter of resolution and debate. Then in 1934 the trade unions suddenly saw a threat to themselves, to their freedom and indeed to their very existence, and their statesmanlike, if sincere concern, suddenly developed into a full-blooded and very extensive anti-fascist campaign. Fine Gael, under O'Duffy, announced early in 1934 their intention to establish the Corporate State, as they described it, and the implications of this for the trade unions was spelt out by O'Duffy in a speech in Kildare on February 25: "The Corporative plan is to organise all the employers in a federation with a joint council, and give this federation statutory powers to regulate the industry it represents. . . . In case the workers and employers cannot agree the case will go to a labour court, presided over by a judicial officer, which will have power to deliver a binding decision."⁵⁰ The trade unions were profoundly alarmed, saw this as "a facsimile of the ideology of the Fascist dictators on the Continent,"⁵¹ and saw themselves in great peril. In conjunction with the Labour Party they launched a campaign which began on May 6 ("the Connolly Memorial Sunday" as they called it) and issued a joint manifesto to the workers of Ireland. The national executive reported to the annual conference in August 1934 that large demonstrations were held in all the principal centres of population, "the size of the demonstrations and the enthusiasm expressed being indicative of the intense feeling of hostility which had been aroused by Blueshirt Fascism."⁵²

47. *Ibid.*, 1932, p. 21.

48. *Ibid.*, 1933, p. 21. He was president that year.

49. Senator Michael Duffy in his presidential address to the Irish Trade Union Congress 1934, *Annual Report 1934*, p. 24.

50. Quoted in the *Annual Report Irish Trade Union Congress 1934*, pp. 38, 39.

51. *Idem*, p. 39.

52. *Ibid.*, p. 39.

But the position was not at all as straightforward as it might appear, for two reasons: first because of Catholic social teaching on vocational corporations as they were sometimes called, and secondly, because syndicalist and socialist solutions also contemplated some corporate notion of the state. In the circumstances of 1934, the first reason was the more telling, particularly when the leaders of the Blueshirt movement, avowed Catholics, had explicitly dissociated the movement from fascism. Despite these denials Johnson, at the 1934 annual conference went to some lengths to trace the clear fascist character of the Blueshirts, reflecting thereby the anxiety of some of the delegates in the matter; on the other hand, he was not prepared to condemn vocationalism. Earlier, in June, he had tried to deal with both points in an article in *The Distributive Worker*; Professor Alfred O'Rahilly, of University College, Cork, a highly influential Catholic apologist, had written an earlier article in the same magazine on vocational corporations, and Johnson quickly agreed that this was a timely warning against the indiscriminate denunciation of the idea.⁵³ After all he had found it among such divergent groups as the French and Italian syndicalists, the industrial unionists and Socialist Labour Party of America, the Guild Socialists of England, and even, the Dáil Commission on the Resources of Ireland (1920-21); but in particular he found it in Connolly's social democracy. "These quotations show that the corporate plan for controlling industry is not necessarily an anti-democratic device. But it is easy to see that the corporate idea may be seized upon to consolidate the power of the capitalist class and perpetuate the dependent status of the workers as a class. To understand why Labour combats the Blue Shirt propaganda for a Corporate State one needs to see that they associate with it a denial of democracy and a reassertion of the principle of autocracy."⁵⁴

It was easy enough to discount full-blown fascism, to discount the violent anti-liberalism of a man such as Mussolini who could claim: "We were the first to state, in the face of demoliberal individualism, that the individual exists only in so far as he is within the State and subjected to the requirements of the State and that as civilisation assumes aspects which grow more and more complicated, individual freedom becomes more and more restricted."⁵⁵ There were few in Ireland who would officially go along with such ideas. What troubled the trade unions was the idea of vocational organisation, and here one could sense an uneasy acceptance of its inevitability. The debate in Dáil Eireann on the Constitution of 1937, and in particular the question of the second house of the Oireachtas gave considerable prominence to the idea of vocational organisation, and following a resolution from the Senate in July 1938 the government established a commission to report on the matter which began its work in 1939 and sat until 1943. They recommended a vast pervasive system of vocational organisation but they were careful to avoid any interference with the free individually elected parliament. Louie Bennett and Sean Campbell, the two trade union representatives, were very unhappy. They

53. "The Corporate State and Fascism" in *The Distributive Worker*, June 1934, p. 137.

54. *Ibid.*

55. Quoted in *Report of Commission on Vocational Organisation*, *op. cit.*, p. 12.

felt obliged to endorse the main thrust of the report towards vocationalism.⁵⁶ Everything seemed to point that way; but the panoply of national assembly, governing body and director seemed to them premature and open to misconception.⁵⁷

Mortished, now in the ILO, who submitted a memorandum on the question in 1939⁵⁸—more of an informative than of a policy kind—saw merit in the idea in that it might provide a parish pump type of group democracy which in his view was so appallingly lacking in the local government structure in Ireland, not indeed in substitution for democratic local government but rather as part of the same family of development. But it appears to me that the point was to some extent missed. Organisations in a democracy—and we have made this point already with regard to trade unions—do not organise men and women, but rather certain roles they perform, whether the role be familial, political or economic. The citizen is free because it is his role that is organised and restricted, not him; he is somehow independent of his various roles and therefore of the organisations that organise them. It is precisely this that vocational organisation, no less than fascism, challenges; it was this that made men and women in the trade union tradition uneasy; and ultimately it may well have influenced the Fianna Fáil government in its brusque dismissal of the whole grand design as recommended by the Commission.

Let us return however to the Irish Congress of Trade Unions, remarking on how the interest in fascism faded as that movement itself began to break up. Perhaps, however, before we close this section, we should note the efforts to affiliate to the International Federation of Trade Unions, proposed first in 1935,

56. Although Larkin and also Morrow from Belfast were wary, if uncertain, about vocationalism, Eamonn Lynch favoured it; and during the 1938 debate at the annual conference of Congress on the Senate he said: "The Second House of the Oireachtas was created on the principle of vocational or functional democracy. The National Executive looked on a House created in such a manner with favour. The Labour movement, so far as he knew it—and he had been for many years associated with it—had always endorsed the principle of vocationalism, in its application to representative institutions. In my experience of the Trade Union and Labour movement, I find that the further people were to the left in politics the more they appeared to endorse and approve of the principles of vocationalism in Governmental institutions. You will find that in all countries in the world. Therefore, if the National Executive approved, as they did, of a Second House, established on the basis of vocational representation, they were naturally in harmony with the best and most progressive thought in the whole Labour movement." (Annual Report ITUC 1938, p. 130.) Furthermore, in 1939 Louie Bennett is reported as follows: "After a good deal of instruction in the last few months she had come to the conclusion that vocational organisation was just a polite way of speaking of 'corporative organisative'. I do not think we, in the Trade Union movement, have any reason for completely turning down the corporative system. None of us is satisfied with the present social system and we need something new. I believe myself, rightly or wrongly, that it would be possible to find the road to real democracy through corporative organisation, but I am not at all sure that this commission will arrive at the sort of corporative organisation we would desire unless they are very carefully watched and led by the Trade Union movement." (1939 Annual Report, ITUC, p. 157.)

57. *Report of Commission on Vocational Organisation, op. cit.*, p. 480.

58. Johnson papers, *op. cit.*, manuscript 17265.

but failing for lack of a money resolution to support it, and which was taken up again in 1936. This time it got a full dress debate, and internationalism was strongly urged by many in order, in particular, that the Irish trade unions should play their part in combating international fascism. The Irish National Teachers Organisation was full of concern and feared a communist connection. However, the conference after some very high-minded statements adopted a recommendation both to affiliate to the Federation and to raise the appropriate contribution by change of rule. But in 1937⁵⁹ despite the grand rhetoric of the year before, the executive recommended that they would not raise the contribution that year, and when Sam Kyle protested, an INTO representative moved next business⁶⁰ and the whole adventure sank without a trace.

All in all therefore, these major political and social challenges of the time, although they influenced the thinking within the trade unions, and influenced the environment in which they worked, had no apparent effect on the structure of the trade union movement. Fascism was a philosophical challenge and perhaps did not require a structural response, but wage-cuts and redundancy were quite another matter, and here the organisational response that actually did take place revealed only too clearly the movement's more obvious defects—the weakness of the unions and their multiplicity. But the underlying causes of that weakness were by no means as clearly seen, and there was a certain amount of bewilderment and frustration that more was not attempted.

Let us now turn to the question of disputes between unions, and within that context, the growing stress between Irish unions and British unions; and as we do so we must note as well the change in tone at the Congress meetings, the growing acrimony and at times the nastiness that characterised the debates.

The tension developed essentially within the Free State. Belfast at that time was not prominent in the affairs of the Trade Union Congress. There were broadly two reasons for this. The first was the weakness and apathy in trade organisation in the North;⁶¹ and secondly, a number of unions with large membership in the North, were not affiliated to the Irish Congress at all. In its final report in 1939 the Trade Union Commission of Inquiry said in Memorandum No. 1: "There is a large number of Trade Unionists in Northern Ireland who, for many reasons, do not cooperate in the work of the Irish Trade Union Congress, though in many cases some Unions of these workers are affiliated to the British and Scottish Trade Union Congresses. Owing to this non-cooperation, these Trade Unionists of the North do not, generally speaking, come into contact with the Trade Union Movement as represented by the Irish Trade Union Congress,"⁶² and William

59. *Annual Report*, ITUC, p. 169.

60. In this regard footnote 23 is also significant.

61. "In the North there was a total of 64,000 members of trade unions out of almost 300,000 persons engaged in industry"—R. Morrow, *Annual Report*, ITUC 1937, p. 155.

62. *Trade Union Commission of Inquiry and Report of the Trade Union Conference 1939*, Irish Trade Union Congress, p. 6.

O'Brien in a memorandum to the same Commission in 1936⁶³ made a special point of this and gave as examples "the National Union of General and Municipal Workers, the National Union of Distributive and Allied Workers, the Amalgamated Engineering Union, Boilermakers', Shipwrights, and other unions having a considerable membership in the Belfast shipyards." On the other hand, the conflict as it developed between British-based and Irish-based unions within the Irish Congress was clearly seen as disruptive of relations north and south. But the relationship thus threatened with disruption was now quite different from that of the early years when the Congress was born. At that time, the trades councils in Dublin and Belfast were two largely independent pillars, two distinct groups, who, if they offended one another, might draw apart. Now the emphasis had changed from trades council to trade union and in particular to such great unions as the NUR,⁶⁴ the ASW (who had in fact almost exactly the same number of members north and south)⁶⁵ and the Amalgamated Transport⁶⁶ whose long and bitter dispute with the Irish Transport⁶⁷ was the centrepiece of all that took place. The question essentially was whether such unions should continue in the Free State and the notion of disruption was in the main concerned with the splintering away of the Free State members from unions, some of which had traditionally represented all the workers appropriate to them throughout these islands, and the creation of two quite separate trade unions systems north and south.

In the British-Irish context then, the major dispute was that between the Irish Transport and the Amalgamated Transport; and in the exclusively Irish-based context, the major dispute turned on the long-standing row between Jim Larkin and William O'Brien, which boiled towards a climax as the decade went by. The other major disputes were in the craft area, carpenters, electricians and plasterers and while they had a British-Irish dimension, they were also straightforward organisational conflicts turning on a specific trade union clash of interests. But the attitude of the Irish Transport to these disputes was also of great significance. It seems wiser therefore, in evaluating the events that followed, to put William O'Brien and the Irish Transport in the centre of our discussion, recognising how overwhelming their contribution was to the impulse for structural change.

There was a most inauspicious beginning to the relations between the Amalgamated Transport and the Irish Transport, quite apart from the earlier conflict between Larkin and Sexton. The Irish Transport and General Workers' Union was formed as we have seen in 1909. In the year 1921, as a result of an amalgamation of a number of large unions with many members in transport, there was registered in England the Transport and General Workers' Union, which, as Mr Justice

63. O'Brien papers, *op. cit.*, 13971.

64. National Union of Railwaymen.

65. Amalgamated Society of Woodworkers. For membership in Ireland branch by branch see also O'Brien papers 13971.

66. Amalgamated Transport and General Workers' Union.

67. Irish Transport and General Workers' Union.

Meredith⁶⁸ pointed out in 1935 "was as accurately descriptive of the general character of the Union in England as the title 'Irish Transport and General Workers Union' was of the union in Ireland." This, however, was of little help to an anxious Irish Transport when the newly amalgamated union recorded its rules in Ireland in January 1922. The position was further confused when the new union opened its Irish office in Parnell Square in Dublin where the executive offices of the Irish Transport were also situated; and this caused William O'Brien to write an alarmed but courteous letter to Ernest Bevin in late February 1922.⁶⁹ The reply a month later was hardly helpful; Bevin dismissed the point quite cursorily, and indulgently remarked: "Surely the word 'Irish' has some value in indicating the different society, at any rate if I were to say it hadn't, you, I think, would be the first to remonstrate with me."⁷⁰ The Irish Transport instituted proceedings in the Dáil Eireann courts and in June 1922 got an order restraining the amalgamated union from using the name Transport and General Workers' Union. The amalgamated union by rule decided that in Ireland it would be known as the Amalgamated Transport and General Workers' Union, and the amended rule was recorded with the Registrar of Trade Unions in Saorstát Eireann in August 1925. Later this was to lead to a further action challenging the validity of such recording, and this was the case that came to hearing in 1935 before Judge Meredith. Yet in the period we now speak of, that is 1929-30, there had not yet developed that uncompromising sense of conflict which was ultimately to shatter the trade union movement.

There had been a lengthy strike in the tram services in the summer of 1929, an employment which was the cockpit of much conflict, and in the summer of the following year there was a threatened railway strike, which was averted by a last-minute intervention by the Minister for Industry and Commerce. It was suggested that the question of English and Irish unions was involved, and this was sharply dismissed as an irrelevancy by T. J. O'Connell in his 1930 presidential address to Congress. The burden of his address was that there should be a system of public inquiry into threatened industrial disputes—averting strikes, and securing equity by a public airing in good time. Industrial peace was the primary objective of course but also "we should in such circumstances have heard less about the activities of 'foreign' Unions and perhaps a great deal more about the attempts of Railway and Bus Magnates to subordinate the transport services of this country to the interests of foreign companies in which they have a very considerable financial interest."⁷¹ And in such a context the foreign union difficulty was "a subterfuge (which) was adopted to cloud the issue."

Nor was this merely whitewashing. Some years before there had been an amicable settlement of a dispute in the Belfast docks between the Irish Transport

68. *Irish Transport and General Workers' Union v. Amalgamated Transport and General Workers' Union* ([1936] I.R. 471).

69. *Annual Report, ITUC 1936*, p. 158.

70. *Ibid.*

71. *Annual Report, ITUC 1930*, pp. 25, 26.

and the Amalgamated Transport, and this had resulted in a proposal in 1929 for a system of adjudication by Congress of inter-union disputes, a proposal which was adopted in 1930 on a motion by McMullen of the Irish Transport, supported by Tom Kennedy of the same union. (In the acrimonious debate at the 1934 Congress, McMullen claimed that in this matter the Amalgamated Transport had "treated the sub-committee, the National Executive and the Congress with absolute contempt"⁷² but there was no suggestion of that at the time.) Indeed up to the outbreak of its dispute with the Amalgamated Transport in 1933, the Irish Transport appears to have adopted a helpful approach generally to the growing problem of Irish and amalgamated unions. This was quite evident in the significant debate in 1930 on the admission to affiliation of the Irish National Union of Woodworkers, a debate which gives an early insight into the character of the problem and the various positions which trade unions took up.

Apart from the ancient Dublin craft unions, the Irish-based unions—even the Irish Transport—had, as we have seen, their origins in break-away movements from the British unions of earlier days; and in this the Irish National Union of Woodworkers was no different, having broken away in 1921 from the Amalgamated Society of Woodworkers. Towards the end of the 'twenties it had applied to Congress for affiliation, which the ASW vigorously opposed, threatening to resign if the National Union were admitted. This was a real conundrum, since not only was the ASW a great traditional union in Ireland, but it numbered 7,000 members in contrast with five hundred or so in the case of the INUW. The national executive temporised: "Time was a great healer, and perhaps in the course of time some settlement might be reached."⁷³ But in the meantime, the INUW remained unaffiliated, which greatly nettled nationalist-minded delegates. The great argument put forward by the amalgamated unions was that splintering, weakened the trade union movement, but this was impatiently dismissed by the nationalist delegates, who claimed that the trouble lay not in the number of unions but, as Helena Molony remarked⁷⁴ in the fact that "there were too many conflicting unions and too many standards of trade unionism. As to breakaways," she continued, "they might be justified or not. In this case the break-away had justified itself. The whole history of the country, as well as the history of the Labour movement, justified the break-away policy." Johnson, more soberly, tended to think that time conferred legitimacy, and the union, after all, had persisted for nine years; but in the event, the view of the national executive prevailed, William O'Brien emphasising that "this was not an issue between Irish and Cross-channel Unions, and had never been considered in that spirit."⁷⁵ His hope was that the national executive would smooth the matter out. But this in the circumstances was most unlikely; and ASW could not readily give way,

72. *Annual Report*, ITUC 1934, p. 129.

73. R. Tynan on behalf of the national executive: *Annual Report*, ITUC 1930, p. 73.

74. *Annual Report*, ITUC 1930, p. 75.

75. *Ibid.*, p. 74.

and once the nationalist bell was sounded the Irish-based union could not be refused.

In normal trade union circumstances, it is doubtful if a union such as the INUW would have ever been considered for affiliation because of the settled policy against multiplicity. This policy was quite firm despite the remarks of Helena Molony. Indeed in 1936, even when the Irish-amalgamated rivalry was in full flood, the national executive reported, quite explicitly, that when several small unions had applied for affiliation they had recommended that they seek association instead with larger analogous unions, the Cork Commercial Travellers and the Irish Union of Distributive Workers and Clerks being a case in point. But where the nationalist impulse dominated other considerations as it did with the INUW, the approach was quite different, and was in marked contrast—as the amalgamated unions were quick to point out—to the decisions in two other cases in the years that followed, the ETU (England) and the plasterers. When the ETU (England) applied in 1932 they were offered affiliation on condition that they confined their activities to the North—where they were well represented—excluding the South where they were not. While there was a bitter reaction from some of the northern delegates, who saw it as a rejection of all northern unions, the fact of the matter was that such a suggestion was entirely sensible in the circumstances, and no doubt the president of Congress, Louie Bennett, was quite sincere when she declared herself to be deeply grieved at any implication of prejudice. “I am strongly opposed to any conflict in this country in the Trade Union Movement between British and Irish Trade Unions. . . . If I saw the slightest trace of prejudice. . . . I would not have stood for it.”⁷⁶ The feeling of conflict was much more intense in 1936 when the affiliation of the British-based National Association of Operative Plasterers was rejected. Again this was seen by some of the northern delegates as a rejection of the northern presence in Congress; but in purely trade union terms the decision was an understandable one. The Dublin plasterers union,⁷⁷ ancient and arrogant, were seething with annoyance at a strike-breaking *démarche* by some members of the British union, and even though their interest lay only in Dublin, they had a considerable point. It was not then that these decisions were necessarily wrong; rather did they appear sinister in the light of the decision in the case of the INUW.

When the national executive accepted the INUW into affiliation in 1931, the ASW, as they had threatened to do, disaffiliated. There was a considerable effort to woo them back, O'Brien showing a good deal of anxiety in the matter. By 1934 they had succeeded; but now the whole climate changed, as the row between the Irish Transport and the Amalgamated Transport came to dominate trade union affairs; and it is not unlikely that if the ASW withdrawal had occurred some years later, the same effort would not have been made to bring them back. But of course the situation began to change for the amalgamated unions as well. When faced with the nationalist challenge their desire to remain stiffened, and

76. *Annual Report*, ITUC 1932, p. 99.

77. Operative Plasterers Trade Society of Dublin.

consequently, their interest in Congress quickened as well. It was all seen by some trade unionists as a shabby business, particularly as, in this year, 1934, the trade unions were confronted with the perilous challenge of fascism.

On 5 January 1934 the Amalgamated Transport and General Workers' Union wrote to the national executive of the Irish Trade Union Congress stating that they wished to "invoke the machinery of Congress in connection with the effort being made to take their members into the Irish Transport and General Workers' Union."⁷⁸ The dispute arose in the sensitive area of the Dublin trams. The Amalgamated Transport may have anticipated the establishing of a disputes committee as occurred in the dispute in the Belfast docks some years before, but the resident committee decided to remit the case to a full meeting of the national executive on February 2. In the meantime, the response of the Irish Transport to the complaint was sought, and this response converted what may have been a jurisdictional dispute into a matter of major national principle, and, because the two largest unions were concerned, polarised the whole trade union movement on the same issue. "To describe," they said, "as 'poaching' the revolt of the Dublin Tramwaymen . . . is a wanton misuse of a well-understood term; in fact, it is a claim that Irishmen shall not be permitted to manage their own affairs. . . . Neither can we admit that our action in this case in any way violates the Constitution of Congress. . . . Obviously there is nothing in the Constitution of Congress which would prevent Irish workers from severing their relations with foreign Unions whenever they desired to give their allegiance to an Irish Union."⁷⁹ It was only too clear, then, why the matter was referred to the whole national executive; right from the very outset it was seen as being a far larger question than a jurisdictional dispute. But before the national executive met at all an invitation was issued in its name on January 30 to representatives of "unions with headquarters outside this country" to attend a conference "to discuss the question of their Irish membership."⁸⁰

But what was the purpose in such a conference? In their annual report to the August conference the national executive declared that the decision was in no way actuated by any hostility to unions "with headquarters outside the country; in fact a tribute for the good work well done by English Trade Unions in Ireland had been recorded by the National Executive."⁸¹ On the contrary, they were actuated "solely by the desire that all those concerned would secure a full appreciation of the changing circumstances of the country and the changes that were taking place in the minds of the members of the British-controlled Trade Unions." The dispute between the two unions was seen as part of a general movement threatening the integrity of the trade union movement, which could be preserved only "if there is a mutual appreciation by those concerned of the economic and political developments now taking place in Ireland. . . . As national self-conscious-

78. *Annual Report*, ITUC 1934, p. 50.

79. *Annual Report*, ITUC 1934, p. 51.

80. *Ibid.*, p. 52.

81. *Ibid.*, p. 52.

ness grows it will express itself in all phases and activity of the national life of the country."⁸² In a word, the amalgamated unions were being asked to preside at their own demise.

Not surprisingly, at their meeting of February 2, the national executive found for the Irish Transport; and, also not surprisingly, the conference of the amalgamated unions did not take place; these unions stated that they would have to discuss the matter between themselves first. The effect of this discussion was very quickly seen.

For ten years or more the number of delegates from amalgamated unions attending annual conference had hovered around the forty mark, rising to forty-five and dropping to thirty-eight. Suddenly in 1934 the number leapt up to seventy-two, and continued steadily to rise over the next decade until the year of the split, 1945, when the number stood at 94. It was not until the following conference, that of 1935, that the number of Irish union delegates increased from their normal 90 (or a little less) to 105, and it was two years later before their peak figure of 124 was reached. The same trend is even more clearly reflected in the delegate numbers from the two transport unions. The Amalgamated Transport in 1934 more than doubled the number of its delegates from 12 to 25, which was almost the same number as that fielded that year by the Irish Transport; it was the following year 1935 before the Irish Transport increased its number from 27 to 33. But the national executive (which must have been full of stress at the time⁸³) remained during this period relatively unchanged, the Irish unions outnumbering the amalgamated unions by more than two to one, and although the majority diminished in the years that followed it still remained under the control of the Irish based unions until the fateful conference of 1945 when the position was dramatically reversed. We must take care, however, not to see all this in too stark terms; there were a number of Irish-based unions who would strongly support the amalgamated position and some amalgamated unions as well who were anxious to respond to the nationalist impulse.

The national executive—whether they intended it or not—had now called into being a grouping of amalgamated unions with a clearly defined interest, and fortified by this and by his substantial delegation, Sam Kyle of the Amalgamated Transport threw down the gauntlet at the August conference of 1934. It seemed clear from the manner in which Kyle presented his case, that the Irish Transport had decided to campaign for members in the tramway branch of the amalgamated union. Kyle's motion deplored the decision of the national executive to support the Irish Transport in this and declared that all unions affiliated to the Congress were equally entitled to the protection of the rules.⁸⁴ The railway unions and the ASW were vigorous in support. Some, like O'Carroll of the Railway Clerks⁸⁵

82. *Ibid.*, p. 52.

83. The vote on the national executive in favour of the ITGWU action was nine to five (*Annual Report, ITUC 1934*, p. 123).

84. *Annual Report, ITUC 1934*, p. 122.

85. Railway Clerks' Association.

would have wished to see it all as merely a domestic squabble but to many it was without doubt an amalgamated-Irish conflict, and here Barron of the ASW, a Glasgow delegate, made the substance of the amalgamated case: "The moment this agitation started his Society took steps to ascertain the opinion of every branch in Ireland, and everyone of them, without exception stated definitely that they had no desire to leave the Amalgamated Society."⁸⁶ This was reinforced by Campbell of the very influential National Union of Railwaymen who was himself a Dublin delegate. They had held a conference immediately after independence and again in 1933 in order to put the suggestion that the members form an Irish-based union and on each occasion the opinion of the members was heavily against it. The contrary view, the nationalist view, was put by Helena Molony: national self-consciousness was growing, and the current dispute was an incident in a situation which was becoming widespread. In order to avoid confusion and chaos she suggested again the venerable proposal that the trade union movement should be reconstructed along industrial lines. As we shall see, this as a device—as a formula which had an acceptable ring about it—became the keystone for later discussion. But the impetus behind the formula was not one of efficiency and better service, but rather of nationalism. More than that, it was a nationalism which derived its power from principle, not from any observed defects in the amalgamated unions. There was no evidence, in the recorded material in any event, of trade union colonialism. The Irish members of the amalgamated unions not only possessed a traditional loyalty to those unions, but, in the manner of trade unions, they in practice also ran their own affairs. The nationalist delegates did not criticise the amalgamated unions as such; their position was more basic. They believed that Irish members for nationalistic reasons more and more wished to abandon amalgamated unions, and they should be permitted to do so. O'Brien summarised it well. He claimed he had never taken a prejudiced attitude towards the British unions but "we are a separate and distinct nationality. We believe we know what the Labour movement stands for in this country. . . . If it is the parting of the ways and there is no way of avoiding it, we will have to part and you will have to make up your minds as to whether we can do without you better than you can do without us; but the policy of this Congress, and of the Irish Labour movement in the past has been that British and Irish unions can work amicably together, and whether sections of Irish workers should be in Irish Unions or in English unions was a matter for the workers to decide for themselves."⁸⁷ But O'Brien intended to do more than wait and see how members would choose. His object clearly was to neutralise Congress and give some legitimacy to a campaign which the Irish Transport wished to mount, a campaign no doubt made more compelling in view of the growing strength of the amalgamated unions.

These views were all predictable enough but for the amalgamated unions

86. *Annual Report*, ITUC 1934, p. 127.

87. *Ibid.*, p. 133.

perhaps the most disturbing voice was that of Johnson. He had been sincerely impressed by the quite different legislative development in the Free State and Britain. His view therefore was that the national executive "merely asked the amalgamated unions to do for this country, long before any crisis arose, what was found to be necessary in other countries. He quite understood that the great majority of the Irish members of the British Unions, as they were called, did desire to remain with those Unions. He quite recognised that, but the national executive might have to take into consideration the fact that there was growing up a different code of laws, a different legislative atmosphere affecting Trades Unions in this country from that which prevailed in Britain."⁸⁸ Johnson was a sincere and thoughtful man, and reflected the feeling of the time of inevitable separatism in all matters, a separatism so profound that it would prevail over the trade union loyalties of large numbers of people whose organisations had served them well. As we shall see in a moment, these remarks of Johnson's were to be given much greater significance by the judgement of Judge Meredith in the October of the following year.

The 1934 debate was a drawn battle as alarmed delegates sought a withdrawal of both the appropriate paragraph of the report of the national executive, and also of Sam Kyle's resolution. The question went back to the national executive, who, on a general policy basis, set up a subcommittee to suggest machinery which could be applied where members wished to change from one union to another. Broadly they settled for due notice and required that the transferring members should be in-benefit, and they submitted their proposal to both transport unions. This was of course all quite beside the point. However, the Amalgamated Transport agreed with the proposal (it accorded with their view of what was appropriate) but the Irish Transport pleaded that they were too busy because of a transport strike, and much later, refused on some grounds of inadequate representation on the subcommittee which devised the formula. Actually the strike—a lengthy one of eleven weeks in the Dublin Tramways in the spring of 1935—took a good deal of steam out of the dispute since both unions cooperated quite well together in a common cause. But the Congress of 1935 also noted other "acrimonious incidents" which they considered sprang from the same difficulty. As one delegate remarked: "By their quarrels with one another, and not working in harmony, they were doing much to strengthen the numbers of the unorganised."⁸⁹

It was a most contentious time. A local row between carpenters in the midlands took on the aspect of an ASW-INUW conflict, and in Cork a similar row between members of the two unions led in 1937 to a Court of Inquiry under the Industrial Courts Act 1919.⁹⁰ There was trouble between the Irish unions themselves. The Irish Engineering and Industrial Union, for example, had infuriated the Irish Transport by welching on their undertaking to support them in their

88. *Ibid.*, p. 135.

89. *Annual Report*, ITUC 1935, p. 162.

90. O'Brien papers 13971.

row with the Carlow Sugar Beet Factory on the question of unionisation. But the other major row—the row which had echoed right down through the years—was that between the Irish Transport on the one hand and Larkin and the Workers' Union of Ireland on the other.

Larkin's union had been excluded not only from Congress but from the Dublin Trade Union Council as well, and when in that stormy year of 1934 he applied for membership of the Dublin body there was a vehement reaction from William O'Brien: "So far as we are concerned we will not associate with James Larkin either inside or outside the Council, and if he is admitted this Union will have no option but to withdraw from affiliation."⁹¹ The letter to the Dublin council which contained this remark was bitterly uncompromising: "For more than eleven years James Larkin has waged war on the Labour movement, commencing with his attack upon the Trade Union Congress in August 1923 and continued to the present year when he attempted to disrupt the Connolly Celebration held under the auspices of the Council. No employer, or combination of employers, has ever inflicted upon the Labour movement the damage which James Larkin is directly responsible for. . . . To admit the arch-wrecker James Larkin would mean the end of the Council, as his vanity and egoism is such that he is incapable of working in any movement in which he has not absolute control. . . ." The conflict here then was of a different kind from that which existed between the transport unions. In the case of the Irish Transport and the Workers' Union, there was a personal antagonism so profound that no solution was found to it until both O'Brien and Larkin had left the trade union scene—and this did not take place until thirteen years or more had elapsed. Larkin in fact was not without support for all his impatience. He succeeded in being admitted to the Dublin council and as a delegate from that body he appeared at the annual conference to plead the case for the admitting of his own union, the Workers' Union of Ireland, into affiliation. The debate was largely a wrangle about procedure, in which the Irish Transport took no part, but the motion of next business, which was intended to suppress Larkin, succeeded by a very slender majority. Larkin's union was in fact never admitted—not in any event until after the split in 1945, although Larkin himself attended as a delegate from the Dublin Trades Council. It is important to recognise the influence of this dispute in that it effectively excluded the use of the trades or local council as a device for restructuring Congress, and one can see even in the preliminary proposals for reform in 1935 a great chariness about their development.

We now turn to the question of the legal status of the amalgamated trade unions in the Free State, a question which, from the point of view of these unions grew steadily more alarming. When the Free State was first established the British offices became very concerned about their legal status, but they decided on the whole to let sleeping dogs lie. Now, however, the whole thing was pulled into the courts of law as the Irish Transport in its conflict with the Amalgamated

91. O'Brien papers 15676 (1).

Transport sought a declaration that the recording of that union as a registered union in the Free State was illegal and invalid.

It is necessary for the purposes of the discussion to sketch in briefly the legal background to the problem. The Trade Union Act of 1871⁹² provided for the voluntary registration of trade unions, and the Trade Union Act Amendment Act 1876⁹³ provided that a registered trade union operating in more than one of the three countries, England, Scotland and Ireland, then constituting the United Kingdom, should be registered in the country in which its registered offices were situated, but that if it wished to operate in another of the countries, it should send its rules to the registrar there, who would record them. This was sufficient for it to be regarded as a registered union in that country. The point was that it did not have to seek registration there; one registration was sufficient and would be effective for the other countries, on the registrars of those countries recording the rules. This naturally was the procedure followed by the amalgamated unions in Ireland, and in particular it was the procedure followed by the Amalgamated Transport and General Workers' Union. By virtue of section three of the Adaptations of Enactments Act 1922 the name Ireland came to mean Saorstát Eireann but this radically altered the whole basis of the section which, as Judge Meredith later pointed out⁹⁴ was based on a legislative union of the three countries. The fact was that the British legislation never contemplated a situation where a trade union, established and controlled outside the United Kingdom, operated within the United Kingdom; and when the same legal construct was imported automatically into the law of the Free State a situation of mutual exclusivity arose.

The government took the view that the system of recording was no longer operative in the Free State, and trade unions registered in Great Britain even though recorded here must be regarded as unregistered; and this they conveyed to the Congress in a memorandum in 1928⁹⁵ with the comment that the position required the serious attention of the members affected.

It is important, however, that we should see the question of registration in perspective. The essential character of a trade union under the 1871 Act and subsequent legislation depended on its being defined as such, not on whether it was registered or not. Registration was not at the time a necessary condition to its existence but it conferred advantages in regard to taxation, the control of property and legal proceedings. This, of course, was why the amalgamated unions decided against any precipitate action in the matter. But once the distinction was raised between registered and unregistered unions, there was no reason why the significance of registration should not be greatly augmented, simplifying what many claimed was a chaotic trade union structure, and perhaps as well cutting at the artery in the case of the amalgamated unions. The legislative programme of the government was in any event of a radical and separatist character and they

92. 34 & 35 Vict., c. 31.

93. 39 & 40 Vict., c. 22.

94. *Op. cit.*

95. O'Brien papers 13971.

had already expressed impatience with the trade union structure and a determination to achieve by legislation what the trade unions had so far failed to achieve by agreement. This is what gave great significance to the judgement of Judge Meredith in the autumn of 1935 when he declared that "the recording in the Registry of Trade Unions in Saorstát Eireann of the Rules of the Transport and General Workers' Union or of the Amalgamated Transport and General Workers' Union, or of any amendment of the said Rules, is inoperative and of no legal effect."⁹⁶ Sam Kyle at the subsequent annual conference in 1936 pushed for a statement from Congress regretting the action of the Irish Transport in taking the case to court, and seeking protection for the members now affected, but in view of the fact that machinery for inquiry into such matters was now under discussion, Congress took no action in the matter.

Perhaps before going on it might be as well to glance at the position of trade union law in Northern Ireland, noting that in important respects it differed both from that in the Free State and that in the rest of the United Kingdom. Under the Trade Disputes and Trade Unions Act (Northern Ireland) 1927 a strike or lock-out was declared illegal "if it has any object other than or in addition to the furtherance of a trade dispute . . . and is designed or calculated to coerce the government . . ." and there were some other important differences as well, in particular concerning the political levy. But as far as the trade unions' legal status was concerned the law was the same as that in the United Kingdom.

These then were the circumstances in which Congress established its commission of inquiry in April 1936. Already in 1935 the national executive in its report to the annual conference had made rather far-reaching recommendations designed to discourage house unions (that is, unions controlled by employers) and splinter groups; the object was to prevent "the rise of undisciplined so-called Trade Unions at the instigation of every individual who considers he has a grievance against an existing union."⁹⁷ They declared that Congress should not recognise such groups. Furthermore, trades councils should not accept branches of unions into membership without the sanction of the national executive. And, finally, they recommended that national joint industrial councils should be created of representatives of each bona fide trade union operating within each specific industry to which matters of joint concern must be submitted.⁹⁸ But running through the recommendation was a great sense of agitation. They spoke of warring, competitive unions, disintegrating new bodies and internecine union warfare, which conveys an impression of a state of affairs more extensive, more perilous and more fragmentary than we have been able to establish here. Yet a resolution supporting the executive recommendation which was moved by Scott of the Dublin council (a body now apparently doing good work in promoting

96. *Op. cit.*

97. *Annual Report*, ITUC 1935, p. 66.

98. The term national joint industrial council is a confusing one, because the term joint industrial council was of growing significance in indicating a joint employer-trade union negotiating body; the modern term for the purely trade union industry-based council is trade union group.

groupings) resulted in little discussion. One suspects that the substance of the difficulty lay in two areas: on the one hand in the conflict between the two transport unions, inflating and perhaps distorting other Irish-amalgamated difficulties, and on the other hand in the totally irresolvable conflict between Larkin and O'Brien. This in no way diminished the intractability of the problem. However, it simplifies it and identifies its more powerful causes. Within the normal bubble of unrest—normal in a structure such as that of the Irish trade union movement—the nationalist impulse both enlarged and inflamed the stresses of the time. The unions sought some structural solution, but opportunities were limited. Because of the other great conflict, the personal conflict between O'Brien and Larkin, no consideration could be given (as we have noted) to integration at a local trades council level; such councils at the time were probably inherently inadequate in any event.

It was in these circumstances that the classical well-regarded solution of industry-based unionism again became significant. It emerged as the dominant theme in the work of the trade union commission of inquiry that was soon to be established. And waiting in the wings was a government, separatist, nationalist and impatient for good order.

Trinity College, Dublin.