



Unit 8:

THE TREATY AND THE CIVIL WAR

A Short History

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THE TRUCE AND TREATY

After two and a half years of ambushes, reprisals, destruction of property and killings, a truce was declared on 11 July 1921. On 30 September, de Valera accepted Lloyd George's invitation to send a team of Irish negotiators to London "with a view to ascertaining how the association of Ireland with the community of nations known as the British Empire may be best reconciled with the Irish national aspirations".

Arthur Griffith headed the delegation which also included Michael Collins, Eamonn Duggan, Robert Barton and George Gavan Duffy with Erskine Childers as secretary. The negotiations began in London on 11 October 1921 and on 6 December, in the face of Lloyd George's 'threat of terrible and immediate war', the Irish plenipotentiaries signed the Articles of Agreement. The Free State would remain within the empire but on terms that gave it equality of status with the other dominions in the British Commonwealth.

The Treaty document revealed the divisions in the philosophy and leadership of Sinn Féin that had been festering since 1917. On returning to Ireland the delegates were met with hostile criticism from extreme republican members of the Dáil such as Cathal Brugha who viewed the Treaty as a betrayal of the men and women of 1916. Michael Collins, on the other hand, argued ...

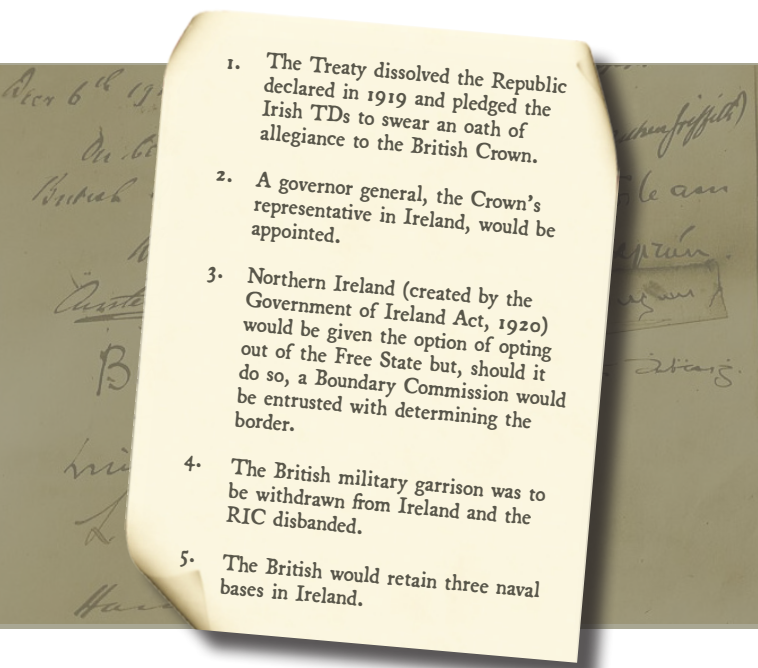
"IN MY OPINION [THE TREATY] GIVES US FREEDOM,
 NOT THE ULTIMATE FREEDOM THAT ALL NATIONS
 DESIRE AND DEVELOP TO, BUT THE FREEDOM TO
 ACHIEVE IT."

– Michael Collins, *Treaty Debates*, 19 December, 1921–

For Eamon de Valera, the Treaty was 'not a stepping stone, but a barrier in the way to complete independence'. He criticised the delegation for signing without first consulting the Dáil believing they acted beyond their designated role.

DÁIL DEBATES

After a series of highly-charged Dáil debates between 14 December 1921 and 7 January 1922, the parliament of the Irish republic ratified the Treaty by a slender 64–57 vote. The Treaty replaced the republic with a twenty-six-county Irish Free State governed by a parliament (later called the third Dáil) convened after a general election to be held in the near future. Until that time, a Provisional Government headed by Michael Collins would rule the country, while the Free State constitution would be written and approved by government negotiators in London and Dublin.

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1. The Treaty dissolved the Republic declared in 1919 and pledged the Irish TDs to swear an oath of allegiance to the British Crown.
 2. A governor general, the Crown's representative in Ireland, would be appointed.
 3. Northern Ireland (created by the Government of Ireland Act, 1920) would be given the option of opting out of the Free State but, should it do so, a Boundary Commission would be entrusted with determining the border.
 4. The British military garrison was to be withdrawn from Ireland and the RIC disbanded.
 5. The British would retain three naval bases in Ireland.

EVACUATION OF BRITISH FORCES FROM IRELAND

Following the creation of the Provisional Government on 14 January 1922, the process of evacuating the Crown forces from the twenty-six counties began. Dublin Castle was handed over to the Provisional Government on 16 January, the Auxiliary Division of the RIC and the Black and Tans left in January and February, and the RIC itself began to disband (a process finally completed in August 1922). Empty barracks across Ireland were then taken over the local IRA regardless of whether they were pro or anti-Treaty.

The first army barracks to be handed over was that in Clogheen, County Tipperary on 25 January, and on 31 January Beggars Bush Barracks in Dublin was formally handed over to the Provisional Government in a public ceremony. It would become the headquarters of the new National Army, funded and armed by Great Britain and loyal to the Provisional Government.

PACT ELECTION, JUNE 1922

In order to avoid widening the split in Sinn Féin and ensure a peaceful election, Éamon de Valera and Michael Collins negotiated the 'pact' agreement for the upcoming general election on 16 June 1922, whereby Sinn Féin would run both pro- and anti-Treaty candidates without an indication of their stance on the Treaty. The returned candidates would form a coalition government with a pro-Treaty majority. The pact was widely criticised by Treatyites as undemocratic. The people were being asked to vote for the unity of Sinn Féin rather than pronounce the Treaty. The British declared that the pact was a breach of the Treaty with Churchill declaring that it was an 'arrangement full of disaster'. In the week of the election republicans complained that Treatyites issued propaganda for their own side of Sinn Féin rather than for the whole panel. In reality few were people in any doubt about the respective positions of the candidates on the issue of the Treaty.

Kevin O'Higgins (leading) and Michael Collins leaving Dublin Castle following the symbolic handing over of the historic seat of British power in Ireland to the Provisional Government, 16 January 1922



[Photo: National Library of Ireland, NPA CIVP4]

Two days later Collins himself violated the terms of the pact when he told his supporters in Cork to 'vote for the men you think best'. The pact broke down two days before the election. Republicans were also critical about the publication of the new Free State constitution which included reference to the Oath on the morning of the election.

The election returned pro-Treaty Sinn Féin as the largest party, with fifty-eight seats out of 128 (less than a majority), while the anti-Treatyites won thirty-six. The participation of other parties, notably Labour and the Farmers' Party, was crucial, since their combined first-preference vote of over 40 per cent, added to the vote for pro-Treaty Sinn Féin candidates, allowed the Provisional Government to claim a popular majority for the Treaty.

IRA REACTION TO THE TREATY

In 1919, after members of the IRA swore allegiance to Dáil Éireann. Many officers believed that the dis-establishment of the Irish Republic by the Treaty relieved them of any further loyalty to the Dail and they called for an IRA convention to determine army policy. IRA Chief of Staff and Minister for Defence in the Provisional Government, Richard Mulcahy delayed approval for the convention, allowing time for the establishment of the National Army.

When Richard Mulcahy called off an IRA army convention scheduled for 26 March 1922 at the Mansion House, defiant anti-Treaty IRA officers attended anyway. They rejected the right of the Dáil to dissolve the Republic and declared its independence from the Ministry of Defence. The IRA Military Convention reconvened on 9 April and elected an new army executive, which appointed Liam

Lynch as chief of staff. At this stage the IRA began to be called the 'executive forces', or, in the pro-government press, 'Mutineers' or 'Irregulars'.

THE TWO DOMINANT FIGURES OF IRA GENERAL HEADQUARTERS STAFF, RICHARD MULCAHY AND MICHAEL COLLINS, ASSUMED TOP POSITIONS IN THE PROVISIONAL GOVERNMENT. HOWEVER ... IT CAN BE ESTIMATED THAT UP TO 75 PER CENT OF IRA MEMBERS OPPOSED THE TREATY.

– John Bergonovo, Atlas of the Irish Revolution, 2017–

The anti-Treaty IRA was further divided into moderates and extremists. The majority, drawn largely from Liam Lynch's powerful 1st Southern Division, believed negotiations should continue. They sought a compromise that would avoid civil war but also undermine the Treaty. A radical minority of the anti-Treaty IRA wanted to block any further implementation of the Treaty and forcibly end the rule of the Provisional Government. Tensions within the IRA were increased by the contested occupation of vacated barracks in Limerick.

On 14 April 1922, 200 of these hard-line anti-Treaty forces under the command of Rory O'Connor and Liam Mellows, occupied the Four Courts and set up a Council of War. In the meantime the new Provisional Government of the Free State set up a Ministry of Defence at Beggar's Bush Barracks under Richard Mulcahy.



PHASE I: JUNE - JULY 1922

On 18 June 1922 the anti-Treaty IRA held a final convention at the Mansion House. Rory O'Connor and Liam Mellows walked out in protest at the proposals of the moderates, reconvened in the Four Courts and voted to replace the moderate Liam Lynch with Joe McKelvey as the new chief of staff. The anti-Treaty IRA had split in two.

When anti-Treaty IRA man Leo Henderson was arrested by pro-Treaty forces in Dublin, the Four Courts garrison responded by abducting Free State officer, J. J. 'Ginger' O'Connell. This action, combined with the assassination of British General Sir Henry Wilson in London, then serving as the Northern Ireland government's security adviser, meant that Michael Collins came under significant pressure from the British to respond with force.

The Free State ministers saw no alternative to military action. Collins issued an ultimatum to the Four Courts garrison that would expire at 4 a.m. on Tuesday 27 June 1922: surrender or be fired upon. Two eighteen-pound field guns were aimed at the Four Courts from across the Liffey and at 4.07 a.m. when the rebels remained inside, the free state forces fired. Knowing of the split in republican ranks, the leaders hoped fighting would be brief and confined to Dublin. However both moderate and militant anti-Treaty IRA officers considered the attack on Four Courts a declaration of war against the Irish republic. The Civil War had begun.

While the Four Courts was being bombarded with British artillery, republicans seized fourteen buildings on the east side of O'Connell (Sackville) Street, which became known as 'The Block'. Anti-Treaty IRA leader of the Dublin Brigade, Oscar Traynor established a new Headquarters in Hammam Hotel and Cathal Brugha was appointed O/C of its garrison of 100 men and women.



The destruction of the Four Courts on 30 July 1922 signalled an end to the three-day siege of the building. The IRA executive surrendered shortly afterwards, as the Four Courts began to collapse. The National Army now concentrated its efforts on Oscar Traynor's positions. Three armoured cars were put into action as well as an 18 pounder gun to attack 'The Block'.

On the night of Monday 3 July, Traynor ordered the majority of the garrison to evacuate the complex, leaving only a token force under the command of Cathal Brugha to hold 'The Block' which was bombarded for three days. When Traynor sent word that Brugha was to surrender, he refused. By Wednesday the small garrison had retreated to the last tenable position, the Granville Hotel. The building was hit by a shell from the 18 pounder gun and a fire broke out. With the building burning around them Brugha ordered his garrison to surrender. NA troops were in position in Thomas Lane at the rear of 'The Block'. That evening Brugha emerged from the burning building. Called on to surrender, he refused and was fatally wounded. Anti-Treaty forces evacuated the city and from Cork, Liam Lynch issued a statement affirming that he was chief of staff again. The first battle of the Civil War was over.

PHASE 2: JULY-AUGUST 1922 - THE BATTLE FOR MUNSTER

IRA units evacuated Dublin in early July 1922 and republicans were able to consolidate their control of Munster and the west. Isolated pro-Treaty units in Listol and Sligo were quickly overwhelmed and the Anti-Treaty IRA (ATIRA) held a defensive line across Munster, anchored by the cities of Limerick in the west and Waterford in the east. The ATIRA Republican forces were comprised of numerous brigade and battalion columns, usually numbering between twenty-five and fifty fighters, forming a loosely organized IRA 'field army'. It faced rapidly-growing NA forces that were well-armed with artillery and armoured vehicles.

THE FALL OF LIMERICK AND WATERFORD CITIES

The NA won a critical victory during the ten-day Battle of Limerick, which ended on 21 July. On the same day they captured Waterford city. Over the next two weeks, the NA methodically pushed the republicans back in Tipperary, Limerick, and Waterford, capturing Carrick-on-Suir and Clonmel in the process. The most intense fighting occurred during the two-week Battle of Kilmallock, which extended into the nearby village



National Army soldiers and barefoot children in Bruff, County Limerick, following the taking of the town from the anti-Treaty IRA in early August 1922

of Bruff and Bruree during which Free State forces under the command of Eoin O'Duffy placed the ATIRA under intense pressure.

SEA LANDINGS

The republican positions finally broke after the NA conducted surprise sea landings in Kerry and Cork in early August. The ATIRA had anticipated such an assault, but the flimsy republican defences were no match for determined NA troops. Government forces arriving at Fenit, County Kerry captured Tralee after a brief but difficult fight on 2 August. A more ambitious assault occurred on 8 August, when Emmet Dalton organized three simultaneous landings of Free State troops at Youghal, Union Hall, and Passage West in County Cork. The NA easily defeated republican forces at Youghal and Union Hall but faced much more determined resistance while trying to seize Cork city. During the three-day 'Battle of Douglas' on the city's outskirts, hundreds of troops faced each other, though once again Free State artillery and armoured cars proved decisive and the republicans evacuated Cork.

The Limerick/Waterford line collapsed completely, as many of its front line units moved back to engage with the NA's amphibious offensive behind them. While Emmet Dalton's forces aggressively pushed inland across County Cork, Eoin O'Duffy's forces around Kilmallock moved south. The Free State won a decisive victory but failed to destroy republican resistance. When Lynch ordered his forces to resume guerrilla tactics in mid-August, he was able to mobilize enough seasoned IRA fighters to make much of the province ungovernable. One of the republicans' first guerrilla successes had immense political ramifications. When the ATIRA ambushed and killed the Free State Commander-in-Chief Michael Collins' at Béal na Blá on 22 August both sides understood that though the Battle of Munster was over, it had been replaced by a guerrilla war.

PHASE 3: AUGUST 1922- MAY 1923

The Irish Free State came into official existence on 6 December 1922, the first anniversary of the signing of the Treaty. By that stage the Free State had won the conventional phase of the civil war and was undergoing a prolonged anti-Treaty IRA campaign of guerrilla warfare and economic sabotage.

Perhaps nowhere in Ireland was the Civil War fought as bitterly as in County Kerry. While the Kerry IRA had been reasonably active during the War of Independence, it waged an aggressive guerrilla war in 1922-1923. Frustrated by their inability to crush the determined armed resistance of the Kerry republicans, National Army officers took extreme measures against the IRA.

The Free State forces in Kerry included the 'Dublin Guard', comprised of IRA veterans from Dublin including the intelligence officer David Neligan and Major-General Paddy O'Daly, the commander of Free State forces in Kerry. Republicans accused both men of killing and brutalizing republican prisoners. The toxic environment culminated in several unofficial reprisal executions carried out by the National Army in March 1923, including the notorious 'Ballyseedy Massacre'.

On 30 November 1922 IRA chief-of-staff Liam Lynch sent instructions for operations against 'the enemy', which included shooting on sight any TDs who had

voted for emergency legislation and the destruction of homes and offices of those strongly associated with the state, including the homes of all Senators in the newly-created Free State upper house, which met for the first time on 11 December 1922. Following the killing of Sean Hales TD and the wounding of Pádraig Ó Maille TD on 7 December, the Free State extra-judicially executed four leading republican prisoners in Mountjoy Gaol, which seemed to act as a deterrent to further attempts on the lives of parliamentarians; the campaign against property, however, began in earnest with the burning of the house of Sean McGarry TD in Dublin, which resulted in the tragic death of his seven-year-old son.

By early 1923, the anti-Treaty IRA were demoralised, lacked popular support, faced excommunication from the Catholic Church and fought a persistent and better equipped National Army. Republican resistance at this point consisted mostly of as the blocking of roads, attacks on railways, and destruction of bridges, to hinder National Army movement and disrupt the economy. By the end March 1923, IRA leaders in all parts of Ireland had begun to debate whether or not to continue the war. After Liam Lynch was shot dead on the slopes of the Knockmealdown Mountains on 10 April 1923 Lynch's successor as chief-of-staff, Frank Aiken, issued an order to 'Cease Fire - Dump Arms'. There was neither an official surrender nor a negotiated peace settlement, and Treaty issues would continue to dominate Irish politics for decades.

Kevin O'Higgins (centre) on the day of his wedding to Bridget Cole on 27 October 1921. In attendance were Éamon de Valera as well as O'Higgins' best man, Rory O'Connor (right)

Close bonds of close friendship that formed during the struggle for independence were broken in the bitter Civil War – none more tragic than O'Connor and O'Higgins'. O'Connor, who was imprisoned in Mountjoy Jail after the surrender at the Four Courts, was executed on 8 Decem-

ber 1922 in reprisal for the killing of Sean Hales TD outside Leinster House the previous day. Minister for Home Affairs Kevin O'Higgins was involved in the decision to execute O'Connor along with three others, Richard Barrett, Liam Mellows and Joe McKelvey.



[Photo: National Library of Ireland, INDH359]