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LONDON, SATURDAY, MAY 10, 1924

THE BREAKDOWN OF IRISH NEGOTIATIONS

The Anglo-Irish Treaty which gave Dominion status to the Irish Free State, also gave to Northern Ireland the option of retaining the status conferred by the Government of Ireland Act of 1920, "subject to the necessary modifications."

"Provided that if such an address be so presented, a commission consisting of three persons, one to be appointed by the Government of the Irish Free State, one to be appointed by the Government of Northern Ireland, and one, who shall be Chairman, to be appointed by the British Government, shall determine in accordance with wishes of the inhabitants, as far as may be compatible with economic and geographic conditions, the boundaries between Northern Ireland, and the rest of Ireland, and for the purposes of the Government of Ireland Act of 1920, and of this instrument the boundary of Northern Ireland shall be such as may be determined by such commission."—Clause XI. of the Anglo-Irish Treaty."

This provision of the Treaty is clear and unequivocal. It constitutes a treaty obligation which the British Government is bound to carry out. This Mr. J. H. Thomas, Colonial Secretary in the MacDonald Cabinet, has publicly acknowledged. However, he—like the rest of the world—would prefer an Irish settlement by agreement. Negotiations to this end, the cables tell us, have broken down. That perhaps was to be expected at this stage. For though Ulster has decided to remain under the British Government, and sends representatives to the British Parliament, she repudiates an Act of that Parliament that passed both Lords and Commons with large majorities and received the Royal Assent! And this is not all. Ulster recognized the Treaty by taking advantage of the right therein conferred to vote herself out of the Free State, but repudiates the provision quoted above which specifically qualifies that right. Ulster loyalty and Ulster logic are like that. Sir James Craig, the Ulster premier, has declared again and again that he will not appoint the Ulster nominee to the Boundary Commission. He thinks or professes to think that such refusal on his part will render the whole provision nugatory. That seems pretty childish. Though no provision was made in the Treaty nor in the subsequent Act of Parliament ratifying it to replace the Ulster nominee, that does not relieve the signatories of the Treaty from carrying out an essential treaty obligation. It was by an Act of the British Parliament that Northern Ireland was constituted and given its present boundaries; another Act of Parliament ratified the treaty provision for the rectification of these boundaries; it may take another Act of Parliament to enable the Boundary Commission to function in spite of the obstinacy of Northern Ireland. That is all. When that is done negotiations for an all Irish settlement will have a better chance of success. When the Six-County people are disabused of their childish notion that their obstinate refusal to appoint their member of the commission renders the British Government impotent to fulfil a treaty obligation they will be more likely to listen to reason. While this notion obsesses them they are likely to be as impervious to reason as a balky mule. So the first step toward settlement is to provide ways and means for the Boundary Commission to function with or without an Ulster representative.

The bad old tradition of Protestant Ascendancy is deep-rooted in Ulster. "For all civic purposes," says the Irish Independent, "Catholics of the Six Counties are now to be outlawed." At the coming County and District Council elections "the Catholic population will, in effect, cease to have the rights of citizens."

"Even in districts and counties," continues the Independent, "where Catholics are in an overwhelming majority they will no longer have the right to appoint a road-mender, nor will they have a voice in selecting a tenant for a laborer's cottage. We doubt if the modern annals of any State can show such an example of shameless partisan legislation as that which is now to result in the exclusion of the Northern Catholics from the rights to which they are entitled. When the bomb and the bullet had deprived hundreds of Northern Catholics of their homes and their means of livelihood, the Belfast Parliament sought by more subtle means to complete the discomfiture of the minority under its rule. It began by abolishing Proportional Representation, the only system of election yet devised to give fair play to minorities as well as to majorities. But even with the abolition of P. R. the Belfast politicians found that there were large areas in which the Catholics could still return their nominees. That possibility has now been removed. Working upon schemes drafted and advocated by the Partitionist election experts, electoral areas have been altered and so gerrymandered wherever the Catholics were in a majority that their representatives are henceforth to be in a minority."

This spirit of the Northern Protestants aggravates the whole question in issue. Will rectification of the boundary in accordance with the Treaty settle the question? It would relieve large Catholic areas of Orange tyranny; but there would remain in any case a Catholic minority helpless and hopeless under Orange domination with a more embittered Protestant Ascendancy spirit. Adequate provision for the protection of this minority is an important consideration.

There is little doubt that it was the confident hope of the English as well as the Irish signatories of the Anglo-Irish Treaty that North and South would come together and arrange amongst themselves the conditions on which Ireland would achieve national unity.

The chaotic conditions within the Free State caused by Republican lawlessness and rebellion destroyed that hope or at least postponed all chance of its realization. To Canadians of Irish descent the internecine strife fomented by the Republicans is harder to understand than the ignorant and unholy prejudice of the North. It frustrated all hope of solving the one great national question for Ireland—the achievement of national unity; and it went far to justify in the opinion of a world, whose sympathy had gone out to Ireland fighting for freedom, the attitude of Protestant Ulster; without that justification Ulster's present position would be impossible.

A Catholic Ulsterman writes to an English Catholic newspaper that the Boundary Commission can only profitably be used as a lever to force the North to come to terms; but, when both the "Six Counties and England have been forced to see that there must be some arrangement made, a solution should be sought otherwise than by an alteration of the Border."

He continues:

"That solution must be such that it is clear to England and to all the world that the Six Counties are being treated with absolute fairness, that their prejudices, however unreasonable, are being respected, that they are not being placed under the heel of people whom they regard, stupidly, as their enemies, and that their religious opinions and special business interests are being in no way prejudiced.

"They may have no right to ask for such safeguards from their own people; but the fact is that no solution that does not guarantee them can be carried in face of the tremendous forces arrayed against us. On the other hand, the solution must restore the unity of Ireland, which was jeopardised by De Valera and his plenopotentiaries in their eagerness for a sovereign status, which in the circumstances could only be a fictitious one.

"Futhermore, it must safeguard the rights of the oppressed Catholics who are suffering such shameless oppression at the hands of Sir James Craig's Government."

If the Ulster minority has been given an exceptional position for bargaining, so, also, does Clause XII. of the Treaty give real power to the Free State. "Rectification" of the boundary is a term coined probably to evade the Treaty condition. That will not be so easily done. Eamon Duggan, one of the Irish signatories of the Treaty and a member of the Free State Ministry, punctured any such little scheme, last week, in these words:

"The decisive words of Article XII. of the Treaty," he said, "are almost identical with those of the Treaty of Versailles regarding such plebiscite areas as Prussia and Upper Silesia. In those cases the words were interpreted to mean not a mere rectification of the frontier, but the drawing of a completely new frontier, in the delimitation of which the wishes of the inhabitants were given primary consideration. The same words in the Anglo-Irish treaty must be taken in the same sense."

The enlightened Ulsterman, whom we have quoted, puts strongly and clearly the great difficulties of the situation. He knows whereof he speaks. And it is refreshing to find, in spite of his picture of the amazing prejudice against their Catholic fellow-countrymen, that he has a kindly appreciation of the virtues of his Protestant neighbors:

"In spite of much narrowness and intolerance these people, especially in the rural districts, have many virtues and fine qualities. They are industrious, honest according to their lights, orderly, and docile, and have a fine civic sense."

And, after a disheartening account of the difficulties and obstacles in the way of an understanding between North and South, he adds:

"As against all this, however, there is the fact that Partition is recognized as an evil by both North and South, that it is terribly expensive, that it hampers business in the Six Counties even more than in the rest of the country, and that the natural tendency is towards reunion."

So, though our newspapers carried the story of the breaking down of negotiations between Dublin and Belfast, it is not too much to hope that at some time or other they will be resumed and will not break down.

LEO XIII. ON CAPITAL AND LABOR

BY THE OBSERVER

Thirty years ago the great Pope Leo XIII. said:

"Associations of every kind, and especially those of workingmen, are now far more common than heretofore. As regards many of them, there is no need at present to inquire whence they spring, what are their objects, or what the means they employ. There is a good deal of evidence, however, which goes to prove that many of these societies are in the hands of secret leaders, and are managed on principles ill according with Christianity and the public well-being; and they do their utmost to get within their grasp the whole field of labor, and force workmen either to join them or to starve. Under these circumstances, Christian workingmen must do one of two things; either join associations in which their religion will be exposed to peril, or form associations among themselves—unite their forces, and shake off courageously the yoke of so intolerable and unrighteous an oppression. No one who does not wish to expose man's chief good to extreme risk will for a moment hesitate to say that the second alternative should by all means be adopted.

"Those Catholics are worthy of all praise—and they are not a few—who, understanding what the times require, have striven by various undertakings and endeavors to better the condition of the working class without any sacrifice of principle being involved. They have taken up the cause of the workingman, and have spared no efforts to better the condition both of families and individuals; to infuse a spirit of equity into the mutual relations of employers and employed; to keep before the eyes of both classes the precepts of duty and the laws of the Gospel—that Gospel which, by inculcating self-restraint, keeps men within the bounds of moderation, and tends to establish harmony amongst the divergent interests, and the various classes which compose the State. It is with such ends in view that we see men of eminence meeting together for discussion, for the promotion of concerted action, and for practical work. Others again strive to unite workingmen of various grades into associations, help them with their advice and means, and enable them to obtain fitting and profitable employment. The bishops on their part bestow their ready good will and support, and with their approval and guidance many members of the clergy, both secular and regular, labor assiduously in behalf of the spiritual and mental interests of the members of such associations. And there are not wanting Catholics blessed with affluence, who have, as it were, cast in their lot with the wage earners, and who have spent large sums in founding and widely spreading Benefit and Insurance Societies, by means of which the workingman may without difficulty acquire through his labor not only many present advantages, but also the certainty of honorable support in days to come. How greatly such manifold and earnest activity has benefited the community at large is too well known to require us to dwell upon it. We find therein ground for most cheering hope in the future, provided always that the associations we have described continue to grow and spread, and are well and wisely administered."

When Pope Leo wrote that famous Encyclical in the year 1891, the spread of social revolutionary theories, under the influence of Marxian Socialism, was already very marked in Europe. Since then, the movement has grown more aggressive in Europe, and has spread to the United States and Canada.

The workingmen of Belgium, a Catholic country, were for a time much under the influence of the fever. Agitators told them they were slaves, and promised them wonderful earthly happiness to be had by becoming Socialists—the same sort of promises that are being made on this side of the Atlantic today. The danger was offset in Belgium in accordance with the ideas expressed by Pope Leo.

Under the presiding Bishop Doutretour of Liege, three Congresses of social workers were held, in 1886, 1887, and 1890, in which the most vital questions were exhaustively studied and discussed. Canon Pattier, Professor of Moral Theology in the Grand Seminary of Liege, became the apostle of a social reform movement. The friends of reform founded a Democratic Christian League, which, encouraged by the bishops, and keeping within the bounds of strict Catholic doctrine, bent all its energies on reform.

The Bishop of Liege formed among the secular priests a new order, called The Almoners of Labor, whose energies were entirely directed to bettering the lot of the working people.

NOTES AND COMMENTS

THE EARL of Birkenhead contributes to a recent number of the Sunday Times, an interesting character sketch of the Archbishop of Canterbury. In the course of it he says: "The Archbishop of Canterbury cannot discharge his functions efficiently if he be merely a great moralist and a great priest. He can, indeed, if he be also a man of imagination, exercise a far-reaching influence over that cosmopolitan body of theological thought which men call the Church of England. But he cannot govern, without destroying, his historic trust unless he has *a genius for compromise*."

WE HAVE italicized the concluding words as setting forth, in a phrase, what is historically and constitutionally the predominating characteristic of the English Church. Her proud boast of "comprehensiveness" is indeed but another word for compromise—compromise, alas, too often, as many quite recent instances prove, of the most vital truths of Christianity. And yet this is the one ground on which the various Protestant bodies base their plea for unity.

ON THIS subject Dr. T. R. Glover, a writer of some name in England, has this (slightly paraphrased) to say in the London Daily News: "What, then, is the unity of Christ and His Father, which is to be the pattern of Christian unity? Is it an organization founded on compromise—is Christ, or is God, to be supposed to surrender some phase of Truth, to accept what He quite clearly counts to be wrong, in order to maintain a unity which could not otherwise survive? Such a suggestion is intolerable, and I shall be blamed for even having mentioned it. But, if Christians are urged to 'sink differences,' to put away what seems to them fundamental in order to secure a united organization we have a right to ask: Is compromise on things vital really consistent with the mind of Christ or with any mind of real honesty? Compromise was no word in the vocabulary of Christ, nor is it in the vocabulary of anybody who cares for truth."

WE HAVE run across an interesting quotation or two on the present-day tendency towards Science-worship. Science rightly understood has done much for humanity in the past and rightly guided is destined to do much more in future. But as every normal man knows there are many things of the most vital import which are beyond the reach of science, and before which science must in the long run bow her head. In a recently published book, "Icarus, or the future of Science," Bertrand Russell, the author, says: "Science has not given men more self-control, more power of discounting their passions in deciding upon a course of action. It has given communities more power to indulge their collective passions, but by making society more organic, it has diminished the part played by private passions. Men's collective passions are mainly evil; far the strongest of them are hatred and rivalry directed towards other groups. Therefore, at present, all that gives men power to indulge their collective passions is bad. That is why science threatens to cause the destruction of our civilisation."

AND, ALONG the line of physical experiments, another English reviewer, Mr. Robert Blachford, discussing Mr. J. B. S. Haldane's book "Dædalus," says: "The conservative has but little to fear from the man whose reason is the servant of his passions, but let him beware of him in whom reason has become the greatest and most terrible of the passions. These are the wreckers of outworn empires and civilizations, doubters, disintegrators, deicides."

WE HAVE refrained heretofore from touching upon the exodus of recent months from the Hebrides, as a subject almost too sad for comment. If, as the Edinburgh Scotsman affirms, the islands are "over-populated to the extent of a third," it is not, as the same journal opines, because they are incapable of supporting the population, but because the economic chaos of the Highlands and Islands as a whole, brought about, it should be added, by human greed and class legislation, has made them what they are. It is the old cry of the Canadian Boat Song, "that a degenerate lord might boast his sheep." That the present exodus, as other similar movements whether from Scotland or Ireland, within the past century and a half, entailed scenes harrowing in the extreme goes without saying. But we would rather look upon the brighter side which brings to Canada under Catholic auspices what the Scotsman describes as so many "fine specimens of manhood."

TO EXTEND the quotation: "It was heartening on Saturday to see the fine specimens of manhood that were setting forth on what will undoubtedly prove their greatest adventure, and one could not but notice, despite the loud farewells and the tender, tearful leave-takings, the spirit of Christian resignation, which is perhaps the most sublime virtue to be found in this almost totally Catholic community. These men from the beautifully sounding islands of Barra, Benbecula, South Uist, and Eriskay had been striving for years to wrest a meagre living from the rocky and ingrate insular soil, and only their love of the land and the strong ties of kinship prevented them from abandoning the struggle long ago."

THERE IS promise nevertheless of better days for both the Highlands and Islands. It is announced that the British Aluminum Company are to proceed immediately with their scheme for the harnessing of the water power of the Lochaber district, and operations are expected to be in full swing during the coming summer. The undertaking which is estimated to cost between three and four million pounds ought to go far towards relieving immediate distress, and opening a new era of prosperity for that much tried land. Of the details of this scheme we shall have something to say next week.

THE OREGON DECISION

THE PAROCHIAL SCHOOLS ARE ENTITLED TO PREVENTIVE RELIEF

Dr. Lyman P. Powell, Director, Educational Department, Cosmopolitan Magazine

Ever since The Oregon Compulsory School Law requiring all children in the grammar grades to attend Public schools was adopted, November 7, 1922, I have been saying both in Bulletin and Editorial that a step had been taken which would have to be retraced. In the opening page in May Cosmopolitan I indicate that "Public and Private schools are two blades" of the same scissors, and that in consequence both should be supported until our Public schools become at least so perfect that naturally there will nowhere be "yearning for a single Private school,"—a time not near at hand.

The appeal taken to the United States Court sitting at Portland, Oregon, has now been heard. Before an audience which packed the Federal courtroom the new law has lately been declared unconstitutional, and the Governor, Attorney General, and District Attorney are restrained from enforcing it. This Federal decision may of course on appeal be set aside by the Supreme Court.

But few will expect this to occur who read the text in full. Colonel Sandy Beaver hopes our Supreme Court will have a chance to pass upon it. Like Dr. R. B. Gooden he seems sure this recent decision will stand any test. The decision ranks with the best in our history from John Marshall's day to Supreme Justice Taft. It reveals both a human understanding and a legal knowledge rarely matched in any Court decision. It rests upon the solid principle many have expressed to me in interview that while the State has power to regulate, it has no power to destroy the education of the young.

This digest of the decision has been made possible by the courteous promptness of Brigadier-General, M. F. Davis of New York and Dr. Joseph A. Hill of Oregon, prominent in the controversy, in hurrying to me the text, the brief for the defense, a transcript of the proceedings and the newspaper reports. The decision in full outreaches the space conditions of the Bulletin. But the following summary and quotations will perhaps suffice to indicate the quality and significance of a decision which may rank with the Dartmouth Case.

The Oregon law, which was to take effect in 1926, allowed the State to exceed the limitations of its power. It took utterly away from Private schools their right and privilege to teach in the grammar grades. Thus it deprived them of their property without due process of law. "One does not have to await the consummation of threatened injury to obtain preventive relief."

"The act could not be more effective for utterly destroying the business and occupation of private schools, if it had been entitled, an act to prevent parochial and private schools from teaching the grammar grades. This serves to emphasize the seriousness of the controversy. Indeed, the simile is no stronger than the argument for the adoption of the measure put it: A divided school can no more succeed than a divided nation. That such is the purpose of the act is obvious and incontrovertible."

The right of non-public schools to teach in the grammar grades and the right of parents to engage them to instruct their children the Court pronounces "within the liberty of the 14th amendment." This right would seem to be the more secure because "parochial and private schools have existed almost from time immemorial."

"Compulsory education being the paramount policy of the State, can it be said, with reason and justice, that the right and privilege of parochial and private schools to teach in the common school grades is inimical or detrimental to or destructive of that policy? Such schools and their patrons have the same interest in fostering primary education as the State, and appropriate regulation will place them under supervision of school authorities, so they will not escape the duty of proper primary instruction. No one has advanced the argument that teaching by those schools is harmful or that their existence with the privilege of teaching in the grammar grades is a menace or of vicious potency to the State or the community at large and there appears no plausible or sound reason why they should be eliminated from taking part in the primary education of the youth. It would seem that the act in question is neither necessary nor essential for the proper enforcement of the State's school policy."

"The melting pot idea applied to the common schools . . . is an extravagance in simile. A careful analysis of the attendance of children of school age, foreign born and of foreign born parentage, at private schools as compared with the whole attendance at schools, public and private, would undoubtedly show that the number is negligible, and the assimilation problem could afford no reasonable basis for the adoption of the measure.

The very purpose of placing the effective date so far ahead as 1926 in order to give ample time for schools affected to adjust themselves to new conditions is really a confession that such schools will be hurt seriously if not irreparably. The hurt has apparently already begun. The schools are already losing their patronage because "the act is a statute duly adopted and promulgated." "The injury being of a quality that is continuous and accelerating, it must be stayed if the ends of justice are to be met."

"It is not denied that the State in its sovereign capacity, is entitled to the exercise of what are termed police powers . . . But there is a limit to their exercise. They can not be exercised arbitrarily and despotically nor unless there exists a reasonable relation between the character of the legislation and the policy to be subserved. Nor is the State legislature the final judge of the limitations of the police power. Its enactments will be set aside when found to be unwarranted and arbitrary interference with rights protected by the Constitution in carrying on a lawful business or occupation in the use and enjoyment of property. In other words, the exercise of the police power is subject to judicial review, and property rights cannot be ruthlessly destroyed by wrongful enactment."

No one questions the right of the State to a reasonable supervision of Public schools. "The real test is: Has the State, through its legislative functions, the power, under the guise of police regulation, to deprive parochial and private school organizations of the liberty and right to carry on their schools for teaching in the grammar grades?"

"Other questions have been presented, but, their decision not being necessary to a determination of the controversy involved, they are not considered."

"The motion to dismiss will be denied, and a preliminary injunction will issue, restraining the defendants from threatening or attempting to enforce the act complained against."

THE STATE MAY REGULATE, NOT DESTROY, SCHOOLS WITH TEACHING POWERS AND PROPERTY RIGHTS.

"Where will you shorten the arm of that power (Oregon Law) once it is conceded? Why not extend it to secondary education, and then to collegiate education, and finally to university education? For that power if it exists at all, can strike down the institution of Harvard or Yale, or any other that is conducted by private management, and allow the State and the Government a complete and absolute control of all education."—From the argument of Mr. J. P. Kavanaugh against the Oregon Law of 1922.

THE KULTURKAMPF AGAIN THREATENS GERMANY

By Rev. Dr. Wilhelm Baron von Capitaine (Cologne Correspondent, N. C. W. C.)

The Kulturkampf against the Catholic Church threatens to destroy what little of the Old Germany war and revolution have left, Cardinal Faulhaber warns in a pastoral letter issued for the coming jubilee of St. Corbinianus, Apostle of Bavaria. The Cardinal vigorously replies to recent attacks against the Church and points to the graves of thousands of Catholic dead in the War to prove the loyalty of Catholics.

"For the present, there remains to our people poverty and devastation," says the pastoral. "What the four years of War has left has been almost destroyed by the five years of revolution, and what the five years of revolution has passed by is now threatened with destruction by the Kulturkampf against the Holy Church."

Cardinal Faulhaber recalls, in denouncing the attacks on the Pope, that former Popes and Bishops have been assailed, but declares that to attack the Catholic Church at this time, when the tombs of thousand upon thousands of Catholic dead mutely attest the loyalty to country of Catholics, is a crime that cries to heaven.

A GOOD FRENCH LAW

The two Chambers of the French Parliament have voted, in turn and thus rendered final, a new law intended for the protection of the family. Introducing a new offense in the French penal code, this law, which was promoted by M. Louis Marin, present Minister of the Liberated Regions, represses the "abandon of the family." It permits punishment of a man who, having deserted his home, leaves his wife and children without resources. It also applies to children who voluntarily leave their parents destitute, etc.

Under the terms of this law, any person who has been sentenced to pay a pension to his wife, children or parents and who has voluntarily let more than three months pass without paying this pension will be