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Preface

Consisting exclusively of student material, the Loyola University Student Historical Journal serves a dual purpose. Students are given the chance to piece together information in an analytical process, while readers consume the benefits. Each side shares in the expansion of knowledge.

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Congratulations are extended to those with the prizewinning papers: Carole M. Duplantis, first and Sister Alicia Costa, S.S.F., second.

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Anne Morrow Lindbergh: A Lifestyle

by Carole M. Duplantis

Woman's role in society has long been a matter of intense interest, if not controversy. It has come to the outraged attention of current day feminists that the role of woman has been defined and enforced largely by men. The role of woman as mother, wife, and homemaker is not today considered the optimum application of feminine potential. Rejection of the traditional role will be supplanted by a swing back to the middle ground, if it has not already done so, but surely women will never return to the unmindful acquiescence of yesterday.

Even so, there have always been those women who have endeavored to achieve self-actualization along traditional corridors. These women deserve some recognition for their strivings, for their ability to reconcile conflicting lifestyles and confining self-images. When the more personal considerations of matrimony are coupled with marriage to a public personality, to the great or near-great, difficulties multiply.

Anne Morrow Lindbergh married a hero. Her lifelong endeavor to achieve and maintain a level of artistry and humanity consistent with her own high values, along with the successful and creative dedication she has brought to marriage, motherhood, and now widowhood, is the *ambition* to heroism, if not the exact thing.

Brought up in Englewood, New Jersey by parents who were exceptionally aware of the values of education, Anne was one of four children in a closely knit family. In the foreword to her first volume of diaries and letters, *Bring Me a Unicorn*, she says, "In our family an experience was not finished, not truly experienced, unless written down or shared with another."¹ She compares herself to the sheltered Emelye of Chaucer's Knight's Tale, enclosed in a walled garden. Sandwiched between an elder sister whom she considered physically beautiful and a younger sister whom she considered more socially adept and outgoing, Anne seems to have struggled to define her own identity. While seemingly fragile and shy, she was considered

within the family to be the toughest of the lot, with the courage of a tigress in defending her beliefs and principles.²

The year 1927 brought forth America's first authentic celebrity: Lucky Lindy, the "Flying Fool." Charles Lindbergh made his successful flight from New York to Paris, and the world clamored to claim him for its own. His homeland was plunged into a veritable orgy of enthusiasm and national pride.

That same year, Anne's father, Dwight Morrow, collected in part on a political debt: he was awarded the ambassadorship to Mexico, in recognition of his support of the Harding administration. Ambitious to enhance his prestige with the Mexican people, Morrow invited Lindbergh to visit the embassy in Mexico for the Christmas holidays. Not only was Lindbergh ready to accept the invitation; he proposed to fly nonstop from Washington to Mexico City, the first time this would be done.

The bombshell of Charles Lindbergh thus fell into the Morrow household. From the private and affectionate family life, Anne Morrow was thrust into the glare of relentless publicity. She married the hero of the hour: the bride was congratulated, not the groom. Shocked and disoriented by the public's hunger for Lindbergh, she is told by her new husband to never utter a word she would not wish repeated on the front pages of the nation's newspapers or shouted from the rooftops. To an individual whose forte is communication, whose lifestyle has been sharing thoughts and experiences, a rigorous task has been set.

She was smitten with her hero: "There is a silence about the things he says: islands of words, surrounded by the stillness of an audience's admiration."³ In writing of the crowds that surged beneath the Embassy wall on Lindbergh's arrival in Mexico City, describing the children climbing trees to get closer to the hero and the power of the mob, her reaction is a combination of fright, pride, and awe:

To me it was simply terrifying. I had never seen it before—never done anything but read about it. But what could a crowd like this do if it were *angry* or furious? It made one gasp to think. Those crowds! Who has moved men like that before—not with a speech, not intentionally, not trying to move them by any means—just standing there, just existing?⁴

In a later volume of her diaries and letters, Anne Lindbergh tells us she saw her husband as a knight in shining armor, herself as his devoted page.⁵ She is by then astute enough to realize that this was no basis for a marriage, but asserts it was the beginning for a

relationship. Throughout her life, the quality of relationships has remained a primary concern. Since the death of her husband in 1974, she is more often seen publicly, and was to be seen occasionally on television during the celebration of fifty years of aviation in 1977. Her manner of speaking of her husband seems at first stilted and formal: he is never "mine," or "my." It is as if he were an entity outside her domestic, familial conglomerate. Again this is the active part of her philosophy, that love should completely liberate a person, as expressed in her poetry:

Him that I love, I wish to be
Free
Even from me.⁶

In the early years of their marriage, she *was* a modern day page, accompanying her husband on his survey flights, learning to fly, navigate, take aerial photographs, and operate the radio. She was as enamoured of flying as Lindbergh himself. There was no question of equality: she was eager to learn and embrace his world. Where he led, she followed—pregnant, crammed into tight quarters, radiant with the first bloom of success and love. They were besieged by journalists, photographers, and crowds of hysterical wellwishers. Borrowing from the title of the volume of letters and diaries covering 1929-32, it was the "hour of gold."⁷

The "hour of lead," when it arrived, lasted much longer. With the kidnapping of their first son in 1932, and throughout its sordid aftermath, Anne Lindbergh's diaries reflected a woman who was constantly striving to come to terms with grief and loss and yet maintain her own level of humanity. Always, she wished to leave herself vulnerable to love and life. Probing, always in search of the fullest measure of experience, her grief was an exercise in self-discovery. She noted, "One must grieve, and one must go through periods of numbness that are harder to bear than grief. One must refuse the easy escapes offered by habit and human tradition."⁸ While concerned to assuage the sorrows of those closest to her, she was still straining to remain the artist who is viable, sensitive, and able to create and communicate. This was in direct contrast to the requirements forced on her as a public property and the blind, unthinking malice of those drawn to the tragedy of the Lindberghs. This vicarious curiosity seeking was a singularly sickening strain of mental and emotional pornography. Only in their flight to England were the Lindberghs able to achieve a semblance of the personal anonymity both sought.

Throughout their lives together, their shared experiences and personal insights were translated again and again into the written word. From Anne, *North to the Orient* offered an account of their 1931 survey flight; *Listen! The Wind* dealt with their flights around the North Atlantic. Immediately after his Atlantic flight, Lindbergh published a hastily assembled account of the trip, *We*. This was more fully covered in his 1953, *The Spirit of St. Louis*, which became a best seller. The posthumously published *Autobiography of Values* is a compendium of his concern in later years with evolution, conservation, and the overall state of man.

Causes were never anathema to Charles Lindbergh. His life spanned the most incredible technological explosion to yet occur in the history of mankind. The experience of a generation was encapsulated in this man who was born when the horse and buggy were still prevalent, and died in the age of rocketry and moon-walking. America and Lindbergh wooed science; this romance gradually deteriorated into bickering and resentment. By the end of his life, Lindbergh had reverted to nature: he would have preferred to fill the skies with birds rather than airplanes. His wife supported his causes, such as her strong defense of Lindbergh's actions prior to World War II. Relationships with family, friends, and society at large were jeopardized. Today, she speaks candidly of her error in judgment in publishing the pro-pacifist, *Wave of the Future*. Yet, with her own individual integrity, one can see how she was brought to this. By her own standards, to have done otherwise would have constituted desertion of her husband. While wishing those she loved to be free, she seemed aware of the limits of freedom. No one has ever seriously suggested that a wife must be nonpartisan.

Lindbergh was to find that his fame and fortune, which he avowed to value so little and blamed in large measure for the death of his son, could not easily be harnessed and used to his own ends. After having been invited to review the air power of Nazi Germany by the Military Attache in Berlin, Lindbergh came away convinced that America should at all costs avoid war with Germany. His isolationist leanings were rapidly construed as pro-Nazism by the press. The degree of esteem America had help for its hero, perhaps coupled with its guilt at having hounded the Lindberghs into self-exile, dictated the extent of the public disillusionment. While the reputation of Charles Lindbergh would in later years be partially rehabilitated, it was never to be restored to its former glory.

It has been suggested and supported to some extent by their own comments that the Lindberghs were incredibly naive in their

dealings with the Germans. There is much evidence that both had been unusually insulated in their youths. Lindbergh only belatedly acquired a full set of social skills. Consequently, his relationships with others appear to have been somewhat superficial on the one hand or intensely loyal on the other. He was direct and uncompromising in his own opinions, and doggedly persistent once they had been formulated. A loner by both personal inclination and childhood experience, Charles Lindbergh married a young English major from Smith whose familial enclosure had been exceptional to the time of her marriage. It is small wonder that they sometimes stumbled through the real world of politics like babes-in-the-woods. Their earlier insulation had been reinforced by the pressure of Lindbergh's celebrity: they were literally cannibalized by the press and public, to such an extent that natural and candid relationships were a hardship and a rarity. This alone made notable Anne Lindbergh's achievement in coming to terms with her world, in enlarging her idealism to encompass the less attractive truths of mankind.

In later years, her support was undoubtedly less costly than that provided before the war. In the essay published as *Earth Shine*, she related the experiences of the first flight of astronauts into the orbit of the moon with a safari in Africa, both experiences shared with her husband and both areas of his interest and concern. Throughout her life, she has felt the need to provide roadmaps for others, to share her insights and experiences in a manner that others will be consoled, inspired, and less alone. All of this was achieved without the heavy preaching hand Lindbergh himself often employed in his writing.

The most thoughtful and direct application of insight into the experiences of a female in our society can be found in Mrs. Lindbergh's *Gift From the Sea*, a thin volume of personal reflections written in much sought solitude. These were the reflections of a mature woman who still deals in romantic terms with her own life. She projected a strain of feminine values which were complimentary to those who do not reject the more traditional role of woman, while cognizant of the conflicts arising from these roles and the personal needs of woman. Many women have fought the battles of chauvinism and found compensations. Many have found their own means of tyranny, their own weaponry. Anne Lindbergh has a truly remarkable ability to focus on the more trivial defeats faced by a woman who attempts to manage both home and career. A woman, in her view, is compelled to be a giving personality. If her giving is not purposeful, this will eventually run her dry. Too often her life is frittered away in a series of small, domestic crises unrecognized by

others, unnamed by themselves.

The concerns of the 1960's were with love of the human race, a total acceptance of one's fellow man, a loving not for love earned but for love due. The 1970's have evolved into an orgy of self-love, self-improvement, self-assertiveness, and self-awareness. How quaint, this very small little book of the 1950's! It deals with self-love, but Anne Lindbergh is concerned with self as the integral part of an elaborate construction scheme of emotional balance. Her philosophy from the "oyster bed of middle-aged marriage" is one that extends outward in ever increasing circles, to her husband, her family, and children, and thus enables her to better address mankind. It is a love shot through with the key word in the case of both Lindberghs: VALUES. These same values bring her back to the beginning point, where she is able to deal with the self exclusive of the mirrors set up by society.

It is impossible not to speculate upon the influence these two unique people exercised upon one another. Charles Lindbergh was an advocate of science; Anne Lindbergh is a devotee of the humanities. The circumstances of their lives are bound to have exercised limitless influence upon their individual personalities. All outward appearances would suggest that Lindbergh was the typical man less tied to his wife and children than to the pursuit of his career: in 1966, Anne joked that a friend advised her to keep in touch with him by satellite.⁹ Certainly it is easier to trace his wife's appearance in his writings, which became highly mystical toward the end of his life. One cannot possibly know, until told, to what extent he has influenced his wife.

In his biography of Lindbergh, Leonard Mosley relates a conversation between Lindbergh and a local correspondent in Vietnam:

I should hate anyone to think I approve of that. [Lindbergh is referring to the defoliation of the forests in Vietnam by U.S. bombings.] Once upon a time I thought George Washington was a good hero for American children, because when he cut down the cherry tree he admitted it later on. Now I'd have the story omitted from the American history books. Even owning up doesn't excuse cutting down a tree.¹⁰

In a recent issue of *Readers Digest*, under the department of Personal Glimpses, this story is related:

Anne Morrow Lindbergh, author and conservationist, was one of the speakers at a convocation on environmental pollution at Smith College. The day's events grew out of a traditional observance of

George Washington's birthday, which prompted Mrs. Lindbergh to remark, "The cherry tree myth, as it came to me as a child, had a moral I took to be: It's not so bad to cut down the cherry tree as long as you don't lie about it. It accepted it once, but I have begun to wonder. That cherry tree is gone; and too many of them have been cut down already. I'm for the cherry tree."¹¹

The same sentiment is expressed by both. Charles Lindbergh is unequivocal: he would ban the story from the history books. Anne Lindbergh is characteristically more sentimental and less direct. Who is to say which of the two originated the thought?

While Lindbergh is styled the hero, one can speculate that his wife may have made a less flamboyant but more lasting contribution.

NOTES

¹ Anne Morrow Lindbergh, *Bring Me A Unicorn*, Harcourt Brace & Jovanich, Inc., 1971, p. 2.

² Leonard Mosely, *Lindbergh: A Biography*, Doubleday and Co., 1976, p. 130.

³ *Unicorn*, p. 76-77.

⁴ *Unicorn*, p. 78.

⁵ Anne Morrow Lindbergh, *Hour of Lead, Hour of Gold*, Harcourt, Brace & Jovanich, Inc., 1973, p. 2.

⁶ Anne Morrow Lindbergh, *The Unicorn and Other Poems*, Vintage Books, 1972, p. 14.

⁷ *Hour*, p. 1.

⁸ *Hour*, p. 213.

⁹ Mosley, p. xvii.

¹⁰ Mosley, p. 363.

¹¹ *Readers Digest*, March 1978, p. 190.

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Separation of Church and State: How High the Wall?

by Sister Alicia Costa, S.S.F.

The term "separation of Church and state" has become the common short-hand synonym for the provision in the First Amendment of the United States Constitution which states that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. These twin phrases, the establishment clause and the free exercise clause, have created a dilemma in our society in regard to the interpretation of this amendment.

The search for original meaning and historical purpose underlying the language of the Founding Fathers has yielded inconclusive results. However, for the present day, the Supreme Court, in its attempt to interpret the amendment, has attached significance to the views of two men in American history, James Madison and Thomas Jefferson. Both men took a strong stand against governmental involvement in religious affairs. It is from Jefferson that the metaphor, "wall of separation" is used over and over again to express the intention of the establishment clause. "Interpreting the First Amendment to correspond to his own views, he wrote in his letter to the Danbury Baptists that the effect of this amendment was to establish 'a wall of separation between Church and state'."

The views of Madison and Jefferson did not stem from hostility to religion, which they considered a private or voluntary matter. For them, the separation principle was indispensable to the freedom of belief, conscience, and dissent that are threatened when government intrudes in religious matters or when ecclesiastical authorities use government to advance their ends.

The subject of this paper is two-fold: first, the exploration of the history of Church-state relations in the United States and second, a closer look at the dilemma created by the First Amendment.

If one is to attempt to interpret the First Amendment it is necessary to examine the situations in the history of the United States that may in some way have influenced its adoption into the

Federal Constitution. It is obvious from its significant position in the U.S. Constitution that our forefathers considered it to be a matter of primary importance. John F. Wilson, in his book *Church and State in American History*, has identified six significant periods in U.S. history that have shaped the meaning attached to the First Amendment. Each period represented a new phase in a developing relationship between religious institutions and civil government.

The first period is the colonial seventeenth century. It is in this period that church and state held a correlative relationship with varying degrees and means among the different colonies. Aside from the "Lively Experiment" of Rhode Island, and the attempts of William Penn in Pennsylvania and Lord Baltimore in Maryland, the establishment of a state church was taken for granted. In this relationship states adopted a particular sect of Protestantism as the church of the state and supported it with state taxes.

The second period is considered a transitional one in which the language of establishment previously taken for granted was challenged empirically by the diversification of religious life in the colonies. The first six decades of the eighteenth century brought an influx of different kinds of Protestant families and groups into the colonies, such as Scottish-Irish Presbyterians in Anglican Virginia, "German" Mennonites in Quaker Pennsylvania, Anglicans in Congregational Connecticut and Massachusetts. This proliferation of Protestant groups made necessary the policy of toleration. "The radical competition among the churches made it inevitable that a single spiritual authority structure on the traditional model would be out of the question."²

The years 1760-1820 established another period in which direct confrontations with the problem of establishment took place. Jefferson bequeathed his famous metaphor "wall of separation between Church and State" and James Madison fathered the First Amendment.

The fourth period (1820-1860) is characterized as the "Era of Republican Protestantism." The influx of large contingents of Catholic immigrants and a significant number of German Jews created fear and prejudices in the minds of many native born Americans. "A great 'united front' of interdenominational agencies developed which aspired to make America a Protestant Christian republic in substance if not in form."³

A transitional period again arose in 1860-1920 in which a position favoring a neutral relationship between Church and State emerged. This position clearly repudiated the assumptions underlying

"Republican Protestantism." This period is not only transitional but also a period of "disestablishment"—not of state-recognized churches as in the transitional period of the eighteenth century but a disestablishment of a Protestant religious consensus.

The last of the six periods began about 1920 and runs through today. The problem of church-state relationships has been under the aspect of a theological-religious problem, in the guise of political struggles within a pluralistic society, and more recently, as a constitutional and legal issue. The most appropriate term to describe the attitude of this period appears to be "benevolent neutrality."

From the very beginnings of the American Experiment men have been grappling with the functions of state and those of the church. A distinction has always been made through the centuries regarding the different domains of church and state. During the colonial seventeenth century, men affirmed the temporal and spiritual orders, but at the same time related the two to justify the establishment of a state church. One such man is Rev. John Cotton. In a response to Rev. John Davenport regarding the issue of restricting the franchise for civil government to church members he writes:

Theocracy, or to make the Lord God our governor, is the best form of government in a Christian commonwealth . . . (in which) the power of civil administration is denied unto unbelievers and (is) committed to the saints . . . It seems to be a principle imprinted in the minds and hearts of all men in the equity of it that such a form of government should, by the consent of all, be established in the civil state.³

One might say that this was the general trend of thought or language of this period except, as cited earlier, of Roger Williams, William Penn and Lord Baltimore. Of these Roger Williams deserves special recognition; for, even though he did not deny that "double-relation" which was fundamental to seventeenth century thought about Church and state, he did deny that a coordination of spiritual and temporal authorities logically followed from that premise. "For Williams such 'coordination' inevitably meant subordination of the spiritual to the temporal . . . He argued that civil society had to be secularized in order that religious life be authentically spiritual."⁴

In the periods that followed a distinction between the temporal and spiritual orders became more pronounced and took on various forms. Since the ratification of the First Amendment to the U.S. Constitution, men of this country, diverse as they are, have been

about the business of interpreting it in the light of their time in history.

In 1876, Samuel T. Spears, an Episcopalian clergyman of Brooklyn, New York wrote:

Civil government, as such, should have nothing to do with the work of administering, sustaining, or teaching religion, and that on this subject its only legitimate function consists in affording an impartial protection to all the people in the exercise of religious liberty, while so limiting this exercise as to make it compatible with the peace and good order of civil society.⁵

Spears was writing in conjunction with the issue of Bible reading and religious instruction in the public schools.

In modern times, the Supreme Court has played a prominent role in settling issues such as that presented by Spears. The *Everson* decision of 1947, which sustained the constitutionality of bus rides for parochial school children in New Jersey, was followed by five major decisions in the period between 1947 and 1962. The *McCullum* opinion of 1948 and the *Zorach* ruling of 1952 were decisions centered on released-time for religious education. In the *McCullum* case the court for the first time relied on the establishment clause to invalidate a state practice. It ruled that released time from the regular public school program to attend religious instruction given on the school premises was "a use of the state's power in aid of religious instruction and a violation of the establishment limitation."⁶ A third decision, *Forasco* ruling in 1961, declared unconstitutional a Maryland law requiring an oath of belief in God as a prerequisite for public office holders in that state. Then came the decision in the Sunday-closing cases that a state law requiring cessation of business activities on Sunday was not a law establishing the Christian religion since the law was designed to achieve a secular purpose. In June 1962 a fifth ruling banned a nondenominational prayer from the public schools in the state of New York. It is of merit to note this point:

While these rulings are of great importance the fact is that for a century and a half the nation existed without a ruling from the nation's highest tribunal on the constitutional prohibition of an "establishment" of religion. Such a situation indicates the existence of a well-established and widely accepted church-state arrangement.⁷

Paul Kauper, in *Religion and the Constitution*, has identified three theories reflecting the meaning and application of the First Amendment as the court has prescribed and is still struggling with to

find a rationale that relates the establishment and the free exercise clauses.

The first of these theories Kauper calls "The Strict Separation Theory." It found its first and most notable expression in the famous opinion by Mr. Justice Black in the *Everson* case in which the interpretation founded on the views of Madison and Jefferson was given. This theory requires a strict separation of church and state and that government can do nothing which involves governmental support of religion or which is favorable to the cultivation of religious interests. Kauper sees a problem with this theory, namely, as advanced in the *Everson* case, a problem to determine when a state is giving aid to religion and when it is levying a tax in support of religious activities.

The "Neutrality Theory" is the second of those theories identified by Kauper which requires government to be neutral with respect to religious matters and that in its legislation and programs it cannot, therefore, do anything which either aids or hinders religion. This concept of neutrality as a key to the First Amendment's religion clauses received central attention in the court's opinions in the cases involving the recitation of the Lord's Prayer and the reading of the Bible without comment in public schools. Both the "Strict Separation Theory" and the "Neutrality Theory" are concerned with aid to religion. However, in the former theory, the no-aid aspect is directed only to inquiring whether government is acting in aid of religion, whereas the latter theory is further concerned with the question of whether government by its laws and programs is subjecting religion to a special disadvantage.

The third theory, "The Accommodation Theory" is that any limitations derived from the establishment limitation cannot be rigidly applied so as to preclude all aid to religion or to require absolute neutrality, that questions arising under the establishment limitation cannot be viewed in isolation from the free exercise guarantee; and that in some situations government 'must,' and in other situations 'may,' accommodate its policies and laws in the furtherance of religious freedom. This theory found its first expression in *Zorach vs. Clauson*, where the Supreme Court held that a state could authorize an arrangement whereby public school children could be released one hour a week for religious instruction off the school premises. Mr. Justice Douglas gave the opinion that:

There can not be the slightest doubt that the First Amendment reflects a philosophy that church and state should be separated . . . however, (it) does not say that in every and all respects there shall be

a separation of church and state. Rather, it studiously defines the manner, the specific ways, in which there shall be no concert or union, or dependency one on the other . . . Otherwise state and religions would be aliens to each other—hostile, suspicious, and even unfriendly . . . We are a religious people whose institutions presuppose a Supreme Being . . . The constitutional standard is a separation of church and state. The problem, like many problems in Constitutional Law, is one of degree.⁸

His opinion reveals an attitude which recognizes that there are necessary interrelationships between government and religion. The "wall of separation" metaphor, useful as it is to symbolize the respective functions of church and state, only serves to disguise and obscure the complexity of the issues. It is the purpose of this paper at this point to examine the absolutism of the principle of separation of church and state.

The principle of the separation of church and state is practically unanimously accepted as part of the American tradition. At the same time it cannot be denied that religion has been intertwined with the political arena. While the United States enters its third century, we have witnessed over the past few years an unprecedented loss of faith in our political institutions as well as a relentless questioning of our national values and of Christianity itself. The common thought, however, is that what people believe about God is a matter of the utmost political importance.

Will Herberg contends "every society requires a shared religious faith which gives to its citizens the basic ideas, values, rituals, and symbols which make common political life possible."⁹

Alexis de Tocqueville held that the existence of religion as a "political institution" was vital to the preservation of freedom in a democratic society. He believed that the Christian faith was the source of the basic principles of liberal democracy and was the only religion suitable for maintaining liberty in democratic times. Obviously from John Cotton's view stated earlier, the United States from its very beginning was considered a Christian commonwealth.

Tocqueville believed also that the Christian religion ultimately provided the moral basis of liberal democracy since it gave divine sanction to the principle of universal liberty and equality. He believed that a basic purpose of religion in a free society was to help provide a moral code for behavior which was necessary in the absence of political control. He stated: "While the law permits the Americans to do what they please, religion prevents them from conceiving, and forbids them to commit, what is rash or unjust."¹⁰

While some may doubt that Christianity today is necessary for

the maintenance of moral standards in a political community, it seems almost beyond doubt that if freedom is to exist in the community some agency besides the state must be in a position to exert moral influence. Democracy depends on the existence of groups within it which are in a position to criticize the state, not only on political issues, but also on moral grounds. "Strong religious groups are thus one symptom of a healthy democratic political life."¹¹

Pope Leo XIII in the encyclical, "Christian Character of States" made a clear distinction between church and state:

God has divided the care of the human race between two powers, ecclesiastical and the civil; the one placed over divine things, the other over human. Each is without superior in its own sphere; each has fixed bounds in which it is contained.¹²

Are there really definite boundaries between the concerns of the temporal and spiritual spheres as the Pope contends? The very nature of government and religion makes total separation a purely hypothetical situation. Christianity as a whole, has always attempted through the Church organization to guide man's actions as well as his soul. For this reason it has inevitably come into conflict with state, which must also concern itself with the overt expression of human life. Some conflicts are bound to occur even with the most rigid separation. Should not the church be concerned with such issues as education, abortion, justice, public decency, morality as much as is the state? Leo XIII also contended "to exclude the Church from influence on life, from law, from education of youth, from the family, is a great and pernicious error. A state cannot be moral if you take away religion."¹³ The destruction of religion, then, would be the destruction of morality and the ruin of state. Philip Schaff, a Swiss church historian wrote: "Uproot Christianity from our society, our republic would become an empty shell and our people would tend to heathenism and barbarism."¹⁴ There can be no such wall of complete separation between institutions which have to a large extent the same constituency and which share many of the same concerns for the same national community.

It is undeniable, however, that such a principle of separation of Church and State is in the interest of all citizens. The Church gains from separation in that it is free to perform its function of preparing individuals for salvation without interference from the state. It is also left free to perform its function as moral critic of state and society without being forced to degrade itself by the support of the lower

morality of state or society. A prime example relevant to today is the issue of abortion. Recently the Supreme Court has ruled abortion as legal, whereas the Christian Churches are in opposition to such an immoral ruling. The Church is also left free to propagandize in its own cause and its own way, to teach its members as it wishes without governmental direction, to recruit new members, to impose upon its members such discipline as it believes in and can enforce, and in general to conduct itself with a liberty that has been gained by no state church.

Finally, the state gains undeniably from a policy of separation. It is relieved of a tremendous number of the disputes which require either a decision or an acceptance of the Church's decision. It assures that the state can survive religious change without violent actions against it. It is relieved of the burden of attempting to judge religious truth, a function it is incapable of performing.

John Ireland, D.D., once the archbishop of St. Paul, Minnesota during the fifth period described by Wilson, characterizes separation of Church and State in the following manner:

... a great forward leap on the part of the new nation towards personal liberty and the consecration of the rights of conscience. Not so had it heretofore been on the soil of America. Save in Maryland ... and in Pennsylvania ... religious freedom was barred by law in the colonies, Protestant creeds warring one with the other, all warring with the Catholic. But it was decreed that the new flag must be unsullied by religious persecution, the new nation must be, on every score, the daughter of freedom, the guardian angel of personal rights in each and every American.¹⁵

The United States is indeed a secular state as far as any one denomination is concerned. It is at the same time a religious commonwealth. All levels of government make decisions every day which assume some fairly well-defined ideas about human nature and destiny, most of which are derived from biblical tradition as it was handed down through the churches.

This dual relationship, strictest separation between church and state and closest interpenetration of religion and society, has been characteristic of this country from the start of its independence and some aspects of it are still being clarified by the courts. "The same Congress that wrote the principle of separation of church and state into the Constitution, also established as a matter of course chaplains for both its houses."¹⁶ A regard for this principle should not obscure the fundamental consideration that religion has a role to play with respect to the public order and the common life, that government

has a role to perform in the protection and advancement of religious liberty, and that government and the churches share some overlapping concerns and functions. Separation of Church and State is undoubtedly an important principle, but also one which causes much controversy; a fine line cannot be drawn between the two orders. It by no means end conflict, but it does aid in minimizing it.

NOTES

¹Paul G. Kauper, *Religion and the Constitution*, Louisiana State University Press, 1964, p. 48.

²John F. Wilson, *Church and State in American History*, D.C. Heath and Company, Boston, 1965, p. xviii.

³Wilson, p. 7.

⁴Wilson, p. 8.

⁵Wilson, p. 127.

⁶Kauper, p. 54.

⁷Robert F. Drinan, S.J., *Religion, the Courts, and Public Policy*, McGraw-Hill Book Company Inc., New York, 1963, p. 4.

⁸Kauper, pp. 68-69.

⁹S. Kessler, "Tocqueville on Civil Religion and Liberal Democracy," *Journal of Politics*, February, 1977, Vol. 39, p. 119.

¹⁰Kessler, p. 130.

¹¹Loren P. Beth, "Toward a Modern American Theory of Church-State Relationships," *Political Science Quarterly*, Vol. 70, no. 4, Dec. 1955, p. 576.

¹²Wilson, p. 138.

¹³Wilson, p. 138.

¹⁴Wilson, p. 151.

¹⁵Wilson, p. 140.

¹⁶Peter F. Drucker, "Organized Religion and the American Creed," *Review of Politics*, Vol. 18, July, 1956, p. 298.

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John C. Calhoun: Nullification and the Theory of Concurrent Majorities

by Tom Donnelly

"If one drop of blood be shed (in South Carolina) in defiance of the laws of the United States," growled Andrew Jackson in 1832, "I will hang the first man of [the Nullifiers] I can get my hands on. . ."¹ Such drastic measures were never necessary, but Jackson always regretted not being able to hang John Caldwell Calhoun, the voice of nullification.

Of the pre-eminent Congressmen of the Jacksonian Era, Calhoun showed the most intellectual ability. "His problem, that of defending a minority interest in a democracy, offered the toughest challenge."² In 1810, at the beginning of his Congressional career, Calhoun was an ardent nationalist. Declaring that "our true system is to look to the country . . . to advance the general interest,"³ he supported the War of 1812, internal bank and protective tariffs. After holding several national offices, he sensed a swing to Jackson and became a supporter of him. John Quincy Adams charged "Calhoun veers around in his politics and makes his intellect pander to his will."⁴

In the past, the Southern press had reprimanded Calhoun for his protectionist stance, but by 1827, he had come to believe that high tariffs and the growing antislavery sentiment posed dire threats to the Southern economy. His *South Carolina Exposition and Protest*, published anonymously in 1828, presented the theory that any state could annul a federal law it disapproved. Calhoun at this point conceived the idea of "concurrent majorities" which was developed from the belief that no government based on the naked principle that the majority ought to govern, however true the maximum in its proper sense and under proper restrictions, can preserve liberty even for a single generation. Only governments "which limit and restrain within proper bounds the power of the majority . . . survive."⁵

For a constitutional means short of secession in resisting the majority, state nullification was adopted. Calhoun's theory was that powers of sovereignty rested with the states independently and

belonged only in part to the federal government. Disagreements would be settled in a state convention, if it were decided that the constitutional rights of the state were violated. "Nullification would be binding on the citizens of the state and the Federal government."⁶ This gave each state the right to resist the will of other states and the power to become an independent majority itself. In regard to the tariffs, the Southern states could stand either individually or as one and be an independent opinion successful against any majority. Neither side could force the other to act. Ironically, the *Exposition* closed hoping Jackson would be elected, thus making nullification of the tariff unnecessary. Calhoun's precedents were the *Kentucky* and *Virginia Resolutions* of 1798 (under Thomas Jefferson's influence) which were used in the threat to nullify the Alien and Sedition Acts.⁷

Hopes that Jackson would support this states' rights principle ended at Jefferson's birthday dinner in 1830 when Jackson, looking straight at Calhoun, made the toast, "Our Union: It must be preserved."⁸ Other toasts during the dinner had been favorable to the nullification theory. Although shaken by Jackson's stance, Calhoun stuck to his guns with his toast, "The Union, next to our liberty, most dear."⁹

The Nullification Crisis reached its height in 1832 when South Carolina proclaimed federal tariffs not "binding upon this State." A proclamation was issued by Jackson stating that nullification could not be abided. Because South Carolina's *Ordinance of Nullification* came with threats of secession, Jackson countered that "disunion by armed force is treason" and that "no state has a right to secede. . . . Nullification therefore means insurrection and war."¹⁰

After Calhoun resigned the Vice Presidency, he was appointed Senator from South Carolina, and led the fight against the tariff in the Senate. Following a compromise tariff, South Carolina rescinded the nullification ordinance and thus averted violence, but Calhoun's course was irrevocably allotted. His journey toward the Presidency had been halted and his change in the political philosophy from nationalism to sectionalism was evident. His starting point in 1828 had been the defense of a conscious minority against exploitation by a legislature in the hands of a strong interest. Twenty years later, he was still defending that same minority, which was now relatively weaker than before, against not mere exploitation but destruction at the hands of a numerical majority fired with a crusading zeal. He revamped his political analysis with mathematical precision.

The best statement on Calhoun's theory of government is his

Disquisition on Government which constitutes an introduction to his political science.

Calhoun had a tremendous fear of centralized power. Thomas Hart Benton in *Thirty Years View* quoted Calhoun from a speech attacking Gen. Jackson, ". . . the very existence of free governments rests on the proper distribution and organization of power; and to destroy this distribution, and thereby concentrate power in any one of the departments, is to effect a revolution."¹¹ In the *Discourse*, Calhoun pointed out that abuse of power can be prevented only by the internal structure of government itself. A government elected by a majority does not represent the minority, a political fact neither suffrage nor anything else would alter, he explained. The government that would be able to prevent any special control must be constituted "as to give each division or interest, through its appropriate organ, either a concurrent voice in making and executing the laws, or a veto on their execution."¹²

Two types of majorities would exist in this way: a numerical one and one for those classes and interests on which the community might be divided.

These writings by Calhoun also included statements deploring the abolition of slavery (which Calhoun called a "positive good").¹³ Most importantly, this doctrine was written in order that the South could save her economy and way of life. In his calculating analysis he explained, "rule by a numerical majority was Government of the strongest interest which when not effectively checked, is the most tyrannical and oppressive that can be devised. . . . The will of a majority is the will of a rabble. . . . Progressive democracy is incompatible with Liberty."¹⁴ Finally, Calhoun felt that the South should be given the right of self-protection through the power to concur in or veto any federal legislation.

The political theory behind this was perhaps the most reactionary in U.S. history. Its application here rests with the conception of states' rights (a new name for nullification), but it also includes the right of the class or minority to accept or reject federal or even state law. Though the theory was written to help southern whites retain slavery, its logic can also be applied for today's rising minorities demanding equality and rejecting Federal and state legal precedents and laws that deny equality. The protest of the minorities today can be traced back to this extraordinary conservative document with its liberal implications. In any case, the *Discourse* illustrated Calhoun's economic theory which maintained the elements of both slavery and tariffs.

The practice of this theory was outlined by Calhoun in his last speech on March 4, 1850, in which he rejected the Clay plan of the Compromise of 1850. The primary theme of this speech was to ask how the Union could be preserved when slavery had agitated the threat of disunion. Calhoun wanted a guarantee that the South would have an equal right in newly acquired Western territory. The South needed this guarantee against Northern dominance in the West because "the South could not even protect herself."¹⁵ "An amendment to the constitution would be a guarantee of equality to the South."¹⁶ Time had persuaded Calhoun that this be in the form of concurrent majorities. The goal was not to weaken the government, but to strengthen it.

Equilibrium must be maintained, or else the result would be the South's destruction, which the South would be forced to oppose. Though Calhoun never pointed it out in his speech, he felt that "a dual executive would be the best means for employing the concurrent majority. The nation should have two presidents each representing one great section with the power of veto over acts of Congress."¹⁷

Any of these measures would have had to have won the approval of both sections to pass. This system would restore equality. The plans of Clay, Bell and Foote for compromise would not work because they were not a compromise of equals. However, opposing the Compromise no longer mattered because Southern opposition to the Compromise fell when Calhoun died on March 31, 1850, only one month after this speech. President Taylor, who had threatened to veto the Compromise, died in early July 1850 and the Compromise passed. The Union was saved for ten more years.

The question yet to be answered is whether Calhoun was for union or for disunion. Calhoun was the most articulate and clear-headed of Southern spokesmen, but his influence was consistently thrown to the side of union. He used the grievances of the planters and slaveowners not to inspire a separatist revolt, but to consolidate a pressure bloc. A close aim was to secure concessions from the stronger interest. Both nullification and the concurrent majorities proposal were made within the framework of the law. Nullification was in interpretation of the Constitution's implied powers and the concurrent majorities concept would have been in the form of a constitutional amendment.¹⁸

As for political studies, the ones Calhoun made are fascinating in regard to the time in which they were written. His goal was preservation of the Union at a heavy price—forced concessions.

Calhoun's genius lay in his awareness of the problem his country faced. His greatest contribution was his long and patient effort to make a peaceable solution, despite the fact that the very same pro-Union logic of Calhoun was used by Southerners to justify secession and the Civil War. He recognized that the United States was the first great power to have major interests in both agriculture and industry. Calhoun also pointed out that the policies designed to foster and encourage one would be ruinous to the other.

In retrospect, Calhoun's policy for the South, leading as it did to the Civil War, seems suicidal and his defense of slavery, amoral. What were the alternatives seen? Most Southerners viewed any acquiescence to the movement to limit slavery as leading to the eventual abolition of slavery. If Calhoun had persuaded the South to free her slaves without force, would this have changed a Northern majority in Congress or prevented the passage of laws in the interest of the dominant sections? Calhoun's feeling that it would not have made any difference appeared to be born out in the postwar passage of such legislation as Congressional high tariffs and in railroad rate discrimination and various other forms of economic exploitation.

Finally, one can see Calhoun's position as based on sound legal precedent, but lacking the ability to compromise, just like their source. Equality involving race, sex, national origin and even rights to work and vote can be the ultimate interpretation of the idea of current majorities. In that sense the Calhoun defense of a dying economic system, though no doubt masterful, has a lasting and significant meaning. Calhoun never completely defined concurrent majorities. However, it is possible to see the concept as a new interpretation of the Fifth Amendment, which encompasses property rights and the equality of all citizens, minorities or otherwise.

In the man who was always ready to fight and who said, "It will be idle to expect that we will not resist," can be found a true American spirit and an intellectual intensity and production unmatched.

NOTES

¹ *Presidents and Famous Americans*, American Heritage, New York, New York, 1967, Vol. 3, p. 232.

² Hofstadter, Richard, *The American Political Tradition*, Random House, New York, New York, 1948, p. 86.

³ *Presidents*, p. 232.

⁴ Jenkins, John S., *Cite of John Caldwell Calhoun*, University Society, New York, New York, 1905, p. 38.

⁵ Hofstadter, pp. 90-91.

⁶ Hofstadter, p. 71.

⁷ Bancroft, Frederick, *Calhoun and the South Carolina Nullification Movement*, John Hopkins Press, Baltimore, 1928, p. 44.

⁸ Gammon, Samuel A., *The Presidential Campaign of 1832*, John Hopkins Press, Baltimore, 1922, p. 85.

⁹ *Presidents*, p. 217.

¹⁰ *Presidents*, p. 217.

¹¹ Benton, Thomas Hart, *Thirty Years View*, Greenwood Press Publishers, New York, New York, 1968, p. 412.

¹² Wiltse, Charles M., *John C. Calhoun: Sectionalist: 1840-1850*, Bobbs-Merrill Co., Inc., Indianapolis, New York, 1951, p. 416.

¹³ Hofstadter, p. 101.

¹⁴ *Presidents*, p. 232.

¹⁵ Wiltse, *John C. Calhoun*, p. 464.

¹⁶ Hofstadter, p. 110.

¹⁷ Hofstadter, p. 111.

¹⁸ Calhoun claimed as precedent the selection of representatives in ancient Rome and parliamentary Britain for two examples of concurrent majorities. South Carolina also operated on this system.

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The following selection was the presentation by Raymond R. Fitzgerald, Jr. at the 56th Anniversary International Convention of Phi Alpha Theta, an international honorary organization of historians. It was a credit to Loyola University and its history department that Phi Alpha Theta requested its presentation of a paper. Ray lived up to the honor accorded to him as evident in the praise given him following his speech on December 30, 1977.

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As Relentless as Cromwell and as Radical as Parnell — A. J. Balfour's Administration of Ireland from 1887-1891

by Raymond R. Fitzgerald, Jr.

When in early 1887, the Prime Minister of the United Kingdom, Robert Cecil, Marquis of Salisbury, announced the appointment of his nephew Arthur James Balfour as Chief Secretary for Ireland, the news was greeted with some mirth by the Conservatives, considerable amusement by the Liberals, and high hilarity by the Irish M.P.'s. One of the gentlemen of the Parnellite party, referring to the fact that Ireland held the all-comers' record with regard to English statesmen, remarked, "We have killed Forster, blinded Beach, and smashed up Trevelyan—what shall we do with this weakling?"¹ For at first sight, Balfour seemed singularly ill-suited to the job. A philosopher by inclination and education (he had taken Second Honors in Moral Philosophy at Cambridge), he did not precisely radiate energy and will-power. As a brief review of his early nicknames attests, he struck most of his contemporaries as a rather effete and leisure-minded metaphysician. At university, his dislike of the outdoors and fondness for blue porcelain brought him the appellation "Pretty Fanny," the connotations being worse in English than they are in American. Entry into public life did not fail to add to his list of sobriquets: "Niminy-Piminy," "Tiger Lily," "Daddy Long Legs," "Lisping Hawthorn Bird," "Prince Charming," "Clara," and even "Miss Balfour" were some of the not-so-affectionate cognomens attributed to him by members both of Parliament and of the press. As if his languid and detached appearance were not enough

disqualification for any office, the position to which he was appointed made the combination almost ludicrous.

For Ireland in the late nineteenth century was not a post sought by most aspiring British politicians or civil servants. At that time, the Emerald Isle, still recovering from the Great Famine, was in a rather ruinous state, one involving considerable hardship for the peasants.² Further exacerbating this doleful condition were the Irish landlords, who were noted even by Conservatives as possessing little humanity and less intelligence and who persisted in practices not designed to endear themselves or the Government to their tenants. Just as life for the average native of Ireland was not quite an Epicurean's dream come true, so also did this unfortunate situation make for the discomfiture of those attempting to govern the island. The 1880's saw an increase in the activities of the partisans of nationalism in organizing resistance to the landlords and to the Government. Not only had the number of traditional rural outrages risen (cattle maiming and the like), but there was an even sharper increase in the incidence of overt opposition to authority: the Plan of Campaign encouraged rent strikes against particularly odious landlords and strengthened the determination of tenants to resist eviction, even to the point of turning cottages into small fortresses. By 1887, these conditions had made the efficacy of British law something of a sick joke in many parts of western and southern Ireland.

This rather discouraging situation, into which Balfour was placed in 1887, had been the downfall of more than a few British politicians and would eventually contribute rather heavily to the disruption of the major political parties of the United Kingdom. Yet strangely enough, Arthur Balfour, Prince Charming himself, was one of the few English statesmen whose careers were significantly advanced and enhanced by their associations with the Emerald Isle. Just what he did to bring about such a result suggests itself as a question of some intrinsic interest, yet a treatment of this gentleman's administration of Ireland must also entail a consideration of his basic position on Anglo-Irish relations, i.e., an analysis of the principles and practices of Balfour's species of Unionism.

Looking at this first question of Balfour's action in Ireland, one must understand that the dominating feature of his policy toward that island was a judicious combination of the two traditional solutions to Irish unrest: coercion and conciliation. Balfour saw himself as embarking on something of a new course in the administration of Britain's rather recalcitrant possession; as he stated on taking office, previous governments had "either been all for

repression or all for reform: I am for both: repression as stern as Cromwell: reform as thorough as Mr. Parnell or anyone else can desire."³ He planned that the methods of law enforcement would suppress the symptoms of Hibernian disquiet, while the reforming components of his program would eliminate what the Conservatives saw as the basic cause for the unrest: the land problem. Seeing these two solutions as so linked that the success of the one depended on that of the other, Balfour sought to implement both remedies, not only simultaneously, but also with coordination. Thus, while in the interests of clarity it will be necessary to treat these topics separately in this paper, it must be understood that this in no way implies their separation in the mind of Mr. Balfour.

To begin the matter of Balfour's coercive acts, it would be best to examine briefly his principal legislation in this area and his methods of executing these laws. His major instrument of coercion, the Criminal Law Amendment Bill of 1887, had as its object ending once and for all not only the rash of moonlighting outrages, but also the Plan of Campaign's boycotts, rent strikes, and intimidations of both tenants and landlords. To this end, the bill provided for the swift prosecution and summary trial of those accused of such activities, and for their certain incarceration if convicted.⁴ Although this bill received Royal Assent after a moderate delay, Balfour was faced with the not inconsiderable problem of its proper enforcement. For continuous Irish agitation and defiance of the law had reduced both the efficiency and morale of the authorities of that land to something less than optimal condition. In order to rectify this situation, Balfour sought to appoint officials who would execute the law with determination and effect.⁵ With time, there grew in the mind of the Irish civil servants an awareness that there was a firm hand at the wheel. A firm hand it was, often accused of over-firmness, for Balfour was willing to arrest and to prosecute not only small farmers and tenants, but also their leaders as well—priests, members of Parliament, men of status and property, and even English agitators. Justly enough, he was equally ready to bring charges against Protestant extremists; among others, one Rev. Mr. Hallowes, described by Balfour as a "mad attorney turned parson—a horrible combination," was arrested, prosecuted, and convicted for anti-Catholic agitation in Arklow.⁶

However, Balfour's efforts in repressing Irish unrest were not without their difficulties and unhappy incidents. The problem of the proper use of force against crowds was to loom rather large in Mr. Balfour's mind and was to assume even larger proportions in the

minds and speeches of the Liberals and Home Rulers. Matters came to their worst at the infamous Michlestown incident on September 9, 1887, in which outnumbered police fired on a demonstrating crowd, killing two persons. Michlestown became a *cause celebre* for Gladstone and Parnell and earned the Chief Secretary yet another nickname, "Bloody Balfour." But although Balfour defended the police in the Commons, he was sufficiently disquieted by the threat of more such occasions to take upon himself the task of stating exactly what the members of the Royal Irish Constabulary were to do in riot situations. His guidelines, intended to pursue a firm yet unbloodthirsty course, ordered the police to divide their forces into two groups, the first and more numerous to be armed with truncheons and to operate in all but cases of extreme exigency, the second to have rifles and to take action only on very serious occasions and then after warnings. This edict seemed to have salutary effects, giving full notice to both the crowds and the police of the results which extreme incidents could entail. Happily enough, no one at this time wished to push things to the point of open warfare.

Thus, Balfour's coercive measures, while not the most edifying aspect of his administration, were rather effective in realizing their necessarily negative goals, bringing a new spirit of vigor to the Irish administration and beginning a reduction of both rural violence and Plan of Campaign activities. Aside from their immediate successes, what more can be said of the Chief Secretary's coercive measures?

Many historians have heaped coals upon Balfour's head for his methods, seeing him in something of the light of a *United Irishmen* cartoon: "spider-legged, malevolent, and waspish in appearance."⁷ However, a closer look at Balfour's own views on coercion paints a somewhat different picture. He saw such measures as preventive rather than as retributive and as means rather than as ends, as he told the House of Commons when introducing the Criminal Law Amendment Bill:

But what chance is there that if we put off this Criminal Bill when Ireland is weekly going from bad to worse, when society is crumbling into its original atoms, we shall restore the sanctity of contract and respect for the law by introducing any Land Bill?⁸

Good Conservative that he was, Balfour was trying to restore order to Ireland, for it was only through this order that he could bring about the reforms necessary to create and to nourish in that island a degree of prosperity and contentment which he hoped would ring the death knell of Nationalist agitation. Unlike many earlier

repressive acts, Balfour's was not intended to be a final solution; it was rather a regrettable requisite of the more permanent remedy: conciliation.

In this area of conciliation, the Chief Secretary followed the line of contemporary Conservative wisdom, seeing the principal cause of all Irish agitation as economic and social in nature. Land-ownership was the true basis for all the trouble in Ireland and if the Government could but solve the tenant-landlord problem, it would soon see the demise of Home Rule furor. To this end, Balfour's positive program of Unionism employed two basic means: the long-range solution of land purchase by tenants and the short-range measure of relief for the depressed peasantry.

The principal question of the issue of land-ownership in Ireland was what to do with the landlords. While the Irish peasant's solution of driving them out by violence and perhaps killing a few in the bargain suggested itself on the grounds of simplicity, suffice it to say that most English statesmen preferred to be a little more complex. Gladstone's Land Act of 1881 had sought to solve the problem by curtailing the powers of the landowners, his act guaranteeing the tenant fair rent, fixity of tenure, and freedom to sell his occupancy and thereby establishing a sort of dual ownership of the land. This measure, however, fully satisfied neither landlords nor tenants and by the time of Balfour, the Conservatives had taken themselves a step further and had adopted as their policy the elimination of landlords altogether by means of the tenants' purchase of their holdings through government sponsored loans.⁹ On taking office in 1887, Balfour introduced his own measures: a more progressive land bill and a rather thorough-going land purchase bill. However, opposition from both the landlord faction of his own party and from the Liberals and Home Rulers forced him to settle on the compromises of the Land Act of 1887 and the Land Purchase Act of 1888.¹⁰ In the next year, he tried to get a more far-sighted purchase bill through Parliament, but serious opposition put off its final passage until 1891. This measure was still not as far-going as Balfour had hoped, for it failed to include a clause compelling obstinate landlords to sell. This omission was by no means the product of the preferences of either Balfour or Lord Salisbury, both of whom condemned the old Irish landowning class, the former even going so far as to write his uncle of the necessity of including a "method for compelling landlords, who act like lunatics, to be treated as such."¹¹ However, the Conservative Party was not the party of property rights for nothing and a compulsory clause remained out of the question for

most Tories. This and other difficulties prevented the Land Purchase Act of 1891 from being as effective as possible.¹² However, the measure marked the way for other such acts which would result in substantial land purchases by the time of the founding of the Free State.¹³

While purchase served as a good long-range solution, there remained the more immediate problem of alleviating the troubles of the peasant, especially of the resident of what were known as congested districts, a Victorian euphemism for those areas in which the inhabitants were but a few steps removed from starvation. Balfour's plan had two major facets: immediate relief and special measures for improving these unfortunate places. The need for the former became rather pressing in 1890, in which year a potato famine was forecast. Balfour's means of dealing with this problem was to institute a number of public relief works which would provide needed jobs and income for distressed persons, yet which would not so depress them that they would become habitually dependent on government relief. One such program involved the use of available labor both to expand the railway system in Western Ireland and to improve existing roads, measures which provided unskilled laborers with useful employment and living wages.¹⁴ While the Chief Secretary's immediate agricultural relief program (importation of seed potatoes into Western Ireland) failed because of the inhospitable nature of the bogs of that area, his final measure (which sought to provide direct grants and outdoor relief to children, the aged, the disabled, and all unable to work) was not without its elements of success.¹⁵

While such programs as the above mentioned served to minimize the immediate problems, the second plank of this aspect of conciliatory policy concerned itself with the alleviation of those factors which contributed to the unhappy conditions in the congested districts. To this end, there was established in 1891 that which Balfour always regarded as his greatest accomplishment in Ireland: the Congested Districts Board. This body, which enjoyed the use of a fund created from the surplus of the almost gone but not-quite-forgotten Church of Ireland, set into being projects for the various distressed counties, using information from the "baseline reports" of the Poor Law Unions.¹⁶ These programs, which included promotion of native industry, resettlement of peasants from over-populated areas, and instruction in modern farming methods, enjoyed considerable success.¹⁷ Even Irish Nationalists saw fit to praise them, one of their leaders calling the Congested Districts

Board the most successful remedy which England applied to Irish problems.¹⁸

Thus it was that Balfour's administration of Ireland did much to contribute to the well-being of that island and the Chief Secretary was not too far from the truth when in later life he stated: "What was the Ireland the Free State took over? It was the Ireland that we made."¹⁹

But granting that Balfour's conciliatory measures were of some benefit and effect, what can be said of their motivation? Why did the Conservatives see fit to adopt them? The answer to these questions can be seen in a speech by Lord Salisbury before the House of Lords during the debate on the Land Bill of 1887:

Our contention is that this land war must cease. We have offered to the other House of Parliament a measure, certainly not marked by hesitation, in order to put a stop to criminal combinations. But surely we are not unreasonable in saying that when we have asked for exceptional measures in order to put a stop to these combinations, that some check should be put upon the action of the landlords who exasperate their tenants and keep alive such combinations.²⁰

This statement touches the core of enlightened Unionist policy for Ireland, for it underscores the basic goal of sane Conservatism: not only to establish order within the confines of the Emerald Isle, but also to found an order which would benefit the mass of the inhabitants of that island. In looking for the motive behind this intention, it would be wrong to attribute to Balfour feelings of pure altruism and philo-Hibernianism, yet it would be equally incorrect to see him, as did some Nationalists, as a subtle and sinister serpent seeking to sap the strength of the Irish by seduction. Rather, for a proper understanding of the reforming aspect of Balfour's administration, one must look back to the political tradition from which he sprang.

His early days in the Commons were spent in the company of Lord Randolph Churchill's Fourth Party, that band of self-proclaimed apostles of the enigmatic yet intriguing cult of Tory Democracy, a doctrine which saw the social and economic interests of the lower classes as inextricably joined with the political interests of enlightened aristocrats (who, being enlightened, would naturally be members of the Conservative Party). One would not seem to go too far afield to suggest that Balfour sought to keep Ireland united with Britain by applying to that island's problems remedies taken from the same fundamental philosophy which gave rise to those

solutions which he and like-minded Conservatives applied to analogous problems in Britain. It is true that Tory land policy had the purpose of satisfying the landowning faction of the Party by getting the Irish landlords out intact and under the still-waving banner of property rights (before some more radical Government could pass confiscatory measures) and certainly, anything which could keep Ireland quiet would reap political dividends in England. Even granting these two motivations, would it not have been an equally real consideration in Balfour's mind that the rule of order and prosperity in Ireland would eventually transform the Irish farmer into a solid, loyal, prosperous, property-owning, and perhaps even Conservative subject of Her Imperial Majesty? A close look at his political background and philosophy does nothing to suggest a negative answer.

Furthermore, studying the Irish question from the point of view of British politics (rather than purely from the perspective of Irish liberty) gives the student of history a profitable way of looking at Balfour and at the Unionist cause which he upheld. For while his administration of Britain's other island won him no small acclaim from his own party at the time and in no small way made his career in politics, persons other than Conservative politicians, especially later historians, have not been quite so kind to Balfour. As seen earlier, not a few writers of Irish history have decried the man as a cold-blooded murderer and crafty defrauder who sought to perpetuate British tyranny by any means, fair or foul. More recently, though, historians have been somewhat more generous to Balfour, seeing him as an intelligent, effective, and rather beneficent administrator of Ireland. However, in their overall assessment of Balfour and his brand of Unionism, they have tended either to take him to task for striving to "kill Home Rule with kindness" or to play down his efforts in favor of emphasizing attempts by British governments to enact Home Rule for Ireland.²¹ In so doing, they have implied that Balfour was fundamentally deceived about the nature of Britain's role in Irish affairs and that what he really should have been doing was working for an effective implementation of Home Rule for Ireland.

For example, something of this interest in the possibilities of Home Rule can be seen in one historian's description of Gladstone's Home Rule Bill of 1886 as a measure "of great respectability and one which, if Parliament had agreed to it, would have gone a long way toward solving the Irish Question..."²² The gentleman went on quite rightly to emphasize the contrary-to-fact nature of this

condition, recalling how a coalition of Conservatives, Liberal Whigs, and Radicals voted the bill down. It is at this point that most historians of Ireland writing from a basically Irish point of view stop their considerations of early Home Rule legislation, seeing Home Rule in the nineteenth century as a solution which might have been had it not been for the shortsightedness of the political opponents of Gladstone and other proponents of autonomy. Yet from the perspective of British political history, one sees that Home Rule for Ireland in the late nineteenth and early twentieth centuries could not have been and that such a policy as Balfour's was the only one practicable for a British government.

No party at the time could have attempted to enact Home Rule without having brought down on itself innumerable difficulties. For both the political structure and the general electorate of Britain at this time were not willing to consider Home Rule as a viable solution to the Irish question and would not long support a politician who did. Gladstone discovered this when he sought to pass autonomy bills, seeing his own Liberal Party divided on this issue. Some time later, just prior to World War I, Mr. H. H. Asquith found what were the even more unpleasant consequences of passing a Home Rule bill when large numbers of the British people and not a few British officers were prepared to support Ulster in its resistance to Home Rule. Of course, one could argue, and with some validity, that such opposition to the Liberals' proposals were not pure spontaneous, grass-roots movements, but were rather the results of intense Unionist agitation. While it is true that Conservatives and other Unionists lost little opportunity in exploiting this issue, one must recall that no politician, no matter how skillful a propagandist, can create public opinion out of nothing. Balfour's time was the apogee of Imperialism, and the mystique of Empire combined with no small degree of Protestant prejudice would have prevented large numbers of Britons from even entertaining the thought of Home Rule. As a result of these facts of political life, no government before the First World War could have implemented Home Rule for Ireland and survived.

In the environment of the late nineteenth and early twentieth centuries, Home Rule by act of Parliament was dead even before birth, poisoned and choked by the hostile elements which abounded in the womb of the British political world. Autonomy or independence for Ireland at this time could not have come from any source other than from the Irish themselves and it is quite possible that such things could only have come about the way in which they did:

through violence, bloodshed, and rebellion.

This may at first seem to be something of a throwback to the Irish Nationalist interpretation whereby armed Irish revolt against British rule was the only possible course of events. Such is not the case; to say that Home Rule before the First World War was impossible by act of Parliament is not to assert that violent revolution was inevitable. There was another possibility, the success of which was perhaps remote, but which was nonetheless a valid alternative, and indeed, the only alternative open to the British governments. This was none other than that Unionism practiced by Balfour and other like-minded Conservatives. At that time, given the certainty of Ulsterite resistance to Home Rule (very likely armed resistance at that) and given the equal certainty of considerable British opposition to any such move by Westminster, no government could have enacted Home Rule without considerable use of force. This use of force would have been highly inappropriate, since it is not the part of a government to contribute to the disruption of the ordered political structure and base whence it derives its authority and power. A revolutionary can do this, but not a legitimate governing body. Hence, if one looks on the Irish question in the late 1800's, not simply with a natural and proper sympathy for the Irish, but also with an attentive eye to the hard and cold realities of British politics and popular opinion, he will see that the only practical, just, and peaceful course for a government to have taken was to have employed the firm yet thorough-going tactics of beneficent and intelligent administration of Ireland, tactics which saw their first successes in the tenure of Arthur James Balfour.

NOTES

¹L.P. Curtis, Jr., *Coercion and Conciliation in Ireland, 1880-1892—A Study in Conservative Unionism* (Princeton: Princeton University Press, 1963), p. 176.

²Curtis, p. 8. In 1880, there were 2500 agrarian outrages, 105,000 cases of pauperism, and over 2000 evictions. In 1882, evictions had increased to 5201.

³Quoted in Patrick O'Farrell, *Ireland's English Question* (New York: Schocken Books, 1971), p. 208.

⁴The basic provisions of the Criminal Law Amendment Bill were: (1) that magistrates could examine in private material witnesses in cases of boycotts, rent strikes, outrages, and the life; (2) that those engaged in criminal conspiracies against rent, boycotting, intimidation, rioting, unlawful assembly, resistance to eviction, and inciting others to do the same would be subject to summary trial; (3) that trials of such persons could be moved to unagitated districts; (4) that the Lord Lieutenant of Ireland could proclaim certain districts agitated, subject to review by Parliament; (5) that the Lord Lieutenant could proclaim certain associations as dangerous, also subject to Parliamentary review; (6) that the maximum sentence of persons convicted under this Act would be six months at hard labor. Curtis, pp. 180-181.

⁵In the area of administration, Balfour appointed Sir Joseph West Ridgeway as Under-Secretary for Ireland and George Wyndham as his personal secretary. He also appointed such attorneys as Peter O'Brien (whose willingness to reject prospective jurors earned him the name "Peter the Packer") and the redoubtable Sir Edward Carson.

⁶Quoted in Curtis, p. 235.

⁷Seuman MacManus, *The Story of the Irish Race*. Revised Edition (New York: The Devin-Adair Company, 1944), p. 657.

⁸Hansard, *Parliamentary Debates*, 3d Series, Vol. 312:1181.

⁹J. Beckett, *The Making of Modern Ireland: 1603-1923* (New York: Knoff, 1966), p. 406. In 1885, the Conservatives had passed the Ashburne Act of Land Purchase, which resulted in an average of 4000 purchases per annum.

¹⁰Curtis, p. 349. The Land Act of 1887 provided further protection for the tenants against unfair practices by the landlords. The Land Purchase Act of 1888 added 5,000,000 Pounds to the chest of the Ashburne Act. The Land Purchase Act of 1891 increased this fund to 33,000,000 Pounds.

¹¹Quoted in Curtis, p. 338.

¹²The complexity of the Land Purchase Act of 1891 discouraged peasants from taking full advantage of it, while payments to landlords in land stock was not sufficient incentive for them to sell out in large numbers.

¹³By 1890, 23,348 tenants had applied for purchase of 9,127,388 Pounds worth of land (Curtis, p. 350). By 1901, 270,000 purchases had been negotiated, and 46,000 more were pending. By the time of the Free State, only 70,000 holdings were still in landlords' hands (Beckett, p. 407).

¹⁴Hansard, 3d Series, Vol. 351:790. By 13 March, 1891, Balfour gave the following statistics for persons employed in an average week:

COUNTY	PERSONS	EXPENDITURES
Donegal	752	1674 Pounds
Sligo	85	
Mayo	2550	7500 Pounds
Galway	2300	8400 Pounds
Cork	1700	3400 Pounds
TOTAL	7392	21159 Pounds

¹⁵Curtis, p. 369. Over 13,000 families were so aided.

¹⁶Blanche Dugdale, *Arthur James Balfour*, Vol. 1 (Westport, Conn.: Greenwood Press, 1970), pp. 175-176.

¹⁷Curtis, pp. 360-361. Hansard, 3d Series, Vol. 351:604. Under the Board's auspices, two million acres were purchased; and 2,249,477 Pounds worth of improvements were performed on them.

¹⁸The Irish leader was John Dillon, one of Parnell's chief lieutenants. Curtis, p. 361.

¹⁹Beckett, p. 408.

²⁰Hansard, 3d Series, Vol. 313:1611.

²¹For ready examples of these types of historians, Patrick O'Farrell comes to mind for the former category, while George Dangerfield seems to fit the latter description.

²²George Dangerfield, *The Damnable Question: One Hundred and Twenty Years of Anglo-Irish Conflict* (Boston: Little, Brown, and Co., 1976), p. 21.

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