14 Vocational voices or puppets of the lower house?

Irish senators, 1938–1948

Martin O'Donoghue

Introduction

It is easy to justify the bicameral system in the abstract – the pitifully weak attempts to discredit it in some of the Presidential speeches [Éamon de Valera's] are the best proof of that; but it is very difficult to suggest a scheme for a Second Chamber [Senate] that will function both efficiently and smoothly.

– Binchy, 1936

The words of Daniel A. Binchy, University College Dublin scholar and former Irish Free State envoy to Germany, encapsulated the conundrum facing Irish advocates for a new senate in the 1930s. Many politicians and commentators desired the additional oversight offered by a second chamber, yet the government's actions made it clear that any effective senate would have to be different in character and composition from its predecessor. After the tumultuous final years of the state's first upper house, the reconstituted Senate emerged in 1938 from a constitutional crusade undertaken by the state's leader, Éamon de Valera, and his Fianna Fáil party, in power from 1932 to 1948. The clashes between de Valera and the previous Senate over issues relating to the 1921 Anglo-Irish Treaty and Irish sovereignty contributed significantly if not exclusively to that chamber's demise, while the state's new constitution (*Bunreacht na hÉireann*), 1937, laid out the framework for its successor (O'Sullivan 1940; Manning 1970; cf. Dorney, this volume). It is perhaps for this reason that much of the scholarship on senates in independent Ireland has focused on the more colourful (and powerful) first incarnation of the upper house, which had such a public confrontation with the government in the early 1930s (O'Sullivan 1940; Byrne 2015). The scholarly consensus on the 1938 incarnation has been negative; many have criticised the chamber's shortcomings while pointing to possibilities for reform, while others have been scornful of its vocational ethos – an element instituted as a nod to the Catholic social thought popular among many Irish academics and writers at the time (Chubb 1954; Garvin 1969; Lee 1989). However, an examination of the chamber in the period between 1938 and 1948 reveals both its tendencies to confirm some of its worst dismissals and to confound some of the broad generalisations made about the Senate.

The early years of the new upper house coincided with a critical juncture in the early history of the Irish state, Europe and the wider world. The new constitution gave the Irish state many of the features of a republic, settled its tariff war with Britain and, just as Europe seemed destined for conflict, secured the return of ports which had remained in British control in 1921 (Keogh & McCarthy 2007). The new Senate, *Seanad Éireann*, which met for the first time on 27 April 1938, bore the outward appearance at least of vocationalism, an ideal being espoused by Catholic thinkers and Fascist leaders on the continent. This chapter will investigate this influence, assessing the controversies over its vocational character and the problems faced by the chamber if it was to remain true to this ideal. However, while there is no denying the weaknesses of the Senate's selection and election procedures, the partisan nature of much of its proceedings and the limited scope of its legislative powers, this chapter intends to situate its origins and development in the context of the domestic and European crises in which it emerged. In doing so, it will seek to reflect on not only the membership of the house and the elements of vocationalism which did inform its activities but also the character of the Seanad and how members perceived their role in its first decade of operation.

Why vocationalism?

The rationale for the Senate established in 1922 had been clear: it provided a safeguard for religious minorities in the state which might not be represented in the lower house (the *Dáil*). It also followed a legislative idea visible in a number of proposals for 'home rule' in the late nineteenth and the early twentieth century (Akenson & Fallin 1970; Cahillane 2016). By the 1930s, however, the Free State Senate, along with other elements of the 1922 constitution, were no longer fit for de Valera's purpose (Coffey 2018b; cf. Dorney, this volume). The abolition of the Senate can be grouped together with de Valera dismantling the Treaty of 1921 and the tariff dispute with Britain, as issues causing disquiet among not only the Protestant minority but also the opposition more generally, partially explaining the desire for a new upper house (Bowman 1982).

The concerns of 1922 would not influence Fianna Fáil legislation in the 1930s. The party's Seán T. O'Kelly argued that provisions for minorities were no longer required and pointed out that it was the actions of Cumann na nGaedheal-led government in the 1920s that removed many of the previous Senate's more wide-ranging functions, including the power of referendum (Rohan 1982). Yet the action of O'Kelly's party in abolishing the upper house in 1936 and his subsequent commentary highlighted the fragile constitutional state of the country after so many amendments to the 1922 constitution and the practical destruction of the Treaty with Britain. The legacy of bitterness over the Civil War (1922–1923) also maintained an atmosphere of distrust in political circles; one contemporary commentator noted that the demise of the upper house meant de Valera had removed 'the last effective brake on his power' (Horgan 1934). Regardless of the fears and suspicions his political opponents may have held, it was, as Brian Farrell has noted, a 'classic opportunity for dictatorship' in an era of dictatorships (Farrell

1988, p. 30; cf. Keogh & McCarthy 2007). Instead, however, de Valera had begun to work on a new constitution, and the result, *Bunreacht na hÉireann*, was to include the re-constituted Senate.

As outlined by John Dorney in this volume, the method of election to the 1922 Senate on a triennial basis proved problematic, producing a dismally low turnout and a counting process that dragged on for weeks in 1925 (Coakley 2005). In the mid-1930s, de Valera himself seems to have been unconvinced by theories of bicameralism and, as Nicholas Mansergh (1934) pointed out, a unicameral system perhaps would have been more in tune with republican ideals. While Donal Coffey's recent research on the drafting of the 1937 constitution has pointed to the 'constitutional experimentation' visible in interwar Europe, his work has presented *Bunreacht na hÉireann* as a 'melange' of four influences – nationalism, interwar liberalism, the British parliamentary tradition and Catholicism (Coffey 2018a, pp. 2–4). While liberal democracy has been judged a dominant influence in the overall document, it was in the Senate where Catholic social thought was brought to the fore (Hogan 2012; Broderick 2017). Public debates on the Senate had long referenced Catholic social theory, which had grown in popularity and esteem, especially since the 1929 Papal Encyclical *Quadragesimo Anno*, which followed the earlier *Rerum Novarum* (1891) (Mullarkey 1999; O'Leary 2000; cf. Coyne 1934). In fact, a minority draft of a constitution in 1922 put forward by University College Cork academic Alfred O'Rahilly included a number of Catholic social principles, including a senate organised on vocational lines (Cahillane 2016). Ideas on these lines featured heavily in discussions for a second chamber in the intervening years, although Labour Party proposals to this effect in 1928 were withdrawn amid doubt as to how workable such a scheme would be (Kohn 1940). Such misgivings failed to dissuade advocates for vocationalism, who became more visible once the Free State Senate was set for abolition.

The Irish Jesuit literary and academic journal *Studies* was the forum for several ideas from Catholic intellectuals concerning the new Senate (Faughnan 1988). Expressing belief in vocationalism as the 'only alternative to the present intolerable' situation, O'Rahilly (1936, p. 8) warned the journal's readers that Ireland was 'well on our way towards what in another generation will be a totalitarian state under the dictatorship of a political clique and set of commissars miscalled civil servants'. He wanted a senate partially elected from the Dáil and partially elected from the vocational groups that existed in the state, admitting that the country was not yet organised properly in a vocational manner. Daniel Binchy (1936) lamented the decline and fall of the first Senate, owing to its amended method of election. He echoed the claims of many theorists that a senate should ideally be free from 'political strife' and contain a better class of representative than the lower chamber – whatever that might mean. Thus, he too argued for a senate based 'mainly, though not exclusively on vocational representation' (Binchy 1936, pp. 25–28). His proposal for a senate included a six-month power of delay on legislation, except where three-fifths of the senate rejected the bill. The bill would then be dead unless three-fifths of the Dáil passed it after six months. For Rev. Denis O'Keeffe (1936), professor of ethics and politics at University College Dublin,

the circumstances of the time, where ‘representative democracy is no longer taken for granted’, meant a second chamber was preferable as ‘unicameral government makes it extraordinarily difficult for a democratic system to survive’.

Developments in European politics made such concerns easily understandable as ‘strongmen’ leaders of the right and left came to power. It must be highlighted, however, that the writers very much argued in the vein of the ‘vocationalism’ of the Vatican rather than the ‘corporatism’ of Mussolini, notwithstanding the fact that corporatism had been briefly espoused by the main opposition party, Fine Gael though it slowly abandoned the policy after the short-lived leadership of Eoin O’Duffy (Broderick 1994; Manning 1970; McGarry 2005). In any case, despite such dire warnings that an upper chamber based on vocational representation could help to preserve democracy, de Valera’s interest seemed to extend only to a house with purely revisory responsibilities, and he mentioned the Norwegian example of a senate reflecting the lower chamber and therefore guaranteeing a government majority (Garvin 1969; cf. Smith, E., this volume). He also doubted whether a senate could either be neutral or work as a brake on the power of the lower house (Coffey 2018b). This makes it difficult to discern the exact reasons why he bowed to calls for a senate by setting a Commission on the Second House of the Oireachtas (Parliament) in 1936.

The commission featured a range of senior legal and administrative figures who met between June and September 1936 and produced a majority report along with two minority reports (Broderick 2017). While the majority report was influential in other respects, the system of choosing senators de Valera adopted drew on a vocational model suggested by one of the minority reports. While vocational on the one hand, de Valera’s model included an electorate of politicians. Eleven of the senators were to be ‘*Taoiseach*’s nominees’ (i.e. nominated by the PM) in a move that guaranteed a government majority and six senators to be elected from the University of Dublin (Trinity College) and the National University of Ireland. The composition of the rest of the house was organised along a system of vocational panels. This left forty-three seats to be filled from five ‘vocational’ panels drawn from the minority report: ‘Culture and Education’, ‘Industry and Commerce’, ‘Labour’, ‘Agriculture’ and ‘Administration’. Senators were expected to have ‘knowledge and practical experience’ of the areas they represented (*Bunreacht* 1937, Art. 18). The electorate for these seats and the exact allocation of places on each panel was left to subsequent legislation rather than being enshrined in the constitution. The agreed tallies were ‘Cultural and Educational’ (five), ‘Agricultural’ (eleven), ‘Labour’ (eleven), ‘Industrial and Commercial’ (nine) and ‘Administrative’ (seven). However, the use of councillors and TDs (*Teachta Dála* – MPs) as electors – along with the fact just over half of candidates elected for the panels (twenty-two out of forty-three) would be nominated by TDs rather than nominated directly by ‘vocational’ bodies (Garvin 1969) – seemed to delay at best the provision contained in Article 19:

Provision may be made by law for the direct election by any functional or vocational group or association or council of so many members of Seanad

Éireann as may be fixed by such law in substitution for an equal number of the members to be elected from the corresponding panels of candidates constituted under Article 18 of this constitution.

(*Bunreacht* 1937, Art. 19)

Yet de Valera persisted with the minority report as part of his constitutional overhaul. Prof. James Hogan of University College Cork encapsulated the contradictions, writing to fellow enthusiast Alfred O'Rahilly. Welcoming the inclusion of vocational principles in the constitution, Hogan looked forward to the provision for direct election from functional councils. However, he added:

Unfortunately, it seems to me that most of the good is taken out of the provision by the fact that representatives of vocational groups are to be substituted for those elected by TDs and would-be TDs. We all know how slow people are to let go of any powers they may have, and I do not think it likely that TDs will be capable of that sort of self-denying ordinance by which representatives of functional or vocational groups would be directly elected. If TDs then don't give up their right to elect the 43 panel senators, then direct election will remain a dead letter.

(Hogan s.d.)

He was to be proven correct.

The electoral system

Concerns about the electoral system were also articulated within government at the time and among those with no particular desire for vocational organisation. Minister for Finance Seán MacEntee wrote to de Valera in November 1936, arguing that 'the defects inherent in such a system are obvious'. At the very least, the franchise had to be widened in his view. Presuming that the desire was for an upper house with the 'same political outlook' as the Dáil, MacEntee suggested a senate elected by local politicians from around the country under three constituencies with proportional representation: 'rural areas', 'smaller urban areas' and 'larger urban areas' (MacEntee 1936a). In fact, MacEntee felt so strongly about the matter that he felt the government could lose a Dáil vote on the new senate unless they presented a house that was not 'the creature or the puppet of the Dáil' (MacEntee 1936b). As the cabinet intervened, diluting the university representation – potentially an obstacle to the government and a legacy of university representation in the lower house – was also considered, and the number of senators increased during the drafting process (Coffey 2018a). The mechanism for making vocationalism truly workable, however, still appeared to be missing.

Indeed, the work of the Seanad in its early years would often be undermined by accusations of corruption in the electoral system. As early as July 1942, agricultural panellist John Joseph Counihan raised a motion seeking a committee be appointed to investigate the method of electing the Seanad (Seanad Éireann

1942, 15 July; O'Donoghue 2016). While senior government senators immediately sought to defend the chamber, public and private concern at the operation of Senate nominations and elections only increased (Seanad Éireann 1942, 15 July). Agriculture Minister James Ryan wrote to de Valera on 27 October 1943, suggesting 1) enlarging the franchise and 2) for each county to return a candidate because 'I feel that it would not be possible for any candidate to bribe the majority of the members of any County Council' (Ryan 1943).

While another Senate motion calling for a judicial investigation into the elections was rejected in 1943, Labour party senators Michael Foran and Michael Colgan were unambiguous in their views that corruption was widespread – a theme taken up at the party conference in 1945 (Seanad Éireann 1943, 27 Oct.; *Irish Independent* 1945). Parties often instructed their members how to vote in Senate elections (Chubb 1954; Broderick 2017). Although only one case of corruption was ever proven, an Oireachtas committee was eventually set up to look at changing the method of election amid efforts on similar lines within Government (Lee 1989; Byrne 2013).

When the eventual reform bill was passing through the Seanad in 1946, opposition leader Michael Hayes argued that the Seanad 'was not in any sense vocational' and that the new legislation would do little to effect change in that regard (Seanad Éireann 1947, 12 Dec., cc.1599). The 1947 Seanad (Electoral Panel Members) Act maintained a complicated electoral system but at least increased the electorate to include senators and all councillors and greatly increased the quota required to be elected (which had been just eight under the original 1937 Act). The new Act then applied to all elections from 1948 onwards (Chubb 1954). However, the truly vocational election method provided for by Article 19 of the constitution has never come to pass.

Politicians or vocationalists? The membership, 1938–1948

Criticisms of the vocational character of the chamber is sustained by analysis of the members returned between 1938 and 1948. The '2nd Seanad' in 1938 contained nineteen senators who had served in the previous Senate between 1922 and 1936, while eighteen had been TDs prior to 1938, a figure only somewhat explained by the transfer of university representation from Dáil to Seanad (Rohan 1982). Such figures suggest a certain amount of continuity between the two versions of the upper house. In fact, the number of the senators who had also been members of the previous house at some point between 1922 and 1936 remained a sizeable minority throughout the period 1938–1948, with nineteen in the 3rd Seanad, eleven in the 4th Seanad and thirteen in the 5th Seanad. The number of ex-TDs also floated around the figure of twenty (elections to the Seanad occur after general elections to the Dáil, allowing unsuccessful candidates to seek consolation in the upper house). The subsequent election of those losing seats in the Dáil and the 'ascension' of some senators to the Dáil would seem to betray the early signs of what Cohan saw as the Seanad acting as the first rung of the political ladder for aspiring politicians and a resting home for older ones (Cohan 1972).

Although the majority report of the commission to set up the Senate called for women's representation, just four served as senators in the first decade, out of a total of 117. Just two of the female senators (Linda Kearns MacWhinney and former TD Margaret Mary Pearse) were elected onto vocational panels; Helena Concannon held a university seat, while Margaret Kennedy was a Taoiseach's nominee (*Report* 1936).

The selection of the eleven Taoiseach's nominees, a function essentially designed to ensure government advantage, could not be said to have been entirely partisan in the early years. For example, Frank MacDermot had been a thorn in de Valera's side in the Dáil as a representative of the National Farmers and Rate-payers' League (later the Centre Party), Fine Gael, and as an independent deputy. Nevertheless, the tone of appeals to de Valera for nomination preserved in Department of the Taoiseach files often centred on the past record of prospective candidates, particularly drawing on the War of Independence period (1919–1921). Many other appeals were personal entreaties for nominations to keep someone in public life, sometimes even for the sake of the individual's family, their locality or the strength of the Fianna Fáil party and were written by spouses, neighbours, community leaders or even other politicians. Such letters hardly speak of any idealised regard for the new chamber among party loyalists. Yet there is no evidence these appeals influenced de Valera. Of the eighty-three direct applications for nomination for the 2nd Seanad made by individuals or third parties acting on one's behalf, just one (Maurice George Moore) was nominated by the Taoiseach (*Applications* s.d.).

Perhaps unsurprisingly, since de Valera remained Taoiseach for this entire period under consideration here, the attrition rate in nominated senators was not very high. Including senators appointed during the life of each house to replace those Taoiseach nominees who vacated their seats, ten of those nominated by de Valera in the 3rd Seanad had been nominated by him for the 2nd. Of these, six remained nominees for the fourth and fifth houses. Two senators nominated by de Valera to the 3rd Seanad were again nominated to the fourth and fifth Senates by the Taoiseach. Furthermore, two senators, Seán Patrick Campbell and Margaret Mary Pearse, nominated for the first time to the short-lived fourth house, were again nominated to the 5th Seanad. This consistency may also be reflected in the fact that the second and fourth houses were of very brief tenure and did not afford adequate opportunities to representatives.

The work of the Seanad

The reconstituted Senate certainly lacked its predecessor's capacity to disrupt legislation and antagonise the government. In terms of legislative powers, the commission's majority report has been judged 'influential' as the Seanad's power of delay was reduced to ninety days for non-money bills (Hogan 2012). It could also only delay a money bill by twenty-one days. Other bills could only be suspended by 180 days before a bill rejected by the upper chamber or one passed with amendments unacceptable to the lower house would be passed by the Dáil alone

(*Bunreacht na Éireann* 1937, art.23). However, the Seanad had the right to appeal whether a bill constituted a money bill to the newly created office of president (head of state), who could set up a Committee of Privilege with equal membership from both houses to rule on the matter (*Bunreacht na Éireann* 1937, art.22). Conversely, the constitution allowed for the delay period to be ‘abridged’ to a period laid out in the resolution of the Dáil if legislation was judged ‘urgent’ or occurred in time of national emergency and would remain law for ninety days unless both houses then agreed it should remain longer (*Bunreacht na hÉireann* 1937, art.24).

Party politics unquestionably dominated debating and voting patterns in the Seanad. The (*Irish Press* 1938) estimated the composition after the announcement of de Valera’s nominees to be thirty-three pro-government senators and twenty-seven anti-government. The chair and vice-chair were elected along partisan lines from the house’s inception (Byrne 2013). Between 1938 and 1948, responses were usually led by William Quirke and Michael Hayes as government and opposition leaders in the Seanad and Labour Party senators often grouped together in proposing and voting on motions, even in an era when the party was damaged by a lack of unity. Even if senators offered varying levels of agreement or disagreement with motions or proposed legislation, their voting patterns usually stayed in line. A government-sponsored bill was not defeated in the Seanad until 1959, although the upper house did succeed in forcing changes to the 1943 Intoxicating Liquor Act (Garvin 1969). While a number of bills in this period were passed with amendments proposed in the Senate and amendments put forward in the upper house had usually been accepted by the Dáil, the partisan reality of the chamber and its operation must have been depressing for true vocationalists.

Nevertheless, as I have argued elsewhere, the fact that a number of panel senators did behave in a vocational manner has often been lost in the fog of unsatisfactory electoral systems, accusations of corruption, party dominance and the progressive sidelining of the chamber in Irish public debate (O’Donoghue 2016). Despite such inherent problems, a significant portion of senators could be classed as representative of the sectors they were supposed to represent in the first decade, particularly on the labour and agriculture panels, though accurate classification is impeded by the fact that Irish society generally was not organised along vocational lines (O’Donoghue 2016). As Chubb (1954) pointed out, many of these examples owed to shrewd political connections rather than a suitable vocational electoral system. Yet motions moved by senators on their volition rather than legislation initiated in the lower house offered the best opportunity for independent action, and between 1938 and 1945, 76 per cent of motions on agricultural matters were moved or seconded by agriculture panellists; 58.3 per cent, in the case of industry and commerce (O’Donoghue 2016). While the fact that many senators withdrew motions having ‘ventilated’ the issue reflected the chamber’s paucity of legislative power, noteworthy examples of vocational behaviour include Industrial and Commercial panellist James Green Douglas’s proposal for a court for industrial disputes and Agriculture panellist Patrick Baxter’s motion on a proposed agricultural commission. A similar idea to the former suggestion was behind the subsequent establishment of the Labour Court, while the latter motion saw action

much sooner as a commission on agriculture was set up in 1939 (Finlay 1996; O'Donoghue 2016).

Yet the Seanad's shortcomings as a vocational chamber undermined the work of any true idealists. In November 1938, Frank MacDermot and Michael Tierney moved a motion to set up a commission to examine ways of extending vocational organisation in Irish society (Seanad Éireann 1938, 13 July). Such a move, so clearly linked to any future for the Senate as a truly vocational house, was ultimately successful. The remarks of Tierney, perhaps the greatest advocate of vocationalism in the house, which argued that the Labour Party and the Farmers' Party would be redundant under vocationalism as both were symptoms of the disease of class warfare were interesting (Seanad Éireann 1938, 13 July). Nonetheless, how many in both parties and elsewhere in politics were as dedicated to the papal solution to this remained questionable. The Commission on Vocational Organisation was set up under the chairmanship of the Catholic bishop of Galway, Michael Brown. It did not report to government until 1943, when it was, by general historical consensus, largely ignored. While it was occasionally referenced after that, including in Seanad debates, the report was received badly, antagonising civil servants and cabinet members alike with its plans to reorganise Irish society and its suspicion of state bureaucracy (O'Leary 2000; Lee 1979). In fact, both then and afterwards, many senators disagreed with the vocationalist view. In 1946, William Fearon queried why party politics were sometimes referred to as something 'not entirely respectable' (Seanad Éireann 1946, 24 Jan., cc.124). Perhaps the Taoiseach articulated the majority view in the same debate when he told the house:

You come back therefore to the point where you have to deal with some of the fallacies underlying these attacks on Parties. When you come to examine it, you will find that democracy cannot work without Parties, that people who have a particular point of view in common, group themselves together – people who can work together in order to get a particular point of view accepted.
(Seanad Éireann 1946, 24 Jan., cc.107)

Matters of nation and state

Regardless of the issue of vocationalism, another major critique of the chamber remains the accusation of irrelevance. A 'farcical' debate on literary censorship in November 1942, which lasted four days as world war raged, has been widely ridiculed in dismissals of the Senate as a serious debating chamber (Ferriter 2004). Yet in the early years, the peculiar circumstances of war meant the Seanad fulfilled a public role often concerning censorship of a different kind. When the Second World War broke out in September 1939, de Valera's decision to declare neutrality received almost universal political support (Senator Frank MacDermot was a rare exception, but he resigned his seat in 1943 and criticised Irish neutrality from the United States) (MacDermot 1943; cf. Fisk 1983; Girvin 2006). The harsh enforcement of wartime censorship which went along with neutrality, however, meant the

houses of Parliament assumed a stronger role as forums for the requests and grievances of private citizens (Ó Drisceoil 1996). In addition to debates on ‘emergency’ legislation, senators raised motions on important issues such as the reception of refugees (Seanad Éireann 1940, 12 June). The danger of bombing raids on the country also saw debates on war risk insurance, where senator Hayes led opposition senators in seeking schemes to protect citizens and businesses in the event of attack (Seanad Éireann 1940, 28 August, 29 May, 25 Sept.). Censorship itself was regularly debated, whether because of senators moving motions on their own personal feelings or because of those of members of the public who petitioned them. One debate centred on the issue of constitutional rights and the necessary trade-off between the rights guaranteed in the new constitution and the precarious nature of Irish neutrality (Seanad Éireann 1941, 29 Jan.). Interestingly, one senator who raised complaints in the chamber, Donal O’Sullivan, was himself often censored or edited during the war, as he wrote articles for the formerly Unionist newspaper, the *Irish Times*, under the nom de plume ‘Outis’, which criticised Fianna Fáil, even comparing their policies to national socialism on one occasion (Seanad Éireann 1944, 27 Jan.; Knightly 1942; O’Sullivan 1944a, 1944b).

In truth, the complaints about censorship could be viewed through either of the two prisms suggested by Donal Ó Drisceoil (1996) when he wrote of the association of opposition to censorship with those uneasy at not being able to support Britain in war and the other perspective of the ‘liberal agenda’ of many independent senators. It was certainly a ‘liberal agenda’ at play in the famous case of literary censorship referred to earlier, when Sir John Keane moved a motion that the Censorship Board had lost public confidence. However, such representations gave the Senate a purpose and a certain degree of notoriety. As the war (and censorship) ended, this function of the Senate and the chamber lost one of its more effective means of garnering media attention. In contrast to the case in states which had been combatants in the conflict, the Irish Senate occupied a marginal role in any post-1945 imagining of a state which had escaped the worst ravages of the war (cf. Callabro 2015).

Conclusion

De Valera’s long period in power ended in 1948 as an inter-party government was formed. While the electoral reform calmed accusations of corruption in the Senate, its place in public esteem was neither altered very much with the change of government nor improved as decades passed. Few political commentators nowadays would refer to senators by their panel rather than their party designation. By international standards, an unusually high number of independent representatives have been returned to both the *Dáil* and the Seanad since the foundation of the Free State in 1922. However, the major scholarly study of independent parliamentarians drew few distinctions between independents in the *Dáil* and the Seanad, even though it featured interviews with senators, including a history professor, John A. Murphy, who served as an independent in the upper house (1977–1982 and 1987–1992) (Weeks 2017).

Although, in one sense, the Seanad emerged between two crises – the tariff dispute and constitutional struggle at home and the subsequent outbreak of the Second World War – rather than in a crisis, the era of European dictatorships and the fragile constitutional state of the country make it easy to understand the desire for safeguards and another senate in 1938. The esteem in which social Catholic teachings were held meant that any ideas emanating from the Vatican could not be dismissed. This was evidenced by the distrust of civil servants and party politics expressed in academic and public debate, in the Report on Vocational Organisation and even, occasionally, in Seanad debates. It also seemed to satisfy the desire of some for a house which would protect the public from the government they had elected in the lower chamber and the hope that this house would produce a better, or at the very least different, house from the Dáil. The experience of the previous Senate ensured a contradictory tendency to look for a chamber that would be sufficiently subordinate not to do battle with the lower house. This was the unclear picture from which de Valera oversaw, with seemingly ‘incompatible aims’, the constitution of a new senate (Chubb 1954).

As outlined here, in the first decade of this Senate, there were certainly clear examples of senators who did represent their vocational panels. However, it would be foolhardy to use examples of motions such as those referenced earlier to make too strong a defence of vocationalism. Patrick Baxter represented an agricultural vocational body but was a member of the Farmers’ Party. It could be argued he was representing vocational interest or party interests or indeed both. In fact, the Farmers’ Party and the Labour Party could be seen as a ‘vocational political parties. One can also observe the personal interest that may be seen in any parliament, such as John Coughin’s moves to defend the cattle industry – hardly a surprise when we consider Garvin’s (1969) point about the role of senator being, in effect, a part-time position. The main employment of senators confuses the matter further when they can qualify for numerous ill-defined panels at once. Speaking in 1946, Senator Michael Hayes felt that true test of a chamber was not its constitutional capacity but the contribution of its members. He concluded that despite ‘severe handicaps’ it had become something valuable and tangibly ‘rather different from the Dáil’, citing instances of legislation where he believed real improvements had been sought by the Seanad and accepted by the lower house (Seanad Éireann 1946, 24 Jan., cc.94–96).

Did the new Senate therefore attract, as hoped, people who would not otherwise find their way into public office? In some cases, the answer was yes. However, there was still serious overlap between Dáil and Seanad membership with career politicians dropping in and out of the second chamber. There were also senators who barely contributed to debates (Garvin 1969). In these ten years, the Seanad was home to many people who would fit the criteria required for government advisors or perhaps have been seen as ‘social partners’ in a later era (Lee 1979). Leading figures in the trade union movement and agricultural circles combined experts in agricultural science, law and medicine, governors of the Central Bank, esteemed scholars and parliamentarians of proven regard. Nevertheless, de Valera had stated he wanted people with experience of life and not a committee of

‘experts’ (Chubb 1954). It could be argued that he got both and that this reflects the confused nature of the selection process and the membership.

While the number of motions withdrawn after lengthy debate might imply that the house became a fruitless debating society, the chamber provided the oxygen of publicity to certain issues – a function that acquired peculiar importance during the Second World War. It did not equate to real power, but the Seanad was never intended to have such power, and in its early years, it enjoyed a prominence in the press and public debate that is now no longer the case. The reconstituted Seanad produced an intriguing mixture of senators; for a vocational chamber, it played host to a number of professional politicians and backbenchers, while a majority behaved primarily on party political lines. This is despite the fact that it attracted many high-calibre senators who drew attention to their own field of interest and represented their groups vigorously in public life, whether that grouping is judged as vocational or ideological. Such diversity of membership and contributions shows that the reconstituted Seanad was not a homogenous chamber by any means. In this sense, its early years provides an opportunity to examine the chamber’s contribution and potential as well as the flaws which have undermined it from the beginning – an important starting point in any discussion of how the house might eventually be reformed.

References

- Akenson, D.H. and Fallin, J.F. (1970), ‘The Irish civil war and the drafting of the Free State constitution’, *Éire-Ireland* 5(1–2, 4), pp. 10–26, 25–41, 9–28.
- Applications for nomination to Seanad (s.d.), NAI, s10263.
- Binchy, D.A. (1936), ‘Proposals for a new senate’, *Studies* 25(97), pp. 20–32.
- Bowman, J. (1982), *De Valera and the Ulster Question, 1917–1973* (Oxford: Clarendon Press).
- Broderick, E. (1994), ‘The corporate labour policy of Fine Gael, 1934’, *Irish Historical Studies* 29(113), pp. 88–99.
- Broderick, E. (2017), *John Hearne: Architect of the 1937 Constitution* (Dublin: Irish Academic Press).
- Bunreacht na Éireann* (1937), (Dublin: Stationary Office).
- Byrne, E., (2013), ‘Past reforms and present policy: Examining the Seanad Electoral Act, 1947’. Available at: <http://historyhub.ie/past-reforms-present-policy> (accessed 4 April 2019).
- Byrne, E. (2015), ‘A unique experiment in idealism? The Irish senate, 1922–28’, in: Farrell, M., Knirck, J. and Meehan, C. (eds.), *A Formative Decade: Ireland in the 1920s* (Dublin: Irish Academic Press), pp. 59–85.
- Cahillane, L. (2016), *Drafting the Irish Free State Constitution* (Manchester: Manchester University Press).
- Callabro, V. (2015), ‘The form of parliamentary government and “perfect” bicameralism in the Italian constitutional system: At the beginning of the Italian constituents’ choices (1946–47)’, *Parliaments, Estates and Representation* 35(1), pp. 84–108.
- Chubb, B. (1954), ‘Vocational representation and the Irish senate’, *Political Studies* 2(2), pp. 97–111.
- Coakley, J. (2005), ‘Ireland’s unique electoral experiment: The senate election of 1925’, *Irish Political Studies* 20(3), pp. 231–269.

- Coffey, D.K. (2018a), *Drafting the Irish Constitution, 1935–1937: Transnational Influences in Interwar Europe* (Basingstoke: Palgrave Macmillan).
- Coffey, D.K. (2018b), *Constitutionalism in Ireland, 1932–1938: National, Commonwealth and International Perspectives* (Basingstoke: Palgrave Macmillan).
- Cohan, A.S. (1972), *The Irish Political Elite* (Dublin: Gill and Macmillan).
- Coyne, E.J. (1934), 'Corporative organization of society', *Studies* 23(90), pp. 185–202.
- Farrell, B. (1988), *De Valera's Constitution and Ours* (Dublin: Gill and Macmillan).
- Faughnan (1988), 'The Jesuits and the drafting of the Irish constitution of 1937', *Irish Historical Studies* 26(101), pp. 79–102.
- Feritter, D. (2004), *The Transformation of Ireland, 1900–2000* (London: Profile).
- Finlay, I. (1996), *The Labour Court: '... Not an Ordinary Court of Law': A History of Fifty Years of the Labour Court from 1946 to 1996* (Dublin: Stationery Office).
- Fisk, R. (1983), *In Time of War: Ireland, Ulster and the Price of Neutrality, 1939–45* (Dublin: Gill and Macmillan).
- Garvin, T. (1969), *The Irish Senate* (Dublin: Institute of Public Administration).
- Girvin, B. (2006), *The Emergency: Neutral Ireland, 1939–45* (London: Pan).
- Hogan, G. (2012), *The Origins of the Irish Constitution, 1928–41* (Dublin: Royal Irish Academy).
- Hogan, J. (s.d.), 'James Hogan to O'Rahilly, University College Dublin Archives, Alfred O'Rahilly Papers P178/64.
- Horgan, J.J. (1934), 'Legal revolution in the Irish free state', *The Round Table. The Commonwealth Journal of International Affairs* 24(95), pp. 579–598.
- Irish Independent* (1945), 28 May.
- Irish Press* (1938), 1 April.
- Keogh, D. and McCarthy, A. (2007), *The Making of the Irish Constitution 1937* (Cork: Mercier Press).
- Knightly, M. (1942), 'Knightly to proprietor of Irish Times', *Irish Times* 19 March.
- Kohn, L. (1940), *The Constitution of the Irish Free State* (London: Allen & Unwin).
- Lee, J.J. (1979), 'Aspects of corporatist thought in Ireland: The commission on vocational organisation, 1939–43', in: Cosgrove, A. and McCartney, D. (eds.), *Studies in Irish history presented to R. Dudley Edwards* (Dublin: UCD Press), pp. 324–346.
- Lee, J.J. (1989), *Ireland 1912–85: Politics and Society* (Cambridge: Cambridge University Press).
- MacDermot (1943), 'MacDermot to de Valera', 7 July, NAI Dept. of Taoiseach files, S97/9/435.
- MacEntee, S. (1936a), 'MacEntee to de Valera', 13 November, University College Dublin Archives, Seán MacEntee papers, P67/183.
- MacEntee, S. (1936b), 'MacEntee to de Valera', 14 November, University College Dublin Archives, Seán MacEntee papers P67/183.
- Manning, M. (1970), *The Blueshirts* (Dublin: Gill and Macmillan).
- Mansergh, N. (1934), *The Irish Free State: Its Government and Politics* (London: Allen & Unwin).
- McGarry, F. (2005), *Eoin O'Duffy: A Self-made Hero* (Oxford: Oxford University Press).
- Mullarkey, K. (1999), 'Ireland, the pope and vocationalism: The impact of the encyclical *Quadragesimo Anno*', in: Augusteijn, J. (ed.), *Ireland in the 1930s: New Perspectives* (Dublin: Four Courts Press), pp. 96–116.
- O'Donoghue, M. (2016), '"As nearly subservient" as it could be? Vocationalism and senatorial speaking behaviour in the Irish senate 1938–45', *Parliaments, Estates and Representation* 36(2), pp. 211–231.

- Ó Drisceoil, D. (1996), *Censorship in Ireland, 1939–45: Neutrality, Politics and Society* (Cork: Cork University Press).
- O’Keeffe, D. (1936), ‘The problem of the senate’, *Studies* 25(98), pp. 204–214.
- O’Leary, D. (2000), *Vocationalism and Social Catholicism in Twentieth Century Ireland* (Dublin: Irish Academic Press).
- O’Rahilly, A. (1936), ‘The constitution and the senate’, *Studies* 25(97), pp. 1–19.
- O’Sullivan, D. (1940), *The Irish Free State and Its Senate* (London: Faber & Faber).
- O’Sullivan, D. (1944a) ‘OUTIS’, *Irish Times*, 3 January.
- O’Sullivan, D. (1944b), Note to ‘OUTIS’, O’Sullivan papers, University College Dublin Archives, P20/1–5.
- Rohan, M. (1982), ‘University representation, 1918–1938’, *Administration* 29(3), pp. 260–285.
- Ryan (1943), ‘Ryan to de Valera’, 27 October, NAI, Dept of Taoiseach files, s10949A.
- Seanad Éireann, Debates* (1938–1947), (Dublin: Stationary Office).
- Weeks, L. (2017), *Independents in Irish Party Democracy* (Manchester: Manchester University Press).