

of the occasions that ex-servicemen, who were not members of the crown forces, were killed by the I.R.A. (ninety nine in all), the author makes a strong case that these were killed as spies or for close association with the Crown forces rather than because they were ex-servicemen. This case is supplemented by the claim that the I.R.A. went to considerable trouble to prove the individual guilty in a trial rather than simply execute those suspected of spying. Revealingly, Taylor also shows that very few of the claimants to the British Irish Grants Committee based their claim for compensation on the grounds that their losses were a consequence of war service. This is a significant contribution which will undoubtedly provoke further analysis and discussion.

The second section examines the relationship between ex-servicemen and the British government. This is a complex area, especially after the Irish Free State was established. The author shows fairly conclusively that the British government and the Ministry of Pension in particular remained committed to the Irish ex-servicemen. The ministry had a network of offices throughout the Irish Free State dealing with pension, medical issues and even the education of children. Moreover, the British government provided the finance to build a large number of homes for ex-servicemen during the 1920s (247 homes were built in Killester, County Dublin, for example). Taylor suggests that Irish ex-servicemen were treated more generously than their British counterparts and an Irish supreme court decision described this contribution as an 'elaborate scheme of pensions and gratuities and free medical treatment and surgical treatment' for the ex-servicemen.

The final part of the book provides a detailed discussion of how Irish government and society responded to the presence of 100,000 ex-servicemen in their midst. Cumann na nGaedheal was generally sympathetic to the ex-servicemen but so too were de Valera and Fianna Fáil. Taylor makes the claim that most ex-servicemen were Fianna Fáil supporters by the 1930s. However, this claim is based on a Ministry of Pension report on ex-servicemen and is not corroborated by additional evidence. The same report concluded that 'the consensus of opinion is that there is no general discrimination against ex-servicemen'. Taylor explains this outcome in a number of ways. In the first place the War of Independence did not radicalise Irish society or its politics. Indeed, the 1922 and 1923 elections legitimised a moderate conservative political consensus. Participation in the national army also provided these individuals with an important stake in the new state. Moreover, ex-servicemen were not excluded from employment because of their service. Politically, they never formed a homogeneous interest group which might have threatened the existing political system. Taylor suggests that most returned to their communities and integrated without serious difficulty. It is likely that their political loyalties resembled those of their communities.

This is an interesting study that explains why the ex-servicemen were not targeted as a group, but also why they did not become the focus of disaffection during the turbulent inter-war period. In other states ex-servicemen contributed to the breakdown of democracy, but the new Irish state proved capable of neutralising any such threat.

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GUARDIAN OF THE TREATY: THE PRIVY COUNCIL APPEAL AND IRISH SOVEREIGNTY.  
By Thomas Mohr. Pp 222. Dublin: Four Courts Press, in association with The Irish Legal History Society. 2016. €50.

Even today, the Privy Council (for long, the Judicial Committee of the Privy Council, with deep historical roots going back to the twelfth-century Curia Regis) is the final court of appeal for a number of small states, including Jamaica, the Bahamas and Mauritius, as well as overseas possessions, like Gibraltar. And, well into the post-Second World War era, its reach extended to almost all of the former British Dominions.

In the case of the Irish Free State, there were particularly strong reasons why the 'Imperial Power' insisted on the new state being within the Privy Council's jurisdiction. Specifically, four reasons form the basis of this excellent study of the political-constitutional aspects of the Irish appeal to the court, during the hectic period 1922–35.

The first reason is that, during this period, the British Commonwealth of Nations has a much more solid, structured association than the amoeba that the Commonwealth has become. And the Privy Council was one of the major institutional pillars of imperial unity (as opposed to the cement of sentiment, which was lacking in the case of Ireland). The Irish viewpoint was naturally the obverse. The Privy Council was regarded as being, at best, on a par with the oath of allegiance or the king as head of state. Coupled with all this is the fact that the court is the place where the citizen comes face-to-face with their rights. If to do that, the citizen has to go to another country that implies that there is something lacking in the citizen's own country.

Secondly, and this is the feature which provides the book's title, it was the court which was intended to settle disputes between the U.K. and the I.F.S., arising out of the Anglo-Irish Treaty. One of the major cases of this type was the *Wigg and Cochran* case ([1927] IR 285), which concerned the level of compensation payable to transferred civil servants. The judgment concluded that the civil servants were entitled to higher remuneration than had been calculated by the Irish supreme court. After the judgment had been handed down, the judges on the Privy Council admitted to having made a mistake. Irish reaction may be imagined.

Thirdly, the Privy Council was intended to act as a guarantee of civil liberties and equal rights, for the 200,000 Protestants, out of a population of three million, remaining in the Free State. The notion of an international court offering protection to a national minority has a contemporary ring. And even then, it was a very respectable argument. Consequently, in the propaganda battle, each side sought to adduce evidence to show that the Protestant community, itself, considered that it needed/did not need, the protection of this supra-national court. Chapter five gives a meticulous survey of the available evidence and rejects the Irish Government's contention that opposition to abolition came from only 'a tiny vociferous proportion of former unionists'.

Finally, a more general point which is often heard (though not in this book) that the appeal gives access to a large, open sophisticated legal world. By contrast the jurisdiction from which an appeal emanates may be small and the sort of environment where, for instance, a foreign trader may not be confident of securing justice. An argument of this type was advanced unsatisfactorily, as a reason for Hong Kong to retain the appeal, after its reversion to China in 1997.

Unfortunately, something like the reverse happened in the Irish experience of the Privy Council. The problem arose from the judicial and political character of the lord chancellor. Until the office was reformed by the Blair government, this high officer sat in the British cabinet, as effectively the minister for civil justice, as well as chairing the judicial committee of the House of Lords and selecting the members of the Privy Council, often including himself. Unfortunately the dominant personality holding this position in the 1920s was Lord Cave, a Liberal-Unionist who had condemned the Treaty. Even after he became lord chancellor, he stamped out of the imperial conference of 1926, proclaiming that he was not going to be a party to breaking up the British Empire. And he was party to many of the Privy Council appeals. Despite the fact that there were honest judges, this awful instance of Britain's unwritten constitution naturally made the Irish think that they were not being treated fairly. Lord Cave justly commands a chapter to himself. Because of its constitutional-political implications, the court was hated even when the actual decision did go in Ireland's favour. This aspect was noticeable in the final case from Ireland. This was *Moore's* case ([1935] IR 472) on riparian fishing rights, which might be characterised as a situation of Protestant landowner versus Catholic community. But the main ruling was that the Oireachtas did have the right to abolish the appeal to the Privy Council, without the agreement of the British government or parliament.

The sequence of events was significant here. The Cosgrave government had been, by a distance, the strongest of the dominions in assailing the Privy Council's jurisdiction. But it had giped at uprooting the court from the Irish legal system because it feared that doing so would be condemned as unilateral action. However, this Government was replaced by Fianna Fáil in early 1932 which in the following year took the bull by the horns and removed the Privy Council, without British consent. Two years later came the *Moore* ruling that the I.F.S. was empowered to uproot the appeal, on its own. What if this decision had come in time for the outgoing Government to capitalise on it and remove the appeal? Would this have affected the outcome of the fateful election of 1932?

One brief sequel is not mentioned in this book: Article 34.1 of the 1937 Constitution states 'justice shall be administered in courts ... by judges appointed in the manner provided by this Constitution'. In other words, Ireland is placed beyond the reach of the Privy Council.

The subject of this book is at an intersection and so the book casts light in a number of directions. Most important of all the Privy Council's early removal in the case of Ireland is a major strand in the peaceful development of the Commonwealth. This is probably one of the few examples we have yet had of the break-up of an empire being put to a constructive, if limited, use. As regards the legal system, one should emphasise this book is principally about the interrelationship between the two countries. So there is only a little on such practicalities as the relationship with the court system, lawyers (Irish and British? representing the parties), attempts to enforce the judgments in Ireland. But there is plenty of material relating to the question of whether, given good luck, including the absence of a Caveman, the court might have worked. Dr Mohr seems to be of the opinion that the political background was just too hostile and I respectfully agree.

In summary, this is an excellent book about an aspect of Irish–British relations in the 1920s, which has not to my knowledge, been comprehensively explored before. It is balanced, comprehensive, meticulous and accessibly written.

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NORTHERN IRELAND IN THE SECOND WORLD WAR: POLITICS, ECONOMIC MOBILISATION AND SOCIETY, 1939–45. By Philip Ollerenshaw. Pp 272. Manchester: Manchester University Press. 2013. £75.

The Second World War was exceptionally important in defining the second generation of unionist rule in Northern Ireland. It was the usual practice for any aspiring unionist politician to style themselves by their given military ranks: in 1963 Captain Terence O'Neill became prime minister and he was succeeded in 1969 by Major James Chichester-Clark. Both times Brian Faulkner, though recognised as ambitious and highly capable, was overlooked. His reputation suffered because he had remained in Northern Ireland during the war years to run his father's textile factory. It was important to have had a 'good war'.

Philip Ollerenshaw's excellent book shows clearly that, domestically, unionist Northern Ireland did not have such a good war. It entered the conflict fully committed to defence of empire. (Imperialism seems to have been a stronger identity than Britishness; Viscount Bledisloe, president of the Empire Day Movement, wrote to Prime Minister Craig in May 1939 to say that 'I always regard you as the Prince of Imperialists.')

But conscription was not applied to Northern Ireland for fear of the