

Har
AC
901
.A1
NO 447

FORCE NO REMEDY.

—◆—
BY ANNIE BESANT.
—◆—

THERE is excessive difficulty in dealing with the Irish question at the present moment; Tories are howling for revenge on a whole nation as answer to the crime committed by a few; Whigs are swelling the outcry; many Radicals are swept away by the current, and, feeling that "something must be done," they endorse the Government action, forgetting to ask whether the "something" proposed is the wisest thing. A few stand firm, but they are very few; too few to prevent the Coercion Bill from passing into law. But few though we be, who lift up voice of protest against the wrong which we are powerless to prevent, we may yet do much to make the new Act of brief duration, by so rousing public opinion as to bring about its early repeal. When the measure is understood by the public half the battle will be won; it is accepted at the moment from faith in the Government; it will be rejected when its true character is grasped.

The murders which have given birth to this repressive measure came with a shock upon the country, which was the more terrible from the sudden change from gladness and hope to darkness and despair. The new policy was welcomed so joyfully; the messenger of the new policy was slain ere yet the pen was dry which had signed the orders of mercy and of liberty. Small wonder that cry of horror should be followed by measure of vengeance; but the murders were the work of a few criminals, while the measure of vengeance strikes the whole of the Irish people. I plead against the panic which confounds political agitation and political redressal of wrong with crime and its punishment. The Government measure gags every mouth in Ireland, and puts, as we shall see, all political effort at the mercy of the Lord Lieutenant, the magistracy, and the police.

The point round which rages the whole of the struggle in Ireland is the land. The absence of manufactures—destroyed by past English legislation—has thrown the people wholly on the soil. From this arises the fierce competition which has forced rents up to figures impossible to pay; from this the terrible truth that "a sentence of eviction is a sentence of death;" from this

the despair of the Irishman turned off the land, and the revenge born of the despair striking down the author and the messengers of the ejection. What the rack-renting has been is proved by the wholesale reduction of rents made by the Land Commissioners. In his best times the rent was only paid by the Connaught peasant by leading starvation life; in his worst, he was pushed over the famine-precipice on the brink of which he was always tottering. Men who see the life slowly drained out of their dearest by the pressure of the landlord—who have seen aged mother, or wife with the new-born babe at her breast, die on the turf whereon they were laid by the bailiff who unroofed the cabin—such men lose all thought of the sanctity of human life when the lives of the dearest are reckoned as less worth than the shillings of overdue rack-rental, and either catch up the rifle to revenge their own pain, or stand with folded arms in sullen indifference when landlord or agent falls dead under bullet, with a dim feeling that the crime in some poor fashion makes more level the balance of misery, and that the pain in the mud-cabin has in some sort reacted in the anguish thus caused in the hall.

Let the report of Mr. Fox, "On the Condition of the Peasantry of the County of Mayo," in 1880, speak of the misery which preceded the present "social revolution:"—

"I do not believe that tongue, or pen, however eloquent, could truly depict the awful destitution of some of those hovels. The children are often nearly naked. Bedding there is none, everything of that kind having long since gone to the pawn-office, as proved to me by numerous tickets placed in my hands for inspection in well-nigh every hovel. A layer of old straw covered by the dirty sacks which conveyed the seed potatoes and artificial manure in the spring is the sole provision of thousands—with this exception, that little babies in wooden boxes are occasionally indulged with a bit of thin, old flannel stitched on to the sacking. Sometimes even charity itself had failed, and the mother of the tender young family was found absent, begging for the loan of some Indian meal from other recipients of charitable relief—the father being in almost every instance away in England laboring to make out some provision for the coming winter. Men, women, and children sleep under a roof and within walls dripping with wet, while the floor is saturated with damp, not uncommonly oozing out of it in little pools. The construction and dimensions of their hovels are, as abodes of human beings, probably unique. On the uplands they are mostly built of common stone walls without plaster, and are often totally devoid of the ordinary means of exit for the smoke, as it may also be almost said they are devoid of anything in the shape of furniture. On the low-lying lands, on the other hand, they may be briefly described as bog holes, though by a merciful dispensation of the architect these are undoubtedly rendered somewhat warmer by their very construction out of the solidified

peat and mud. Their dimensions are even more extraordinary still, varying from 12 feet by 15 feet down to one half that limited space. Yet all of them are inhabited by large families of children, numbers of whom sleep on a little straw spread on the bare ground, with nothing to cover them save the rags and tatters worn during the day. I invariably found them on the occasion of my visits crouching around the semblance of a fire, lighted on the open hearth. And this at midsummer, shewing how terribly low must be the vitality amongst them

“We visited more than thirty hovels of the poor, principally in the townlands of Culmore and Cashel, in which I beheld scenes of wretchedness and misery wholly indescribable. In some of those hovels evicted families had lately taken refuge, so that the overcrowding added to the other horrors of the situation. In one hovel, in the townland of Cashel, we found a little child, three years old, one of a family of six, apparently very ill, with no person more competent to watch it than an idiot sister of eighteen; while the mother was absent begging committee relief, the father being in England. In another an aged mother, also very ill, lying alone, with nothing to eat save long-cooked Indian meal, which she was unable to swallow. In another, in the townland of Culmore, there were four young children, one of whom was in a desperate condition for want of its natural food—milk—without which it was no longer capable of eating the Indian meal stirabout, or even retaining anything whatever on its stomach. I took off my glove to feel its emaciated little face, calm and livid as in death, which I found to be stone cold. My companion gently stirred its limbs, and after a while it opened its eyes, though only for a moment, again relapsing into a state of coma, apparently. It lay on a wallet of dirty straw, with shreds and tatters of sacking and other things covering it. The mother was in Foxford begging for relief, the father being in England in this case also. In no Christian country in the world probably would so barbarous a spectacle be tolerated, except in Ireland.”

Mr. Fox further remarks on the absence of crime, borne witness to by the police themselves; on the action of absentee landlords, one of whom, an Irish peer, was “drawing £30,000 a year out of the country, whose tenants are everywhere living upon the Indian meal which we have had so much labor in collecting from the four quarters of the globe.” Even Mr. Forster admitted that the “normal condition” of the peasantry and small tenant farmers was one predisposing to fever—famine fever.

The Land League was founded by Michael Davitt to win such a change in the tenure of land as should prevent the “normal condition” of the people in the future being such as was described by Mr. Forster. The organisation was, at least, an enormous advance on previous attempts at settling the question,

and its tendency was to lead the people to look to public and open agitation for a remedy, instead of to secret conspiracy and armed redress. That outrages resulting from misery and longing for vengeance should continue side by side with the healthier movement was not wonderful, but Michael Davitt—alone among the leaders of the Land League—strove with strenuous effort to raise the new movement out of the old ruts in which Irish agitation had run so long, and would probably have succeeded had not the Government silenced him, and helped the outrage-mongers by throwing him into Portland Prison. His imprisonment became the answer to those who urged that peaceful agitation was the best road whereby to win redressal of wrong, and the old secret societies gathered new force and wider immunity, when the gaol held the founder of the Land League, and the Coercion Act—to quote Lord Cowper—drove discontent “under the surface.”

The complete failure of the Coercion Act as a repressor of outrages is now so generally recognised that it would be idle to dwell upon it. Mr. Gladstone himself, in the debate on the second reading, described it as “a bill of an invidious and offensive character.” (In passing, I wonder with what adjectives Mr. Gladstone will describe the new Coercion Act a year hence.) The Government determined that it should become a dead letter, and that a policy of redressal of wrong and relief of misery should take the place of coercive legislation. This decision being carried out shortly after the murders of Mr. Herbert and of Mrs. Smythe, a plainer declaration could scarcely have been made that suspension of constitutional liberty did not touch crime. The murders of Lord Frederick Cavendish and of Mr. Burke followed, and on this Mr. Gladstone stated that these had forced the Government to “recast their policy.” The new Coercion Bill is the recasting. But the question is inevitable: “If it was right to reverse a policy of coercion after the murders of Mr. Herbert and Mrs. Smythe, why is it also right to return again to the policy of coercion after the murders of Lord F. Cavendish and Mr. Burke?” It is impossible to avoid seeing in the present proposal of the Government the result of personal feeling and personal pain; that the feeling is natural all must admit; that the murder of a colleague and a relative should make deeper impression than the murder of a stranger is not marvellous; but the treatment of a nation should not be swayed by such feelings, and if two murders were followed by the lightening of coercive pressure, two others ought not to be followed by the increase of the same pressure. The plain fact is that the murderers have succeeded. They saw in the new policy the reconciliation of England and Ireland; they knew that friendship would follow justice, and that the two countries, for the first time in history, would clasp hands. To prevent this they dug a new gulf, which they hoped the English nation would not span; they sent a river of blood across the road of friendship, and they flung two corpses

to bar the newly-opened gate of reconciliation and peace. They have succeeded.

The new Act will not prevent crime, but it will still further alienate the Irish people. The daily life of each citizen is put under the most aggravating restrictions, and under a constant menace, while criminals will easily slip through the clumsy meshes of the new Act. Secret societies are said to be aimed at; but never yet was secret society destroyed by repressive legislation. Secret societies are only destroyed by the destruction of the social wrongs in which they strike their roots. In Russia we have a standing example of what repressive legislation can do against a secret society: its Czar is shivering in Gatskina, and dares not even to publicly assume his diadem. Yet repression there is carried on with a brutality and a thoroughness which public opinion in England would not tolerate, even in Ireland. If measure after measure of growing cruelty is to be levelled against secret societies within these realms, we may yet come to a period when an English Prime Minister will be trembling in a new Gatskina, and the rulers of free England, encircled by police and by soldiery, will be degraded to the level of the agents of continental tyranny.

Let us examine the Bill, dividing it into the clauses that give new judicial powers, and those which deal with "offences." Part I.: Power is given to the Lord Lieutenant to issue a Special Commission, forming a court to try persons accused of certain crimes. The court is to consist of three judges, who shall try prisoners without a jury, the prisoner, if convicted, to have the right of appeal to a court consisting of not less than five judges, none of whom must have sat in the first court. This part of the Act is met by a protest from the Irish judges, who object to the new duties forced upon them, and, if passed, will therefore be administered by a reluctant Bench. The abolition of trial by jury is, I venture to submit, both unwise and useless. It would be better, if any change be made, either to take the verdict of a majority, as in Scotland, or to legalise the transference of trials for certain offences to England, where a jury composed of Irishmen living in England would not be in terror of their lives. But really it is not a question of justice failing because of the failure of juries to convict; the difficulties in Ireland do not lie with the juries; the difficulties are the non-finding of the criminals, and the failure of witnesses to give evidence, the first being by far the greater. In the returns of agrarian offences for January, February and March of the present year, this important fact is very clearly shown. In January 479 outrages were committed (of these 290 were only threatening letters and notices and 46 more "intimidation otherwise than by threatening letters and notices"); for these 31 persons only were rendered "amenable to justice;" of these 12 were convicted, 16 were not convicted, and 3 are awaiting trial; in 448 cases out of the 479 no persons were brought to justice. In February, out of 407

cases, only 23 persons were charged; 7 of these are awaiting trial, and 4 were convicted. In March 531 outrages, and only 46 persons charged; 18 are awaiting trial, 5 have been convicted. No details are given as to the convictions in January, the 12 in February, or the 23 in March, so we cannot judge whether in these the jury or the witnesses broke down. Now how will the new Court help us? They cannot try in the cases where no persons are charged; they cannot convict without evidence if the persons are charged; and even supposing that they convict every person brought before them, with or without evidence, they will make very small impression on the roll of outrages. If such a Court had existed during January, February and March, and had condemned every prisoner brought before it, out of 1417 outrages, 1317 would have remained unpunished, 28 persons would be awaiting trial, while only 72 would have been condemned. It is hardly worth while to abolish trial by jury for such small results, and it must be remembered that even judges sitting without jury must have some evidence before they can convict.

The "Court of Summary Jurisdiction," erected by the Bill, is even more objectional than the Special Commission Court. It is formed of one police magistrate in Dublin, and two resident magistrates elsewhere. "Any offence against this Act" may be dealt with by this Court, and from its decision there is no appeal. So that while the decision of three judges may be appealed against, the decision of one or of two petty magistrates stands above all revision. When we remember the woful abuses of magisterial authority in Ireland (see "Coercion in Ireland and its Results"), we may well stand aghast in considering the tremendous powers vested in them under this Act. For let us see what the "offences" are. Some are crimes of violence and assaults which need no statute to become punishable offences. But a new one is "intimidation," defined as "any word spoken or act done calculated to put any person in fear of any injury or danger to himself business, or means of living." Under this clause a Major Clifford Lloyd and a friend may send to gaol for six months any person who uses any sort of argument to his neighbor to persuade him to, or dissuade him from, any course of action. Any suspicion, any private spite, may cause two magistrates to see in the most harmless discussion an attempt at "intimidation," and against their abuse of authority there is no appeal.

Another offence is taking part in an "unlawful assembly." Such an assembly may be construed as consisting of any number of persons over three; and the Lord Lieutenant has power to forbid any proposed assembly if he considers it "dangerous to the public peace or the public safety." What political leader will dare to call a public meeting in Ireland when the new Act is in force? Every person present at such meeting, if it be forbidden, comes at once under the power of the court of summary jurisdic-

tion, and even idle curiosity becomes punishable with six months' imprisonment. The great political question there is the question of the land; the agrarian outrages arise because of the evil system of land-tenure; any political meeting called to ask for the redressal of grievances connected with the land will most certainly be regarded as "dangerous to the public peace;" and the people, denied all open expression of their grievances, will be more than ever thrown back on violent means.

Not only is liberty of meeting taken away, but liberty of the press is also annulled. The Lord Lieutenant may confiscate any newspaper which "appears" to him "to contain matter inciting to the commission of treason, or of any act of violence or intimidation"—intimidation being as before defined. The publisher of such forfeited newspaper is to be made to give security to the extent of £200 not to repeat the offence, and if he has not given this within fourteen days, any paper he issues is to be seized, whether it be mischievous or not. So that if a paper is wicked enough to complain of Major Clifford Lloyd's destruction of huts sent to shelter from the weather the miserable victims of landlord cruelty, the paper will be forfeited, and the publisher's journalistic career cut short.

Liberty of person follows liberty of meeting and of press. Any person criminal enough to be out of doors (in a proclaimed district) one hour later than sunset or before sunrise, may be arrested by "any constable" who chooses to consider the circumstances "suspicious," while any stranger may be similarly arrested at any hour. It is very certain that the victims of police vigilance will not be the intending committers of outrages, who will always be provided with some ostensible reason for their walk, but silly, harmless, nervous people, terrified out of their wits by the sudden arrest. No quiet evening strolls for Irishmen and Irishwomen during the long cool summer evenings; no saunterings of man and maid side by side; what court of summary jurisdiction will believe that Pat, loitering near a stile, is only peeping over the hedge to watch for Bridget's coming? Love-making will be too dangerous a pastime to indulge in for the next three years on Irish soil.

Right of search at any hour of the day or night is also to be a power granted by the Lord Lieutenant, and this right is one which may be very easily made intolerable. The Alien Act is to be revived, and the cost of extra police and of compensation for injury is to be levied on the district where outrages take place. This last enactment is the only rational one in the Act.

To sum up: When this Act passes, trial by jury, right of public meeting, liberty of press, sanctity of house, will one and all be held at the will of the Lord Lieutenant, the irresponsible autocrat of Ireland, while liberty of person will lie at the mercy of every constable. Such is England's way of governing Ireland in the year 1882. And this is supposed to be a Bill for the "repression of crime;" it will strike at the personal comfort

and dignity of everyone living in Ireland for the next three years, but will leave criminals absolutely untouched. Such a law, administered by a Mr. James Lowther, as it may very likely be, will cause more crime and more bloodshed in Ireland than any measure passed during this generation, and it will turn passive alienation from law into active, and perhaps violent, hostility.

It may be fairly asked of me: Would you, then, do nothing? No; I would do something, but the something should be levelled against criminals only. Instead of keeping thousands of soldiers concentrated in large bodies, I would draft off infantry enough to hold headquarters not too far apart in each district where outrages took place: to these headquarters I would send cavalry, and a part of the cavalry each night should be divided into small bodies of six or eight men each, well mounted and lightly armed, who should patrol the district from end to end. Every isolated farmhouse should be regularly visited, and should be further provided with signal lights or rockets, to be used in case of attack. The knowledge that aid was within reach would give courage to the inmates of any attacked house to hold out for a short time against their assailants. These patrolling parties should have orders, if they came across any attacking party, to take every man prisoner, alive or dead. And in case of attack, where help came after the criminals had escaped, or of murder where the body was found after the disappearance of the assassins, or of wounding when the assailants had vanished, I should be inclined to put a muzzled bloodhound on their track, and literally hunt them down. Men caught in the act of committing outrage, or found with blackened faces and armed, should be sent straight to Dublin for speedy trial, and penalties on all crimes of violence should be increased. Firing at a person or firing into a house should be classed as murder, and punished as such. The measures would be severe, but their severity would fall wholly on criminals. Innocent men do not attack houses, nor wander about armed at night with blackened faces, and the man who fires into a house, and whose bullet may strike the child in its cot or the mother with babe in her bosom, is a murderer in will and should be treated as a murderer. No innocent man or woman would run the smallest chance of suffering by such laws, and for the scoundrels who make Ireland's name a shame throughout the world no mercy need be shown nor felt.

PRICE ONE PENNY.