

Introduction to the Irish Constitutional Writings of Waclaw Tadeuz Dobrzynski

Between the years 1932-3, Waclaw Tadeuz Dobrzynski (WTD) researched and wrote a history of the origin and evolution of the Irish Free State constitution from the Anglo-Irish Treaty with specific reference to international relations with the British Commonwealth and League of Nations.

What have survived is an incomplete chapter on the Anglo-Irish Treaty up to mid-1933; sections relating to the 1929 Experts Conference and 1930 Imperial Conference; and, thirdly, a summation of constitutional events, consequences and debates up to 1933.

Subsequently, after 1954, the last was heavily edited but brought up to date, and made part of his memoirs. At the same time he wrote a general political history of Ireland, 1921-49; also included in his memoirs.

Background

In early 1932 WTD was appointed Polish Honorary Consul to Ireland, having served as Consul, 1929-31, and, later in the year, Irish Correspondent for Polish media organisations.

His writing skills would have first developed through academic studies in law followed by ten years as a newspaper music and drama critic in Kiev. His period in the Polish Foreign Office (MSZ) gave him the ability to write reports in specific government-related formats. Examples of both can be found in Ukrainian and Polish media and in the MSZ archives of the Irish Consulate. He later contributed articles on Ireland and Irish people for a Polish Political Directory, 1937.

While, elsewhere, he recommends that a diplomat be reasonably knowledgeable about the country he was being posted to, this was a labour of love. It is likely that when he returned, freed from “all those embarrassing, and often annoying conventions which are necessarily binding on a paid servant”, he sought an intellectual challenge, probably after the Eucharistic Congress in June when he was escort to the Polish Delegation. It is also likely that he was practising his written English.

Influences

His knowledge of the history and practice of constitutional law in Europe gave him the background to compare and contrast the situation in the British Commonwealth as dominion status evolved. He was fascinated, I think, by the situation in Ireland, by how revolution translates to constitutionalism, how a small nation could make the transition from conquest to full independence.¹ Ireland's origin as a dominion was very different to the others; they had constitutionally been colonies while Ireland had been an integral part of the United Kingdom. He agreed with Ireland's position that the Anglo-Irish Treaty was an international instrument and supported its registration in the League of Nations.

He made detailed research into Official Correspondence of the 1921 Peace Negotiations, parliamentary reports of the Dail and House of Commons, Imperial Conference and related conference reports and proceedings, Irish Free State bilateral treaties and secondary sources. It seems likely that he had insight into government thinking via conversations with McGilligan, departmental civil servants and other government sympathisers from 1929.

Before he returned to Poland in 1931, McGilligan hosted a private farewell dinner for him and there is little doubt as to the main topic of conversation. While, as a diplomat, WTD could not be seen as acting as an advisor to the government, no doubt McGilligan would have found him a useful sounding board for, say, the theoretical discussion of constitutional principles and the legal and international consequences thereof or his correspondence with Professor Berriedale Keith concerning constitutional issues of the Statute of Westminster vis à vis the Anglo Irish Treaty. By its nature, however, such theory is difficult to document.

Context

From the formation of the Irish Free State the officials of the Department of External Affairs and government legal advisors had to start from scratch in defining and developing the State's constitutional position with regard to the UK and the British Commonwealth and the evidence suggests that they were successful judging by their achievements in Imperial

¹ Though he does not mention it he may have seen similarities with Estonia (where he served for two years as envoy) and Latvia, two territories that became independent in 1918 but had been under external control for much of their recorded history. His only comparison is the differing successes of language preservation policy in Ireland and Estonia (*Ireland in 1932* in Articles file)

Conferences that ultimately led to the Statute of Westminster which superseded the Anglo-Irish Treaty. It and the earlier pieces give a contemporary² perspective on constitutional developments and show the innovation of the Cosgrave government and the civil service in the development of Ireland's identity as an independent nation through its international relations.

The Department, by 1930, had a detailed knowledge of European practice and the minor question arises as to what extent they were discretely and informally advised by European envoys, most of whom had extensive diplomatic experience?

The transition in change of government in 1932 looks to have been seamless within the Department with all the same officials involved in external issues. The intensity of their constitutional memoranda and opinion increased due to De Valera's political tactical and strategic changes in political focus particularly leading up to the Removal of the Oath Bill and 1937 Constitution, which, practically speaking, shifted the Anglo-Irish Treaty from being a cornerstone to irrelevancy.

While these were landmarks in Irish political and constitutional history there was continuity; built on the in-depth knowledge and experience gained by the civil servants (on whom De Valera was reliant for in-depth analysis) during the previous administration based on Imperial Conferences, League of Nations and bilateral relations such as treaty negotiations and interactions with envoys.

Result and Refocus

The result was two chapters and several draft sections by the time he discontinued the project by end of 1933. Written in English, it is unclear who his intended audience was supposed to be. It was not aimed at a general reader, even though the tone is more informal from what one might expect from purely legal arguments.

It was original, as the despatches to MSZ, Warsaw, and articles in the press, being in Polish, would have had different approaches. Whether there would have been any interest in publication is difficult to say; unless it was sponsored and that might have created difficulties with his diplomatic status.

² Rather than being influenced by hindsight through the filter of the De Valera years in office

Sometime in late 1933 he used these drafts as a springboard to write an extended essay, 'Battling with Logic', which well describes the constitutional contradictions that arose from Anglo-Irish Treaty and subsequent political and legislative developments. It is not clear why he then discontinued but it was between six months to a year of the change of government. One reason is that he may have lost the informal conversations as it appears that he had no such relationship with anybody in the Fianna Fail administration.

He may have been less sympathetic to Fianna Fail's more confrontational relationship with the UK; a revolutionary rather than evolutionary approach. Generally, while he lauds de Valera with specific reference to the League of Nations there wasn't the same amount of praise; it is obvious, by contrast, that he was a great fan of Patrick McGilligan and had a greater affinity with the Cosgrave administration. However, writing in the 1950s, he was more even-handed in his approach to all major politicians.

He also was unhappy at the event, which he witnessed, that led to the resignation of James McNeill, for whom he had great respect, as Governor-General. While he understood and appreciated the political rationale behind the appointment of Domhnall Ua Buchalla, he did not approve of the use of that office, particularly with reference to diplomatic representation. The role that McNeill played in the Vice-Regal Lodge, equivalent to a president, as the public prestigious face of Ireland was in marked contrast to the dour isolationism of his successor. The one time they met, Buchalla didn't have a clue who WTD was and spoke to him in Irish; the reply in Polish terminated the conversation.

However, probably the main reason was that he had been commissioned to produce articles on Ireland and some of its personalities for the *Encyklopedia Nauk Politycznych*.³ It was published in 1937, giving a lead time of four years for the research and write-up. His historical analysis mostly focused on 1880 to 1937.⁴ Subsequently the deteriorating situation in Europe would have taken up most of his time and energy.

³ The geography section was written by Walenty Winid

⁴ The bibliography for Ireland has twenty titles, mostly in English and some French. These taken with the constitutional sources shows that he was very well read. According to Kees Van Hoek (1943) "No one of his Dublin colleagues can have written so much about Ireland. There are whole files of it in his study, and also an imposing record of writings about Poland, with Prof. John Marcus O'Sullivan, Col. J J O'Connell and Gertrude Gaffney prominent."

Summary

After retirement, in 1954, he went through another creative phase when he wrote his memoirs in English, history of *Dziennik Kijowski* in Polish, and newspaper articles for the Irish media mostly covering his analysis of the Cold War with some on music. For his memoirs, he first took his essay 'Battling with Logic', cut it by about 50% and then added a postscript bringing up to the declaration of a Republic in 1949, though this latter part does not have any major constitutional analysis.

Secondly, he wrote a more general political history covering the same period, also included in his memoirs. Edited extracts from the memoirs were published in the *Irish Times* and *Irish Independent* but didn't include any of his Irish history.

His conclusion of the late 1950s, looking back over that 'Battle for Logic', was: "Thus the aspirations of a Nation became reconciled with the constitutional and international law, and peace descended upon the minds of all those legally minded scholars who were fighting so hard and so long to find in their mental make-up a pigeon-hole where to safely deposit Eire under a definite classification."

Sources

The original manuscripts of the sections on the Anglo-Irish Treaty and the 1930 Imperial Conference are held by the Hoover Institute (800/37/0/-/2 & 3), USA. They have been microfilmed by the Archivum Act Nowych, Warsaw, Poland, and are online.

(<http://www.szukajwarchiwach.pl/800/37/0/-/1#tabJednostka>)

The third section, 'Battling with Logic' and the edited version in his memoirs, is held by the National Library of Ireland (NLI Acc. No. 4610). In other words, when he resigned as Consul in 1957, he left the first two with the consulate but kept the third in his personal papers. The fourth was written afterwards when writing his memoirs and possibly last of all.

Editing Issues

While he learnt English from an early age, via the nanny system, his first consistent use of the written language probably begins in 1929 for official diplomatic and other correspondence with Irish recipients. In other words, these pieces were his first extended use of English for non-official purposes. In general, his written English is very good.

The Anglo-Irish Treaty was probably written first. It required a small amount of editing to ensure clarity of meaning since, on occasion, his English can become a little contorted in his effort to write perfect English. Also some phrases are incorrectly used, i.e. ‘on the other hand’ when ‘additionally’ was more in tune with the sense of use. All these and other minor glitches have been silently changed.

Long paragraphs have been broken up in line with modern conventions (one point per paragraph) and for ease of e-reading. Sources in the original were placed in brackets in the text’ these I have transferred to footnotes. Footnotes by this editor are signified by *Ed./ed.*

The four pieces dealing with the 1930 Imperial Conference were early drafts in preparation for a chapter and have been heavily annotated with handwritten changes. It and some other pieces have their own introductions.

Ian Cantwell, 2016