

It is quite intelligible, however, that these would not all assign the same reasons in support of their common determination. A few broadly distinct lines of consideration will easily suggest themselves, each of which will find many advocates to develop and illustrate them. They are here suggested only in the roughest outline, and with no claim to adequacy or fullness of exposition.

I.

First, then, an Irishman may justify his resistance to Conscription by asserting his conscientious conviction that the Conscription of Ireland's manhood by the authority of the Imperial Parliament is an inhuman and oppressive measure; that it menaces not only his individual life and liberty, but the lives and liberties of most of his fellow-countrymen; that the Imperial Parliament, before applying Conscription to the other portions of the United Kingdom, consulted the citizens in those portions and secured their acquiescence; that it neither secured the acquiescence of the Irish people nor heeded the views of the great bulk of their representatives; that the enforcement of such a measure in these circumstances—a measure demanding from Irishmen the supreme sacrifice of citizenship—is undoubtedly inhuman and oppressive, and is, as such, *ultra vires*. He will admit that the Imperial Parliament has the moral right to legislate for Ireland, that it is not only the *de facto*, but the *de jure*, or lawfully constituted, governing authority for this country, and that Irishmen are morally bound to give it their allegiance. But, calling attention to the indisputable fact that the supreme civil authority of a State may sometimes enact, and attempt to enforce, whether on all its subjects or on a section of its subjects, measures that are inhuman and intolerable, he will point out that the Conscription Act, in its application to Ireland, falls into this category for the citizens of the Irish section of the United Kingdom. Since, then, the Imperial Parliament has no moral right to enact such a measure for Irishmen it can confer no moral authority on its executive officers to enforce that measure on Irishmen. In trying to enforce it those officers, whether police or military, are simply in the position of unjust aggressors, whose attack on his person he is at liberty to repel by physical force if he choose to do so.

This position clearly implies that a law may be just for one or more sections of the citizens of a State, while it may be so unjust for another section or sections that these may resist its application as an unjust aggression. And he will show that Ireland is justly entitled to differential treatment in this matter—i.e., in exemption from Conscription—by pointing out that although Ireland is a portion of the United Kingdom, and subject to the Imperial Parliament, nevertheless, its rights have been so infringed by misgovernment, its industries so ruined and its interests so consistently sacrificed to English interests, its rightful claims to equitable laws so unfairly ignored by the Imperial Parliament, its people so impoverished by over-taxation, its population so tragically diminished by the starvation and emigration directly resulting from cruel misrule, that this attempt to sacrifice the remnant of its manhood by Conscription is an utterly immoral and tyrannical abuse of civil authority on the part of the Imperial Parliament. Finally, he will emphasise the fact that although Ireland is subject to the Imperial Parliament it is subject thereto not after the manner of England, but as a distinct subject nation which, when forced to merge its own Parliament in the Imperial Parliament, certainly did not surrender to the latter the constitutional or moral right to conscript the Irish people without their own consent.

In these references to England's treatment of Ireland since the Union we have the inevitable appeal to "historical considerations" to show that Ireland's present condition and Ireland's actual relations with England make the enforcement of compulsory military service on Ireland by the Imperial Parliament an inhuman and oppressive measure, which Irishmen may lawfully resist by the most effective means at their disposal. But such an appeal to history inevitably

suggests another and a deeper ground in justification of Ireland's steadfast resolve to oppose Conscription.

II.

The historical facts referred to above are just a few selected from a whole mass of fact to which an Irishman might justly appeal for the purpose of proving that no law of the Imperial Parliament is directly binding on Irishmen; that the Imperial Parliament has not, and never has had, moral authority to legislate for the Irish nation; that this is so because the Act of Union is universally admitted to have been carried by force and fraud and corruption; that as a compact or treaty between the two peoples it was invalid; that the civil authority claimed by the Imperial Parliament over Ireland in virtue of this fraudulent usurpation derived no morally binding force therefrom, and has not secured any such moral force otherwise since.

It is to be noted that if this contention can be sustained it does not follow that Irishmen since the Union were not bound to obey any of the laws passed by the Imperial Parliament for Ireland. They were bound—indirectly—to obey them, inasmuch as obedience to such laws was for the Irish people the only alternative to anarchy and total extermination. For when a nation is thus tyrannically held in subjection by the superior physical force of a dominant State, and thus unjustly deprived of its own rightful government, its people are morally bound by the natural law to obey the measures imposed upon them by the usurper, not, indeed, because these measures have themselves the moral force of laws (for they have not), but because and in so far as obedience to these measures is the only means of procuring and safeguarding certain goods which every social community is morally bound to secure—namely, public peace and order, and its own preservation from total extinction through the bootless sacrifice of the lives of its citizens—a sacrifice which would be the inevitable result of a sustained trial of strength with the usurper.

The position, then, would be this—that since the time of the Union Irishmen have been morally bound to submit to measures of the Imperial Parliament inasmuch as this submission was the lesser of two evils; but that the Imperial Parliament is now attempting to impose on Ireland a measure so extremely oppressive and inhuman, so directly imperilling the lives of the Irish people and the very existence of the nation, that the natural law does not dictate submission to this particular measure as an indirect duty (whatever about all the other measures imposed on Ireland since the Union), but leaves Irishmen morally free to protect their lives against such tyrannical aggression by the most effective means at their disposal. For the Moral Law, the Law of God, is above all the laws and constitutions of human legislatures and governments. When, therefore, these latter put forth laws and constitutions which conflict with that Higher Law, they become immoral tyrannies: by all means which are consonant with that Higher Law their edicts may be rightly resisted. And this precisely is the condition of things which obtains in reference to the enforcement of Conscription in Ireland.

But can it be maintained that the Imperial Parliament has not gradually become the lawful governing authority for Ireland during the period that has elapsed since the Union, even though it be granted (as it is universally granted) that such authority did not *de facto* derive to it, and could not have derived to it, from the Union. The contention is that it has never acquired legitimate or moral authority to rule Ireland, inasmuch as it has never elicited from the Irish people the acquiescence which could alone have made it the recipient of such authority in the circumstances. It is conceivable that the Imperial Parliament, though at first a mere *de facto* usurping power over Ireland, could have gradually become the lawful or *de jure* governing authority by governing the Irish nation equitably, and so securing the consent of the Irish people. But it has not governed Ireland equitably; its treatment of Ireland since the Union is a reproach and a byword among the civilised nations of the world, as

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