

scholarly papers. Nor do the central participants in the hurly burly of day-to-day exchanges and decisions necessarily know where their actions may lead. There is nonetheless value in having some considered reference points to which to turn when the exigencies of politics come face to face with constitutional uncertainties. This book provides a

useful guide to understanding some of the rules of the game of MMP politics. ☞

Notes

- 1 Lijphart, A. (1984) *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-One Countries*, New Haven, Yale University Press.
- 2 Brian Chamberlin *Weekend Herald* 3-4 October 1998.
- 3 See Vowles, J. et al (1998) *Voters' Victory?*

New Zealand's First Election under Proportional Representation, Auckland University Press.

- 4 Boston, J. et al (1996) *New Zealand Under MMP: A New Politics?* Auckland, Auckland/Oxford University Press.

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BOOK REVIEW

by Brad Patterson

Bishop in the Dock: The Seditious Trial of James Liston

Rory Sweetman, AUP, Auckland, 1997, \$39.95

AS I WANDERED down a largely deserted O'Connell Street in Dublin on Easter Monday 1996, there was little visible hint of the tragic drama played out in the vicinity of the General Post Office 80 years before. There may have been commemorations of the 1916 Easter uprising elsewhere in the city, but if so I was unaware of them. Certainly, there was a static 'Easter Week' display at the National Museum of Ireland, which greatly engaged the interest of my ten year old son (curiously, in view of his later somewhat apathetic reactions to interactive exhibits at our own cultural temple), and a bus trip past Kilmainham Jail (visits were restricted, it not yet being tourist season) vicariously imparted some of the horror of the place where Yeats's 'terrible beauty' was born. But in the late 20th century it remained difficult to comprehend the momentousness of the events of

1916-22 for the Irish people, or the extent to which the impact of those events rippled out to the corners of the then Empire, even to far off New Zealand.

Sweetman provides a useful aid to understanding the linkages. With turbulent Ireland in the background, he paints a picture of a very different, an almost unrecognisable, New Zealand; of an ultra-conservative country, in a sense perhaps not too different from Craig's Northern Ireland, to for that matter de Valera's Irish Free State in reverse. Anti Catholicism, with deep roots but almost certainly further incited by the contemporary Irish struggles for independence, was virulent. From late 1916 the Protestant Political Association, orchestrated by fanatics such as the Rev. Howard Elliott, had pedalled its poisonous twaddle. By 1919 the organisation claimed to have recruited over 200,000 adherents, and had seem-

ingly forged close links with the ruling Reform party. As Michael Bassett has demonstrated, it was possible in this unhealthy environment for even an established authority figure like former – and, then unimaginably, future – Prime Minister Joseph Ward to lose his parliamentary seat, largely through hatred of his religious persuasion. Protestant New Zealanders, by far a majority, loudly proclaimed their loyalty to King and Empire. From this viewpoint, a 'loyal New Zealander' was 'British' first and foremost. Conversely, the country's Catholic minority (around 14 percent of the population), through kin links and the influence of a largely Irish priesthood, tended to identify closely with the Irish struggles for nationhood. Outnumbered, beleaguered, the Catholic community was forced into defensive mode. That many New Zealand Catholics of Irish descent had also contributed significantly to the sacrifices of the recently concluded Great War counted for little.

The unique central event to Sweetman's book is the May 1922 trial in Auckland's Supreme Court

of James Michael Liston, coadjutor bishop of the Catholic Diocese of Auckland, on charges of sedition. It all started in March of that year. In a St Patrick's Day speech in the Town Hall, Liston, the son of Irish immigrant parents, startled his listeners. After six years of savage conflict, Ireland had just achieved a measure of independence through the Anglo-Irish Treaty. A measure of triumphalism might therefore have been expected (even though the concessions were still insufficient for many nationalists), however Liston saw it as his duty to personally interpret recent events 'at home'. According to later reports, he spoke 'calmly and deliberately', but there was an extempore sting in the tail of his address. After extolling 'the martyrs' of the 1916 rebellion, the bishop memorialised others who had subsequently 'died for Ireland', including those recently 'murdered by foreign troops'. This last reference to the hated Black and Tans may have been unexceptionable to most assembled, but it was great copy for several reporters present. The publication the following morning of a heavily cut (and distorted) version of the bishop's speech in the *New Zealand Herald* unleashed a storm of protest that was to rage for months.

While the *Herald's* initial editorial comment was more chiding than upbraiding, it was sufficient to stir the Methodist Mayor of Auckland, James Gunson, to public outrage. Previously dismissed as a 'wobbly Protestant', Gunson made sure no doubts would be harboured about his sympathies on this

occasion. He issued a statement condemning Liston's remarks as 'avowedly and openly disloyal'. His comments relating to the actions of the British soldiers were 'offensive and unwarrantable'. To demonstrate the depth of civic displeasure, beyond the obligatory condemnatory motions, the Mayor also engineered a ban on future Catholic use of public facilities. But Gunson was still not done. He officially brought Liston's 'seditious speech' to the attention of Attorney General Sir Francis Dillon Bell, despatching a similar letter to Prime Minister Massey for good measure. These actions were widely supported, both in Auckland and elsewhere. Mayor Gunson was lauded as 'a Protestant with backbone'. There followed, in the daily press, what Sweetman terms 'a tidal wave of editorial censure'. With Liston's words being deemed at best 'un-British' and at worst 'treasonous', the unfortunate cleric had been popularly tried and convicted before any formal charges were laid.

There is little to suggest that the Massey government, notwithstanding its believed sympathies, much relished the prospect of bringing a bishop to charge. Bell's initial response was cautious. Nor was Massey inclined to provide 'the Romans' with a new martyr. Possibly two factors contrib-

uted to the Cabinet's decision to proceed. The first was Liston's silence which, although the result of legal advice, could be interpreted as recalcitrance. The second was the attitude of the Solicitor General, W. C. McGregor. A Scots-born son of the manse, and an avowed imperialist, McGregor was in no doubt the miscreant should be called to account. He made that plain, to the delight of several of Massey's hardliners. On 7 April 1922 a summons was served on the bishop. From that point the case became all but unstoppable. A somewhat clumsy subsequent attempt by Liston to defuse the situation probably only hardened the Cabinet's resolve. Not even a plea from the head of the Irish Free State, the already legendary Michael Collins, conveyed to the New Zealand government by British Colonial Secretary Winston Churchill, cut any ice.



Liston sits uncomfortably as the prosecution case unfolds.
New Zealand Observer.

In the ensuing six weeks the uproar continued. The baying of the largely Protestant press was matched by counter blasts from the Catholic papers, in particular from the sometimes inflammatory pen of *Tablet* editor James Kelly. Behind the scenes, determined police efforts to fashion an unshakeable case were paralleled by Liston's frantic search for appropriate legal counsel. The account of the trial is perhaps the most interesting section of the book, the roles and interactions of the key figures being skilfully presented. There is, of course, the bishop himself, faltering at the preliminary hearing but resolute in the Supreme Court. Dominating for the defence, however, was Wellington counsel Patrick O'Regan, long time supporter of Irish self determination, and grandfather of Tipene (which last suggests that silver tongues may be hereditary!). In the course of the trial O'Regan was to expertly demolish the Crown's case. His legal adversary, Crown counsel Vincent Meredith, also comes out well. Though on different sides of this particular fence, the two had much in common. Both had come to the bar late, and both were consummate courtroom performers. For this reviewer, however, possibly the outstanding figure in a trial conducted with the utmost decorum was the presiding judge, Justice T.W. Stringer. His summing up was both fair and informed, and his directions to the jury were clear. While Liston's speech might have included 'things better left unsaid', this was a far cry from actually inciting unrest. The 'twelve good men and true' (later revealed to

have included four Orangemen) speedily found the bishop not guilty, but added a rider to their verdict. Liston had been guilty of a 'grave indiscretion', and must therefore bear responsibility for the 'unenviable notoriety' that had attached to him. Thus scolded, the bishop was discharged, enjoined to go forth and sin no more.

It might be argued that Sweetman has milked his material for more than it is worth. It's a good story, but as he notes in his preface, the book had its origins in a single chapter of his Cambridge doctoral thesis. Might, then, it have been more appropriately presented as a journal article, pruned of much of the supporting detail? It is hard to believe that the author has left a possible source untapped. Around fifty newspapers have been combed, regardless of the fact that most relied on the same NZPA sources. He has also searched diligently not only in New Zealand archives but also in repositories in Australia, Britain, Ireland and Rome. Yet, almost paradoxically, it is this plethora of detail that gives the book a deeper importance. Liston's travails provide a peg upon which Sweetman hangs far more. His depiction of this country immediately post World War One – sectarian, jingoistic, most of all British – is a major contribution to New Zealand's 20th-century social history. He brings to life a period, so far relatively untouched by historians, of which few can retrospectively be proud.

It is fair that the reviewer make plain his own Irish antecedents. Yet, if the Patterson roots lie in stridently Protestant Portadown (and,

yes, in a strong Orange family) rather than Liston's predominantly Catholic County Clare, there are conjunctions. My late father, sickened by the violence and mindless bigotry surrounding him in 1920-21, was also a refugee from his homeland. He never returned. After reading Sweetman, I wonder if the 1921 New Zealand in which he landed was 'the better country' he sought. I never thought to ask. In hindsight, it would have been interesting to seek his impressions as an Ulster 'Prod' member of the still mainly Catholic officered Auckland constabulary shortly after the events recorded in this book. As a curious twist, my father had his personal tilt with Bishop Liston. The matter, relatively, was insignificant, but on the basis of the exchanges he considered Liston to be a narrow authoritarian. This isn't too different, however, from Sweetman's judgement (p.107), or from the views expressed by the trickle of Irish priests passing through our household during my childhood. Whatever the mood in 1922, something had to have changed by the later 1940s and 1950s. By that point the bonds linking Irishmen abroad, at least in some cases, were sufficient to at least partially bridge the religious void. On a personal level, I am grateful to Rory Sweetman for his book. We may all give thanks that New Zealand and Ireland (or the greater part of it) are in the 1990s very different countries from those the author portrays. ✠

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