

Church & State

An Irish History Magazine

And Cultural Review Of Ireland And The World

Diplomacy?

An Excursion Around Sean O Riada

Death Of A Shipyard

When France Stood Firm

The Great Eoghan Ruadh

Trinity: Its Works & Pomps—John Molony

Diplomacy?

The Irish Government has closed its Embassies in the Vatican and in Iran, giving cost—and lack of trade—as the reason. In diplomatic matters it is not expected that the truth will be blurted out. If it was, there would be no role for diplomacy.

Vatican

The closing of the Vatican Embassy comes on the heels of a series of scandals involving members of the Catholic clergy in a situation brought about by the handing over of many areas of public life to the Catholic Hierarchy. The handing over was done by the party that has now broken off diplomatic relations with the Vatican as a populist gesture, after the Taoiseach made a speech holding the Pope responsible for the climate of public opinion, and the neglectful administration, in which these things happened. His attack on the Vatican was an absurd declaration of independence, suggesting that the Pope, who has nothing but a few toy soldiers under his command, had somehow conquered Ireland and held it down.

British propaganda over the centuries, and 'revisionist' propaganda in recent decades, have repeatedly asserted that the Irish have a deplorable tendency to hold others responsible for things that they have done to themselves. In the case of the present hysteria about Rome by the people running the country that is true.

The British administration during the last half-century of the Union tried repeatedly to make Rome an instrument for snuffing out the Independence movement in Ireland. Rome did its best to serve the Empire which it found useful in its world mission, but it failed. It excommunicated the rebellious Irish while the British were battering them down, but to no avail. The Independence movement went beyond rebellion to dominate the Constitutional scene. It won elections and formed a Government which the British Government found itself unable to destroy.

Rome never recognised the elected Irish Government of 1919-21 as legitimate, and it excommunicated those who resorted to physical force in defence against Britain's attempt to destroy it. The military defence of the Republic continued, despite the excommunications, until Britain considered it prudent to negotiate a Truce with those whom it had been describing as murder gangs, and to impose Dominion status on the country as a means of dividing the Independence movement and manipulating it into war with itself.

Those who agreed to establish Dominion Government under the authority of the Crown, and with an Army supplied by the Crown, made war at Britain's insistence on those who stood by the Republic. They were immediately recognised by the Catholic Hierarchy as the legitimate Government and their opponents in the so-called 'Civil War' were excommunicated. Once again the excommunications failed in their secular purpose. Those who rejected the 'Treaty' were not broken spiritually by the excommunications. They were broken militarily by British arms in Treatyite hands—and the Treatyites made war on their Republican opponents only because Britain threatened a campaign of all-out conquest if they refused to do so.

The Treatyites won the war. And they got a majority in the Dail because of the British threat—and because a rejection of the Treaty in the Dail would not have been regarded by Britain as invalidating the Treaty but as invalidating the Dail.

In winning the war, the Treatyites undermined the Sinn Fein spirit that had animated them in the earlier period. On the basis of the military conquest of 1922 they governed for ten years and gave a structure to the State which could not easily be undone in its internal aspect when, with the decline in the credibility of the threat of British reconquest, the electorate reverted to Republican voting.

It was in those years that the anomalous position of the Church in the State was established. It was in those years that what reason there was in the description of the State as clericalist was established. And then, when the Anti-Treatyites came to power in 1932 and proceeded to break the Treaty arrangements in their external aspects, the Treaty party declared itself to be a Catholic Fascist party. Then in the late 1930s, it campaigned actively for the recognition of the Franco insurrection as the legitimate Government of Spain, long before that revolt had established itself in *de facto* dominance. It recruited volunteers to go and fight for Franco. And, by means of a mass organisation, the *Irish Christian Front*, it exerted pressure on the Fianna Fail Government to recognise Franco on Catholic Fascist grounds. Fianna Fail resisted the pressure and only recognised the Franco Government when it had become the *de facto* Government of Spain.

Rome did not compel Cumann na nGaedheal/Fine Gael to do any of these things. Rome had no means of compulsion. Irish opinion, which had shrugged off excommunications in 1922, as in 1920 and 1867, did not insist on it. These things were done because the section of Sinn Fein which undertook to operate the Treaty was soon swamped by elements attaching themselves to it which had never supported the Independence movement. If it is too much to say that this was the inevitable consequence of the 'Treaty', it was at any rate the actual consequence.

After the Treaty was broken, and after the Treatyite party failed to make a success of Fascism, the Treatyite spirit survived only in its aspect of religious piety.

Rome and its Hierarchy in Ireland provided spiritual support to accompany British arms in the construction of the Treaty State in 1922-23. Roman casuistry, which British propaganda had often cited as a reason why punitive laws against Catholicism were necessary in the civilising of Ireland, came to the aid of Britain's 'Treaty' project by assuring those who had taken an Oath to the Republic that they were not bound by it. While there is no evidence that different degrees of belief in Roman authority contributed to the Treaty split, the working out of that split did bring about a degree of political segregation on religious grounds between those for whom Roman authority was absolute and those for whom it was not. Fine Gael was the Ultramontane party and Fianna Fail the Gallican. Gallicanism (a French development under Louis XIV) did not repudiate Rome; it put it into perspective, and took much of what it said with a pinch of salt.

The 2nd Vatican Council (1962-1965) enacted radical changes in Catholic practice, which had a disturbing effect on the dimension of Irish life that was still moulding itself ever more closely to the structures decreed by Vatican I. These changes were made in response to difficulties in other parts of the Catholic world which found no expression in Ireland. They had therefore a disconcerting effect on Ireland—on the

Ultramontanist party.

Since the principle of Ultramontanism is subordination to Roman authority, these changes, however disturbing they were felt to be, could not be disputed or resisted. Nevertheless they could not but exert a subversive influence on the feelings of durable certainty generated by the system of Vatican I.

Early issues of this magazine carried a series of articles on *The Rise Of Papal Power In Ireland*, explaining that strict Romanism in Ireland was of very recent origin. It was provoked into existence by British Penal Laws and Protestant Crusades. Cardinal Cullen came to Ireland in 1850 to establish it. It was resisted by a considerable part of the society, and was still in the process of being established when Vatican II aborted it. We published these articles as a booklet in 1979, on the occasion of the Pope's visit. It was an unwelcome contribution to the event. The only official notice taken of it was a curt, ignorant dismissal of it by *Books Ireland*. But a large quantity of it was sold, and it entered into the stew that was stewing.

It was about then that we became aware of the strain of scepticism, or cynicism, that had developed within the Ultramontanist intelligentsia. It expressed itself only in private, behind a public facade which it helped to maintain. Because it did not dare to develop itself as a public force—because of obstacles existing only within itself—resentment built up in it. This resentment has now found relief in the sudden, impulsive, withdrawal of the Embassy to the Vatican by the leader of the party that was responsible for bringing about the subordination of Ireland to Rome insofar as that actually existed.

The Embassy is withdrawn, but diplomatic relations have not been broken off. There is an Ambassador to the Vatican. He is a civil servant in Dublin who is doing this job along with others. The Vatican, whether one likes it or not, remains one of the great international centres of the world, but Ireland has no presence there anymore. And we doubt that the world will come to the civil service office in Dublin to consult the Ambassador who stays at home.

In 1932 De Valera decided not to abolish the Treatyite Governor General. Instead he gave the office to Donal Buckley/Domhnall Ua Buachalla, who made a joke of it for a few years pending its abolition. But we expect that, before too long, an Irish Ambassador will again be found amidst the splendours of the Eternal City.

(A sign of the decay of the spiritual dimension of Treatyism as a consequence of Vatican II is the change of the *Independent* newspapers from piety to soft porn.)

Iran

If the closing of the Vatican Embassy is the action of inhibited anti-clericalism, which over the decades would not engage in the kind of open disagreement with the Church which might have brought about an evolutionary compromise—either because they over-estimated the power of the Church due to having constructed it into a demon in their own minds, or just because they did not see immediate career advantages in it—the closing of the Iranian Embassy has a different explanation. It has the signs of a clearing of the ground for a military attack on Iran. If an attack is launched, Ireland will be onside for it.

Whether or not an attack is launched is unpredictable. That the possibility of an attack is being contemplated is certain. The final decision on whether to attack will be taken with all the gravity and realistic purposefulness of a toss of a coin.

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One thing that has been demonstrated by the conduct of American foreign policy during the past decade is that the US race issue has been resolved, and that its resolution has made no discernible difference to American foreign policy. Martin Luther King's dream has been realised in the White House and in the Pentagon, without causing the slightest decrease in American warmongering. General Colin Powell, US Secretary of State, lied about Iraqi WMD in order to facilitate the destruction of the Iraqi State. When no WMD could be found he insisted that American occupation should continue because the search for the non-existent WMD had broken the State. He summed up this position with the flippant huckster's remark: *If you break it, you own it*. Condoleeza Rice launched the war that destroyed the Iraqi State. And President Obama's conduct over three years give no grounds for supposing that the fact of his being black will have any influence on the decision whether to set about the destruction of Iran.

During the decades of the Cold War there was a widespread illusion that it was the division of the world into two antagonistic social systems that prevented the United Nations from ushering in an era of general peace in the world. Stalin, towards the end of his life, observed that a removal of the Communist bloc of states would unleash war within the capitalist system. The Soviet bloc collapsed in 1989-90 and a new era of warfare began on the instant. The Utopian aim of this new warfare was the perfecting of Capitalism as a global system under Western hegemony. States which had been part of the anti-Communist alliance—and which had been allowed, for anti-Communist purposes, to develop their economies by establishing anti-competitive measures—could not be tolerated in the era of free-market Globalism, and they were subverted. Warfare was restored as the norm which it had been from time immemorial.

US expansionism was justified after 1945 as the defence of Freedom against Communism, but America was expansionist long before a single Communist state was established, and it continues to be expansionist now that the Communist states have all gone. It is its nature to be expansionist. In the 1840s it was declared to be its "*manifest destiny*" to rule the American Continent. And, when it reached the Pacific, it found its destiny was to cross that Ocean and

break the peace in which Japan had slumbered contentedly for centuries, and to make the coast of China an Open Door. It must expand. It can't help itself. It is in the grip of the English Puritan vision that created it.

It is sometimes not easy to see what national interest of the USA the policy and conduct of the US Government serves. But that is because the interest of a State is not something objective which can be understood by mere calculation, according to some general standard.

What US interest did it serve to impose a Jewish state on the Middle East, against the wishes of every state in the Middle East; to arm it with powerful weapons, so that it might domineer over its neighbours while riding roughshod over the natives and seizing their territory and property; and finally to enable the Jewish State to acquire the Weapon of Mass Destruction, so that it might exterminate its neighbours if they ever get their act together with conventional military forces, while preventing official recognition that Israel is a Nuclear Power?

Britain laid the foundations for the Jewish State between 1917 and 1939. Serious thought was given to the matter. The history of Jewish States was reviewed. It was seen that they had been catastrophic in their conduct because they were driven by a Millennial vision. It was not assumed that two thousand years since Rome had found it necessary to destroy the previous Jewish State would somehow cause a restored Jewish State to be entirely different in its conduct.

When Britain took the Zionist project under its wing, and thereby made it a real force in world affairs, its ideal of itself was that it was the Roman Empire revived and perfected. That was its governing idea for a generation before it launched its Great War in 1914. The Great War was its Punic War in which it would destroy the new Carthage, Germany, and establish itself in magisterial control of the world.

That view was freely expressed in influential political publications during the generation before 1914. Rome was the exemplar. It was the source of Western civilisation. The 1914 war propaganda explained that Germany was an evil force at the heart of Europe because it not only defeated Roman attempts to conquer and civilise it two thousand years ago, but had gone on to wreck the Empire fifteen hundred years ago. The Dark Ages followed, after which Roman

civilisation was slowly and painfully restored, beginning with the Italian Renaissance and culminating in the British Empire.

That was the world-view within which Britain undertook to restore a Jewish State in Palestine.

In the present flux of things last week sometimes seems like ancient history. To the rulers of the Empire a century ago, two thousand years was only last week. It came naturally to them, therefore, to assume that Judaism remained much as it was last week.

In 1917 Britain had made no real headway in its war of destruction of Germany. It was looking for fresh allies and saw the possibility of enlisting Jewry in the affairs of the Empire. The Jews were then seen as agents of Germany. Germany was in alliance with the Ottoman Empire in the War. Before the War, its foreign policy had been to support the Ottoman Empire as a state which gave Islam a place in the Great Power structure of the world, while the policy of the British/Russian alliance was to destroy the Ottoman Empire and share it out. The position of the Jews in Russia generated amongst them a Millenarian nationalism focussed on Palestine. Britain decided to back this Jewish nationalism as a means of breaking Jewish orientation on Germany and of providing itself with a base in the Middle East against the Arab forces with which it had formed an alliance in the war of destruction against the Ottoman Empire.

The new Jewish State, set up to be "*a little loyal Jewish Ulster*" amidst the Arabs, would not behave like earlier Jewish States, because it would be a colony of the Empire, dependent on the Empire for its existence, and directed by the Empire.

That is how the matter seemed to stand in 1917, when a residue of the old Imperial ruling class was still in command of the state. A year later Carthage/Germany was defeated, pillaged and reduced to incoherence and Britain. Churchill described the position of Britain as follows:

"The British nation is now in the very forefront of mankind. Never was its power so great, its name so honoured, its rivals so few. The fearful sacrifices of the war, the stupendous victory with which it closed, not only in the clash of arms, but in the triumph of institutions and ideals, have opened to us several generations of august responsibility" (*Illustrated Sunday Herald*, 9.5.1920).

But, within Britain itself, beneath the ruling class that had guided Imperial affairs for two hundred years, there lay a stratum of simple-minded Christian fundamentalism of a distinctly Old Testament kind, which was Zionist by inclination rather than by Imperial calculation. This stratum had become a force in politics, mainly in the Liberal Party and then by inheritance in the Labour Party. (It had issued the ultimatum to Parnell in 1890 which impelled him to self-destruction.) And, when the War Coalition fell in 1922 because of its failure to dominate the Irish situation, and its retreat in the face of Turkish resistance to the Treaty intended to disable it and open it to Greek colonisation, an era of Imperial drift set in.

Palestine was opened to Jewish immigration by the British administration. The Jewish Agency, represented in the Versailles Treaty negotiations, was accorded a kind of Home Rule status in a Palestine overwhelmingly populated by Arabs. Arab resistance built up. Britain made war on the Arabs in the late 1930s and British officers gave terrorist training to militant Jewish groups. By the time the Arab resistance was beaten down, Britain had set its course for another war on Germany (having collaborated with the Nazi Government in 1933-8 to build up Germany as a bastion against Communist Russia), and it had to curb Jewish immigration into Palestine so as not to drive the Arab States into active alliance with Germany.

World Jewish migration to Palestine was severely limited by the 1939 British White Paper, and an undertaking was given that future policy would be subject to the approval of the people actually living in Palestine. This put the formation of the Jewish State in doubt, since twenty years of mass immigration still left the Jewish population very far short of constituting a majority.

At the end of the World War the Jewish nationalists launched a 'War of Independence' against the British administration by means of unrestrained terrorism. The British Government—which never negotiates with terrorists—surrendered to Jewish nationalist terrorism. It announced that it would withdraw from Palestine in May 1948. It made no attempt to organise a Government, or Governments, to take its place. It refused to allow outside forces to be deployed. It washed its hands, with its customary self-righteousness, of the catastrophic situation it had brought about in the

Middle East. The practical result, which was not difficult to anticipate, was that the Jewish terrorist forces were left free to concentrate their efforts on the native population.

Britain in 1919 chose to govern Palestine under a League of Nations Mandate, instead of directly as a conquered possession of the Empire. At the same time it made sure that the League had no effective authority as an international organisation.

When it decided to leave Palestine, it relinquished this notional Mandate—it handed it back. It could not hand it back to the League. It had effectively abolished the League in 1939 when it decided to make war on Germany on its own account. A formal remnant of the League continued for some time. When the War that had been declared on Germany by Britain and France, but not waged—they preferred instead to try to go to war against Russia in its conflict with Finland—when that declared war ended with the defeat of France and the retreat of England from the battlefield, the Secretary-General of the League accepted the New Order of Europe, determined by war, as being legitimate. This was in accordance with the precedent of 1919, when the League was set up as an instrument of the victors in the Great War.

The League was dumped in the rubbish-bin of history when the British and French Empires declared war on their own account. The League then became a formal hulk. Its last act was to expel Russia from membership over Finland, when Britain and France wanted to make war on Russia instead of prosecuting their declaration of war on Germany. A year and a half later Russia became an ally of Britain, and the future of Britain became dependent on the power of Russia to master Germany. Six months after that, Roosevelt succeeded in bringing the US into the War, despite an electoral undertaking to keep it neutral, by giving Japan an ultimatum which gave it a choice between war and surrender.

Britain, France and Russia then began to call themselves the United Nations. In 1945 a United Nations Organisation was established. The League structure of formal equality between all members was dropped. The UN consisted of a General Assembly and a Security Council. All power lay with the Security Council, which was under no obligation to heed General

Assembly resolutions. And, within the Security Council, all power lay with a minority of five Governments who were Permanent Members in a total of eleven. (Four further Non-Permanent seats were added in 1963.)

The three Great Powers that founded the UN exempted themselves by right of Veto from the application of any 'laws' that might be established, and also accorded Veto power to France and China. These five were Permanent Members of the Council while the others rotated.

Britain could not return the Palestine Mandate to the League when it decided to cut and run. So the United Nations was lumbered with it. But, in giving responsibility for it to the UN, Britain also ensured that the UN could not deal with it competently, by Vetoing its appearance on the agenda of the Security Council. It was therefore referred to the General Assembly to deal with. But the General Assembly had no executive authority. That lay with the Security Council.

Britain's object was to appear to have nothing to do with the setting up of the Jewish State—even though, without Britain's actions since 1917, there would have been no prospect of a Jewish State—in order to ease its manipulation of the Arab states it had created.

By means of powerful persuasion, arm-twisting, bribery, and sheer dictation, the Soviet Union and the USA secured a two-thirds majority in the General Assembly (quite a small body in those days) for a motion to Partition Palestine so that an area with a Jewish majority might be established. That area, in which there was an Arab population of well over 40%, was designated as the territory for a Jewish State. The British administration went home in May 1948 and the Jewish terrorism to which it had surrendered—and which had been directed against the Arab population the moment the UN vote was passed—became a war against the Arab population both within that territory and beyond it. The expansion of the Jewish State, beyond the territory awarded by the General Assembly, began on the instant in 1948 and has been going on ever since.

The borders of the territory allocated for a Jewish State by the UN in 1947 have been entirely forgotten—as has been the provision that Jerusalem be an international city. The 1948 Conquest—usually referred to as the *1967 Borders*—is now virtually treated as being part of

the UN award. And even the withdrawal of Israel within 1967 Borders is regarded (*de facto*) as a Utopian project.

Britain, having piously washed its hands of the situation it had created, leaving Jewish nationalist terrorism free to deal with the Arab population, then intervened to block the Jewish conquest of the whole of Palestine, by use of the "*Arab Legion*"—a Jordanian army with British officers and a British commander whose action was controlled by the British Government. The Arab Legion prevented the Jewish State from overrunning the whole of the region which God had given to the Jews. There were ineffectual military gestures by the other Arab States. The way that event is generally described in the media is that five powerful Arab states tried to stifle Israel at birth, leaving it to be understood that the Israel which they tried to stifle was a state wishing to settle down within the territory of the 1947 UN Resolution.

The gross inadequacy of the liberal-democratic conception of things, supposedly established as the international norm by the League and the UN, is demonstrated by its inability to control, or even to question, the Jewish nationalist force it set loose in the Middle East, which acts under a Mandate given to it by God.

The Palestine War of the late 1930s, in which Palestinian resistance to irredentist Jewish colonisation was broken by the British Army, concluded at the moment when Britain was organising its second war on Germany. The Palestine war naturally generated anti-British sentiment in the region.

If the declaration of war on Germany had been made good by the defeat of Germany—which was the expected outcome in the light of the greater force available to the Anglo-French alliance—Britain would have consolidated its position in the Middle East and held resentments in check by knocking heads together.

But Britain and France lost the war that they had declared. The French declaration of war led to a German occupation of the country in 1940, as had been the case in 1870. In 1870 France had refused to negotiate a settlement, following failure to win the regular war that it had started, and had tried to maintain a resistance by irregular war—guerilla war—terrorism—insurgency: take your pick. That only made its situation worse. In 1940 it decided to negotiate a settlement once it had lost

the regular war. A new French Government was set up in part of the country, in accordance with the will of the French democracy represented in Parliament, while Germany remained in occupation of the other part pending a settlement with Britain.

Britain, with the Royal Navy dominating the seas of the world, and with Germany not attempting an invasion, did not need to settle, and did not settle. It abandoned France, denounced it for making a settlement even though there was no realistic alternative, maintained its declaration of war on Germany even though it had neither the will nor the means to prosecute it, and made war on France as a traitorous deserter.

The French Empire remained intact under the settlement with Germany, and the war came to the Middle East in the form of war between the British and French Empires. Each had taken a part of the Ottoman Empire in 1918 and there was war between those two parts in 1940-42.

That Anglo-French War was a component of the multiplicity of wars that are given a spurious unity by being called the Second World War. It has been all but removed from the historical record by British historians.

Britain also made war on two of its own former possessions in 1941: Iraq and Iran. In view of the obscurity in which the Anglo-French War has been sunk, it is not easy to see what influence it might have had on the British decision to invade Iraq and Iran, overthrow their Governments, and install puppet regimes.

The invasion of Iraq was a preliminary to the invasion of Iran.

Iraq was constructed from a group of Provinces of the Ottoman State, thrown together by Britain for Imperial convenience and called a nation-state. It had no internal national unity and therefore could only be run by dictatorship of one kind or another, with or without elections. The first dictatorship was British, and it functioned by means of blatantly rigged elections.

Iraq was given formal independence by means of a Treaty drawn up by Britain in 1930, which became operative in 1932. Under that Treaty Britain gave itself the right to station some military forces in the country, but the Iraqi Government was not constitutionally obliged to follow Britain into war, or

make itself available as a British base for war.

Iraq declared itself neutral in 1939. In 1941 Britain landed a military force at Basra. Baghdad recognised its right to do so. But, when Britain announced its intention to land another military force, Baghdad said it should move on the first before the second contingent landed.

The *Irish Independent* reported on 2nd May 1941:

"Further contingents of British troops have arrived without incident at Basra to supplement the forces landed there recently to open up communications in Iraq... In view of reports, emanating from France, of complications between Britain and Iraq, it was explained in London yesterday that the Iraqi authorities had put forward a proposal that Britain was not entitled to land further troops until the passage of the first contingent across Iraq had been completed. The British regarded this view as without foundation under the terms of the Anglo-Iraq Treaty."

The *Irish Press* report of the same date said:

"Further concentrations of British troops have arrived at Basra... Concentrations on the part of the Iraq army have taken place which might be regarded as a threat to the security of the British air base at Habbaniyah on the Euphrates, some 60 miles west of Basra, states the P.A. Diplomatic Correspondent..."

"In reply to reports from Vichy of complications between Britain and Iraq, it was stated in London that the Iraqi authorities put forward a proposal that Britain was not entitled to land further troops until the passage across Iraq of the first contingent had been completed." The British, "it is officially stated, "regarded this view as absolutely without foundation... As they were unable to allow their clear treaty rights to be impaired in this way, their troop movements proceeded as planned and further contingents duly arrived at Basra without incident.

"The British Government through their ambassador, Sir Kinohan Cornwallis, repeated to Iraq authorities the view that this action was fully covered by the terms of the Treaty.

"In view of the circumstances of the *coup d'etat*, Sir Kinahan was authorised to take any steps he thought fit to ensure the safety of women and children." (There was a rapid sequence of changes of Government in Iraq in 1941.)

The *Irish Press* headline the follow-

ing day was *Iraq, Fighting British, Asks Axis Aid*.

And on May 9th: *Baghdad Airport Bombed*.

May 10th: *Iraqi War Minister In Ankara: Turk Cabinet Meets*.

May 19th: *Move On Palestine Reported. New Iraqi Claims*.

"A penetration of Iraqi troops some 25 miles into Palestine was claimed in a statement broadcast from Baghdad last night".

And the British claimed that Habbaniyah Airport was bombed by German planes.

The *Irish Independent* on May 3rd:

"It was reliably reported in London last night that Rashid Ali, head of the Iraq Government, had applied to Germany for assistance against Britain...

The official German News Agency, quoted by German and Swiss Radios last night, said that Rashid Ali... had issued a manifesto declaring that Iraq would resist by force the landing of further British troops.

"The hour of fighting seems to approach', he is reported to have said. 'The Government of Iraq has tried to fulfil all obligations under the Treaty with Britain, and has therefore allowed the first contingent of Indian troops to land at Basra. But now the British Government is going to break the treaty by landing another contingent before the first one has left the country. The Iraq Government has asked the British Ambassador to order the first contingent of troops to proceed to Palestine lest the Iraq Government may resist by force the landing of the second contingent.

"The Iraq Government has taken all measures necessary to meet possible developments. The people of Iraq will never bow to the will of foreign Powers. It is a holy struggle for the independence of Iraq..."

People Urged To Disown Premier

The BBC appeal was as follows—

"People of Iraq: Disown Rashid Ali and those few military leaders who, for the sake of their own gain have sought a quarrel with Britain and destroyed the interests of your country. Rashid Ali has overthrown the Iraqi Constitution and threatened the life of the lawful Regent, whom he has driven from the country. He is ready to extend the war to Iraq at the bidding of the Axis, and will bring untold misery on your country unless he is quickly repudiated. You desire to live in peace. Overthrow these mercenary intriguers, and let law and order reign once more."

Turkey's Attitude

While deterioration in Anglo-Iraqi relations would be regretted, Turkey

realises that Britain is fighting for her life and cannot afford to let the situation get out of hand, according to the Press Association. It is felt that the anti-British attitude in Iraq is largely due to "what is considered British leniency in allowing the German agent, von Herter, and other Axis representatives, especially the Italian Legation in Baghdad, to enjoy too much liberty. According to the German Radio, quoting Turkish sources, Turkey will remain neutral"..."

The situation was that there was a dispute between Britain and the nominally independent state of Iraq—which had been created by British conquest, and on which Britain had imposed a subordinate regime by means of open election rigging—about the interpretation of a Treaty imposed on Iraq when it was set up as a nominally independent state. The Government declared neutrality when Britain launched its World War in 1939 and Britain did not require it to do otherwise. In May 1941 Britain "stood alone" in this war which it had started, which was a war of choice on its part, and it set about controlling Iraq.

It had begun the war in alliance with Poland and France. It had encouraged Poland to refuse negotiation with Germany over Danzig by offering it a unique military agreement, enabling it to precipitate Britain into war. The French seconded it in this. Germany, finding itself under military encirclement by greatly superior forces, struck at Poland when it saw that Britain and France were making no credible preparations to make good the guarantee to the Poles. Britain fired only an occasional shot in support of the Poles and its war alliance was reduced to two.

It then proceeded at a leisurely pace to place a small army in France while trying to get into conflict with Russia in Finland.

Germany responded to the declaration of war on it nine months after the declaration was made. Due to the spectacular success of a military stratagem, the German Army rolled up the French Army and the small British Army in a few weeks. France, with its army broken and being under German occupation, negotiated a provisional settlement (under which it retained its Empire) pending a settlement with Britain.

Britain, with the Royal Navy still ruling the waves, still refused to settle. It denounced France as corrupt and riddled with Fifth Columnists, because it had not fought its war for it, and it

made war on France.

So, through gross negligence, Britain lost the two Allies with which it had begun the war.

In May 1941 it decided to make Iraq a military base in the world war, even though it had declared neutrality. Baghdad disputed its interpretation of the Treaty terms. Instead of referring the matter to the arbitration of the League, or some other body, Britain launched a military reconquest of Iraq and established a puppet regime, which let it do as it pleased with the country. (Sixteen years later it undermined that regime by demands on it, following the British-French-Israeli invasion of Egypt, in what is known as the Suez Crisis.)

No evidence has come to light that Rashid Ali was preparing to make war as an ally of Germany. His offence was to maintain a determined neutral stance when Britain needed Iraq for its War—as Ireland did. And the Irish position was that, if either of the belligerents in the World War attacked it, it would seek the aid of the other belligerent. If that had happened, we can be sure De Valera would have been given the Rashid Ali treatment by Churchill—because Britain was by far the likeliest assailant.

Churchill denied that Ireland was entitled to be neutral when the Crown was at war. And of course De Valera too was open to the charge of having broken a British Treaty.

In Volume 3 of his war history, *The Grand Alliance*, Churchill says:

"The Anglo-Iraq Treaty of 1930 provided that in time of peace we should, among other things, maintain air bases at Basra and at Habbaniya, and have right of transit for military forces and supplies at all times. The treaty also provided that in war we should have all possible facilities, including the use of railways, rivers, ports and airfields of the passage of armed forces. When war came Iraq broke off diplomatic relations with Germany, but did not declare war; and when Italy came into the war the Iraq Government did not even sever relations..."

With the collapse of France and the arrival of the Axis Armistice Commission in Syria British prestige sank very low... In March 1941... Rashid Ali, who was working with the Germans, became Prime Minister and began a conspiracy with three prominent Iraqi officers..."

and the Anglophile Government was ousted.

Britain began to build up troops at Basra under the Treaty rights which it gave itself. But the Ambassador was instructed:

"Our position at Basra... does not rest solely on the treaty, but also on a new event arising out of the war. No undertakings can be given that troops will be sent to Baghdad or moved to Palestine and the right to require such undertakings should not be recognised in respect of a Government has has itself usurped power by a coup d'etat, or in a country where our treaty rights have so long been frustrated in spirit. Sir Kinehan Cornwallis should not however entangle himself by explanations..."

Rashid Ali was simply informed that British troops *would* land. He was "*forced into action*". And "*the German plan for raising rebellion in Iraq and mastering cheaply this wide area was frustrated*".

Rashid Ali was then demonised as a Nazi agent and Nuri es-Said was set up as Britain's Prime Minister of Iraq and did Britain's bidding. Nuri, who had taken part in the Arab Revolt against Turkey, organised by Britain in the Great War, was Anglophile in outlook. But, after the fall of France in June 1940, he began to prepare for an accommodation with Germany as the new Great Power. When Great Powers go to war, what is there for little states to do but live in the world shaped by the winner?

The complicating moral factor was that Britain remained the Great Power in the neighbourhood of Iraq, doing so with the consent of Germany, while German power was located far away on another continent. Nuri submitted to the local assertion of local British power, while Rashid Ali tried to maintain Iraqi independence against the local superpower.

Some further *Irish Independent* headlines:

- June 12: *Allies Advance In Syria. French Hit Back.*
- June 13: *British Tanks In Vanguard Advance On Damascus.*
- June 20: *Ultimatum Rejected: No Surrender Of Damascus.*
- June 23: *Germans Invade Russia.*
- July 11: *Syrian Fighting Continues.*
- July 15: *Finns Massing For Attack: Threat To Leningrad.*
- August 28: *Joint Invasion of Iran. Move By Anglo-Soviet Armies. Attack From Many Points.*

The British Invasion of Iran was launched from Iraq. The only account

we know of is that given by Ronald Storrs in his *Quarterly Record Of The War*, published at the time. It was reprinted in this magazine in Spring 2007.

The senior BBC propagandist, John Simpson, mentioned that 1941 British war on Iran just before last Christmas in the many BBC outlets that propagandise the world night and day. Setting the scene for the current US/EU preparation of the world for yet another war on Iran, he said that in 1941 the Shah "*was so pro-Nazi that the British overthrew him... To us all this may seem like ancient history*". But of course it isn't ancient history—about that, at least, we agree with him. It is purposefully marginalised history—lying there to be pulled out of the hat whenever it is called for.

(It is worth recalling, in passing, that Simpson, who was in the vanguard of the "*liberation*" of Afghanistan in 2001, commented, when the invaders offered a big reward for information leading to the capture of Mullah Omar, that it was certain that Omar would soon be caught because "*betrayal is the national culture of Afghanistan*".)

Iran, unlike Iraq, was not a state thrown together by Britain when it was destroying the Ottoman Empire. It was one of the great historic states of the world. It was never a British possession formally, but half of it was actually possessed by Britain in the period before the 1914 war. The other half was possessed by Russia. When Britain and Russia suspended their conflict in central Asia, in order to join forces against Germany and the Ottoman Empire, there was an agreed *de facto* Partition of Iran. Britain had the South and Russia the North, with a sliver of the Iranian state between them as a buffer zone. It seemed to be the destiny of southern Iran to become an extension of the British Empire connecting India with the Gulf. By 1912 it was already being coloured red in some maps. If the Great War had gone well, possible Iran would have been dissolved officially into the British and Tsarist Empires. But the War, carefully arranged though it was, did not go well. Iran survived yet again—though Britain pillaged it, causing a massive famine.

In 1941 it was an independent state, which had gone through a national development during the inter-War period, and Britain had no residual

Treaty claims on it. But when Britain, after collaborating actively with Nazi Germany for five years, then capriciously decided to make war on it, it conducted the war in a propaganda medium of moral exaltation which recognised no pettifogging obstacles of law or custom as legitimate. It wanted Iranian oil, so it took it. And it was morally entitled to it because Iran did not break off diplomatic relations with Germany when Britain stopped collaborating with Nazism and made war on it.

Irish Independent, 22nd August:

"Iranian Reply Awaited: May Refuse Request

...The British Government is not likely to accept a refusal by the Government of Iran to deal adequately with the situation. It has been estimated that there are more than 2,000 Germans in Iran. After the British Government had first called attention to the matter a dozen or two of them were dismissed. But the Iranian Government declared that it was impossible to dismiss all without impairing relations with Germany.

The speech made by the Shah to military cadres in Teheran on Wednesday [20 Aug.] was possibly an indication of the Iranian reply. He called upon the Army to be ready for every sacrifice. Announcing that this year the cadets would not have their annual leave, he said that later they would understand the reason.

Ankara Report

The latest British Note, it is understood in Ankara, did not carry a threat nor fix the state of compliance, but stated that the Ambassador was empowered to caution Iran that August 31 would be about the latest date for action...

Americans arriving in Ankara from Baghdad... report that streams of British armoured cars and material have been moving steadily toward the Iranian border for a week...

The German News Agency last night stated that the figures of nationals of belligerent countries in Iran, according to the latest available statistics, were:- British 2,590; Soviet Russian, 390; Germans 670; Italians, 310."

23rd August:

"British Study Iranian Reply

...Earlier it was officially stated in London that there was no truth in the rumour that General Wavell was lading a considerable force from Baluchistan. One or two US radio stations on Thursday night had broadcast un-

confirmed reports that General Wavell already had entered Iran...

In Washington, Mohammed Chayastik, Iranian Minister, yesterday declared that Iran would resist aggression from any source 'even though the odds are ten to one'... Denying that there were any German Fifth Columnists in Iran, M. Chayastik said that the total German population in the country was 700, and that Germans, as well as other foreigners, in Iran were under careful supervision."

The *Irish Independent* on 28th August reported that Britain had invaded Iran from Baluchistan, Basra and Baghdad, while Russia went in from the Caucasus, between the Black and Caspian Seas, and published this Editorial:

"Iran's point of view was that as a neutral it was not entitled to discriminate against the nationals of any one country. Its policy, it said, was to ask all foreigners who had no special occupation, as well as those whose positions could be filled by Iranians, to leave. Since the British representation had been received..., said the Iranian Government, this policy was being carried out with greater care and speed than previously. Britain and Russia refused to accept this statement of Iranian policy as satisfactory, and Red troops were sent across the border yesterday at the same time as British forces entered from Iraq, the Persian Gulf, and India, to enforce the demands.

"The position of Iran is one of great strategic importance in the Middle East at the present time... Its occupation by British and Red forces will join up the recently occupied Iraq and Syria with India to the east and with Soviet Russia to the north. It is... very rich in minerals, agricultural products, and oil... It is not likely... that Iran will be able to offer any great resistance to the two big Powers whose armies are now advancing into the interior from the north, south, east and west."

A British statement, justifying the aggression, said that:

"As in other neutral countries... the German community would be employed at the appropriate moment to create disorders to assist German military plans, and the fact that Germans in Iran occupied so many positions in industry and communications gave them unique facilities to do so... A proposal was made to meet Iran's special needs, by which a few German technicians engaged on specially important work might be retained temporarily, the two Governments to assist in finding experts in

place of the Germans.

The reply showed that the Iranian Government was not prepared to give adequate satisfaction to the recommendations, and that Britain and Russia must have recourse to other measures to safeguard their essential interests.

These measures are in now way directed against the Iranian people", the statement concluded. "His Majesty's Government have no designs against the independence and territorial integrity of Iran and any measures they take will be directed solely against the attempts of the Axis Powers to establish control of Iran."

The Soviet position was described as follows:

"A Note handed by Molotov, the Soviet Foreign Commissar, to the Iranian Ambassador at Moscow, stated that 'in view of the persistent activity of German agents in Iranian territory directed against the security of the USSR and the refusal of the Iranian Government to take measures against these activities, the Soviet Government deemed it necessary to order Soviet troops to enter on the territory of Iran.'

The Note set out the measures taken since 1918 to strengthen friendly relations between the two countries and to promote Iranian prosperity.

The Russo-Iranian Treaty of 1922 gave Russia the right to occupy Iranian territory in the event of the failure of the Iranian Government to prevent a foreign Power hostile to Russia establishing itself in the country."

27th August: *Iranian Oilfields Captured. Anglo-Russian Advance.*

Iran was at this time surrounded by the Allies, who invaded it from all points in the compass. The notion that a few hundred Germans in Teheran constituted a threat to the British Empire and the Soviet Union was absurd. But, when you invade a country in your own interest, it is only decent to pretend otherwise. That was a bit of good manners that the Soviet Union learned from the British Empire. (About 15 years earlier Stalin had published an article in praise of the British way of doing these things—of always acting under a defensive camouflage.)

Control of Iranian oil was part of the reason for the invasion. Iran was not to be allowed to profit as a neutral from the increased demand for oil. The cause of the Allies was sacred. Everything else in the world was legitimately subordinate to it.

This sacred Alliance, whose actions were morally unquestionable, was two months old when it conquered Iran.

Britain had been at war for two years, and had been "*standing alone*" in its own War for more than a year. Preparations for the conquest of Iran had been made before the Alliance that conducted the invasion had been formed. The sacred alliance of capitalist Imperialism and Communism came about as a consequence of the German invasion of the Soviet Union. If Britain had proceeded with the invasion of Iran after subjugating Iraq in May, it would have been countered by a hostile Russian invasion. Russian preparations for such an invasion had been made and it was rumoured that propaganda material distributed by Russia in its collaborative invasion with Britain was produced on the assumption that it would be countering a British invasion, and declared that Russia had come to protect Iran from Imperialist conquest.

The invasion of Iran by Britain and Russia was a virtual certainty. Because of the German attack on Russia in June there was a collaborative Anglo-Soviet invasion, instead of a blocking Russian invasion to counter a British invasion.

Britain no longer stood alone in its own War. It had gained a powerful Ally—but after that the War was no longer its war. Whatever its purpose had been in going to war in September 1939, that purpose was no longer operative after June 1941. It had secured a powerful Ally—but this Ally was the fundamental enemy of the 1920s and 1930s, against which it had supported Fascism and Nazism.

The defeat of Germany by an Anglo-Soviet alliance could only bring Anglo-Soviet antagonism to the centre of world affairs as a naked and direct antagonism without the buffer of Fascism between them. But in the short term there was an Alliance between them, and the British Empire had weakened itself so much by its bungling foreign policy as the World Super Power for a generation after 1918 that it had no alternative to supporting Russia for the time being. So there was the co-ordinated invasion to take control of Iran, which established a *de facto* land frontier between the British Empire and the Soviet Union and made them good neighbours for the time being.

After the defeat of Germany, the revival of the Anglo-Soviet antagonism ensured that both Powers would vacate

Iran. But, when Iranian national development resumed and Mossadegh's Government acted to put Iran in control of Iranian oil, arbitrary government was restored by an Anglo-American coup in 1953. In 1979 Iranian independence was restored by the Islamic Revolution. And now the US and the EU are making propaganda preparatory to yet another invasion of Iran—on the grounds that Iran is on the verge of becoming capable of defending itself—i.e., of acquiring nuclear weapons, which have become the only effective means of defence.

It is unlikely that, if the invasion threat is carried through, it would be under a UN mandate. It will be action by a "*Coalition of the willing*", as in the case of the destructive invasion of Iraq in 2003. And, by closing its Embassy in Iran, this Irish Government has acted pre-emptively to make itself part of the Coalition Of The Willing before the event, thereby encouraging the event to happen.

P.S. In 1941, after Iraq and Iran had been dealt with, Churchill made a petulant comment on them. We do not have his words to hand, but they said in effect that Britain had given good honest names to those countries and the natives had no right to give them fancy new names that nobody could remember—Was Mesopotamia Iran and Persia Iraq, or was it the other way about?

A Word From The Editor

An Irish History Magazine

Readers will have noticed the major new sub-title in this issue of *Church & State*: *An Irish History Magazine*. There are a couple of reasons for this. One is that, for a number of years, the magazine has dealt increasingly with historical matters. Another is that the State, governed by the Blue Shirt/Lapsed Republican Coalition, has withdrawn its Ambassador from the Vatican and degraded that diplomatic function into a minor Civil Service post, located in Dublin—putting one in mind of De Valera's degradation of the British Governor-Generalship in 1932, though raising a strong doubt that the outcome will be as fruitful.

The Church has been put in its place and it seems that its place is nowhere.

When this magazine was launched almost forty years ago, the Church was

cock of the walk in the Republic. We set about disputing public ground with it. In that dispute we got no support from the parties that have now snubbed the Vatican on an entirely spurious issue of national independence.

The Catholic Hierarchy was then *de facto* an integral part of the State, as the Anglican Church had been of the British State for many generations. But the British merger of Church and State was based on principle. Protestantism merged Church and State in a total nationalist regime, and condemned Catholicism for being international.

The British Protestant regime sought to use the international Roman Church (which it was its mission to destroy) as a means of curbing nationalist development in Ireland.

Although the international concerns of Rome did conflict in some degree with nationalist developments in Ireland, and did coincide in some degree with British Imperial affairs, Rome had been for many centuries negotiating its way through such conflicts, and it made space within itself for nationalist development in Catholic Ireland.

The Roman Church also carried within itself from its origins the distinction between Church and State. Protestantism, as nationalist religion, negated that distinction.

The abnormal position held by the Catholic Hierarchy in Ireland after the establishment of the Irish state was in no sense a Roman imposition, as the present Government asserts. Rome was deprived of any semblance of temporal power long before the Irish state was established. The Pope was "*the prisoner in the Vatican*" for half a century, during which the Irish Republican movement was developing and the state was being established.

It was the British administration that placed the Church in positions of institutional control in Ireland. And this institutional control was enhanced when Britain, when it was obliged to withdraw from the greater part of Ireland, succeeded in bringing about a 'civil war' amongst the Irish in the course of leaving. In this 'civil war' the strong component of the nation, which had shrugged off excommunications by the Hierarchy during the War of Independence, was beaten down by British arms, and was excluded from affairs of State while the institutions of the Treaty State were being filled out.

If the party that has now withdrawn the Irish Ambassador from Rome had

not allocated to the Catholic Hierarchy the position over which it now denounces Rome, Rome could not have imposed it.

One of the first tasks of this magazine in the 1970s was to work out and popularise an idea of the distinct spheres of Church and State, and then to enlarge the secular sphere through agitation.

The early issues carried a series on *The Rise Of Papal Power In Ireland*. It was greatly resented. We explained that the Church as it existed was of very recent origin. It was a creature of the Union. That idea was treated either as subversive or as a provocative paradox. But, now that Church has gone, and those who were afraid to think that thought forty years ago are indulging themselves in wilful humiliation of Rome by appointing an Ambassador who will stay at home in a civil service office.

The other reason for which *Church & State* has become a history magazine is that a history magazine is needed. The declaration of independence from Rome is not the act of a vigorous national development. It is more a symptom of national collapse.

There are currently two publications which claim to be Irish history magazines. One, *Irish Historical Studies*, seems to be produced for a closed academic market. And one of its joint Editors is a British militarist historian. The other, *History Ireland*, could not survive without the patronage of the influential revisionist stratum in the Universities and is conducted accordingly.

The magazine will continue to carry on its general cultural remit, including commenting on Church/State issues in addition to its enhanced role in the history sphere.

THE BLACK WIDOW ALSO HAS HER CHILDREN

They meet at the airbase, wives and children, husbands and fathers who have killed families but in their own see no facsimile for from cockpits they need death to extend the demise of a nation through babes-in-arms and with those sanctions the hungry child kills the patriotic struggle, the parent's will and those sick left with only stones to farm. So, at an airforce base in the U.K. they grasp their child to a chest of medals, Iraq, Afghanistan, Libya convey the mortgage will be paid, fuck the devils, they will keep for old age, then must obey the flag, patriotism that won't backpedal.

Wilson John Haire
5th January, 2012

Eoghan Ruadh Ó Súilleabháin

Barántas an Hata

(A Warrant against somebody who stole Eoghan Riadh's hat)

Conntae Chorcaighe mar aon le mór-chúird Éireann go huile

Le hEoghan Ó Súilleabháin, bile binnbhriathrach beath-mhúinte agus file fathach fíor-eólach foghlumtha, agus aon de cheart-bhreitheamhnaibh na suadh-dáimhe 'san chinntae réamh-ráidhte agus Leithe Mogha mar an gcéadna:

Ag seo órdughadh fuinneamhail féidhm-láidir fíochmhar foirtil fíor-arrachtach nimhneach neartmhar namhaideamhail neamh-charthannach cródha calma cath-bhuadhach ríoghda rathmhar réim-díreach séimhsultmhar so-thuigsiona rúnmhar reachtmhar ró-thighearnamhail créachtmhar ághmhar úr-mhaiseach dlúthmhar dána dásachtach. Chum gach uile chonstábla, bum-bháille, mór-mhaor, taistealach, agus feadhmannach fórsamhail, fíor-fhorránta do bhaineann le cúirt shochnraigh sobhéasaigh shaoitheamhail shoineanta sholas-bhriathraigh na ndámh-scol ndántach ndeagh-shomplach. Agus chum Eoghan Mhic Pártholón Uí Shúilleabháin go sonnradhca agus a lucht cabhartha.

County Cork along with the grand circuit of all Ireland. by Eoghan Ua Súilleabháin, a well-spoken, highly learned stalwart and philosophic, truly knowledgeable, educated poet and one of the true judges of the gentry of the aforesaid county and of Mogh's Half (Munster) likewise.

Herewith an official order of strongest force, fierce, mighty, truly monstrous, deadly, powerful, hostile, unfriendly, brave, valiant, conquering, royal, statutory, lordly, wounding, valorous, freshly crafted, compact, bold, dauntless; to every constable, bumbailiff, high steward, emissary, and forceful, unlisted official of the established, exemplary, genteel, serene, verbally enlightened court of the literary schools of poetry, and specifically on behalf of Eoghan son of Partholon Ua Súilleabháin and his associates:

A éigse is suadh Shléibhe Luachra, éistidh linn-na seal
I laoitibh éifeacht díbh go léighfeadh fé mar scríosadh me;
Foghlaidhe tíre tháinig araoir, 's óm thaobh gur goideadh leis
Hata fáinneach cumtha céardach péacach uilleannach.

Bhí sé maiseamhail éadtrom dathamhail,

fé mar thuigmse

Is bannda síoda casta 'na thimcheall -
céim nár bh'iongnadh
Ba bhreágh í scéimh is bláth gach aoinne
fé na dhulie sin
Lonnrach lasmhar cúmhra cneasta
caomhna cumannach.

O most learned poets of Sliabh Luachra / listen to me for a while / so that I may relate to you in powerful verse / how I came to be destroyed / A highway robber came last night, and from my side he stole / A hat—beautiful, shapely, tailored, peaked and cornered.

It was handsome, light, colourful, as I understand, and a silken band all round it, a feature one would expect / Wonderful would be the appearance and glamour / under its leaf / luminous, brilliant, fragrant / kindly companionable.

Seo an hata gan bhréag fá ndeara do
Dhéirdre threig Rí Uladh seal,
Taitheamh a chroidhe do thabhairt do
Naois an tráin-fhear curanta
Fé mar aithrisid fáidhe an tseanchais i
n-éachtaibh iomaidhe
I gcathaibh na Craoibhe threascair na
mílte laoch gan toirmeasc.

'Sí scéimh an hata seo an chéim fá
ndeara do Hélen cumann searc
Do thabhairt do Pháiris go cathair
Phriaím ón nGréig gur imthigh leis;
Seo an t-adhbhar 's an fáth d'fhúig
Aichill is Áiacs faon, is iomad flath
Is Hector cródha i ruagaibh comhraic
do thraochadh truípeanna.

Is é ba dhíon is éadach cinn ar phlaosc
Chú Chulainn seal,
Blánaid mhaordha an tráth do thréig a
céile cumainn dó;
'S ar Iason féin do ghluais le laochradh
tréin-fhear curanta
Lomradh an óir ó Chalcis ar bórd don
Ghréig go rugadar.

This is the hat, without a lie, that caused Deirdre / who once left the King of Ulster / to grant the devotion of her heart to Naois / the chivalrous, strong hero / as the bards of folklore narrate / in feats of rivalry / Who, in the battles of the Branch defeated thousands / of warriors, without setback.

The beauty of this hat was what caused / Helen her love / to give to Paris to the city of Priam / so that he departed from Greece / This is the cause and reason that Achilles and Ajax were left prostrate, also many

nobles / and brave Hector who in routs of conflict defeated hosts.

It was the cover and head-clothing / on the skull of Cuchulainn once / at the time when gracious Blánaid deserted / her loving husband for him / And on Jason himself who went with a band / of valiant, brave men / the golden fleece from Calcis by ship hey took to Greece.

'Sé bhí ar Hercules féin do smachtuigh
an saoghal gan bhéim gan toirmeasc,
I ruathar ármhaigh Chonaill Cheárnaigh
fé do tugadh leis;
Is dearbh gurabh é bhí ar chloigeán
Orphéis nuair aontuigh Luicifer
An chúil-fhionn tais do thabhairt tar n-
ais gan bhéim ó ifreann.

Is é néamhuigh clódh mhic Maoil na
mbó thug Gaedhil go huireasbach
Fá shúistibh Gall go dúr-chroidheach
gann, gan réim ná cumas nirt;
Is é bhí ar Dhiarmuid i ngoradh na
ngliadh do thraochadh iomad fear,
Tré a dtug Gráinne cumann is páirt tar
aon den bhfuirinn dó.

It was on Hercules himself who conquered the world / without injury or set-back / in the battle-charge of Conall Ceárnach / under it it was brought / For sure it was on the noggin of Orpheus / when Lucifer agreed / to bring back the gentle beauty / unhurt from Hell.

It beautified the appearance of Mac Maoil of the cows / who caused harm to the Irish / under the flails of the foreigners, downhearted and poor / without power or means of strength / It was on Diarmuid in the heat of battles / who used to slay many men / so that Gráinne gave her love and affection / to him above any one else of that band.

Ca taitbhe dhamh-sa a mhaitheas do
chómhaireamh d'éis a ghuidighthe?
Is gur bh'álainn gleoidhte sásta an tseoid
é ag saor-fhlaithe chumasach;
Níl ainnir ná bé do dhearcfad an té ar a
suidhfeadh seal
Ná tabharfadh searc rún is gean a
chléibh 's a cumann dó.

Is cráidhte céasta támhach lag tréith mé
ina éagmais uireasbach,
Is mo ghéaga siubhail gan léim ná lúth
's is faon mo chuisleanna;
D'imthigh mo ghreann, do chailleas mo
mheabhair, do chlaochlaigh m'inchim,
Go dtáinig óig-fhear cúmhtha córach
béasach milis ceart.

I ndé dom láthair, is tug an mánuil do
réir a thuigsiona,
Go bhfuair fárdal uaidh is fáth cé an
taobh 'nar imthigh sé;
Thugas-sa órdughadh fuinneamhail
fórsach fraochmhar fuirmleach
Uaim i n-éiric, fé mar léightear ins na
Laoidhthibh seo:

What use is it to me to count its virtues /
after it is stolen? / And it would be a
lovely, comfortable jewel / on a capable,
noble gentleman / There is not a maid or
lady who would see the man / on whom it
sits for a while/ who would not give love,
yearning and affection / of her heart, and
her companionship, to him.

I am tormented, vexed, downcast, weak,
despondent / in woeful want / and my
walking limbs without energy or agility /
and my pulse is faint / My good humour
departed, I lost my mind / my disposition
changed / until a proper, well-set-up young
man arrived / civil, agreeable, true.

Yesterday in my presence, he gave the
prayer book / of his own persuasion / so
that I received an account from him, and
the reason why / it left / I gave an urgent,
forceful order, fierce, formal, from me in
retribution, as is written / in these verses:

As I am informed that pilfering roving
rakes *gan dearmad*,
*Juris quoque contempores, fé mar
mheasaim-se*,
Nightly strollers haunt these borders,
déanfáidh faire cheart
To apprehend aon chladhaire falladh-
thach feil
Den chlaon-sprot chealgach.

*Cuarduighidh maol-chnuic, choillte,
caotha, sléibhte is curraighthe*
Ó Choim na gcaol-fhear go Baoi
Bhéarra is go hUíbh mac Caile soir
Ó imeal Fionn-trágha go Sionainn na
mbarc is go fíoraídhíbh Mhuísire
'S i mbrogaíbh aolbhaigh ó chois Féile
síos go Luimneach

As I am informed that pilfering roving
rakes—and no mistake! / also despisers of
law, in my opinion / nightly strollers haunt
these borders, keep a good lookout / to
apprehend any chancy, criminal rogue of
the treacherous, deceitful rabble.

Search out the foothills, woods, bogholes,
mountains and moorlands / from Camp of
the fine men to the Bay of Beara and east
to Imokilly / from the coast of Ventry to
Shannon of the ships and to the ridges of
Mushera / and in whitewashed mansions
from Fealeside down to Limerick.

Cuardaigh póirsidhe, poill is
seomraidhe, is féach i gcupardaibh
Ná fág bÁCús, lochta, ná parlús saor
gan briseadh dhó
Siubhail gach seiléir is cúinne sinnéidh
ó is é is sailighthe
Scartáil airgid is cófraidhe daingeana,
is réabaidh glaiseanna.

Ar fhagháil an tséithligh d'fhág mé i
ndaor-bhruid fé mar inniseas
Léithrigh ríghne déanaidh d'fígheadh i
gceart ar a chuiseanna
Tugtar an scrúile chum na cúirte ar
adhastar chugham-sa

Go stollfad go prap an croicheann le
hairc ón bplaosc go troighthibh de.

Más 'na seomra ag mnáibh óga
gheobhair an hata so
Déan a gceangal go diachrach daingean
le cuibhreach gadaraigh
Má ghnidh gearán ar a gcruadh-chás
tabhair faobhar bata dhóibh
Is muna ndéanfadh-sa léirscrios fola ar
an dtréad sain, déan a chasadh liom.

Search porches, holes, and rooms, and look
in cupboards/ do not leave a bakery, loft
or parlour free without breaking into it /
Walk every cellar and chimney corner
which is filthy / Clear out ruins and strong
cupboards and smash locks.

On finding the wretch who left me in a
bad way as I declared / weave stiff
manacles correctly on his wrists / Let the
waster be taken to court / isIn a halter
before me / until I briskly tear the skin,

with voracity off him, from his skull to his
feet.

If in a room with young ladies you find
this hat / tie them up painfully and tightly
with hobbling fetters / If they complain of
their hard situation give them the edge of
a stick / And if I do not inflict bloody
destruction on that gang, inflict it on me!

Ag so Barántas dhuit, a bhráthair, gan
baoghal, gan toirmeasc,
Is leigfead mo láimh go tapa ar a sháil
Is séala m'oifige; cuir gach ponnc de i
n-execution, i bpéin do ghortuighthe
Ag dlí na suadh is na ndraoithe suairce
saothrach socharach.

Herewith a warrant for you, brother, with-
out danger or hindrance / and I shall set
my hand swiftly at the foot of it, and the
seal of my office / Put every point of it in
execution, on pain of injury to you / by the
law of the savants and the illustrious bards,
diligent and beneficent.

Séamas Ó Domhnaill

Eoghan Ruadh Ó Súilleabháin
1748—1784

Aspects of his Life and Work

Part 5 and a Half

An Barántas (continued)

Dear reader, just a few brief notes
regarding *Barántas an Hata*. Pádraig Fian-
nachta states that we can be certain that
Barántas an Hata was written by Eoghan
Ruadh because of the reference to "*Eoghan*
Mhic Pártholón Uí Shúilleabháin" in the
opening prose address. This is the only
reference I have come across to his father's
name: *Pártholón*. I wonder would it
have been anglicised as Bartholomew.

Crimes mentioned in the various
Barántais included withholding of pay,
bad workmanship, quack doctoring,
seduction and interference with courting.
By far the most numerous however was
common theft: a manuscript, a pair of
shoes or, in the case of *Barántas an*
Hata, a magnificent hat. The qualities
of the stolen object are highly praised.
For example a certain book was stolen
from Donnchadh Ó Buachalla which
contained *Fiannaíocht* (Fenian Stories),
the "*Battle of Ventry*" as well as other
stories about the Red Branch Knights,
History and Romances.

It is usual to list the places which
were to be searched in pursuit of the
criminal. I think Coim refers to a place
know in English as "*Camp*". The official
placenames database, *logainm.ie*, lists

three places known as "*Camp*" in Kerry.
It would be great if the one in question
was the one on the Dingle peninsula.
Then I could tell you all about a priest I
knew once in West Africa named Matty
Murphy. He belonged to the Holy Ghost
Order and was a *Gaelgóir* and a mission-
ary of the old school. He could keep you
up for hours with stories of Biafra. It is
more likely however that the *Coim* in
question is a townland located near
Castleisland. Perhaps it was the home-
place of one of the "*éigse is suadh*
Shléibhe Luachra". The baronies of
Corca Dhuibhne, Uíbh mac Caile (East
Cork) and Connello (West Limerick)
were all once strongholds of the Fitz-
geralds of Desmond.

The hue & cry is directed amongst
others to the Bum Bailiff. Here is a nice
definition:

"A sheriff's officer, who arrests debt-
ors; so called perhaps from following
his prey, and being at their bums, or,
as the vulgar phrase is, hard at their a-
ses. Blackstone says, it is a corruption
of bound bailiff, from their being
obliged to give bond for their good
behaviour" (Francis Grose, *Dictionary*
of the Vulgar Tongue, 1811).

Maybe the first ten verses were sung

to a slow air. A change may have taken place from verse eleven perhaps to a jig tune. Verse eleven also has examples of macaronic verse in more than one language. *Barántais* which were written in the 19th century were more likely to be in macaronic form.

Sources:

Pádraig Ó Fiannachta: *An Barantas, An Sagar*, Má Nuadh 1978. Fr. Ó Fianachta

has edited a total of 70 *Barántais* including 5 by Eoghan Ruadh himself in addition to Maurice Griffin's warrant against him.

Damien Ó Muiri: *An Cúlra Dlíthiúil leis an Bharántas*. In Máirtín Ó Briain & Pádraig Ó Héalaí ed. *Téada Dúchais—aistí in ómós don Ollamh Breandán Ó Madagáin*. Cló Iar Chonnachta, 2002.

Pat Muldowney: *Eoghan Ruadh Ó Súilleabháin – Na hAilsingí*, Page 28. Aubane Historical Society, Millstreet, 2002.

Eoghan Rua Ó Súilleabháin: Danta / Poems With translations by Pat Muldowney.

Supplementary Material by Seamus O'Donnell and others. *Eoghan Rua Ó Súilleabháin: Collected Writings, Vol. 2*. 230pp. Index. Aubane Historical Society, 2009, €20, £15.

<https://www.atholbooks-sales.org>

Stephen Richards

An Excursion Around Sean O Riada

Usually on a Sunday evening at ten on Radio Eireann you can catch *The Rolling Wave* with Peter Browne. This is a sort of traditional music miscellany, and for me it's the last oasis of the week-end. Since about the third week of November (and I don't know how many weeks this is going to go on), they have been re-broadcasting a series of lectures given by the late Sean O Riada in 1963. Each lecture is introduced and set in context and at the end there's some discussion with the studio guest, who on one occasion was O Riada's son. All the programmes I have heard so far have been dealing with different regional styles of *sean nos* singing: Connemara, Waterford, east Munster and so on. Each lecture is illustrated by examples of pure and less pure performances; and O Riada plays different variations on the piano.

As can easily be imagined this is all quite gripping, for several reasons. For one thing it's fascinating to hear the careful, clipped tones from nearly half a century ago, making few concessions to the demands of 'accessibility', speaking at a time when this form of singing seemed to be on its last legs. And I've found myself listening as if putting myself in the shoes of O Riada's first hearers. The traditional music community of those days must have been puzzled to encounter this type of critique, or explanation. For most of its history Irish music hasn't needed to explain itself. Those involved in it didn't need the explanations, and not many outsiders were all that interested. Skills were picked up by a sort of osmosis. In those days the joyless discipline of ethnomusicology hadn't been thought of. Still, I'm grateful for O Riada and many like him since, who have built bridges for people like me to explore what is after all our musical heritage, even if we weren't brought up to it.

If Not European . . .

But what I've found most striking about these lectures is O Riada's habit of contrasting Irish music with "European" music. This contention wasn't entirely new to me, and I don't know whether or not it originated with O Riada. For all I know it's a commonplace observation and wasn't anybody's eureka idea. In some of the post-lecture discussion I detected a certain resistance to the proposition that Irish music is essentially different from European. That could mean that there has been a reaction over time to what seemed like an exciting idea fifty years ago, or it could just mean that Irish music, like lots of different musical genres, jazz for example, simply defies easy categorization.

Whatever weight we choose to place on it, the concept is surely intoxicating, to think that we march to a different drum from the whole western musical canon, that somehow a pure form of differently-sourced music has been preserved here on the fringes of the great European musical movements of the last five hundred years or so. Various aspects could be picked out: the strong melodic line and lack of interest in harmony, counterpoint etc. which characterise Irish music, the lack of dynamic contrasts, and the common occurrences of modal keys. (It may be obvious by this time that I'm talking about things I don't know much about.)

By European I think O Riada must mean "Western", which again I think is shorthand for the whole Austro-German baroque, classical and Romantic line of musical development. At some points he makes this clearer when he contrasts the multi-stanza *sean nos* type of singing, with its infinite variations among stanzas, with the typical classical symphony. This is what I'd never heard explained before,

or so simply, and so I hope those readers who know about this will bear with me. What you have in your classical symphony tends to be the alternate development of two contrasting themes. The tension between the two continues to mount until it comes to a head in the fourth movement, and this is followed by a catharsis, after which there is a resolution or reconciliation in the fifth. According to O Riada the classical composers took this method of composition direct from ancient Greek drama, as of course did Shakespeare in his plays. But what he insists upon is that this musical method is wholly foreign to Irish music.

So, if we're not European or Western, what are we? I didn't hear O Riada say what we were, but the answer that's usually given is that our music is Indo-European in origin. This term may itself have fallen out of fashion, as it tends to raise associations with the Aryan races who conquered India and Persia, and with the race ideology of the Nazis. We don't like to think of big racial blocs like this. (An exception is the BBC which seems to use the descriptive format "Asian" as a substitute for "Pakistani". All one can say is that there are a lot of Asians in and out of Asia, so the substitution isn't very descriptive.)

Why are the Irish Indo-Europeans so different from the Indo-Europeans who formed the core of European ethnicity? Maybe because the Irish Celts were so cut off from all the other influences that were milling about that they clung on to archaic forms. This is really a big mystery, but there seems to be something in it. All you have to do is close your eyes when you're listening to a set of Irish reels being played, divorce yourself from the names of the tunes and of the performers, and, if you like, from the smell of peat and wet tweed, and just focus on the pattern of the music. It doesn't sound so very different from Indian.

Sea-Changes

In a word, there's something non-

teleological about Irish music; it's like a celebration of the eternal present, and aims for the same kind of effect as that achieved by Irish art and sculpture in the pre-Christian and early Christian eras. This is where I get really out of my depth, but the prevailing idea I think is one of the repetition of patterns. As O Riada points out, in common with the authors of *Genesis* and *Ecclesiastes*, the world is made up of recurring patterns. Every day is a repetition of the day before, but every day is still subtly different. That's why Irish traditional musicians keep playing the same tunes, but never play any "the same way once"!

The mention of reels leads on to the acknowledgment that the reel isn't a native Irish musical form, but was an import from Scotland at some stage. This doesn't change the argument though, because nor were most of the other characteristic types of tune, such as hornpipes, polkas and mazurkas. Mazurkas are particularly interesting. The mazurka, originally Polish I think, was a very popular dance all over Europe in the early nineteenth century, and made its way to Ireland presumably on merchant ships. The inhabitants of Donegal latched on to the mazurka and wouldn't let it go, so two hundred years later the mazurka is nearly native to Donegal, whereas it has been largely forgotten everywhere else.

In adopting these other types of tune the Irish transformed them into their own image. Irish reels have the same rhythm as Scottish, and many originally Scottish reels have found their way into the Irish repertoire, yet there's something subtly different about the way they're played in Ireland. I sometimes think there's some other kind of rhythm going on at the same time as the obvious rhythm. Those who know about these things talk about the emphasis being laid more on the off beat, but this is a Scottish phenomenon too. To me it's as if the Irish reels sound faster, even though in actuality they may not be, and also more hypnotic.

Musical Apartheid

Brendan Clifford too has commented on the centuries-long apartheid between Irish and mainstream European music, which he puts down in large part to the impact of the Penal Laws. Irish Catholics had no official existence, let alone any opportunity to interact with what was going on elsewhere in Europe in the eighteenth century, which was the great age when baroque was gracefully giving way to Haydn and Mozart. As a result the Irish musical tradition dug a channel for itself that was deep but narrow. This

is certainly true, but the mischief may lie even further back, with the destruction of the native Irish aristocracy in the previous century. The demise of the hereditary chiefs was accompanied by the demise of their hereditary harpers. By the time of the Belfast Harpers' Convention of 1792 the surviving harpers were a sorry bunch indeed, virtually beggars, and with an average age of about 82. The harp and the uilleann pipes were once the supreme instruments in the Irish musical firmament and, despite some twentieth century resurgence, they have never recovered their dominance. The snuffing out of the native system of patronage must have led to the loss of many tunes that simply failed to be passed on, not counting the tunes that failed to be composed.

The California-based Scottish fiddler Alasdair Fraser has a theory that a similar kind of extinction took place in Highland Scotland at the time of the clearances. Pipe music was largely taken over by the newly-formed Highland Regiments of the British Army, and was in a way sanitised. At the same time there was a more formal European-influenced musical movement taking place in the eastern Counties of Scotland, all of which meant that Scottish Gaelic music was squeezed out. It then took on a new life in the Highland settlements of Nova Scotia, where some of the traditional forms were preserved. There are contrasts and similarities with the Irish experience.

The Great O'Carolan

Only one really great figure emerges from the mists of Irish music before modern times. The blind harper Turlough O'Carolan was born I think around 1670 somewhere in Co. Meath, and died in 1738, four years before Handel's *Messiah* had its first performance in Fishamble Street in Dublin. Brian Keenan wrote some kind of fictionalised biography of O'Carolan seven or eight years ago, which I tried to read, and cites him as one of the influences that kept him going during his Lebanese incarceration.

O'Carolan gives us a hint of the blossoming that Irish music could have experienced but for the suppression of the clan system, the Penal Laws, the poverty of the peasantry, and so on. He travelled about from Big House to Big House, playing and composing for his supper. According to rumour, the quality of his compositions was in direct proportion to the respect with which he was received. There's a whole book of O'Carolan airs. Some of the best known, such as *Blind Mary*, are rather like other slow airs, but many of the others have

something of the big wide European world about them. They possess a European stateliness as well as characteristic Irish pathos. The most famous of the more European-sounding compositions is probably *O'Carolan's Concerto*, which he composed apparently in a short space of time just to show he could compose in the European high art manner; but it's still a tune that could only have come out of Ireland.

If there had been a few more O' Carolans, and if they had been exposed to the music of Bach and Handel, and in turn had influenced the baroque style, what would have been the outcome? Would this have been the ultimate fusion? It might have been for the best that it didn't happen, because the pure Indo-European strain that O Riada was talking about might simply have been swamped. We'll never know now.

Ethno-Musicology

For better or worse there has been plenty of other fusion as Irish music has gone out to seek its fortune and has become another branch of what goes under the name of "world music", another term that makes my heart sink. The music the Scotch-Irish took with them to the southern Appalachians had a strong Irish heartbeat. Their minor and modal "murder ballads" run in a more or less straight line on to Hank Williams and Johnny Cash (and, I suppose, to various less musically-reputable successors). Stephen Foster brought Scotch-Irish sensibilities into the drawing room. And Scotch-Irish fiddle music developed into Old Time and, later, Bluegrass genres. Bluegrass can possibly be defined as Old Time that has got out of the hills and been exposed to jazz.

Maybe it was its very backwardness, uncontaminated by the mainstream, that enabled Irish music to take over the world. The influence of the Clancy Brothers on early Bob Dylan has been variously acknowledged. Twenty years ago the *Bringing It All Back Home* television series traced some of these major connections. Take away the Irish, the Blacks and the Jews (and, I would argue, the Canadians), and there wouldn't be any American musical tradition to speak of. Leaving aside the Canadians, we have three ethnic groups here that were just emerging in the early twentieth century from long periods of oppression or subjugation.

When this Celtic musical renaissance did eventually take place across the Atlantic it was so powerful that it rejuvenated the native Irish traditions from which it had emerged. I think the first real anthology of Irish music was the O'

Neill collection, *1001 Gems: The Dance Music of Ireland* of a hundred years ago, compiled by "Chief" O'Neill of the Chicago police. It was more or less a case of all the tunes the emigrant community could remember. Even though there has been a huge number of collections made since then, O'Neill's still seems to be the basic book that most people have. So, even if some of the tunes were unconsciously Americanised, these versions have now gone native again.

In the same way, the first really famous Irish fiddlers, James Morrison and Michael Coleman, made their names in America in the 1920s. The latter's scratchy recordings made their way back home and were nearly too successful, as his Sligo style became the model for aspiring followers, and other regional styles tended to be marginalised till fairly recent times. For most people the Coleman style was Irish fiddling.

Spoiled For Choice

Of course this is one of the problems with instant access via the Internet to all kinds of musical largesse. On the one hand there's too much diversity, and on the other maybe not enough, but instead a tendency towards a sort of blandness, a flattening out, as musicians dip in and out of various styles. The naïve energy of the men—usually men—who just played the one style, because that was all they knew, gets lost among all the sophistication. A lot of the playing may be technically better but the heart and soul has gone out of it. It's the same kind of thing that happened when people learned to read music. They could sit at home with the sheet music rather than make the effort to follow their favourite local musicians and learn the tunes direct.

By a circuitous route we seem to have got back to Sean O Riada. I'd have liked to say something about the otherwise admirable American singers who make a fetish of things Irish in a dreadfully syrupy way; about "*Irish*" country music (step forward Philomena Begley, Daniel O'Donnell, Susan McCann etc.); and about the burgeoning Irish singer-songwriter movement, which is I suppose literally a movement, often involving relocation to America, or at the very least going off to Nashville every few months to take part in songwriting teams. This last is a peculiar concept indeed.

But I hope that I've said enough to stimulate everybody's enthusiasm to keep on exploring the mighty oak tree that grew out of the Indo-European acorn. Or didn't as the case may be.

Donal Kennedy

War Horse And Other Brute Beasts

The Steven Spielberg film *War Horse*, which opened recently has been hailed as a runaway success. Although I haven't seen the film, nor even read the book on which it is based, the phenomenon of the success has set me thinking.

In London's fashionable Park Lane stands an impressive monument. Impressive in size, presumably in cost, and impressive, too, in its implications. It is dedicated to Animals in War and arises from empathy with brute beasts. It has two inscriptions:

1. "This monument is dedicated to all animals that served and died alongside British and Allied forces in wars and campaigns throughout time."
2. "They had no choice."

It seems that there was not enough sympathy, empathy or compassion for equally unfortunate animals, with no greater choice, who served and died alongside or under forces which opposed British forces in war. The inscriptionists betray the narrow nationalism, chauvinism and racism of the sponsors.

It's disappointing to realise these attitudes survive in the Third Christian Millennium and that the monument was unveiled as recently as 2004. It was unveiled by the Princess Royal, (aka Princess Anne).

Up to the outbreak of the First World War, France remained in English sentiment the ancient and current enemy, and school textbooks celebrated Prussia's humiliation of France in 1871. German Bands and German Shepherd Dogs were celebrated and cherished and the House of Saxe-Coburg and Gotha reigned over England and Her Empire. The head of the House of Saxe-Coburg and Gotha, George V, was King of England and Emperor of India.

When England went to war with Germany a rabble-rousing, cynical journalist and fraudster, Horatio Bottomley, through ownership of the magazine *John Bull*, made life hell for anyone or anything which could be associated with Germanic origin. Innocuous German Bands were attacked, Dachshunds got kicked in the streets, German Shepherds had to plead that they had been hijacked, together with their native province, from the embrace of La Belle France, and wished to be known as Alsations. Not to be outsmarted by their canine compatriots, the Battenbergs transmuted into Mountbattens, and in 1917 King George V disowned his patrimony by re-

naming his House as the House of Windsor. Nearly a century later his Greatgranddaughter felt constrained to renounce those animals which served alongside the forces of his First Cousin, Kaiser Wilhelm II.

Hundreds of millions of human beings of many nationalities suffered death, injury and bereavement and displacement through war during the past century.

They had no more choice than the British and Allied beasts honoured in Park Lane. Many of the combatants were themselves conscripts, with little choice in the matter. Many of the British Conscientious Objectors were every bit as brave as their combatant compatriots and were savagely punished. Clement Attlee, who served as a Major at Gallipoli, had a brother imprisoned in Wandsworth Gaol for refusing to fight, whilst Irish Insurgents, including future President Sean T O Ceallaigh, were in the same Gaol. The Insurgents were much better treated than the Pacifists, and managed to contact MPs to intercede for them. In this case empathy and fellow feeling was not constrained by Chauvinism.

I don't believe there is a monument in the British or in the Irish capital to persons who were non combatants and who were killed in actions which they had no part in initiating. Thanks to Lord Saville's Inquiry it is now universally accepted that the fourteen people shot dead on Bloody Sunday and those wounded that same day were unarmed non-combatants, despite the (mistaken?) document asserting otherwise by a Paratroop Captain who went on to command the entire British Army, and despite the "*disobedient*" officer who led the homicidal action continuing to enjoy his Monarch's favour as a Member of the Most Excellent Order of the British Empire, an Order of Chivalry.

There are members of Dail Eireann, particularly in Fine Gael, who would not be chivalrous enough to honour those killed in Derry on Bloody Sunday, but who are most anxious to give homage to Irishmen in the British Army, killed on the Somme in 1916.

The carnage of the Somme was a terrible tragedy affecting all sides in the Battle. But the Irishmen there were not Conscripts. They were Volunteers. When they were killed they had rifles in their hands and homicide in their hearts. On the first day of the battle they had been led to believe that the artillery barrage which preceded their attack would have so weakened the German defences that their opponents would be almost as helpless as the demonstrators were later to prove in Derry.

V
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Unionist Stormont?
Anglo-Spanish Treaty, 1604
Martin McGuinness
Abortion
Erskine Hamilton Childers
The Real Bertie Ahern—And Olivia O'Leary!
Left Is Not Right!

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THE STORMONT EXECUTIVE'S First Minister has said Northern Ireland's future in the United Kingdom could depend on Catholics, wary of Ireland's economic woes, voting across the traditional divide.

In an interview with *The Times* newspaper in the UK (19.11.2011) DUP leader Peter Robinson also acknowledged that he might be Northern Ireland's last Protestant First Minister.

A 2001 Census recorded the Northern Irish population as 53.1% Protestant and 43.8% Catholic, with the 2011 Census expected to show a narrowing of the gap.

The Times cited a recent national audit showing that, when asked to state their religion, 54% of boys and 55% of girls described themselves as Catholic.

Figures out last month found that 49% of Northern Irish students at local Universities were Catholics, while 35% were Protestants.

Asked whether he could be Northern Ireland's last Unionist First Minister, Mr. Robinson said: "Yes, but the assumption behind your question is that the Catholic population will not vote for Unionist parties". He said that, following Ireland's economic downturn, a majority of Nationalists wanted to maintain links with the UK.

"What is happening in the Irish Republic is not appetizing (for nationalists). I think the more stable our structure, the more peaceful Northern Ireland is, the more it works as part of the UK, then the more people will think, 'Why on earth would we change?'"

ANGLO-SPANISH TREATY 1604— Philip III King of Spain and James I King of England:

"In August the man formally charged with closing the deal for Spain, the Constable of Castile, landed at Dover and the negotiations moved towards a

conclusion. The Constable was a realist, so much so that his presents for James—jewels from Antwerp—had been bought sale or return, in case the talks collapsed even at this late stage. As a realist he had stood out against making religious tolerance a condition for peace, believing, as he told Philip, that the Vatican was 'the true portal through which the affairs of the Catholics should be arranged'. The hallmarks of his realism were stamped all over the final peace treaty. It was a triumph for the diplomats. It had been hard fought. Money had changed hands and key members of the English Council, including Robert Cecil, would receive Spanish pensions for years to come in return for their willingness to negotiate. It had preserved just enough ambiguity in its phrasing to ensure that neither side felt it had compromised unduly. It had utterly failed England's Catholics." (*God's Secret Agents*, Alice Hogge, Harper Collins, 2005, p.323.

MARTIN McGUINNESS:

He may have failed to become President of Ireland but Martin McGuinness's gifted craftsmanship completely overwhelmed the former Emperor of Japan. An Irish Round Tower made of matchsticks by Martin McGuinness when he was a prisoner in Portlaoise in 1974 made €6,200 at Whyte's. A lacquered cigarette box once presented as a gift by the late Emperor Hirohito of Japan made €3,800 at Hegarty's in Bandon, bought on the internet by a collector in Hong Kong (*Irish Examiner Property and Interiors*, 19.11.2011.).

ABORTION:

"In London, people of good social standing seem to have no difficulty whatever in getting rid of undesirable additions surgically on the flimsiest pretexts. I am of course quite aware of the arguments in favour of legalizing

the operations; but... it is not my subject; and it is not a man's subject anyhow: the women must handle it, as it is they who claim the right, or repudiate it" (George Bernard Shaw, Letter to Muriel F. MacSwiney, June 8, 1931. *Collected Letters*, ed. Dan H. Lawrence, vol. 4, 1988).

ERSKINE HAMILTON CHILDERS:

"The first formal political act by Childers took the form of an address at a protest meeting in Dublin's O'Connell Street in 1923 against the address of de Valera by the Free State Government. Influenced, no doubt, by his late father's political ideals he said: "I shall fight tooth and nail against industrializing Ireland. Let her remain poor but let us never become complex. The people are simple and spiritual. That word 'prosperity', ugh! I shall not mind living in poverty if we can be simple... If we cannot live in prosperity, on agriculture, then let us be poor"... (Irish Independent supplement on the Presidential Election, 21.10.2011).

Erskine Childers was 18 years of age at the time. Childers attended Cambridge University.

"These powers are far in excess of those exercised by the ruler of the British Empire; they flavour more of Fascism or Hitlerism than of a democratic state which Eire is supposed to be."

1937: *Irish Independent* editorial about the idea of the creation of the office of President (ibid).

THE REAL BERTIE AHERN?— And Olivia O'Leary!

"He hid that anger well from journalists, but I remember realising early on, ever before he became Taoiseach, that he had a visceral dislike of *The Irish Times*. In the hospitality room after a television interview, we were talking about newspapers. And suddenly the smile disappeared off his face and he said meaningfully: "There's only three people buy *The Irish Times* in my constituency. We know who the first two are... and we're working on the third." Too late, Bertie. Too late."

Comment by Olivia O'Leary, broadcaster and journalist in *The Irish Times* (29.10.2011).

Ms. O'Leary does a weekly political column for *Drivetime* on RTÉ Radio 1.

Just before Christmas she announced on radio that she had left the Catholic Church two years earlier.

The "proximate reason" for her departure, she said, was "the extent of the institutional coverup of clerical sexual abuse".

Ms O'Leary explained that "the central reason" she left was "the continued refusal of the Church to accept the equality of women, in other words, to ordain us".

Back to Bertie:

"Paddy Duffy says the Ahern he knew had no interest in money. Ahern for him was devoid of self-importance, someone who retained his humility and modesty throughout his years in power. When asked to define the political ideology or vision that drove Ahern, Duffy says: "Bertie and all the rest of us would be driven by a broad, deep-seated Irish Christian democratic {view}: Catholic, not socialist, but doing the right thing in terms of promoting equality of opportunity and fairness. Bertie would have had that, and we all would have had that from our own background. My own feeling is that Bertie actually developed his views as he did things. He didn't come to the table with a set view of how things should be done, but the philosophy evolved through doing it, and at the end, when it was done, you could look back and say, 'Ah, my goodness me, look what he did with the Northern thing; he must have thought all that out from the beginning.' But in fact no: he developed that view as he went along with everybody else, as they went along together, and the philosophy was created, or the thought patterns or the objectives were brought together"... (Irish Times, 22.10.2011).

LEFT IS NOT RIGHT!

"Since the 1960s the only people allowed protest were the Left which they did against the nation state—its sovereignty, culture, race and laws.

"Then all that finally fell to global internationalism. Now the Left are out again—protesting presumably against this too.

"Or have they recognised that the nation state, its secure borders and national control are the only real protection workers ever had?"

Sean MacGreine Drumcondra,
Dublin 9 (Irish Independent letters,
19.10.2011).

A Protestant Gentleman's View Of The Trinity World

Molony' Riddle

John Chartres Molony (1877-1948) was a scion of the Protestant gentry of County Clare who had a typical career for one of his background: Trinity College and then the Indian Colonial Service for most of his adult life.

In 1927 He published *The Riddle Of The Irish*. The riddle was why his class, that in his youth had everything going for it in social and political terms, had by then disappeared and was left at the margins of the society they once dominated. He knew that the issue was not religious though always expressed in religious terms.

He was clearly more perceptive than his class as a whole. For example, he read and praised Canon Sheehan making the point that, though his novels dealt with religion, they were not religious novels:

"Sheehan's sketches of the Southern Irish peasantry and of their priests are well and truly drawn from life. Yet political and religious controversy, the subjects generally believed to engross the attention of every Irishman, find little place in Sheehan's pages."

He describes an apartheid-type society where all seemed essentially safe and permanent but was now gone. He describes the loss:

"The squires or squireens of my own County I now look back on with a half-whimsical pity. I do not recall them as bad men, but as men crassly unenlightened, as men utterly unable to grasp the significance of that which was happening about them, to understand its meaning. Each man isolated in his family "place", expected the world to stand still, and felt aggrieved when the world refused to do anything of the sort. A hundred years before the Irish farmer had been the serf, *adscriptus glebe*, and content to till the land for a bare subsistence, leaving the amenities of life to his landlord: fifty years before public office of profit, professional eminence, had been more or less a close preserve for those professing a particular form of religion, and that not the form professed by the majority of Irishmen. It was therefore

right that the agricultural serf, the Irish Roman Catholic, should remain each in his place, each content with unchanging conditions of a life to which God (presumably) had called him. I remember, though I am not so very old, the tempest of indignation that shook the "Protestant gentry" of Clare on the appointment of one Mr Gill to a high administrative post in a newly created public department. I do not think that Mr Gill's qualifications for his particular employment were in any way impugned; but he professed the Roman Catholic religion. Mentality such as this is probably incomprehensible by Englishmen. The tide of the world flowed past the Irish gentry, and I fear that it has left them high and dry on a drying mudbank. Nor were the Irish gentry, the Irish Protestants, the only losers, the only classes worthy of blame or pity. No two men, no two classes of men, can exist for long in a condition of embittered opposition, the one to the other, without loss to both, certainly moral, probably material, loss."

Molony was no sentimentalist. As befitted a colonial official, he looked at the issue of ruling peoples in a very matter of fact way. He quotes Froude as an authority on the various alternatives:

"There are many ways", says Froude, "in which a conquered but still reluctant people may be dealt with, when the interest of the conqueror is rather in the country itself than in the inhabitants who occupy it. They may be exterminated, either wholly, as the Red races are being exterminated in North America, or in part, as the Gauls were by Cesar, and the Mexicans by Cortes and his successors; or they may be held continuously down by the sword, as the North of Italy was held by Austria; or, again, armed colonists may be settled on the soil who, in exchange for land on easy terms, undertake the maintenance of order, as was done in Ulster under James I, and in Leinster and Munster by Cromwell."

"Extermination of the natives is a policy which seemingly has succeeded in North America, but a policy which can only succeed under certain condi-

tions. The conquered country must be climatically such that the conquering race can root themselves therein, increase and multiply. The conquered natives, on whom the pleasing experiment of extermination is to be tried, must be comparatively few in numbers, and incapable of adapting themselves to a settled and civilized existence. Extermination of the Irish by the English might have been practicable, had England bent all her energies to the task. Indirectly she made a few half-hearted attempts, by creating Pales and driving the Irish without them."

Extermination of a people is no easy task and did not succeed in Ireland because it did not succeed! With this attitude, he looks at Irish history in a fairly objective way. For example, he describes why the origin of the problem was not religious:

"The excommunication of Henry passed unnoticed in Ireland: the Irish paid no more heed to it than they had paid to Henry's defiance of the Pope. The excommunication of Elizabeth was preached to the Irish with indefatigable zeal, and admittedly with dauntless courage, by wandering emissaries of Rome. Unfortunately for themselves the Irish listened. But it is not surprising that the Irish, all considerations of religion apart, soon came to hate the English."

And he describes briefly but clearly the ruthlessness of Elizabethan England in Ireland and America and describes Drake, Hawkins, etc. as "*sanguinary pirates*" and gives that as the reason for the ensuing irreconcilable conflict.

1641 & Religion

As this series was provoked by TCD's ballyhoo over its digitisation of the propaganda made of the events of 1641, it is interesting to quote his views on these. They are a sobering counter to that project and it perhaps not surprising that the promoters did not include Molony's analysis in their literature. It would not exactly confirm the picture that one would get from the promotion of Trinity's current exhibition.

"The oft sung "Flight of the Earls" (Tyrone and Tyrconnell) may have been due in some measure to the curbing of their lawless independence by British justice; but when the Earls fled, British rapacity confiscated some three million acres of their possessions in northern Ireland. There followed the Plantation of Ulster, and the first great Irish rebellion which broke out on the night of October 22, 1641. This rebel-

lion has been represented as a sudden and wholesale massacre of Protestants, especially of English and Scotch Protestants, by the native Catholic Irish. In fact there was little of religious motive at the outset of the rising, and almost less of indiscriminate slaughter. The causes of the rebellion were economic rather than political or religious, and "*as for the bloodshed in the contest*", says Petty, "*God knows who did occasion it*". Lord Chichester, advising the King of the trouble two days after its beginning, wrote, "*the Irish did rise in force, and have taken Charlimont [sic], Dungannon, Tonragee [sic], and Newry, and have slain but one man.*"

"The saintly Bishop Bedell was taken prisoner by the rebels, and he remained their prisoner till his death. His son-in-law and biographer records that he was allowed full liberty "*to use divine exercise of God's worship, to pray and preach*". A guard of the rebel army escorted Bedell's body to the grave and as the earth closed over him a Catholic priest cried aloud "*would God my soul were with Bedell*"."

As a result of these and his overall views Molony observes that:

"Every transaction between the English and the Irish was embittered by their differences in religious creed. I think myself that the Catholics in Ireland were persecuted because they were Irish, rather than were persecuted because they were Catholics: but in view of the practical result this theoretical distinction is not of great importance."

It is of course of great importance and it begs the question why were they treated as Irish when it is pretty clear that they might well have become all good Protestants if the question at issue was simply religion, about which they were indifferent. It is important because it goes to the heart of what Tudor England brought to the world. Relations between peoples had to be based on subjugation of one by another and all that flowed from that—right down to the present day. Any other relationship was simply unimaginable.

Time At Trinity

But the most interesting aspect of Molony's book for present purposes is the description of his time in Trinity. The entrance 'examination' struck him as somewhat odd:

"I entered Trinity College in October 1894. The entrance examination is little more than a formality: the man who finds a difficulty in passing it must be so deficient either in natural intelli-

gence, or in such rudimentary learning as may be acquired at school, as to have small justification for presenting himself at the gates of any home of scholarship."

It clearly did not fill him with confidence. He goes on:

"It is rather the misfortune of Ireland than the fault of Trinity that few men enter, or in my day did enter, the College without some definite practical end in view. Some sought to turn scholarship, or, at least, academic success, to immediately profitable account: others joined at once the "professional schools" (law, medicine, engineering, divinity) with the set purpose of obtaining a qualification that would win for them a livelihood. A capital benefit that the English Universities confer on England takes form in the many men who pass through a University, and then mingle in the life of England, turning to no direct practical use that which they have learned, but bringing with them the University atmosphere of broad-mindedness, of tolerance of opposing opinions and aspirations. Ireland may not have so numerous a class as England of men who can afford to spend three or four years simply in the

Professors One And All!

On 14th September last year, Senator Cáit Keane asked the following question:

"I ask the Minister for Education and Skills to define the term "professor". A couple of weeks ago, Trinity College decided with the stroke of a pen to call everyone lecturing in the college a professor. This will put other lecturers at a disadvantage when applying for jobs. How is "professor" defined? To do it with the stroke of a pen is not good enough. If there is to be standardisation in education, professorships should be awarded on merit, as they were of old, where a person had to have a certain number of papers published in the discipline or to hold a chair at the university before appointment. I would like the Minister for Education and Skills to examine this so we avoid a system like that in America where there are professors in institutes or even colleges. Our system should not allow for this in one college."

I hope the Senator asks the University as well and pursues the matter. I suppose we can assume that formally Trinity has now a higher percentage of Professors than any other such institution in the world. And to those who live by formalities that would mean TCD leads the world as a University. The sham and the antics continue!

JL

acquiring of a culture that offers no direct pecuniary recompense; but small though the actual number of such men in Ireland may be, it would be to the inestimable benefit of the country that these should for a time rub shoulders with their fellow-Irishmen under the conditions of University life. Half of the distracted disunity of Ireland has arisen from the fact that the natural leaders of the Irish people, the gentlemen of Ireland, did not lead, were not capable of leading. They were separated from the mass of the people, and separated one from another. They had no common standard of values; and each man ordinarily had an infinitely and absurdly exaggerated idea of his individual importance, and the importance of his own social class."

In other words Trinity College did not cater for the most elementary form of University education. But it was even worse than that for Molony. He clearly had an interest in history but:

"Now for the knowledge which I, and many others, did not get. Of English history, in its true sense, I knew little; of general modern history I knew nothing at all; of the history of Ireland, the country in which I was born and in which quite conceivably I might have spent the remainder of my days, I was densely and hopelessly ignorant. This was a lamentable omission. Much of the political and religious bitterness of Irish life is due to the fact that the disputants on either side of an Irish question have ordinarily a very scanty knowledge of the facts on which they base their very peremptory judgments. There was in my day a nominal Professor of Modern History in Trinity; but I do not think that he ever lectured, or took any real interest in the duties of his Chair."

Molony educated himself despite Trinity. And he makes an interesting observation on the students from the north of Ireland:

"Trinity, starting with the excellent principle of an all-round education, rapidly lost sight of this principle in insistence on specialization in certain subjects, and on specialization within those subjects. The mathematical school, I am inclined to think, was here much at fault. Trinity certainly produced amazingly expert "problem-solvers" but many of my mathematical contemporaries had little to show save a certain sterile mental dexterity as a result of their University life. There were, of course, exceptions; but I speak of the average many. This mathematical aridity, if I may so call it, had a curious national consequence. There was at the University a quite observable

connection between the North, Presbyterianism, and mathematics. It may be that the definiteness of mathematics makes a special appeal to the hard-headed semi-Scots of the North; and the North is the home of Presbyterianism (in which I include other forms of "dissent"). I respect the Northerner for his sturdy uprightness and for the sincerity of his convictions; but I think that in his sincerity he is often somewhat narrow-minded, and that he is apt, as a contributor to our College Magazine once phrased it, to "*shut the gates of Derry on mankind*". Many of our mathematical students came to the University, there led exemplary lives, and sharpened their wits on the whetstone of their chosen science; but many left the University for the life of the outside world no more broadminded, no more perceptive or tolerant of the merits of an opponent's case, than they were when they entered."

All in all, Molony demonstrates clearly that Trinity College was a disgrace as a University and did not provide the most basic services to the class it represented. As a University it was a

fraud. All the form and antics of one but not the content.

The Riddle

Incidentally, Molony does not solve his riddle, though he presents all the evidence that would have enabled him to do so.

Like all riddles, it is a matter of perception. There were three peoples in his Ireland—which have to be described in religious shorthand: his own, the Southern Protestants; his neighbours, the Catholics; and those who were almost aliens to both, the Ulster Presbyterians. If they are all treated as one, it is very hard to make cultural generalisations about them that will make any sense, once one goes beyond basic humanity.

If Molony had written a book called *The Riddle Of The Cypriots* or *The Riddle Of The South Africans*, he would see the problem. After all, his readers would ask the obvious question before even opening it: which lot is he dealing with? If the major divides are not taken account of, such a book would simply be another riddle.

Tom Doherty

Zimbabwe Quiz

Dear reader, here is a little quiz (forgive me, I am writing on Xmas Day) Question 1. Who said this?

"White society in my part of the world has very cleverly made itself the victim, and it has done this with the full backing of the international establishment."

Robert Mugabe? ZANU/PF? Did they write these words?

No! They were spoken by an outspoken opponent of Mugabe, a supporter of the MDC Opposition Party, Tsitsi Dangarembga. She is a Zimbabwean film-maker and writer. She has written two lovely novels of a Shona girl growing up in Rhodesia and then in liberated Zimbabwe.

So, it's not all black and white, eh?

Question 2. Now, following Tsitsi's advice about the "*white victims*", read the following text and ask yourself: is the author a) a Jew, b) a Rhodie, or c) an idiot?

"A white in Africa is like a Jew everywhere—on sufferance, watching warily, waiting for the next great tidal swell of hostility."

The correct answer is: All three. (Well ok, two: if you adhere to the belief that Jewishness is strictly matrilineal.)

The author of those words is Peter Godwin. He has written a trilogy of

memoirs of his life in Rhodesia/Zimbabwe. Forgive me, but I find the man despicable. Those readers who know me will know that by my standards that is extreme language to use against any fellow human being.

Coming from a persecuted background himself, Godwin went on to join in the oppression of others. His father was sent as a schoolchild to England just before World War Two, his family fearing the worst of Hitler's regime. Almost all of the rest of the family died in the Holocaust.

In Rhodesia the family led a life of privilege as part of the white conquering elite.

Question 3. Would this quotation describe the mindset of the average Rhodie, and who wrote it:

"He could not even begin to imagine the mind of a native."

Certainly describes Peter Godwin (and yes I've read all his self-pitying trilogy).

Not gonna tell you who wrote that: maybe a small prize for any reader who finds the answer.

Seriously though: things may hot up in Zim in 2012, a new Constitution, elections etc: I might have to write more a bit more regularly

Happy New Year everyone!

When France Stood Firm

When France Stood Firm {*Les années de fermeté*} is the subtitle of the volume of the official history of the French Army which covers the years after WW1. (*L'Armée Française de 1919 à 1939* by Colonel F-A Paoli, Ministry of the Army, *Service Historique*. Undated but approved by General De Gaulle 1969).

This period saw France endeavour to protect herself against another war with Germany by making Germany too weak to wage war. These attempts were countered by Britain, and France had to choose between helping to bring about a weakened, divided Germany and having Britain and the United States as allies.

Germany had only been united since 1871; in 1914 its erstwhile kingdoms still had their own names and royal or princely families with their flags and insignia. The Wittelsbach royal family was still on the throne in Bavaria. Bavaria still administered the parts of the Rhineland which had been attributed to it in 1814, and Prussia still administered the parts of the Rhineland attributed to it at the same time. Catholic administrators and politicians ruled over the Palatinate, a Protestant state, while Protestant administrators, policemen and politicians ruled over the Catholic Rhineland.

It was not absurd therefore for the French to dream of a return to the pre-1871 situation: in other words, to see Alsace-Lorraine returned to them, and at the same time also the unity of Germany undone.

The unity of Germany was tottering at the end of the war. There were several factors involved. The war had destabilised all of Europe and Germany, but Germany was also suffering the effect of a total blockade imposed by the British Navy which meant that civilians were affected more than in other countries. Germany depended, like France and England, on overseas trade in order to continue manufacturing and, vitally, to feed itself. The Royal Navy had been ready on the first day of the War to set up the blockade of German ports, and of the neutral ports of Holland and Scandinavia which could have supplied Germany. So it was not surprising that

Germany, which by 1918 had suffered four years of privation, faced revolution. (The blockade continued after the Armistice and was only lifted on 12th July 1919, after the Versailles Treaty was signed; the Weimar assembly voted to accept the Treaty on June 23rd.)

Germany was also weakened by enemy propaganda. Perhaps because it was a young country, it was receptive to ideas put forward by the Allies. Ludendorff, the Quartermaster General of the German Army, wrote in his memoirs (*Ludendorff's Own Story* 1920):

"Blockade and propaganda began gradually to undermine our spirits and to shake the belief in ultimate victory."

"Before the enemy propaganda we were like rabbits before a snake."

"The German people had themselves coined the phrase "German militarism" ... {The German} people failed to appreciate the national strength which rested therein."

Allied catchphrases such as "peace of understanding", "disarmament after the war", "league of nations", and "right of self-determination of peoples" found an echo. Britain had a solidly-organized propaganda service under Lord Beaverbrook. Ludendorff lists Lord Northcliffe as being in charge of propaganda directed at enemy countries, Rothermere in charge of neutrals, and Kipling of home. Germany had no countering equivalent:

By comparison, the German War Chancellors "*never gathered the people and led them, like the great dictators, Clemenceau, Lloyd George and Wilson*".

France also had social unrest, albeit on a much smaller scale than Germany, as a result of the appalling devastation caused by War. After some leading politicians had campaigned for a negotiated peace in 1916, and parts of the Army had mutinied in 1917, Clemenceau came out of semi-retirement and took things in hand. In Germany there was revolutionary unrest. President Wilson had published his 14 Points, which promoted a peace without annexations or punitive damages. When the German approached the Americans asking for an Armistice, Wilson told them that the Allies would not "*deal with the military masters or monarchical autocrats of Germany*."

So Ludendorff was dismissed and the Emperor was forced to go into exile; the local Kings and Princes also left the country. A Republic was declared over the whole territory. In several regions, particularly Bavaria and the Rhineland, separatist movements rose up. France did what it could to foster this development.

The Rhineland

The Versailles Treaty stipulated that the Rhineland would be occupied by Allied troops for up to 15 years; furthermore, the area would be demilitarised permanently, giving France a military border along the Rhine. This was not enough for the French who wanted a stronger protection. They favoured an independent Rhineland, which would not have the military strength of a united Germany and might in fact become an ally of France.

The Germans appealed to the Peace Conference against French policy on the Rhineland.

The German delegates to the Paris Peace Conference were allowed sight of the Treaty of Versailles after it had been written, and it was only then that they were allowed to communicate with the victors over the terms of the Treaty. This was when they complained, in a Note of 3rd June 1919, against four French military men (including two Generals, Mangin and Gerard) who were encouraging separatists in the Rhineland.

Konrad Adenauer for example, the then Mayor of Cologne, was in favour of a separate Rhineland for a time. There was a Constituent Assembly of the Rhineland region. Dorten, a separatist leader, and Konrad Adenauer planned that at the meeting of 1st February 1919, in Cologne, a *Westdeutscher Freistaat* would be proclaimed.

Meanwhile, according to J.C. King:

"in Berlin, the Provisional Government let it be known that the draft of the future German constitution would contain a clause allowing the Rhineland to demand separation from Prussia for the purpose of forming an autonomous state within the German Reich" (*France And German Dismemberment 1918-19*, Harvard University Press, 1960).

However, when it came to a vote for the proclamation of the West German Free State, Adenauer did not give it his support. It is probable that the reason for this was that he had become aware of British opposition to such a development. When the region was occupied by the Allies, and in particular the strategically important bridgeheads on the

Rhine, the British had specifically asked to be allocated Cologne, the most important city in the region, and Foch had accepted. Their hostility to separatism must have been clear.

This may explain why Adenauer did not support the vote to declare the region independent, even though he had been part of the movement that instigated the move to independence.

In 1920 however he was still ambivalent on the issue. According to W.A. McDougall,

"Adenauer was prepared to form a Rheno-Westphalian state to pacify the French, but the offer, he added, would have to come from Berlin" (*France's Rhineland Diplomacy 1914-1924, the last bid for a balance of Power in Europe* (Princeton University Press 1978).

Nevertheless an independent Rhineland Republic was proclaimed on 1st June 1919. The *Langer Encyclopaedia Of World History* says: the proclamation was "instigated and supported by France"; after some months it collapsed "because of the hostility of the inhabitants".

The movement may have been supported by France but it had genuine local roots, even if it did not gather unanimous support. British hostility also ensured that it would not succeed.

The British applied pressure on French politicians to make them desist, and desist they did. This led to conflict among the French between the military and the politicians. Clemenceau, the anglophile Prime Minister (1917-1920), kept Marshal Foch, the Allied Commander in Chief, away from the Peace Conference because Foch insisted on the dismemberment of Germany, against the will of the British and the Americans. Foch was consistently rebuffed by Clemenceau (see Liddell Hart's biography of Foch (1932) where he comments on "Clemenceau's annoyance at Foch's persistent intrusions into policy"). Foch was not given a hearing in Cabinet either. The British commented on his insubordination.

The separatist movement continued however for a number of years. On 21st October 1923 a Rhineland republic was proclaimed at Aix la Chapelle with Belgian and French support, but collapsed on 31st January 1924. Carl Landauer, in *The Bavarian Problem In The Weimar Republic* (1944) says that the separatists were a minority, but "the antiseparatists were almost helpless because the separatists were protected by the French and Belgian troops".

In September/October 1923 separat-

ists started an uprising in all the important Rhenish cities, under the continued protection of the French and Belgian Armies. The movement eventually failed. According to King, "In September 30th, 1923, nearly 100 separatists were massacred at Düsseldorf by Prussian police, with the British refusing to intervene in an "internal" German affair". And the German Free Corps military killed several hundred separatists in the vicinity of Bonn on 15th November 1923. Another massacre occurred in Pirmasens on February 12th 1924.

Bavaria

Bavaria, the biggest and richest Ger-

man State, had a strong sense of its identity. It had its own army, the Citizen Corps, which was kept up after the Armistice until June 1921 despite the demand of the Allies that the German military be reduced to 100,000 nationally, and despite demands from the Weimar authorities.

There were various movements for the autonomy of Bavaria.

The French did try and encourage separatists, to the extent that the *Münchener Post* lead story on 29th December 1919 was titled "Is Bavaria French or German?". It was in this context that French newspapers were banned there



in 1920, while other papers changed ownership and political line. Millerand, the President of the French Republic, created a post of Ambassador to Bavaria in 1920 and sent a Minister to fill the post.

Some Bavarians supported a return of the royal Wittelsbach family, and the 'pretender', Prince Rupprecht, was not hostile to France. Heim was a monarchist leader at a time when being a Bavarian monarchist in a Republican Germany was tantamount to being a separatist. He "*undoubtedly wished to inaugurate official relations with the French in order to win French support for a more or less independent Bavarian monarchy*" (Carl Landauer, *The Bavarian Problem In The Weimar Republic*, 1944).

Carl Landauer tells the story of the trial of George Fuchs in Munich during June 1923. "*Fuchs was a Bavarian separatist with whom a French emissary, Lieutenant-Colonel Richert, had got in touch [in 1923].*" Richert had paid Fuchs large sums of money to promote the movement for Bavarian independence. Fuchs and a friend tried to gather support by appealing to other groups who were hostile to Berlin but not separatists. These eventually denounced Fuchs to the police. Richert escaped, but Fuchs was tried and received a long sentence with hard labour. Landauer concludes the story by saying that, even though a separatist was tried and received a heavy sentence, there continued to be separatists in Bavaria, even some in high places who planned to initiate a separation, temporary at first, but to be turned into a permanent one.

However, the separatist movements were at odds with each other as regards politics as well as their ultimate aims and did not succeed.

According to Landauer, Hitler's failed "*Beer hall putsch*" of 8th November 1923 was planned to counter a movement to separate Bavaria from Germany, and to replace it with a march on Berlin to change the Government.

The Saarland

The French had succeeded at the Peace Conference in obtaining the right to exploit the mines of the Saarland for 15 years; for that time the region would be placed under a League of Nations mandate and then a plebiscite would let the population decide whether they wanted to be reunited with Germany or united with France. This was an opportunity for France to acquire the territory permanently, so France took measures to separate the region from the rest of

Germany. Saarland was given the trappings of an independent state, with its own flag, coat of arms and stamps. The railways were joined to the French network and separated from the German one; a customs barrier was erected against the rest of Germany. Previous suppliers of food and materials were replaced by French ones. Local miners continued to work the mines, but were paid in Francs. Their children were offered places in French language schools, and their parents given advantages if they sent them there.

The Saarland was administered by a League of Nations council; in 1934 this was led by a British man, Knox, who was suspected by the French magazine *Le Crapouillot* (April 1934) of taking measures unpopular with the local population in order to discredit the French project.

The plebiscite in 1935 was near unanimous in supporting a return to Germany.

The British Against The French

The British campaign to prevent the French from achieving security on the Rhine is documented in books such as "*Rhineland And Ruhr*" (1923) and *The Treachery Of France* (1924) by Major C.J.C. Street, parts of which are quoted in *The Administration Of Ireland* (Athol Books, 2001). Major Street argued that if the French were allowed to detach the Rhineland from the rest of Germany, Britain and the world would be in the same situation as in 1914, that is, with a dominant country in Europe (other than Britain, that is):

"If France achieves its end, it will result in the Rhine becoming the practical Eastern frontier of France, who would also be in control of large and valuable tracts on the right bank of that river. This would involve the reproduction of the conditions which existed in Europe before the war; the establishment of a great military and commercial power which would overshadow all its rivals. The danger to Britain which would result is obvious. France would be the sole power on the continent."

Would not the removal of Germany as an economic rival be a good thing for Britain? It would not, according to Street, because Germany is needed as a market, and France would be a more dangerous rival than Germany was.

Liddell Hart concurred in his biography of Foch:

"Once Germany had been beaten, England was sure to revert instinctively to her traditional policy of checking

the victor—in this case, France—from becoming over-powerful."

Christopher Seton-Watson made a similar point:

"{From 1919 France was confronted} with the painful choice between the restraint of Germany and the friendship of Britain, which was to characterise the following 20 years."

Faced with Anglo-Saxon opposition, Clemenceau thought he could at least demand a 30-year occupation of the Rhineland. He was persuaded however by the British and the Americans to give up his demand in exchange for the offer of an Anglo-American guarantee of immediate support to France in case of attack by Germany. In the event, the Americans did not sign the agreement and the British declared it null and void as a result of American withdrawal.

Clemenceau, the Prime Minister, made the decisions; Poincaré, the President of the Republic, might have had other sentiments, but constitutionally he had no power.

When France occupied the Ruhr in 1923, Poincaré, told "*the Belgian premier that Rhenish economic unrest following a Ruhr occupation might lead to a new Rhenish currency, the expulsion of Prussian functionaries and the creation of a 'neutral' Rhineland*" (McDougall, *op cit*).

While neutralising Foch's policies, the British gave him empty honours. On 19th July 1919 he was wildly acclaimed in a victory parade in London, and on the 29th he accepted the proffered baton of British Field Marshal.

French Historians And Journalists

In 1916 the press and historians were calling for the dismemberment of Germany. The latter wrote books showing that the inhabitants of the Rhineland were closer to the French than to the rest of Germany. However, in 1917 the press and the historians were told to desist and Censorship ensured that the topic was no longer aired, for the sake of Allied unity.

However, after the War, the stance taken by Foch for a dismemberment of Germany was supported by the mass of the population, according to Liddell Hart.

In 1916, a leading historian and ex-Foreign Minister, Gabriel Hanotaux, made the case in the influential *Revue des Deux Mondes* for the dissolution of the German *Reich*, and his view was supported by *Le Matin*, *Le Figaro* and other mass circulation papers, as well as by a flood of pamphlets. After the War,

Hanotaux's first complaint against the Versailles Treaty was that it consecrated the unity of Germany, precisely because it was a treaty with *Germany*. (Foch had actually envisaged making a separate peace with the states of Southern Germany.) Hanotaux said:

"Germany has been allowed to keep her strongest weapon, Bismarkian unity".

The Versailles Treaty was, according to Hanotaux, the first official international consecration of the unity of Germany.

The Weimar republic voted to accept the Versailles Treaty, but before that it was a Council of German States that considered whether to sign it; Eastern German states voted against, central and southern states voted for. What remained was German political imperialism; Germany was weakened and beaten but was in a position to regain its strength, and quickly. It had kept friends in the small countries like Austria and Hungary. Russia was no longer a counter weight, so France and Italy were now alone on the continent. The German economic and social imperialism remained. Germany had the smallest amount of debt due to war, no destructions, it had worked to become more independent of imports; it had lost fewer men proportionally to its population. The US and the UK, erstwhile economic rivals of Germany, had left Germany standing.

"Large financial firms and credit organisations wanted a strong Germany to save the world from ruin and avoid revolution. So they arranged that Germany kept her political and commercial organisation."

By comparison, France was crippled by debts of 22 billion gold Francs, mainly to the US. Half of all her young men aged between 20 and 34 at the beginning of the war had died. Destruction was massive.

The same idea appears in McDougall's book cited above: "*The war had failed to destroy the aggregation of demographic and industrial power that had upset the pre-war balance*", yet the Anglo-Americans protected a united Germany. The Treaty of Versailles was the product of the conflicts between the victor nations. And the "*French need for Anglo-American financial support limited French pretensions on the Rhine*".

McDougall cites Karl Polanyi in support of the idea that "*In the 1920s the perceived needs of the international monetary system and the politics of international finance were more import-*

ant than balance of power questions."

McDougall continues: "*France wanted continued financial and economic solidarity with her Allies the Anglo-Saxon powers*", however "*Clemenceau failed to achieve either German disruption or Allied unity*". For its part, Germany had been weakened psychologically; so that no one in Germany would remember with pride the time of William II, its military parades, its uniforms, or its speeches.

Allied War Aims

War had been planned since the beginning of the century by France and England—but in secret; there were no explicit national war aims. By 1917, the Allies had not even publicly recognised the return of Alsace-Lorraine to France as a war aim.

By December 1916 Balfour and Lloyd George saw French designs on the Rhineland as upsetting the balance of power in Europe. Clemenceau's response to British uneasiness was to enforce a strict policy of silence on war aims, hence the end of annexionist propaganda.

On 5th June 1917 the French Senate and Chamber of Deputies passed a resolution demanding Alsace-Lorraine and reparations—nothing more, except a vague statement calling for "*durable guarantees for peace and independence for peoples great and small*". Later official pronouncements even dropped that statement. However, a desire for the dismemberment of Germany continued, as shown in a Foreign Office memorandum of October 1917:

"To prevent post-war German economic expansion at the expense of the exhausted Allies, the German *Zollverein* {Customs Union} must be shattered and the Reich restructured into a loose federal state."

At the Peace Conference Clemenceau made sure that his desire to preserve unity with Britain and the United States prevailed.

"He went against his public opinion and ignored his civil servants; there were no elections, censorship was maintained. His aides at the Paris Conference he chose himself from his personal collaborators."

Conclusion

At the end of the First World War France was desperately weakened by destruction, loss of life and crippling debt; she wanted both guarantees of territorial security and financial recovery, but both depended on America and

England. France could see that humiliated Germany would recover and be in a position again to invade through the Western Frontier. Britain persuaded a compliant Prime Minister to give up the policy of weakening Germany in exchange for what turned out to be a worthless guarantee. Twenty years later, as feared in 1919, the country was again invaded through the same route.

Major C.J.C. Street: **The Administration Of Ireland, 1920**; with a substantial extract from his *Ireland In 1921* and a review of his other writings on Britain's world role, and inter-war Europe. Introduction by Dr. Pat Walsh.

Intelligence Officer Street produced this exceptionally informative justification of the Black and Tan War in Ireland, using the secret archives of Dublin Castle (with many captured IRA documents and official statistics of incidents.) 192pp (9.5" x 6"). 2001. €15, £12.

Tim O'Sullivan

The letter below was submitted to the *Irish Times* on 2nd January, but was not published

An Early End To History

Current plans afoot to downgrade history in the second level curriculum are tragically misguided.

For an individual to appreciate and contextualise current events, knowledge of the past is vital. As the philosopher and statesman of ancient Rome, Cicero succinctly put it: "*To be ignorant of the past is to be forever a child*".

There are reasons particular to Ireland why a well thought out history programme is important at second level.

Whatever self understanding and sense of identity we have in this country is heavily reliant on an historical awareness. The media and the book trade can make a contribution to nurturing such awareness but that contribution will tend to be necessarily haphazard. Indeed, the media industries of the Anglo-American world, which saturate our society, tend either to ignore the Irish historical experience or to treat it in a vein of condescension or outright contempt.

The downgrading of history should be reconsidered.

Catholic Wealth and the Making of Protestant Imperial England

Law as a matter of society— property and ownership

Sixteenth century England was a world preoccupied with the idea of law. In many ways this preoccupation was consistent with the medieval concept of governance but the way in which law was viewed and the purpose it was meant to serve meant that England emerged from the sixteenth century a very different place from the one which entered that century.

"Most of the institutions that appeared in the sixteenth century were, to some degree or another, law-courts: Augmentations, First-Fruits, and Wards were all called courts; and even the privy council, not by any means a court, played an important judicial role" (*The Tudor State*, by Penry Williams. Published in *Past & Present*, No. 25, July 1963, p.51).

The fact that Parliament itself was viewed and described as the ultimate court and regularly referred to as such in Tudor England is an indication of the extent to which the idea of law pervaded the thinking of the time. What debate there was on the role of Parliament in law was not based on whether or not it constituted the ultimate court but whether Parliament, acting as that court, embodied ownership and sovereignty over those issues on which it passed statute. Thus we have Chief Justice Montague in the reign of Edward VI interpreting the role of statute as a conveyance of land, stating that:

"the parliament (which is nothing but a court) may not be adjudged the donor. For what the parliament did was only a conveyance of the land from one to another, and a conveyance by parliament does not make the parliament donor" (quoted in *ibid*, p.43).

Although Parliament, through the passing of statutes, made law, it did not and could not, dictate how that law was to be applied and interpreted as it did not have ownership of laws that arose from its statutes:

"...the lower courts could not nullify a statute, but they could and did inter-

pret it, sometimes against its literal meaning, so that it could conform with the principles of reason and equity. The greater length, precision and scope of statutes did indeed make those who enforced them more respectful of the intentions of those who had made them; but judges still upheld the notion of 'the judgment of the common law upon the statutes' (1554), and still believed that 'the court of parliament may be misinformed as well as other courts' (1570)" (*ibid*, p.43).

Law arising from statute could only become effective legislation as it found application in the actual functioning society that was Tudor England. The manner in which statute became law was reliant upon its interpretation, not only through the prevailing and pre-existing codes of common law, but by the continued existence of courts which had largely evolved outside the sphere of parliamentary influence, the manorial and ecclesiastical courts for instance. Tudor law, at least in its domestic application, was an arena where conflicting interpretations and different jurisdictions sought precedence.

We can see this struggle for precedence in operation in the way in which parliamentary-sanctioned law sought to impose itself on the issue of the Tudor land enclosures. But to explain this we need to go back slightly to the period of Henry VIII's father, Henry VII.

When Henry VII defeated Richard III in 1485 it brought an end to the conflict between the House of Lancaster and the House of York known as the War of the Roses. In the aftermath of that 30-year conflict Henry VII undertook a number of measures designed to impose stability on the country:

"The first serious problem of domestic government which Henry had to solve was the repression of disorder, the punishment of crime, and the restoration of the authority of the national courts. At times during the war of the Roses almost unbridled private war had prevailed. The practice of forming private armed forces by using the livery of a noble house as a kind of uniform, and of overawing the courts when they attempted to punish

the lawless acts of those retainers, called the practice of livery and maintenance, had been complained of by parliament for a hundred years and legislated against at least by ordinance, and even special authority had been given the council to try these offenders. Now, as one of the first domestic measures of the reign, the matter was taken up with determination. A special committee of the council, which is known to history as the court of star chamber thought strictly the name was older, was appointed by act of parliament in 1487, to deal with these and other similar cases where the offender was too powerful for the ordinary courts. The actual measures adopted were not so new as the vigorous spirit in which they were enforced" (*The Constitutional History of England*, by George Burton Adams. Published by Henry Holt and Company, New York, March 1923 edition, p.247).

The purpose of that part of the King's Council (or court) known as the Star Chamber was to act as the ultimate authority in the interpretation of law and provide judgment of last resort for the plaintiff. To all intents and purposes it was in effect the King's own court but was given sanction by the parliamentary Act of 1487. However, at the time of Henry VII, the writ of this court was not as extensive as history would lead us to believe. For instance, its rulings were often ignored if they differed from the ruling of the old manorial courts. This was particularly the case with regard to issues surrounding the Enclosure disputes of the time. Again, contrary to established belief, these disputes were not exclusively the manifestation of the struggle of a landless peasantry against an unscrupulous gentry. Many Enclosure conflicts were between local gentry disputing the action of a neighbour in hedging or fencing off areas of common land in order to gain an economic advantage over his neighbour.

"Enclosure riots were merely one species of violence employed by gentry in pursuing quarrels with rival gentry or enforcing conformity of agricultural practice upon their tenants. Enclosure riots against rival gentry were frequently accompanied by organized poaching affrays in the warrens and parks of their enemies and sometimes by violence or threat of violence upon their persons. Even where small holders were involved in enclosure riots, gentry rivalries can be discerned in the background. The gentry combined this calculated use of violence against rivals or tenants with harassment in courts of law" (*Patterns of Violence in Early*

Tudor Enclosure Riots, by Roger B. Manning. Published by *Albion: a quarterly journal concerned with British Studies*, Vol. 6, No. 2, Summer 1974, p.121).

The use of riots and violence in Enclosure disputes was accompanied by actions in courts of law by peers and gentry and was viewed as an additional element rather than an alternative means of exerting pressure on an opponent. Because of this, it was often the case that the findings of a court of law was simply ignored if it went against the wishes of a particular landowner. This contributed to the further erosion of the local Manorial courts:

"Manorial courts were less and less able to resolve such disputes, and royal authority exercised through courts such as Star Chamber or special local commissions was not always able to fill the void left by the decay or manorial courts. This is well illustrated by a feud that raged between the inhabitants of Finedon, Northamptonshire, and two generations of manorial lords over a period of thirty years" (ibid, p.126).

The case in question began in 1509 when the freeholders and tenants complained that the Lord of the Manor, John Musho, esquire, had enclosed their commons and had used the newly enclosed land to breed rabbits which were destroying their corn. The freeholders and tenants managed to get a ruling from the Royal Council in their favour but Musho refused to abide by it and in further defiance went on to enclose more common land with the stated intention of converting it from arable to pasture use. However, after the failure of the Royal Council the local freeholders and tenants began to take the law into their own hands and as a result the Court of Star Chamber appointed a commission in order to find a compromise. The idea of a ruling from the Royal Council being defied in such a manner and the apparent acceptance of the Court of Star Chamber to accept such defiance was a reflection of the attitude towards the law at this time. Court rulings, at least where property was concerned, were not considered absolute but rather the subject of negotiation and such negotiations were also often advanced by the threat of violence in the background. In the case of Mulsho, the dispute with the local freeholders and tenants had developed into another associated case. This related to the heir of a copyholder (someone who was granted a parcel of land by a landlord in return for agricultural services). The man in question was Henry Selby, husband-

man who inherited the right to the parcel of land and the custom in such circumstances was for the landlord to charge a fee of one year's rent for the use (or entry) of the land. However, in this instance, Mulsho demanded a payment of two years' rent which Selby refused to pay. Mulsho subsequently was accused of despoiling the village woods by cutting excessive amounts of timber and making a forcible entry with eight armed men into a wood belonging to Selby. The case dragged on and in the process embroiled several courts and levels of law:

"Interventions by the Court of Star Chamber, local commissioners, the Court of Chancery and the Royal Council failed to put an end to the feuding between Mulsho and the villagers of Finedon. By 1538 Mulsho's part in the dispute had been inherited by his son and heir, John, who in that year had made a bill of complaint to Star Chamber about a copyholder, Henry Selby, who had disputed the elder Mulsho's high entry fines. Sustained by a common purse Selby had fought the matter in Star Chamber and Chancery for twelve years without paying an entry fine. A Chancery decree finally ordered Selby to make submission to Mulsho the younger at a session of the manorial court. When the Manorial court was convened, Selby appeared, but, encouraged by his neighbours, he refused to make submission. The other business of the manorial court was also obstructed because the jurors refused to make presentments thus denying the manorial lord his revenue from amercedments {financial penalty arbitrarily imposed by the court—ED}" (ibid, p.127).

This case, although highlighting the issue at its extreme extent, illustrates the way in which Tudor England at this time remained a society with different perceptions of what constituted legitimacy in terms of law and authority in terms of courts. The idea of a nationally-accepted legal code operating through a recognised authority was still quite contentious. This problem did not manifest itself so much in areas of state where the King's writ was absolute, but even here he felt compelled to have the sanction of parliament in order to provide his actions with legitimacy. The real area of contention was in those areas of law where issues of property and ownership were paramount but it was precisely in this area where the concept of law found its most social expression and as such came up against prevailing attitudes towards property.

"Concealed behind most law suits there lurked the fundamental thorn of

divided ownership which served to promote conflicting claims of tenure. When a lord or his tenants claimed the right to enclose or to surcharge the commons, this was as much the outcome of a basic fallacy in society as a conflict over custom. Ownership had come to be absolute rather than qualitative, and in the Stuart period future right was to be seen as something which was proprietary. Property was no longer regarded as a trust for the community, but rather it was to be assumed as an attribute of the person. In the Elizabethan period, however, the moral conditions of property had not been conveniently assumed to lie with simple 'ownership', and the court of Chancery, for example, was like other courts trying to find a rationale between the two extremes, between the memory of the past and the increasing pressure of doctrines which were to prevail. This struggle can be seen within the single unit of the manor. When a lord attempted to do away with traditional arrangements in order that he might 'improve', he was asserting a claim to greater ownership. Similarly, problems of ownership could arise between competing lords" (*Notes on the Demise of Manorial Jurisdiction: the impact of Chancery*, by William J. Jones. Published in *The American Journal of Legal History*, Vol. 10, No. 4, October 1966, p.304).

This conflict between rules and strictures based on a "*memory of the past*" and the "*doctrines which were to prevail*" represents the point at which the Elizabethan world of ownership as property laid the basis for the emergence of England as a nation. The legal process that was based on a "*memory of the past*" was the Common Law, which revolved around the existence of custom and precedent. But custom in itself was not sufficiently rigorous to constitute a consistent code of practice as what was custom in one locality was not necessarily custom in another and therefore custom in itself was incapable of providing the basis for national law. The idea of "*Equity*" courts was introduced to rebalance this arrangement in a way which provided a more universal application in terms of natural law and the most important court of Equity was the Court of Chancery. But the concept of natural law was itself an ambiguous term and relied to a large extent upon the moral precepts which had been handed down by the Roman Catholic Church in Canon Law through the ecclesiastical courts.

Law as a matter of society— the incorporate person

In terms of property, the most significant element of Canon Law which prov-

ided the basis on which the equity courts acted was the concept of the "*Incorporate Person*" or *Persona Ficta*. This concept was first introduced by Sinibald Fieschi, who in 1243 became Pope Innocent IV. At the time it was introduced in the thirteenth century its use in law did not assume the significance with which it was later invested. The problem which Innocent IV sought to solve related to the relationship of property to the corporate entity. The Church had been, from time immemorial, the owner of property. Most of this property was the result of bequests from individuals but such bequests were usually not intended to become the personal property of the Abbot, Archbishop, Bishops, etc. but were left to a particular monastery or church. The usual way this problem was avoided was to acknowledge the property given by a person as a bequest to a monastery or church as in fact a bequest to a patron saint. The saint is then considered to be subsumed into his Churches and it is the Church rather than the saint that is viewed as the inheritor of such lands and chattels. The gift to a Church is made in the first place to God and the saint and only in the second place to the ecclesiastic in charge of it.

"But this property was managed by a human being or by groups of human beings. These groups were, it is true, said to be perpetual—not because they were fictitious persons which by their nature were exempt from death and other ills of mortal life, but because they were like a flock of sheep, which is always the same flock by the constant renewal of its parts ..." (*A History of English Law*, by W.S. Holdsworth. Published by Methuen & Co. Ltd, London. Third edn. 1923, Vol. III, p.471).

The importance of this conceptual legal entity is shown by the fact that Sir William Blackstone, the influential eighteenth century legal historian, used a similar way to explain the legal immortality of the modern corporate body:

"All the individual members that have existed from the foundation to the present time, or that shall ever hereafter exist, are but one person in law, a person that never dies; in like manner that the river Thames is still the same river, though the parts which compose it are changing every instant" (ibid, p.471, quoted as footnote).

The direct progenitor of this concept was the medieval *persona ficta* that first emerged within Canon Law and it was a concept that enabled corporate entities to take their place in the wider legal code.

"The theory that they were *persona ficta* gave them just that reality which they needed. Lawyers could speculate about their nature and rules could be laid down for their conduct. They were no longer concealed by the activities of those who were, for the time being, their human representatives. They were persons created by the law, distinct from their human members. They were immortal and indivisible. They could commit neither sin nor crime: and some said no tort—truly suitable representatives for saints and churches.

"When once this generalisation had become the accepted theory of canon law; it was inevitable that it should affect the common law. These *persona ficta* were with ever increasing frequency litigants in the common law courts; and, when the common lawyers became familiar with them, and with the canonists' theories concerning them, they naturally proceeded to apply these theories to other groups which had nothing to do with the church. The boroughs, the universities with their colleges, and the guilds, were groups to which this conception could easily and profitably be applied. Owing to their manifold activities, the boroughs were the group which, from the point of view of the development of legal doctrine, are the most important. Moreover, they were bodies composed of many members; and, that being so, the body itself stood out with greater distinctness from its individual members" (ibid. p.474).

As such this legal concept, by the time of the arrival of Tudor England, had come to assume an important element in the application of Equity law and the "*doctrines which were to prevail*". The application of equity law began to assume an importance not only through the Chancery but also in other courts. However, because it was, by definition, involved in breaking new legal ground, it had yet to build up a corpus of case law and precedent. Case law and precedent were essential components of Common Law, which were seen to perform an essential element in the forging of any national code of law but, as the Tudor period was at the crossroad between the medieval world and the modern one, the importance of such things was not always apparent. We see this most clearly in an example, taken from an older established court, the King's Council. Although this was later to emerge under Wolsey to become a more effective court of last resort, its use as such by Henry VII was designed more to bring the local nobility into line rather than as part of a concerted attempt to generate a national system of law.

"A more material, though not a less important difficulty arises from the

original paucity or later dispersion of the council's records. The council was from the first an inner ring of the curia, and inner rings are not addicted to public diplomacy. Parliament and the courts of common law had their rolls, but the council kept none. Some of its records were filed, but many were not, and the files themselves were apt to disappear. Even when the council sat publicly in the star chamber and came to regard itself as the highest court in the realm, its members occasionally argued that, inasmuch as no writ of error could lie against it and its records could not be called for, there was no need to keep records at all. The clerk, indeed, kept a calendar of orders and decrees, but that was apparently a private venture, and the volumes have not been seen since 1719" (*Council, Star Chamber, and Privy Council under the Tudors, I, the Council*, by A.F. Pollard. Published in *The English Historical Review*, Vol. 37, No. 147, July 1922, p.339).

If a court was incapable of error and there was no appeal against its decisions and judgments, there was no imperative to maintain records of such decisions and judgments. However, this attitude, which may have been suitable when the Royal Prerogative was restricted to questions of State, was not practical or operable in the application of law to the daily and evolving complexity of life and society in Tudor England. The Court of Chancery, on the other hand, because it was immersed in the details of everyday issues of property and law, was compelled to adopt a different attitude towards maintaining a record of its decisions and judgments:

"In the fifteenth century, the equity jurisdiction of the Lord Chancellor could be compared unfavourably with the King's Bench or Common Pleas in terms of documentation and records. But by the reign of Elizabeth, the Chancery had decree rolls, entry books and a massive machinery of recorded pleadings and examinations" (Jones, *op cit*, p.300).

Even before this development however, the King's Council, which, as has been seen above, had gone into decline during the early years of Henry VIII was to be turned around by the efforts of two of Henry's Chancellors.

Law as a matter of state—common law and royal prerogative

The two men most responsible for bringing this change about in the King's Council were Cardinal Thomas Wolsey and Thomas Cromwell and the manner of the demise of both men shows the different way in which law was used in matters of State from the ways it was

beginning to be used in matters of society.

Thomas Wolsey was appointed Lord Chancellor by Henry VIII in 1515 the year after he had been made Archbishop of York. In the same year he was appointed Cardinal and this combined with his position as Chancellor and the King's main advisor made him the most important figure in England after the King. His position gave him authority over the King's Council and he set about reforging it along lines which made it more relevant to the legal requirements of the evolving society.

"Early signs of the renewed prominence of its judicial work under Wolsey were given further emphasis by a reduction in the discussions of affairs of state at Council meetings, itself the consequence of the cardinal's supremacy ... Moreover, discussion of affairs of state were confined to domestic issues, the Council no longer debating diplomacy, foreign policy and defence, as in the reign of Henry VII. These matters were despatched by Wolsey himself in liaison with the king, with the occasional intervention of whichever councillors had happened to secure Henry's ear while accompanying the royal progress. Yet, far from the institutional Council suffering decline or decay as a body during the fourteen years of Wolsey's power, the membership and a high frequency of meetings were fully maintained" (*Wolsey, the Council and the Council Courts*, by J.A. Guy. Published in *The English Historical Review*, Vol. 91, No. 360, July 1976, p.484).

The Council's traditional involvement with diplomacy, foreign affairs and defence was effectively removed and replaced by its increasing involvement in the judicial process. Wolsey effectively moved the traditional purpose of the King's Council from one in which it acted as the advisory body to the King to one which made it a more efficient vehicle for imparting the King's justice among the people. Although Henry VIII continued to have the services of a team of experts drawn from the Council, its main work under Wolsey was one which was designed to generate credibility for its function as a court of law among the wider community. In order to achieve this objective he used the royal standing of the Council to oversee the lesser courts and through its manifestation as the Council in Star Chamber to expose areas where the lesser courts had failed to impart the King's justice. All of which had the effect of reinforcing the code of common law.

"While Wolsey's policy appears to have aimed at the enforcement of the

law in the existing courts of common law, the overall supervisory role was firmly assigned to the Council. On 14 October 1518, the minister commanded the judges and sergeants-at-law to furnish reports to the Council concerning the prevalence in the country of offences against justice, and by the following term these enquiries had been extended to the localities themselves. Those officers who were found to have failed in their duties were made to answer before the Council. These measures restored the investigatory and enforcement jurisdiction which Council had exercised in the previous reign. They also of themselves generated many bills of complaint addressed to the Council in Star Chamber. These bills alleged felonies and petty crimes unpunished in law, inadequate and negligent law enforcement, perjury and the abuse of legal machinery, and the malfeasance of officers" (ibid, pp.485-486).

The opening up of the higher court of the King's Council to the wider community initially led to it being overwhelmed by litigants and this in turn created the pressure for further reform. As a result Wolsey introduced such things as timetabling and tighter scheduling as well as division into committee, and even individual councillors sitting alone to discharge routine business on an 'out of court' basis.

Further reforms were outlined by Wolsey in 1525-26 but never implemented. The problem was that, unlike the Court of Chancery, the King's Council possessed a tradition of direct involvement with issues of State, with any judicial function very much a secondary one. By this time Henry VIII had been objecting that Wolsey's reforms had moved the Council further away from its traditional role as advisor to the King. Consequently, Wolsey's last proposed reforms were concealed within what was called the *Eltham Ordinances* which were formulated and published in January 1526. Henry VIII at this time was almost permanently absent from London as he and his vast entourage were continually traversing the country. Such travels were described as something akin to a plague of locusts as they moved from manor to manor in search of food. The expense of sustaining this travelling entourage at a time when the country was at war with France placed great strain on the State's treasury. In that climate the Ordinances were designed to impose more financial discipline on the royal court and Wolsey attempted to exploit this need in order to further his reforms of the Council. However, he did not succeed and by the following year Henry's marital requirements came

to dominate the activities of his Ministers with Wolsey in the forefront. It was left to one of Wolsey's successors as Lord Chancellor, Thomas Cromwell, to implement the terms of the *Eltham Ordinances* renamed as the *Cromwellian Ordinances* of 1538-40.

Wolsey's reforms had only been possible because of Henry's preoccupation with indulgence and excess during the early years of his reign and they suffered a setback as a consequence of Henry's marital requirements. After that the Royal Prerogative came to dominate the needs of the State. But the prevalence of the idea of law compelled even this manifestation of the Royal Prerogative to assume a legalistic character and in the process helped to throw the very issue of law itself into confusion.

Law as "The King's Great Matter"

The matters of State which caused this confusion revolved around what at the time was called the King's "*Great Matter*". Henry VIII had decided that he wanted to marry Anne Boleyn but in order to do that he needed to be free from his existing marriage of nearly twenty years standing to Catherine of Aragon. It is difficult to know if Henry was aware of the impact this decision would have on the way that England was governed, and the role of law in that governance, but if he did he was not put off.

When at the end of 1527 Henry decided to apply to the Pope to have his marriage to Catherine of Aragon annulled, he set in train a series of events which brought the issue of law to the fore in a way which had not been done before in England. Law in its domestic aspect had been evolving under Wolsey's guidance into a nationally-acceptable code which was gaining legitimacy in terms of geography and jurisdictions. That he had succeeded in doing this as a result of separating the King's Council's involvement in Diplomacy, Foreign Affairs and Defence from its involvement in domestic law is significant. It was through such separation that the associated taxation component of such activities was made independent of the judicial process, a move that helped to provide it with the necessary credibility. The highest court in the land, at least nominally, was beginning to be viewed as something independent of the Royal Prerogative. Henry's "*Great Matter*" was to endanger this perception.

As Henry had been married to Catherine for nearly twenty years and she had borne him several children—although only one, Mary, survived—it was difficult to lay the basis of an annulment on

non-consummation. Instead, Henry relied upon the Biblical illegality of a man marrying the widow of his brother and as Catherine had been married to Arthur, Henry's deceased elder brother, before she married him, it was upon this basis that Henry laid the grounds for annulment. However, the issue was complicated by the fact that Catherine had married Arthur when he was a sickly fifteen-year old and she sixteen. Arthur died four months after the marriage and Catherine had always claimed that her marriage to Arthur had never been consummated—a claim that underpinned the dispensation Bull issued by Pope Julius II which sanctioned Henry's marriage to Catherine and caused some initial problems even for Protestant theologians when Henry sought to have the marriage declared invalid.

However, within a few months of his application to Rome, Henry's predicament became more precarious. In January 1528 he found himself involved in a proxy war against the Holy Roman Emperor, Charles V, in concert with the French. This led to a temporary interruption of English cloth and wool exports to the Netherlands and later the same year rioting clothworkers, squeezed by the suspension of exports on the one hand and rising wheat prices (resulting from the failure of the 1527 harvest) on the other, threatened the stability of his regime. It was Wolsey's successfully-negotiated truce with Charles V which dissipated the situation. The fate of Henry's application to the Pope to have his marriage annulled became embroiled in the larger situation of the war between Francois I of France and Charles V, the Holy Roman Emperor. Clement VII, through what was known as the League of Cognac, had committed himself as an ally of France in an effort to drive Charles V from the Italian territories and, when Charles V defeated France at the battle of Landriano on 20 June 1529, Clement was forced to accept terms which left Charles V in control of Italy and Clement a virtual prisoner.

As mentioned, Henry's claim for an annulment of his marriage to Catherine was based upon the claim that the dispensation given by Pope Julius II permitting the marriage to Catherine was flawed and the Biblical prohibition against a union with the widow of a deceased brother stood. Having stated the legal case for the annulment of his marriage, Henry was compelled under the existing law to place the final decision in the hands of the Pope as the question of the validity of the marriage was a religious and not a civil matter. Although Pope Clement VII was sympa-

thetic to Henry's position, he was now a virtual prisoner of Charles V who happened to be the nephew of Catherine. In this situation, rather than risk the ire of the Emperor, the Pope refused to make a decision on the matter himself and instead arranged a Papal Commission of Inquiry in London and away from Rome but in such a way that its outcome would be as favourable as possible to Henry.

"In the end of the year 1527, application was first made to the pope, on the king's behalf, to revoke the bull of Julius II, and declare the king's marriage {to Catherine—ED} void. The pope was desired to authorise Wolsey and another cardinal to try the cause in England, and to delegate to them full power to proceed to a definite sentence. It was also requested that Cardinal Campeggio, to whom the king had given an English bishopric, and who was supposed to be devoted to his interests, might be selected as Wolsey's associate" (*The English Reformation*, by Francis Charles Massingberd, Chancellor of Lincoln. Published by Longmans, Green and Co. London. 4th edition, 1866, p.256).

The situation was deliberately staged in a way that, to all intents and purposes, guaranteed a favourable outcome for Henry. Thomas Wolsey was known by the Pope to be a loyal servant of Henry and Campeggio was also indebted to him (Henry had given him an English bishopric). Yet, the staging was necessary. From Henry's viewpoint all had to be seen to be consistent with law. The stability of England since the War of the Roses had been based on the rule of law and it was paramount that law was the vehicle by which his marriage to Catherine was to be annulled. All however, was predicated upon things going to plan. It was the failure of that plan which generated a turbulence within English law that was to threaten its foundation.

Unfortunately for Henry, the position in which the Pope now found himself left him little room for sustaining his support of Henry's position. Charles V used his influence over the Pope to ensure that the hearing was moved out of Henry's jurisdiction. Consequently, after the final sitting of the Commission in London on 23rd July 1529 it was announced that the decision of the Commission was to be deferred to October. In the meantime the Pope made it known that the hearing was to be moved to Rome. Although negotiations continued with the papacy, Henry was adamant that he would not attend any hearing of his case in Rome and in the meantime he sought an alternative means by which

the marriage to Catherine could be declared void. It was this requirement that caused Henry to effectively take charge of English government. Up to this time, and for the previous fourteen years, he had been content to leave the real government of the country to Wolsey. However, Wolsey's function in the context of Henry's current dilemma was only valid in the context of Rome and now that Rome could not function in the way required, there was no longer a need either for the man or the Cardinal. However, any move against Wolsey could not be seen as an arbitrary action and needed to be done within the terms of the law. The fact that Wolsey had accepted a position on the Papal Commission investigating Henry's marriage and had thereby acted as *Legatus a Latere* of the Pope in England became the main charge in law against him.

"His {Henry VIII's—ED} first indignation was directed against Wolsey, who was deprived of his office of lord-chancellor, and forced to surrender his palaces at Whitehall and Hampton Court, and all his wealth, into the hands of his master. Henry, like other spend-thrifts, was fond of money, and often talked of it in his moments of relaxation; and Wolsey, who knew his character, hoped to satisfy him by a free surrender. But this was not enough. The king had called a parliament after an interval of seven years, and there an impeachment was preferred against the cardinal by some of the lords; in the first clause of which they recited the preamble of the act of *praemunire*, in which the clergy and parliament of Richard II had affirmed that the kings of England had no earthly superior. They alleged that the cardinal was within the penalty of this statute for the exercise of his legatine functions. There were no fewer than forty-four clauses, each containing a separate charge; but they were all thrown out in the commons, through the zeal of Thomas Cromwell, a servant of Wolsey's, who, for the purpose, procured himself to be elected to parliament by the city of London, and whose affectionate adherence to his master commended him thenceforth to the notice of the king.

"But the *praemunire* was not so easily disposed of: an indictment was brought upon it in the King's Bench; and to this indictment Wolsey pleaded guilty—a plea which involved the most important consequences, not to himself alone, but to the clergy and Church of England. The law required that no bull from Rome should be executed in England without the royal license, and the penalty was forfeiture of property and imprisonment during pleasure; so that if Wolsey had indeed neglected to obtain the king's license, he was within

the statute. He affirmed at the time that he had not neglected to do so; and it is certain that in more than one instance he had obtained it, though possibly not to the full extent: but knowing Henry's impatience of resistance, he said he thought it the safer course to submit entirely, and throw himself on the king's mercy. And so for the time it seemed. The king granted him a most ample pardon; and once at least, during the same session, he ventured to take his seat in the House of Lords. But this gleam of favour was of short duration. He was ordered to repair to his diocese of York, which it seems he had never visited, for he had not yet been installed; and he set forth early in the spring of 1530, on his progress towards the north,—a signal instance of the instability of human greatness" (ibid, pp.260-261).

Wolsey was banished to York but within a matter of months he was charged with high-treason and died at the Abbey of Leicester on 29th November 1530 while being transported from York to London to face the charges. The death was fortuitous for Henry and the English Reformation as Wolsey—

"would certainly have opposed reformation with a high hand, had he remained in power. The manifold wisdom of God is made known even to the heavenly inhabitants, as they read the development of His providence in dealing with His Church. Much more ought we to acknowledge His Hand as we see the instruments of his purposes successively exalted and removed" (*The English Reformation*, by Francis Charles Massingberd, Chancellor of Lincoln. Published by Longmans, Green and Co. London. 4th edition, 1866. p.264).

Wolsey's fate fluctuated according to the influence of Thomas Cranmer over Henry. After the announcement that Catherine's case was to be removed from London to be heard in Rome, it became increasingly likely that Henry would be compelled to divest all pretence of law by imposing an arbitrary annulment of his marriage. It was Cranmer's arrival on the scene after the announcement of the change of venue that provided Henry with a strategy which could enable him to get what he wanted without appearing arbitrary:

"He {Cranmer—ED} expressed his opinion that the king should collect the judgments of the principal universities and divines of Europe, and that, if they were in favour, his own clergy might then decide the question. This was just what Henry was in search of. Wolsey had indeed before suggested to consult the universities, and some steps had been taken in it. But this was

of little moment when the pope was, after all, the last resort. But Cranmer's suggestion, originating from those very strong views of the royal supremacy which he maintained through life, supplied the link which was wanting; and Henry, whose mind was already alive to the point, seized it with eagerness. Cranmer was immediately sent for, and received with distinguished favour. He was employed to write in favour of the divorce, according to the opinion he had formed and expressed before he could possibly have dreamed of royal favour; and was sent next year with Ann Boleyn's father, now made Earl of Wiltshire, on an embassy to the pope, with whom negotiations were continued. The whole of this year was occupied in obtaining the opinions of various universities and divines, in which also Cranmer, with others, was engaged; and going into Germany to consult the Lutheran clergy, he married the niece of Osiander, one of their leading divines, though the laws of the Church at that time still enjoined celibacy on the clergy" (ibid. pp.261-262).

The significance of Cranmer lay in the fact that he provided Henry with an alternative legal avenue to Wolsey's approach which had no validity outside of a legal code that was ultimately dependent upon Rome. But the price paid for the implementation of this solution was the creation of discord within the legal framework itself. Henry was seen to be acting against the procedures of one foreign power—the papacy—while seeking credence for his position by an appeal to another, albeit amorphous, foreign power—the European universities and divines who supported his position.

Justification by arbitrary law

Parliament met again in January 1531, this time to deal with the issue of Henry's marriage, and was presented with the evidence from the universities and divines gathered throughout Europe in 1530 at great expense by Henry's agents. Six foreign universities, besides those of Cambridge and Oxford, had expressed opinion in the King's favour as well as a great number of renowned divines. It appears that Philip Melancthon had some misgivings about the veracity of Henry's case before acquiescing—temporarily creating a rather ironic situation where the Pope (at least on a personal level) was more sympathetic to the annulment of Henry's marriage than the first great Protestant theologian. However, for Henry, the issue was not Parliament but the clergy and he needed to ensure their commitment to his cause. He did this firstly by re-emphasizing the Royal Supremacy as this was the line of

least resistance. The Royal Supremacy had been conceded by the Catholic Church in England since the time of Richard II and had effectively rendered the Church a national church. However, this in turn ensured that it would, acting as a national church, be more resistant to issues of succession than issues of supremacy and so it turned out. These issues were addressed by the Convocation of the Clergy which was held at the same time as the 1531 Parliament. Every Catholic Bishop had the right to convene his clergy to a Diocesan Synod and every Archbishop the right to convene a Provincial Council of the combined Bishops and clergy in his province.

"These meetings are deemed to constitute the representative Church in the diocese of the district to which they belong, as a national synod or council represents a national church; and a general council, assembled from the whole of Christendom, represents the Catholic of universal Church. The bishops of England have the power, like all other Catholic bishops of calling such assemblies; but the kings by degrees adopted the practice of requiring them to convoke their clergy, not to a purely ecclesiastical synod, but to a meeting connected with the parliament, and exercising some temporal functions. This was called the Convocation, of which there was one for either province of Canterbury and York. These assemblies voted all the taxes which were paid by the clergy; and it was on this account that the kings had an interest in convening them. The archbishop still had the power to summon provincial councils; but as the convocations, being called in their name as well as the king's, were able to exercise the functions of a synod, the practice of holding any other councils had almost fallen into disuse, especially as it was discountenanced by the pope. Thus it came to pass that the convocations of the two provinces, which always sat at the same time with the parliament, were recognised as the synod of the Church in England" (ibid, p.265).

The synchronising of Convocations with Parliament was a useful arrangement for the Kings of England intent on maintaining temporal control over the Church as it acted as an immediate reminder to the Church of the over-riding power and influence of the Crown. Thus it was that the Parliament of 1531 used the occasion to accuse the Church through its legal manifestation in Convocation of being guilty of usurping the supremacy of the Crown by admitting the legatine authority of Wolsey. As Wolsey had already admitted guilt to the accusation, the fact that the English Church had supported him is such a role

made it also guilty even though it could not have done otherwise under the circumstances. An action was brought against them in the King's Bench and Henry was determined to exploit the predicament of the Church, not only to extort a heavy subsidy but also to obtain an extension of his supremacy. Consequently, the issue became one not only of royal supremacy but of the extent of that supremacy in ecclesiastical affairs.

"The royal supremacy was the turning-point of the English Reformation; for by this principle the paper power was abolished, and the Church left free, as far as Rome was concerned, for the admission of those alterations in religion which actually followed. But this principle admits of being understood in very different ways. In opposition to the claim of the pope to be supreme in all religious affairs, and even to make or annul the laws of the countries which own his supremacy, it had been long ago contended by the English parliament, and admitted by the English clergy, that their king within his dominions has no earthly superior. This was, therefore, already so clearly the law of the land, that the clergy could not deny it. And so when Henry demanded that they should acknowledge him the head of the Church, no one could refuse to admit it in the sense in which it had been already admitted. But it was evident that such an admission, in such hands as his, was capable of very much wider interpretation. It is one thing to say that the sovereign alone is the fountain of all law within his own dominions, so that no law should be made without his consent;—it is quite another to affirm that he has the right to make such laws as he shall please touching religious affairs. It was in this latter sense that the clergy dreaded the royal supremacy, and were unwilling to acknowledge it. On the other hand, the king persisted that he would continue the prosecution against them, unless they would *submit* to his terms; which were, not that they should formally pass any resolution on this point, as if it were a new thing, but that, in voting the subsidy which he required, they should acknowledge him the sole protector and head of the Church. After three days it passed in the convocation of Canterbury, with the addition of the words, 'as far as is consistent with the law of Christ'; and with this limitation, the address in which it was embodied, voting a subsidy at the same time of £100,000, was signed by the whole convocation, including Warham the archbishop, and Fisher bishop of Rochester" (ibid, p.p.266-267).

Despite the protestation of Tonstall, Bishop of Durham, a similar admission was made by the Convocation of the

Province of York some months later and they voted a subsidy of £18,000. There followed an Act of Parliament in January 1532 entitled *The Statute of Appeals* by which it was made illegal to undertake any appeal to Rome. The Statute also put an end to the enormous payments to the Pope by way of *annates* (known as 'First Fruits' by which the whole of the first year's profits from a benefice were given to the papal treasury). It also invested the King with authority to order an archbishop, or on his refusal, two bishops, to consecrate a new bishop, even though that bishop might not be approved by the Pope. The King was also given the authority to over-rule any interdict imposed by the Pope on his kingdom by ordering the continued exercise of the sacraments and other rites of the Church to proceed as usual under such circumstances. These provisions were similar to that which prevailed in France at the time under what was called the *Pragmatic Sanction* of the King.

But there were other areas where Henry's Parliament of January 1532 sought to deprive the Church in England of its independence. The fact that the clergy, in the realm of Canon Law, continued to possess the power of making law in England independent of the State was something else which Parliament wished to curb. The charge was submitted to the Convocation and the clergy offered to desist from making laws *which do not affect the faith* without the King's agreement. However, this was not deemed sufficient and under pressure they consented that they would not execute any new canons touching on any matter whatsoever (including religion) without license from the King. It was this commitment which represents the point of departure from the spiritual and temporal balance that went before and constitutes the complete submission of the English clergy.

However, although the Church was prepared to accept with little resistance, the more expansive definition of its role under the law of supremacy, as a national church, it viewed its responsibility in bestowing legitimacy on future Kings more seriously. Thus it was that it came up against the issue of the legitimacy of Henry's marriage to Catherine:

"A law had been passed by the same parliament which abolished the papal authority, declaring the nullity of the king's marriage with Catherine, and requiring all persons to take an oath to maintain the succession to his children by Ann Boleyn; the refusal of which oath was pronounced misprision of treason {an offence in common law committed by someone who knows a treason is being or is about to be

committed but does not report it to the authorities—ED}. This law, and one which followed in the next session, requiring all persons to swear to the royal supremacy on pain of treason, proved fatal to two most excellent and able men,—Fisher, bishop of Rochester, and Sir Thomas More, late lord chancellor. There had previously been some indication that the king's marriage was severely censured by those who adhered to the papal supremacy. Toward the end of the preceding year, when it was reported as about to take place, Friar Peto, of the order of Observants, a stricter class of Franciscans, had denounced it in the pulpit in the king's presence at Greenwich. He took for his subject the death of Ahab, and compared Cranmer and the others to the lying prophets, while he himself was the Micaiah who told the king the truth. And when on the next Sunday another preacher took the contrary side, and challenged Peto to answer him, Friar Elstow, of the same house with Peto, standing up in the rood-loft, answered the challenge, boldly accusing the king of adultery, and those who advised him of betraying his soul to perdition. This was the year before, but now when the oath of succession was tendered to all persons under the new act, Fisher and More refused to take it. They were willing to swear to the succession of the issue of the second marriage, but objected to those words of the act which declared the marriage of Catherine void from the beginning, whereas the pope had declared it valid. Cranmer earnestly advised that their proposal should be accepted,—it would be the way to procure the agreement of all parties; for, as he said, 'there was not one within the realm that would reclaim against it'. But it was no part of Henry's character to admit any deviation from his will; and they were both committed to the Tower" (ibid, pp.290-291).

In 1533 Thomas More had refused to attend the coronation of Anne Boleyn as queen of England. Under law this was not an act of treason as More had already acknowledged Anne Boleyn as the legitimate Queen. In spite of this Henry viewed More's behaviour as unacceptable and he sanctioned a campaign of persecution against him. He was first accused of taking bribes and then of being involved in a conspiracy with the "*Holy Maid of Kent*"—Elizabeth Barton, a nun who had prophesied against the annulment of the King's marriage. But in the face of More's reputation as a judge who could not be bought and the fact that there was documentation showing More's warning to Barton not to interfere in affairs of State, these charges could not be sustained. Therefore, on 13th April 1534 More was

ordered to appear before a commission to swear his allegiance to the parliamentary Act of Succession. Under interrogation he accepted Parliament's right to accept Anne Boleyn as the legitimate Queen of England but he refused to take the Oath of Supremacy of the Crown over the Church in England. He also refused to acknowledge the legitimacy of the annulment of Henry's marriage to Catherine and consequently the redefinition of their daughter, Mary as illegitimate. Exploiting the difficulties in the logic of his stated position More was charged with treason not under the Act of Supremacy but under the Act of Succession, and on 1st July 1535 was tried before fifteen justices and twelve jurymen at the court of the King's Bench. Among those sitting in judgment were the new Lord Chancellor, Sir Thomas Audley, as well as Anne Boleyn's father, brother, and uncle. None of the fifteen Justices were Justices of the King's Bench but in fact Commissioners, half of whom were laymen. He was found guilty after 15 minutes deliberation and executed on 6th July 1535.

Evidence of wilfulness disguised as law by Henry was further exemplified by the changes to the Act of Succession in the aftermath of More's execution. The First Act of Succession, under which More was charged was formally titled the Succession of the Crown Act 1533. This made the as yet unborn Elizabeth, daughter of King Henry VIII and Anne Boleyn, the true successor to the Crown, Mary, the living daughter of Catherine having being declared illegitimate on account of the annulment of Henry's marriage to Catherine.

Then in June 1536, the Second Act of Succession was passed by Parliament. This was passed in the aftermath of the execution of Anne Boleyn, mother of Elizabeth. Under the Second Act of Succession both Mary and Elizabeth were removed from the line of succession, both now having been declared illegitimate. This left Henry with no legitimate child to succeed him to the throne of England.

A comparatively long period then elapsed before the Third Act of Succession which was passed by Parliament in 1543. Because he had no legitimate heir (although Edward had been born in October 1537 he was not named as Henry's legitimate heir in any Act up to this point), Henry was permitted under section 18 to name his successor in Letters Patent or in his last Will. The new Act of Succession restored both Mary and Elizabeth to the line of succession and also introduced new offences of high treason. It was considered a

treasonable offence to interrupt the succession to the throne of any person so chosen, or by claiming that Henry's first two marriages (to Catherine of Aragon and Anne Boleyn) were void or that his third marriage (to Jane Seymour) was invalid, or by claiming that Mary and Elizabeth were illegitimate or that Edward was not. The Act also made it compulsory for some of Henry's subjects to take an oath to uphold the Act and made it a treasonable offence to refuse. The Act also made it treason to criticise the death sentence passed against Thomas More under the Treason Act of 1534. With the Third Act of Succession the farce of Henry's wilfulness was complete, as it made it treasonable to expound positions which the earlier Succession Act had made compulsory to espouse and which Thomas More had been executed for refusing to espouse!

Thus it was that the cloak of law and parliament was used to conceal the arbitrary use of the Royal Prerogative at a time when the evolution of a nationally-accepted legal code continued to be a vulnerable development in English Tudor society. What Wolsey was attempting to do in his reforms and development of the English legal system could be said to represent a fusion of the English Common Law with the European movement for Roman Law, but to do so in a way which retained the loyalty of the people by investing more emphasis on the Common Law component. The thing which upset the appercart in this arrangement was the emergence of the "*King's Great Matter*". The result was to reshift the balance away from the Common Law and more in favour of Roman Law where the Royal Prerogative was given more prevalence.

"This large control exercised by the {King's} Council over the judicial system of the country, coupled with the equally large control which it exercised over all bodies and officials entrusted with governmental functions, was tending to introduce a conception of the legal relations of the crown and its servants to the law and to the subject very different from that which had been held in the Middle Ages. In the Middle Ages the English common law was regarded as the law by which all—rulers and subjects alike—were governed. The continental law was more influenced by Roman law which fostered the idea that the crown and its servants were outside the ordinary law, that the servants of the crown were governed by special courts and a special law, and that in their dealings with the subject they need not necessarily be bound by the common law" (*A History Of English Law*, by W.S. Holdsworth. Published by Methuen & Co. Ltd, London. Third edn. 1945, Vol. IV, p.85).

Although Common Law continued to constitute the main legal component operating in the wider society, the exploitation of the Royal Prerogative in this fashion ensured that the institutions of law from the lower courts to the courts of Westminster were knocked back to a condition of disharmony after Wolsey's efforts to build them into an organic whole. The means by which the "*King's Great Matter*" was pursued through the use of special law should have had the effect of undermining the very concept of law itself, but the resilience of the English Common Law system ensured that law retained its essential function in the wider society. At the same time however, the "*King's Great Matter*" ensured that the State itself came to operate in an atmosphere something akin to a law of lawlessness. It was left to one of Wolsey's successors as Lord Chancellor, Thomas Cromwell, to make the next attempt at the construction of a legal structure which sought to rebuild the relationship between civic law and state behaviour. He ended up being beheaded on Tower Hill without a trial on 28th July 1540.

[This Part was also meant to include the development of English diplomacy, but it has not been possible. It is hoped to explore that and the continued lawlessness of the English State in the next part.]

Séan McGouran

Christopher Hitchens's Last Words

Christopher Hitchens died in early December 2011, after a relatively short illness (oesophageal cancer). Shortly before his death, he was given the Atheist Alliance of America's *Richard Dawkins Award*, in Houston, Texas in October, presented by Richard Dawkins. Hitchens's speech—he clearly thought of it as a major enunciation of his credo—was vintage stuff. "*How... are we going to reply to the rising menace of Islamic jihad?*" This raises the question as to who exactly "*we*" may be. Possibly there would be no menace of an '*Islamic jihad*' if intellectuals like Hitchens had not backed the Protestant-fundamentalist President George W. Bush in attacking Iraq after citizens of Saudi Arabia had bombed New York on 9 /11 2001. Hitchens's reasoning seems to have been that any brown-skinned Arab-speaking

person was the same as the next.

But all the other Aunt Sallies were lined up to be knocked over: "*probably the most reactionary Papacy since the mid-19th century... [a] very reactionary eastern Orthodox church... now ranged behind the dark and sinister figure of Vladimir Putin...*". There was more, including digs at the "*Zionist settlers on the West Bank, Grand Rabbis, infallible popes... the dear leader, the great leader ...*". Some questions are raised by this 'most reactionary' and 'very reactionary' are quite ambiguous terms. Were some Popes less than reactionary? And what has Benedict done to deserve his title? Was it objecting to the USA (and its allies—let's not forget the UK) marauding around the world making it in the image of 'Republicrat' America?

Hitchens in his youth was a member of the International Socialists (now the British Socialist Workers' Party) and was probably mindlessly anti-American. This speech is mindlessly pro-American. Even the swipe at religious Jewish settlers isn't out of place. The Zionists in the USA would prefer the settlers to have ordinarily racist attitudes to the Palestinians. Even though the underlying ideology is that God, no less, promised the land to Jewish people (and in particular, apparently, to pale-faced Ashkenazim) American settlers make it too blatantly obvious that they are 'chosen'. Putin has not reinstated the Orthodox Church as the State church in Russia—but he has used it as a source of social and cultural continuity—in the same way as English politicians use the Church of England. The 'National Cathedral' In Washington DC is Anglican—the WASPS (white, Anglo-Saxon Protestants) haven't gone away you know. . . .

There is an interview / chat between Dawkins and Hitchens (*Observer* 18.12.11—abstracted from the then-current *New Statesman*) alongside the text of Hitchens's speech. They get on to the horrors of Popery quite quickly but, despite that, and a lot of Islamophobia, they are grizzling about fundamentalist (mostly American) Protestantism, and 'Creationism'. Spoilsport Catholics have always been able to take Darwinism or leave it—Italian-American Rick Santorum, currently seeking the nomination for Republican Presidential candidate, is noisily Creationist. Hitchens, oddly enough, says he likes bits of the Catholic liturgy—so he and Dawkins are implicitly accepting that they are not going to be able to make everybody non-believers. Though it may simply be an acceptance of the fact that 'non-belief' and a-theism are not very inspiring.

There were short write-ins by readers occasioned by Christopher Hitchens's death. One person thought that the world's 'tyrants' would be glad to see the back of him. The term 'tyrant' is very generously applied in the Anglosphere these days. It has the great virtue of being, in essence, meaningless—some modern tyrants have higher electoral ratings than many an Anglo-Saxon politician. And they don't all come complete with brown skin tints—the 'dark and sinister' and *bete noir* Vladimir is pinko-gray. The current Prime Minister of Hungary, Victor Orban, is according to *The Sunday Times* (01.01.12) becoming "*Europe's Chavez*"; for the *Irish Times* he is *Europe's Putin*. His major similarity to Chavez of Venezuela and Putin of Russia is that he got a huge vote—an astonishing 70+%—surely he is entitled to run Hungary in the interests of the Hungarians?

Another writer was a bit concerned about Hitchens's attitude to religion. A response to the effect that he was not merely Islamophobic but also Christianophobic and Buddhophobic (Buddhism is a-theistic) was responded to itself by someone pointing out that the Islamophobia was what matters politically and socially in today's world. There is, surely, the question of being mindlessly anti-religious? Especially in the context of his Dawkins interview, where it is more or less admitted that religion is here to stay. Surely Hitchens's attitude was simply asocial?

Tom Doherty

A Response To *A Lament For Donegal* by Stephen Richards
(*Church & State* Issue 106)

A Tourist Laments Donegal?

Mr. Richards doubts that any other C&S readers are more familiar with Donegal than himself: that is a bold claim.

Reading Mr. Richards's piece I cannot claim to have such an extensive geographical knowledge of County Donegal. I have rarely ventured west of the Swilly: Donegal town for a weekend, failed attempts to climb Errigal, and Slieve League was covered in cloud and unclimbable, a couple of times in Letterkenny, whatever.

Yet I perceive Mr. Richards as a tourist: Why? Because my memories and perspective are quite different.

Sentimental Childhood Memories

My own knowledge of County Donegal is more local, more intimate.

My earliest vivid memory is not of Birmingham, where I was born, but of

toddling out of my uncle's farmyard and turning right along the lane, with a stream flowing by the side. Suddenly a jet of piss missed me by inches: a cow had decided to vent itself. I cried out and one of the women came to look for me.

There are so many other memories: of the beach, of walking along the coast towards Buncrana of my dad pointing across

Holidays

Mr. Richards envies his "*contemporaries, who were taken every summer to Donegal... in the sixties, when the living was easy if you were Northern Irish middle class, Protestant or Catholic*". That's his story, mine is different.

My father wasn't middle class: he was a labourer. So why in the fifties were we able to visit Inishowen every Summer? He became a porter on Birmingham's Snow Hill station and when the railways were nationalised was given free travel, included a couple of passes a year for his family. What more natural to visit his homeland; and of course there was free accommodation at his brother's.

This was in the days when many of my schoolmates had to make do with a weekend in Weston-super-Mare or Rhyl.

Economic Migrants

Well that was what my dad was, and all my cousins subsequently. Many young boys and girls from Donegal even had to go to the hiring fairs to see if a farmer from the 6 Counties would use them. England was a more attractive proposition, especially with my dad, their uncle, there to help fix them up with work and lodgings.

My cousins are much older than me (my dad couldn't afford to marry until his forties), and half of them have chosen to retire to Inishowen and build wee bungalows down by the shore.

A Mess?

Presumably my cousins are among those making Donegal a mess, by building good retirement accommodation for themselves on their own land?

In the fifties I remember the ruined cottages, some abandoned since the Famine years. They have mainly been cleared now, but perhaps they would please Mr. Richards, more scenic, quaint for the tourist: blended into the landscape better than modern properties.

On holiday as a child I wasn't bothered about the absence of electricity, running water or flush toilets. But unfortunately my cousins expect such facilities now.

The old place is now used as a barn. My cousin Michael has built a lovely

new place beside it for his family, destroying the scenery for tourists, perhaps. Try telling him to demolish it and go live in the barn.

Inishowen Is Still Beautiful

I don't visit Inishowen as frequently now, but an English friend persuaded me to tour Ireland in August. We ended up in Culdaff. From there we proceeded through Clonmany and towards Dunaff head. Then over the Mamore gap and on to Buncrana. I was tired and taking no notice, those parts are familiar and I suppose familiarity breeds, not contempt, but complacency.

My friend woke me up, remarking "this is spectacular". And so it is, even if it took an Englishman to remind me.

Pat Maloney

The annual release of state documents (under the terms of the National Archives Act 1988) has become a feature of the media at the turn of the New Year. 2010 is reviewed here, with 2011 to follow

From The State Papers

"These are perceived by the general public as an example of "open government"", and to a certain extent they are. But as the clerical abuse scandals have revealed Ireland is one of the most secretive states in the world. Some secrets of State may remain secret for a long time to come.

"The release of files this year illustrates this. For instance, every year there are released a small number of files from G2, the military intelligence department. On the face of it, these lists of the names of such people as Conor Cruise O'Brien, Desmond Fennell, Kadar Asmal, and others in public life are names to excite the curiosity of any journalist or historian. But the files when called up consist entirely of press cuttings. They are not the actual intelligence files one would have hoped for : these remain secret.

"An official of the National Archives tells *The Irish Catholic* that "there is no eventual release date envisaged by law or regulation for security files" (*Irish Catholic*-6.1.2011).

The public assume that all files are transferred from the Government to the National Archives. This is not so! It is a standing management maxim that only some five per cent to 10 per cent of files are saved. The rest are destroyed following appraisal. In fact the National Archives receive many files which seem to be of very little value, while the depart-

ments retain large numbers awaiting appraisal.

The number of files released for the press preview this year amounted to 5,238 files, aside from a few more which were to come in by the end of the year. The Department of Justice and Law Reform is represented by 18 files; the Embassy in Washington by 12 files, while the Moscow Embassy was three files: a clear indication that the releases bear no relation to the importance or the volume of work passing through these offices.

Jack Lynch—

"... believed China needed and wanted friends in the West but was not willing to make an alliance." (*Irish Independent*-31.12.2010).

As ex-Taoiseach in 1980, Mr Lynch travelled East and in a follow-up report to Government he claimed the Communist state feared Russia was plotting world domination.

Although China wanted the West's support to stand firm against the USSR, it was not willing to make formal NATO-type alliances.

The former Taoiseach said senior Chinese politicians were warning of a world war by 1984 or 1985 and that their Soviet neighbours had "designs on the Gulf states".

Mr. Lynch had been invited on the visit by the Institute of Foreign Affairs of the People's Republic of China. It followed up on a trip by President Cearbhall O Dalaigh in 1977.

Mr Lynch met China's reformer, senior Vice-Premier Deng Xiaoping, whom he described as the country's strong man. Deng Xiaoping was renowned as a liberal who opened China to western markets.

The report contained in the state papers released under the 30-year rule stated that China's biggest fear was "Russian hegemonism".

Officials warned Mr Lynch that they believed Russia was aiming to "outflank and encircle Western Europe in the Middle East and North Africa".

The four-page document said the Soviet invasion of Afghanistan and its support for the Khmer Rouge in Cambodia was not isolated action.

"It would be misleading for the rest of the world to think that the Russians will stop there," Mr Lynch reported the Chinese saying.

Totalitarian Rule

Totalitarian Rule was necessary in China because it was the only way to achieve progress in a nation of one billion people, Jack Lynch wrote in a

report on his official visit to the country in May 1980.

Although a covering letter from the Department of Foreign Affairs describes the enclosed report as "slightly abbreviated", it is in fact only five typewritten foolscap pages compared to the original 13, and does not contain Mr Lynch's views on the need for totalitarian rule.

In the original document, Mr Lynch writes: "I believe that totalitarianism is in present circumstances necessary for the progress, slow though it must be, of China. Otherwise it would be obviously impossible to face one billion people in the same direction as to economic progress and the means of obtaining it.

"Democratisation would, of course, inevitably throw up different factions and different thinking, so that it would be impossible to attain or maintain the unity of purpose that now appears to pervade the entire nation," the former Taoiseach adds.

WHERE is Northern Ireland?

It seemed a strange question from veteran Ulster Unionist and defender of the union with Britain's politicians, John Taylor.

Now known as Lord Kilclooney, the former Stormont Home Affairs Minister posed the question to the European Commission in September 1980.

He queried if was correct that the permanent representative of the Republic of Ireland to the Community had made representations to use in all references and correspondence to the term 'Ireland' when referring to the nation of the southern part of the island of Ireland.

"Is the Commission aware that this... is offensive to the community electors in Northern Ireland?" Mr Taylor asked.

"The Northern Irish electorate is over one million voters. Since Northern Ireland is not in England, Wales or Scotland and, if the term 'Ireland' is now to be restricted to the southern part of the Irish island, where, in Commission terminology, is Northern Ireland?"

Thatcher And Irish Unity

Former British Prime Minister Margaret Thatcher's Government privately signalled that it would not stand in the way of a united Ireland a year after sweeping to power in 1979.

State files released for the first time show the reputedly hardline Conservative administration told Dublin it had a greater interest in Northern Ireland than London.

But the then-Secretary of State Humphrey Atkins confided in Foreign Affairs Minister Brian Lenihan that "there would

be an explosion" if it emerged they were making plans toward reunification.

"One step would have to be taken at a time", he said, according to Irish Government notes of a meeting between the two on April 15, 1980.

"There was 'no way' he could go round promoting Irish unity. This was simply not possible. That was not to say, however, that it was something that the British government would stand in the way of."

Mr. Atkins insisted that persuasion was needed to remove genuine Protestant fears.

The previously classified notes of the meeting in Dublin show Mr Atkins—considered by many an uncompromising Tory—advised then Taoiseach Charles Haughey on the apparent British position.

"The Secretary of State indicated that he had said to the Taoiseach the Irish Government's interest in Northern Ireland was greater than any other party except of course the people of Northern Ireland," the notes reveal.

A year later Mrs Thatcher memorably remarked that "*Northern Ireland is as British as Finchley*".

The documents released from the Taoiseach's office, under the 30-year rule, show the Irish Government was pushing for a three-strand resolution focusing on North/South and British/Irish dimensions, as well as cross-community relations within the North.

The model—promoted by John Hume's SDLP—would eventually form the basis of the Good Friday Agreement 18 years later. But in 1980, Mr. Hume believed Mrs. Thatcher lacked knowledge and understanding of the crisis a year after she took power.

At the time, the British government appeared exclusively focused on a setting up a devolved administration in Belfast which Dublin could then co-operate with on a North/South basis.

"The destiny of the people of Northern Ireland will have to be decided by them alone", said Mr Atkins.

Frustration

The remarks apparently frustrated Mr Lenihan who voiced "*serious doubts*" about the approach and insisted Britain could not "*abstract itself*" from the situation.

Meanwhile, files released from the Public Records Office in the North also show a push toward Irish unity was considered by the Thatcher Government as the war raged in Northern Ireland.

The British Government was struggling to come up with options to resolve the conflict. Its proposals of either building a power-sharing government or rule by majority vote were rejected.

In the face of such deadlock, the Central Secretariat's office in Northern Ireland devised a list of "*fall-back solutions*"—top of the list was a move toward Irish unification.

Senator Gemma Hussey proposed a Bill in June, 1980, which would make it a criminal offence for a man to rape his wife. Marital rape became an offence 10 years later.

Maze Hunger Strike—Events in the North in 1980 dominated Anglo-Irish relations and hampered the efforts of the new Taoiseach, Charles Haughey, to develop improved relations with his British counterpart, Margaret Thatcher.

The campaign for political status by IRA and INLA prisoners in Long Kesh (renamed the Maze) was in its fourth year.

The prisoners had "*five demands*", including free association and the right to wear their own clothes. When the demands were rejected, they refused to wear prison clothes and went naked except for blankets. They smeared excrement on the walls of their cells.

Finally, in late 1980, a small and variable number went on hunger strike. By December, the condition of a number of them had become critical. Politicians and leading clergy, including Cardinal Tomas O Fiaich and Bishop (later Cardinal) Cahal Daly, grew alarmed. They feared the consequences if any of the hunger strikers died. Channels of communication were opened up, always without success.

Most of the developments in this crisis, and the further crisis provoked by the much longer hunger strike in 1981 in which 10 men died, are well known and the subject of many books. Those of 1980 appear only sporadically in the state papers now opened for public viewing in the National Archives under the 30-year rule.

"State papers usually tell a coherent story. This is not so in the present case. That may or may not be due to the fact that several have been withheld for unstated reasons.

Possibly, they conceal episodes which the authorities here or in Britain, or both, still wish to conceal. If so, they may refer to the talks through the various confidential channels aimed at ending the hunger strike. Even now, parts of the story remain murky, and there were allegations of bad faith. The papers confirm that both Cardinal O Fiaich and Bishop Daly at one stage felt that they had been misled.

"Also withheld is a document which might possibly shed some light on the

question whether the British government tried to prevent Cardinal O Fiaich's elevation, or previously to prevent him becoming Archbishop of Armagh" (*Irish Inde*, 30.12.2010).

However, the main lines of the story are clear. Thatcher at one point said that no concessions, "*none at all*", had been offered. That is incorrect. The British in fact did offer one concession, on clothes.

In Dublin, meanwhile, Charles Haughey set about what he called raising Anglo-Irish relations to a "new plane". By this he meant coming to an agreement with Thatcher over the heads of the Northern parties: an aim finally achieved by Garret FitzGerald in the Anglo-Irish Agreement, from which Haughey dissented.

For Haughey, the process reached its highest point in December, when Thatcher brought a large and impressive team of ministers with her to talks in Dublin Castle.

The communique envisaged "*joint studies*" of issues of mutual concern, including "*institutional*" arrangements.

The Foreign Minister, Brian Lenihan, Senior, went further and spoke in an interview of possible "constitutional" changes. This infuriated Thatcher, who berated Haughey. In fact, Thatcher already distrusted him, and she never envisaged any radical changes arising from the "joint studies".

Earlier, TD Sile de Valera had caused a minor uproar when she publicly criticised Thatcher for her "*lack of compassion*" in relation to the hunger strike. Haughey felt obliged to repudiate the remark.

Thoughts On Mrs. Thatcher An uncanny insight into the West's first female prime minister and the woman who dominated British politics for two decades is revealed in a searching profile drawn up by Ireland's Ambassador to Britain, Eamon Kennedy and revealed in state papers just released in Dublin under the 30-year rule.

Mr. Kennedy drew up a hastily prepared profile of Mrs Thatcher in April 1980, just ahead of her first of two summit meetings that year with Mr Haughey.

"Mrs Thatcher comes across as a sharp, bossy, down-to-earth and at times abrasive Prime Minister, as she demonstrated at the Dublin summit," according to Mr Kennedy's profile.

"She has a tidy, efficient, mind and while she impresses by her crisp grasp of detail and her down-to-business, approach, she sometimes gives offence to her cabinet by treating them as if she were an aggressive school mistress, handing out marks to the hawks and criticising the wets."

The final paragraph of Mr Kennedy's profile describes her attitude toward Northern Ireland and refers to the murders of shadow Northern Ireland Secretary, Airey Neave and the queen's cousin, Lord Louis Mountbatten in 1979.

"On Northern Ireland, the murders of Airey Neave and Lord Mountbatten last year have left deep psychological scars on the Irish outlook of the prime minister. This is not to say however, that she would be hostile to bold, pragmatic and imaginative proposals aimed at coming to grips with the problem at last in a radical, even, indeed revolutionary way."

Perhaps, suggested the Ambassador, they could recall that after her electoral victory in May 1979, Mrs Thatcher quoted St Francis of Assisi on the steps of Downing Street when she said "where there is discord may we bring harmony".

"They are surely a strange combination, Maggie Thatcher and St Francis. Perhaps the relation is that they are both courageous radicals from a small town conservative background who saw the need to change things fundamentally."

Apartheid: Lions' Tour—The Department of Foreign Affairs recommended that Ciarán Fitzgerald should not be granted special leave from the Defence Forces to go on the controversial Lions tour of South Africa, in view of the Government's views on apartheid.

The Department of Defence had written to the Department of Foreign Affairs after the Irish Rugby Football Union had asked Fitzgerald to declare whether or not he would be available for the tour in 1980.

The Department of Foreign Affairs said its Minister recommended that no special leave facilities be granted "in light of the Government's condemnation of the apartheid policies of South Africa, its support for the Olympic principle of non-discrimination in sport and its stated opposition to Irish participation in the proposed 'Lions' rugby tour of South Africa'".

The 1980 tour, without Fitzgerald, was not a successful one for the visitors, with Bill Beaumont's injury-hit squad losing 3-1 to the Springboks.

EU Enlargement—Fears were expressed as early as 1980 that further

enlargements of the European Union could place an intolerable strain upon its administrative machinery.

State papers opened under the 30-year rule show that officials were already worried about the effects upon the Brussels bureaucracy of the 1973 entry of Ireland, Britain and Denmark into what was then the European Community.

An EU committee dubbed *The Three Wise Men* commented: "The sheer burden of business has become unmanageable and the way it is handled has not helped."

Bureaucrats and outside advisers were fearful in 1980 about the entry of Greece in the following year. Spain and Portugal were also due to join soon after.

The papers in the National Archives do not mention the likely difficulties owing to the relative economic backwardness of these three countries at that time.

Instead, they concentrate on the problems that had been caused by the entry of Ireland, Britain and Denmark seven years earlier.

Implicit in their comments, however, is the added strain that they felt was certain to arise from the entry of a further three countries which were then at a low stage of economic and political development.

"Considering the recent economic difficulties of Greece, Spain, Portugal and Ireland, a comment by John Wyles in the *Financial Times* on December 16, 1980 seems apposite.

"The European Community resembles a once-exclusive gentlemen's club which, having thrown open its doors, belatedly realises it ought to lock up the silver and rewrite the rule book." (*Irish Independent*, 31.12.2010).

The glib remarks by James Downey, and especially, quoting the *Financial Times* ignores the role that Britain played in encouraging the Union to desert its first principles and extend its membership based on an economic zone and less on social principles. In 1973, the E.E.C. had nine members, today it has 27 and the "intolerable strain" is becoming all too apparent.

More items from 2010 next issue, along with some from the 2011 archive

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Death Of A Shipyard

concluded

coke fumes
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condensed milk
liniment rub
iodine bandages
Wintergreen Ointment
white asbestos
busy shite-houses

Stop
bleed no more
deaf no more
vomit no more
limp no more
cough no more

severed
fingers
toes
no more
die no more

Orders no more
thousands of jobs
no more
wages
no more
modernisation
too late
or not enough
the last ship
is on the slipway

Hurry
the meccano set
must be deconstructed
and carried back
to the smelters
where it was born
to be reborn
in the image
of
Old Testament
characters

Trumpets
for Samson and Goliath
as they stride in
singing an operatic duet
or is it the wind
gusting up from
Blackhead

Too busy to converse
those two
too intent
to gaze over the city
or peek
at Carnmoney Hill
where the Yard men lie
Stare all you want now
you giants
the last ship

slid into the Lough
plenty of time now
biblical brothers
to ponder that hill
for you destiny
may also lie there

Saved
the pair of them
historic monuments now
essential for our city
our roots and our culture
says new Stormont
yeah
I believe you
now
about that restaurant
you promised
fitted to the shoulders
of Goliath
with a view of
Cave Hill
the Black Mountains
the ancient Rock of
Fergus
Bangor
on the Gold Coast
for those
on top
to gourmet on top

Remember that hill
where you looked
into the valley
at the meccano set
you longed to visit
all those years ago
and stayed for life
well
it's gone
Queen's Island's gone
They don't build
ships
in Titanic Quarter
but gated
Lough-side homes
penthouses
yachting basins

And
a theme park
where the dead
drown
three times a day
and the rescued
weep
ad infinitum
In
Belfast lite
Titanic Town

16th July, 2009

Wilson John Haire

DEATH OF A SHIPYARD

Did you ever
as a nipper
have a meccano set
you know
lots of metal strips
full of holes
nuts and bolts
screws
a power source
like methylated spirits

Did you build a crane
that lifts weights

You didn't have one
back then
when old Stormont ruled
neither did I
a classmate had one
his daddy
was a tax inspector

Once
he persuaded his mammy
to take the meccano set
from the cupboard
she watched him
as he constructed
a steam tractor
filled the tiny boiler
with distilled water
a measure of fuel
scratched a match
coughed at the fumes

The whistle spluttered
tiny wheels turned
it moved six inches
stopped and wheezed
his mam
ordered it
to be de-constructed
put back in its box

The cupboard closed
a key turned in the lock

But long no more
come with me
let's climb this hill
that overlooks the city

Down below in the
valley
is Belfast Lough
leading to the sea
close your eyes
listen
hear it
the electric klaxon
the shipyard horn

His Master's Voice
bass-roaring above
the steam whistles
of the spinning mills
the saxophone
of Mackies Engineering
the trombone
of the Sirocco Works
the shrill clarinet
of the Ropeworks
sweet
an piob uilleann
of Gallagher's Tobacco

Open your eyes
look
your very own meccano set
there it sits on an island
thousands of steel ribs
metal plates
full of holes
for construction

with
nuts
bolts
rivets
screws
acetylene
gas
electric
welds
steam
hammers
giant spanners
energy source
harbour
power station
gantries
that lifts
a hundred tons
builds ships
passenger
cargo
warships
on the slipways
in dry docks
tied drifting on the tide

On the hill
fox cubs play
screech
in the whin bush
the Red Admiral
flutters awkwardly
is it meant to fly
the bee
fat as a flying-boat
lifts off from the fuchsia
nods towards its compass
the sun

to fill honeycomb cells
two dragon flies
mating
fly overhead as if refuelling
the yellow inquisitive eye
of the blackbird
stares
chirps staccato
as it flees the hedge
last night's stars
faded now
lie at the bottom
of the blue ocean above

Precarious for wild life
down there
on Queen's Island
Harland and Wolff
but not for starlings
who black the sky at dusk
in stereophonic chatter
tiny feet grip the gantries
huddled for warmth
the steel cliffs vibrate
to a hundred thousand
beating hearts

Will school ever end
snow's on the ground
the hungry robin's bold
again
the flakes in falling
closes the door
on the island
the meccano set's
in the cupboard
mother nature has the key

Spring
and she relents
school's finished
forever
hooray
it's time to go down
to the meccano set

It grows bigger
bewildering
out of control
expanding
its metal innards
swallowing 35,000
each morning
to the harsh call
of an industrial mullah

The gannet
with its cruel eye
and hardened beak
watches all
from the ship's mast

oily waters laps
the concrete beach
a curious seal
pokes its head
out of the injured sea
three tugboats
all engine
wrestle the waves
Faith Hope Charity
Catholics say
Jesus Mary Joseph
push pull
the passenger liner
Reina Del Pacifico
to its fitting berth
their powerful screws
sends rivers
down the Lough

Machine-fed
and growing
through its human
umbilical cord
the foetus of a ship
laps up
white-hot rivets
stronger
it kicks in the womb
one dead
two injured

A lost bee
visits the flowering
weeds
between the jetty
planks
nods to the false sun
of an intense blue light
from an electric welder
and burns its wings
above a riveter's fire

Air-hoses hiss
the caulker deafens
ship's sirens groan
the floating crane
moans and creaks
against
the wooden fender
as it lifts
a ship's boiler
into an engine room

Blood flows
at the first aid stations
bells of
the shipyard ambulance
to the Royal
or
the Mater
if the patient's
conscious
and states
his persuasion
if dead
a bleeding-heart tattoo
pierced
with an Ulster dagger
or
a quiet St Christopher's

medal
will do nicely
The Lough buoys
clang
on the swelling water
in winter darkness
they flash
red for port
green for starboard
lighthouses
at the mouth of the
Lough
point their fingers
at rocks
shallows
sandbanks

Musgrave Channel
Road
and its shaded lights
swing in the wind
sleeted rain slings
arrows diagonally
each ship
under repair
and new-born nude
is ablaze
from the howling
generators ashore
the watchman
sits in the sentry box
next the gangway
and warms his hands
at the brazier
macho men
undo another
shirt-button

The air smells of
a rancid whaler
in for repair
tarred rope
cork from a
refrigerated ship
battleship-grey paint
from an aircraft carrier
a red-leaded whaler
the Juan Peron
just off the slipway
smoking funnels
from Kelly's coal-boats
carrying black cargo
from Whitehaven
brown seaweed
from kelp beds
galvanised sheetmetal
human sweat
iron filings
fetid bilge water
marine plywood
welding smoke
engine-room grease
used electricity
burning timber
boiling pitch
oakum
Myanmar teak
hot fuel oil
scalding steam