

Church & State

An Irish History Magazine

And Cultural Review Of Ireland And The World

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Vatican 2—*what went wrong?*

There has been much agonising by figures in the Catholic Church on the 50th anniversary of the opening of Vatican 2. Nobody can now deny that this was the harbinger of a decline in the strength of Irish Catholicism, as this magazine has always claimed. But what exactly went wrong?

Fr. Vincent Twomey SVD is emeritus Professor of Moral Theology at St Patrick's College, Maynooth and a leading expert on the subject of theology. He had a piece in the *Irish Catholic* on 1st October to explain what went wrong. He says that before Vatican 2:

"If any local Church was ripe for renewal—and could have achieved it—it was the Irish Catholic Church. Practice was at record levels for both Sunday and daily Mass-going. Devotions and confraternities flourished, Seminaries, Religious and missionary congregations were bursting at the seams."

There is a peculiar logic here. The Church was never in better shape in Ireland than it was just before Vatican 2 but that made it '*ripe for renewal!*'

Let's take an analogy to explore the sense of this thesis. The Cork football team establishes a very successful run, wins every game (beating Kerry well every time), wins a string of All Irelands (against Kerry), and wins every other championship, fills every stadium wherever they appear, establishes an international reputation for its football skills. The Club is at top of its game, literally and metaphorically. Then the GAA Executive suddenly decides the time is "*ripe for renewal*" of the team, that it should be shaken up and game-plan disrupted. How should the Cork GAA board react? Should it agree and begin 'renewing' a winning formula? Is it not more likely to say that it will not fix something that is working perfectly well? Any other response would be crazy. Yet is this not what happened with Vatican 2? The Irish Church, never more successful, agreed to "*renewal*" and created a disaster for itself.

Fr. Twomey has an explanation for what happened. It was not the Vatican's fault—perish the thought—it was the fault of the Irish Church: it was not ready for this renewal because it did not have a sufficient grasp of theology. What happened was a bit like Garret Fitzgerald's *dictum* about the economy—it was fine in practice but it did not work in theory.

Fr. Twomey elaborates:

"The malaise of modern Irish Catholicism is its inability to take theology seriously. Asked how he got on at the Second Vatican Council, one Irish bishop is reported to have replied: "Well, it was really all a bit of a waste of time. They talked about nothing but theology." To what extent this comment reflected the general attitude of Irish bishops who attended the Council, I am unable to judge. But the remark would seem to reflect the general attitude of Irish clerics to theology then as now: a waste of time. This is one of the main reasons, it seems to me, why in Ireland the Council failed to achieve the renewal that Blessed Pope John XXIII had hoped to promote when he surprised the world by calling an Ecumenical {i.e. Universal} Council."

So lack of a good theological underpinning is the problem!

I think he could not be more wrong. Older religions and faster-growing religions do not exist and thrive on the basis of theology—which is essentially an effort to dissect and analyse the nature of God. Theology in itself can be a very insecure basis for religion at the best of times.

The Jews were chosen by their God as his people, who spoke to them a few times, gave them some real estate and a set of Commandments and as a result they have no problem about him or his nature. Their relationship is clear as they are made in his image and their rabbis work out the practicalities involved.

For Moslems their God experimented with a number of prophets, a sort of trial and error process, and finally settled on one and made him the final one, Mohammad. God wrote a book of instructions for him and his followers and while Muslims can analyse and interpret this book, the author is above and beyond all that and there is no need to analyse him as he said all that needed saying.

By contrast the Christian God is a bit of riddle. For a start he is three in one and/or one in three. It's a bit like getting your mind around a Three Card Trick trying to visualise this God. He became man, reportedly said some pious things, died, rose again and disappeared. He left no instructions as was the case in other religions.

This state of affairs gave rise to countless heresies, different views of what God is, and an immense theology arose to resolve these problems.

Sorting out riddles is very good for the brain and the imagination. Trying to calculate the number of angels on the head of a pin etc. helped develop the imagination in a way that facilitated the development of modern science, which relies more and more on the imagination: as the 'real' world disappears more and more from physical view, the more it is analysed.

However, this does not solve the riddle of the Christian God, and humanity cannot be at peace with itself on the basis of a riddle: life will then always remain problematic and that is an unsatisfactory way to live. The Irish Catholic Church had found a way of coping with this dilemma in Vatican 1 days, but that is rare. And how this was done horrifies Fr. Twomey as it was done by ignoring theology. And yet he must see that it was a dose of theological innovation from Rome that helped demolish the thriving Irish Church.

He claims the problem was that the Council was all misinterpreted by the Irish. But surely it is the job of infallible Rome to prevent misinterpretation? That is what it has been doing for 2,000 years. It is hardly reassuring or convincing that Rome failed, or was powerless against misinterpretation by the Irish, in putting its case to them.

My barometer for understanding Irish Catholicism pre- and post-Vatican 2 is my mother. She would have been representative of the millions who were the backbone of the Church in Ireland—and elsewhere. She was born in 1916 and no doubt her mother told her, as she told me, that the world had gone mad in 1914. My mother's life would have confirmed that conclusion. In her childhood she experienced two wars, the War of Independence and the 'Civil' War and her home received the attention of the Tans and the Free State Army. She lived through an 'economic war', the Blueshirt/ FF conflict, WW 2 and the Cold War. The outside world was full of wars and rumours of wars all her adult life, with a very real prospect of the human race being wiped out at any moment.

In this scenario the Catholic Church was a beacon of sense in a mad world and was a most benign alternative to live by. (And for good measure there was the additional bonus of a miracle for her concerning yours truly. I was born with a serious liver problem, was hospitalised but discharged as being beyond hope of recovery. She promptly 'did the rounds' of a Holy Well with me and I made a full recovery.)

Then she was suddenly faced with results of Vatican 2. The priest jabbering away in English, an experiment with open confession, taking and eating rather than 'receiving' the body of Christ (the introduction of knives and forks would have been no surprise), guitars and songs in the Church, shaking hands there, Stations of the Cross dumped in a local river and some favourite Saints abolished. Even the architecture of the next world was changed. A big department, Limbo, was abolished, Purgatory seemed to have closed down and the fire department became very much cooler. Hell freezing over no longer seemed an impossibility.

An alien religion had appeared. And a normal religious person cannot have two religions. It was not convincing to her that all this was needed to come to terms with the modern world, as she believed in her religion insofar as it did *not* come to terms with most of what the modern world had to offer.

But it took another shock to finally destroy her faith. It was the Papal visit. She had gone on the usual pilgrimages to Knock and Lourdes and would come back spiritually refreshed. She approached the Papal visit in a similar way and I expected a similar reaction. The very opposite happened. She was disillusioned by the whole spectacle. It did nothing whatever for her. It was empty and crass. There was an additional disgust at the consequences of a lack of toilet facilities in a Limerick field while the Pope John said Mass. I will spare the reader her graphic description of this, but for her it was the Pope saying Mass in a toilet. I then realised this new departure of a globe-trotting Pope was incongruous and idiotic. The less seen and heard of Christ's Vicar on Earth the better as he is not really of, or for, this world. A celebrity Pope is oxymoronic. That was why the then Bishop of Cork, Lucey, kept him away from his patch despite St. Jack Lynch being Taoiseach at the time. He only turned up to wave him goodbye, that was why my mother had to go to Limerick.

The point of all this is that no theology whatever was involved in the creation and demise of my mother's beliefs. She was in any case a theological heretic, strictly speaking, with her Holy Well business. Her lifelong love of music and dancing probably made her prone, if not to heresy, certainly to many occasions of sin which caused her no end of enjoyment. She could trace her family to Penal times and theology never entered the picture as a reason for their commitment to the Church. There were always much more obvious and convincing reasons for this commitment.

There were a number of smart ass items in the *Irish Times* on the anniversary of Vatican 2 to the effect that people such as my mother should not have been surprised by any of these changes and that these were inevitable. One would think the *Irish Times* of the day was so attuned to Catholic thinking that if she was reading it she would be well prepared for the changes.

Fr. Twomey like everyone else is not happy with the outcome of Vatican 2 as it has never lived up to its promise of renewal and coming to terms with the modern world. But, as far as I can see, all would accept that Vatican 1 was a great success—

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a number of features have been held over

Church & State

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and it did precisely the opposite. Its *raison d'être* was to *refuse* to come to terms with the modern, liberal, world and it thrived—most spectacularly of all In Ireland.

It looked on the emerging liberal world as inevitably leading to disaster and the wars and horrors of the following century has not disproved that thesis. Yet I never see Church leaders prepared to learn some lessons from Vatican 1. Surely there are grounds for suspecting that the liberal world is not finished with its love of wars and their inevitable horrors that might well yet put the 20th century in the shade in these matters—if the first years of the 21st century are anything to go by. I cannot see why Church leaders cannot learn some lessons from Vatican 1 that might be relevant for today and and forget about trying to put a good face on the disaster that was Vatican 2.

Theology seems to be in fashion among Catholics, probably because the current Pope is a theologian. He has already shown that this discipline does not make for a sensible Pope. His first major outing on the subject after becoming Pope was a disaster, the Regensburg speech. He insulted Islam by accusing it of relying on the sword whereas the Christian Church was based on reason for its success. As if the opposite was not just as convincing. It was neither good history or theology.

In this speech Benedict set out to show that God was reasonable *à la* the ancient Greeks. It is worth noting that in arguing this he had a swipe at the Irish theologian, Duns Scotus, for what he called his "*voluntarism*", because Scotus did not accept this thesis about God. For Scotus, God was beyond reason and could not be limited to reason. In other words he could not be nicely summed up, defined and put in a box labelled reason, and made to look like an ancient Greek. And, after all, reason did not do that much for the Greeks as their subsequent history showed.

Perhaps the Irish, as they were never subject to Greco-Roman discipline in thought or deed, just cannot relate to theology based on that discipline and that is probably the real source of the problem that Fr. Twomey is wrestling with. The Irish God was a more comprehensive God and did not need to be fully understood to be acceptable. The heart ruled the head for them and their understanding of God was not a cerebral affair. I feel Fr. Twomey is on to a lost cause as he is trying to prove otherwise.

French law , the PACS, allows for State recognition of civil unions between couples, regardless of gender. However Gay Marriage is now on the agenda. This is opposed by the French Hierarchy. The following translations of some episcopal comments appeared in the *Froggy* column, *Marriage For All in Labour Affairs*, Dec-Jan 2013

French Bishops On Gay Marriage

Mgr. Georges Pontier, Archbishop of Marseilles 12 November 2012

Why do we oppose this law?

Because marriage is an institution which organises and supports relationships and mutual rights and duties within society: it rests on relations between men and women, mother and father, son and daughter, brother and sister. It looks to its future.

Because marriage is not the place where society recognises love relationships between citizens.

Because children are the fruit of love between a man and a woman; children find by them a mother and a father who bring them the wealth of their complementarities.

Because there does not exist a right to marriage, nor a right to have children, and even less a right to acquire children by any sort of means. Because children have the right to know those who engendered them, thus to be made a part of a line; to be educated by them and to call them: Mum and Dad. Because this project is a bad response to the expression of a suffering, a response that will create many other sufferings and weaknesses by destroying fundamental markers and points of reference.

Because something very deep is affected in this cultural and anthropological upheaval.

Because all this is done in a hurry, without a debate in depth, whereas the question is serious and not of extreme urgency.

Mgr. Michel Pansard, Bishop of Chartres, 19 September 2012

Marriage is not just the utilitarian or romantic celebration of a love. By concentrating our attention on the individual and his or her feelings, we risk limiting marriage to a private and intimate affair, in which it is then not clear why the State should be involved.

Mgr. Roland Minnerath, Archbishop of Dijon, 14 September 2012

The phrase "*homosexual marriage*" is contradictory. Marriage supposes sex

differences. There is no discrimination in excluding from the category of marriage other sort of unions. It is not inequality to treat differently different realities.

The institution of marriage is not the recognition by society of the love of two persons, but of their will to commit to each other, to give stability to their union and to guarantee filiation.

The phrase "*right to a child*" is confusing. It is the child who has rights, including the right to have a connection with a mother and a father, connection which will allow him or her to build his or her personality. The child is not an object designed to fill a gap or fulfil a desire.

Mgr. Olivier de Germay, Bishop of Ajaccio 1 August 2012

Let us not forget the red thread which runs through this type of laws. At the time of the debate of PACS {official pact giving rights to any couple cohabiting}, we were told it was just a question of defending the dignity of homosexuals, and that adoption was out of the question. Today, still under cover of non-discrimination, the law on adoption is on the agenda. Preventing a child outright from having a mum and dad is not seen as a discrimination.... But let us make no mistake, this is not the end. We are following an ideological trend which does not intend to stop there. The next step has begun to reveal itself through gender theory. We will be asked to accept the idea that sexual difference is only biological and does not concern the deep and fundamental identity of the person. Everyone can therefore choose one's sexual orientation {hetero, homo, bi, trans, etc} independently of one's gender. In consequence it will be forbidden—because it will be considered as brain-washing—to give a boy an education including masculine points of reference and to give a girl an education with feminine points of reference. This would go against the all-powerful individual freedom to free oneself from nature...

The ideologies of the last thirty years have worked on society and led in large part to the breakdown of the family; new ideologies will allow the destruction of the person. In both cases it is society in its entirety that is falling apart.

Mgr. D'Ornellas, Archbishop of Rennes, 20 November 2012

The Catholic Church is respectful and loving towards the weakest. In this case it is particularly mindful of the children and their upbringing. The law is particularly unjust in creating a discrimination: it will be imposed on some children to be without a mother or without a father .

Mgr. Philippe Gueneley, bishop of Langres, 9 November 2012

Sexual difference, the foundation of marriage from its origin, would be weakened if marriage for homosexual couples was inscribed in law. The union of two women and the union of two men is not fertile without the intervention of a third party. If what is in question is taking into consideration the love which unites two women and the love which unites two men, there is no legal necessity to call this situation a marriage. Another word must be found.

The stakes are far higher than appears in the proposed law : the law strikes at the family in its anthropological nature, and relativises sexual differences which are source of fecundity. It makes yet another tear in the social cohesion of our country, which does not need new sources of divisions. It creates new conflicting duties and does not respect conscientious objections. It is not a mark of progress in our civilisation.

Cathy Winch

The French White Paper for Same Sex Marriage

Christine Taubira, Hollande's Minister for Justice, has rewritten Napoleon's *Code Civil* to make it acceptable to homosexuals who desire to marry officially. This basically involves removing the words 'father' and 'mother' throughout in the thousands of instances where they occur in the Civil Code.

It also involves changing the law on incest: now marriage is also forbidden between brothers, between sisters, and between uncle and nephew, and between aunt and niece.

Any mention of gender is removed

from the Civil Code as regards marriage. The words mother and father are expunged, replaced as appropriate by

"Parents, one of the parents, the other parent, one or the other of the parents, a parent, one of the two parents, the legal representatives".

Step-mother and step-father become "*step-parents*"; the same with mother in law etc.

Wife and husband are replaced by "*spouse*".

Widow becomes "*surviving spouse*".

Maternal and paternal are erased; maternal and paternal branches of the family become "*each branch of the family*".

Grandmother and grandfather become "*grandparents*".

There is a slight problem in that in French the word "*parents*" also means "*relatives*"; when it does mean that, the new Code uses the phrase "*person united {to the child} by links of kinship or alliance {marriage}*" or "*family member*".

A bigger problem is that the word 'parent' is not used to mean what it meant in the Civil Code, i.e. the person who engendered the child. Now, in a same sex couple, at most one of the couple will be a parent. Not only has marriage become something else, but parenthood as well.

The other change is that there will be at most one "*branch*" of kinship for any child; any grandparents on the other side will be people with no biological connection. The family will no longer consist of blood relatives. It will become a grouping of people connected by what? Feelings? Promises? There will also be a shadow world of people (shadow parents) who have contributed their genes to new generations but are not acknowledged to exist.

In one Article of the Code, L222.5, the difference between men and women has not been removed, although, with only some slight distortion of reality, it could have been. The Article relates to refuges available to pregnant women (pregnant women!) and single mothers (mothers!) with children under the age of three who need support. Social workers will help to preserve contacts with the {father' crossed out} other parent if desirable.

Considerations

Society still operates with men and women getting together and procreating, bringing up the children as best they

can. The proposed new Civil Code will not acknowledge this situation, thereby removing its support.

The White Paper makes it clear that opening marriage to same sex couples means transforming the Civil Code from beginning to end and denying the reality of life for the whole of society, for the sake of a minute minority.

This proposed legislation is put forward without proper reflection; initially the French media talks about "*marriage for all*", as if incest was no longer forbidden, or age restriction no longer applied.

The proposed legislation is made on the sole basis of equal rights; yet that principle is not applied consistently; it does not explain why incest should continue to be forbidden: a certificate of sterility (what could be easier?) would enable a brother and sister to have their relationship recognised; in the same way, why should people under 18 not have the right to marry? Why can't siblings have homosexual relationships? Why doesn't everyone have equal rights?

Basing action on 'equal rights' is a liberal attitude: I do as I like; it's my right, never mind the effect on other people.

The proposed legislation presupposes that sex differences do not matter as far procreation and bringing up children is concerned. This is a mistaken approach.

The family is already changing very fast; it is not a good idea to accelerate the movement by passing a law that demolishes a traditional institution, and demolishes the consecration of the notion of *mother* and *father*.

The law should provide for the norm. The legal position of traditional families should not be disrupted for the sake of the minute minority. Until now, the idea that children have a mother and a father was presupposed in the official texts; long may it stay that way.

Report

Civil Unions

In 2012 there were 20,694 marriages between men and women in 2012.

There were 429 civil unions: 263 between men, 166 between women.

The Civil Partnership Bill was passed by the Dail in 2010 and came into effect on 1st January 2011.

Question: As the word *gays* has been taken to describe people who are not heterosexual, should not their unions be called *gayage* ?

1492 And Its Effects On Ireland

In an article in the last issue of *Church and State* I said that the scale of killing of non-combatants practised by the English in Ireland at various times in the 16th century and in the early 17th century was unparalleled anywhere else in Europe. However, some parallels can be found in what the Spanish were doing in America.

Back in 1992, I remember reading how a group of indigenous people living in Central America had celebrated the fifth centenary of being discovered: they hanged Columbus in effigy. From their point of view he was a bringer of ruin. I don't think there were any such ceremonies in Ireland. The effects of Columbus's voyage on Irish life were indirect, at a third or fourth remove, yet they were certainly powerful and for the Gaelic population they were extremely destructive.

1492 had a lot of preparation preceding it: there were people who had been in training. No one had trained harder than Columbus himself. Some writers (Gunther Hamann etc.) argue that Columbus was not a modern man, meaning that he did not have the most up-to-date academic notions. But, although he was no academic, he was extraordinarily well-read. He had an enormous library stocked with everything he could find, print and manuscript, ancient and modern, that was connected with voyaging, geography and Asian peoples. He read his books actively, filling them with notes. Going from theory to practice, he was a most painstaking planner and a superb admiral. He was iron-willed, able to be incredibly hard on himself and hard on others too. No one could have been better equipped to invent colonialism.

Others who had been in training included the Popes. They were politicians on a number of levels, having a State power which they needed or wanted to make dominant in Italy, and therefore they were liable to come into military conflict with powerful European kings. At the same time they had to perform what was supposed to be their primary function, to preside over the religious unity of Europe (and potentially the world). But, with the Muslim Turks

on the advance, the Popes also had to try to think strategically for Europe, encouraging Christian counter-moves.

In the mid-15th century, when the Turks captured Constantinople, the picture was bleak. The Portuguese were the most active counter-movers, picking up territories in Africa and developing a new slave trade. Pope Nicholas V was glad to encourage them. In 1452 he issued a Bull which gave authority to King Alfonso X of Portugal to attack, conquer and subject "*Saracens, pagans and other infidel enemies of Christ*", seize their territories and goods, and reduce them to perpetual slavery. "*The bull concedes a right of conquest without limits and without restrictions*", according to Paulino Delgado (*La Teocracia Pontifical en las Controversias sobre el Nuevo Mundo*, Mexico 1996 p299). It wasn't clear that it didn't apply to territories like the Canaries, which the Kings of Castile considered exclusively theirs. However, the Pope showed no concern about any possible conflict with Spanish rights.

But in 1492 the tables were turned. Spain completed the expulsion of the Moors and at that very moment discovered a new continent. The Spanish promptly applied for official approval to Pope Alexander VI, otherwise known as Rodrigo de Borgia, father of the famous Cesare and Lucrezia. This Borgia Pope, along with his bitter enemy and successor Julius II, has won admiration from people not much noted for their religious enthusiasm—Nietzsche, for example. In Nietzsche's opinion these Popes had ceased to be Christian. They were great Renaissance aristocrats and essentially pagans, focused on the secular world, pursuing huge political projects, affirming and enjoying life. This was pretty much what Luther thought of them, in fact, but where Luther condemned Nietzsche applauded. The Popes had left negative, mean, resentful, otherworldly, egalitarian Christianity behind, and it was Luther who revived the Christian spirit and added centuries to its life-span.

Whatever the truth of this opinion of the Renaissance Popes, each of them still insisted on being acknowledged as the highest Christian authority. When

the Spanish turned to Pope Alexander in that capacity, he responded in style. In 1493 he issued five Bulls, in which he literally donated ("*donamus, concedimus...*": Delgado p336) all the lands discovered in the west to the Kings of Castille. One of these Bulls specifically stated that the present Right took precedence over any Rights conceded previously; so then, the Portuguese were out! But this had to be reconsidered and a line had to be drawn in the map of the world to allow Portugal its fair share. In the following year this was formalised in the Treaty of Tordesillas, where the line of partition was drawn so as to give legal right to the Portuguese to seize north-western Brazil.

Delgado's book is focused on the fascinating question: "*Did the Pope transfer political sovereignty to the kings of Castille? Did he really divide, with that spectacular stroke of the pen, seas and continents? And if so, by virtue of what competence?*" (p327). What right did the Pope have, or think he had, to do such a thing?

Some writers have argued that Alexander VI authorised the Spanish to take power in America as his feudal subjects, just as Adrian IV authorised the English Kings to take power in Ireland. For a feudal grant, however, tribute should be payable ("*one penny per house per year*" in the case of Ireland), and Alexander's Bulls make no mention of tribute (Delgado p331). Also, unlike the Irish grant, the American grant is not made on the basis that the territories are islands and therefore for special reasons belong to the Popes (p338).

Delgado stresses that the language in the Bulls is that of handing something over, conceding possession. What is the fundamental idea, the doctrine, behind this? It must either be theocracy (the idea that the Pope is lord of the world) or alternatively, the notion of the indirect temporal power of the Pope taken at its broadest. Delgado tends more to the first option: the idea of the Pope as lord of the world is in these Bulls, though not actually expressed.

"The Alexandrine Bulls, which confer dominion in the New World on Spain (leaving aside for now the question of their true juridical force), represent the final major act of papal temporal sovereignty" (p347).

When a new continent was discovered, the Borgia Pope came forward as ultimate lord of the world to dole out territories to the deserving. He laid down

only one condition: the sovereigns were obliged to spread Christianity among the inhabitants of their new territories.

And so, European colonialism was launched with a papal blessing. The Pope did not show the slightest awareness of the possibility that the peoples 'discovered' in the west might have some right to their own self-government. It would not be true to say that this idea is an anachronism, inapplicable to the late 15th century. In fact, people of that time thought of it, said it and wrote it. (Not, however, those people who are called humanists. It was the humanists who developed the main alternative argument for conquest, as opposed to simple papal donation: that certain peoples are inferior by nature, incapable of governing themselves properly, and they need their natural superiors to govern them. Cf. Richard Tuck, *The Rights Of War And Peace*, Oxford 1999 pp. 41-44.)

Strange as it might seem, it was the Dominican monks who were champions of pagan liberty. Not all of them, but many. Their General, Tommaso Cajetan, stated in a book published in 1517:

"Some infidels do not fall under the temporal jurisdiction of Christian princes either in law or in fact. Take as an example the case of pagans who were never subjects of the Roman Empire, and who dwell in lands where the term 'Christian' was never heard. For surely the rulers of such persons are legitimate rulers... No king, no emperor, not even the Church of Rome, is empowered to undertake war against them for the purpose of seizing their lands or reducing them to temporal subjection. Such an attempt would be based upon no just cause of war." Cajetan said that preachers should be sent to these lands to convert the inhabitants peacefully, "but men ought not to be sent with the purpose of crushing, despoiling and tempting unbelievers, and making them twofold more the children of hell..." (Quoted by Tuck pp69-70).

Tuck argues that this view had deep roots in Dominican tradition, deriving from Thomas Aquinas. The Dominicans definitely did not see the Pope (or anyone else) as lord of the world.

"The marked feature of this tradition was that, while they agreed wholeheartedly with the Augustinian and the canonist theory of war as governed by the principles of a general legal code, they disagreed equally profoundly with any theory of world authority, preferring instead a vision of a world of independent and equal political communities..." (Tuck p68).

Cajetan's views were commonplace in his Order. Some Spanish Dominicans, without telling the King in so many words that he ought to give back their colonies, were prepared to take this position publicly. (So much so that Charles V became worried and demanded that any Dominican lectures on this theme should be submitted beforehand to the censor.)

There are also reports of people on the 'Indian' side who had clear views about Spanish colonial right. The Cacique of Cenu, a minor lord in Central America, insisted on having the formal Spanish sovereignty claim ("*Requirement*") translated and explained to him. His response is recorded by an early Spanish writer (1519), cited by Lewis Hanke:

"The part about there being one God who ruled heaven and earth he approved; as for the pope who gave away lands that he didn't own, he must have been drunk; and a king who asked for and acquired such a gift must have been crazy" (*All Mankind Is One*, DeKalb, Illinois 1974 p37).

Spain in the 16th century was by no means as destructive on its own side of the Atlantic, but it disrupted Europe too. In the atmosphere created by Spanish power, the high-flying Popes became accident-prone. Certainly Spain can be blamed for the loss of England. In the 1520s the Pope clashed with the mighty Charles V, the Habsburg Emperor who happened also to be King of Spain, with the result that Rome was spectacularly sacked by a Spanish army. Afterwards, having mended his fences, the Pope was anxious not to provoke Charles again. So instead he provoked King Henry VIII of England, Defender of the Faith, author of a (ghost-written) book against Luther which was recognized as impeccably Catholic, and who wanted nothing more than to continue being the excellent Catholic he then was. All King Henry asked from the Pope was an annulment of his marriage to the King of Spain's relative, with a view to ensuring his royal succession. The Pope was unable to oblige him.

"The sheer size and potential wealth of the Habsburg empire after the conquests of Mexico in 1521 and Peru in 1533 suggested to many European observers that it could really only be a matter of time before Spain seized control of quite literally the whole world..." (Anthony Pagden, *Lords Of All The World*, New Haven 1995 p44).

When Philip II succeeded Charles V the monster was somewhat reduced, because the Habsburg Empire was detached again from the monarchy of Spain. However, to compensate for not being Habsburg Emperor, Philip managed to make himself King of Portugal in 1580. This meant picking up territories in Africa, India and Brazil, to go with the Philippines which he had seized on his own account. He possessed, if anyone ever did, an empire on which the sun never set.

Philip took a keen interest in England. In 1554 he married Queen Mary, Henry VIII's Catholic daughter who was restoring the old religion. For four years he became King of England and Ireland by right of his wife. Being content with the role, when Mary died he sought an extension by proposing marriage to her sister Elizabeth. Though this did not work out, for some time afterwards Philip remained friendly towards his sister-in-law (it was said that he feared the prospect of a French-English-Scottish union of crowns if the monarchy went to her Catholic rival Mary Queen of Scots). However, over time the improving power in England came into conflict with Spanish interests. It was too much involved in supporting Dutch Protestant rebels and pirating Spanish ships bringing plunder from America. And then Philip simply decided to overthrow the English monarch and change the English state religion. After his first attempt failed, with the wreck of the Great Armada, others were planned and periodically expected. For example, there was a major Armada scare and mobilization in England in the summer of 1599. (Cf. James Shapiro, *1599: A Year In The Life Of William Shakespeare*, London 2005, Ch. 9.)

How would one have viewed all this, looking at it then from the Irish side?

As Tudor England tried to force a reluctant Ireland to conform to its own policies and structures, the power of Spain was tempting to the Irish. Surely it might be used as a counterweight? There were precedents: Irish kings and princes had been known to go into military alliance with foreign powers so as to achieve their ends in Ireland. One could find examples in Donal O'Neill (ally of Edward Bruce) and Dermot MacMurrough (ally of Henry II), and going all the way back to the exiled Irish prince who was in discussions with Agricola, Roman governor of Britain, about 50 A.D., according to Tacitus. But

there are not very many of these examples on record. They can be regarded as extreme and abnormal responses. In the richly varied, particularist politics of Ireland an individual lord would normally seek resources within Ireland for his ambitions, or he would accept the current facts of power. This was still the case in the 16th century.

In the Gaelic or "Gaelicised" parts of Ireland, what most people desired was continuation of the kind of political communities they already had, without fundamental change. I think this statement is true beyond reasonable doubt: *behaviour* in the 16th and 17th centuries sufficiently proves it. One prong of English strategy, which Henry VIII launched with his scheme of "*Surrender and Regrant*", was to make the Gaelic lords a force for change. In the 16th century this policy had its most important success in Thomond. The English-educated Donough O'Brien, fourth Earl of Thomond from 1580 to 1624, was an absolutely reliable and usually active supporter of English policy. However, Gaelic culture continued to flourish in Thomond, and the professional poets and historians maintained their schools. Matthew de Renzi, an intellectually curious colonist and unofficial intelligence agent, managed to become their student. He warned that they were sustaining an independent sense of honour and political identity, and inevitably this would contain the seeds of future rebellion.

Elsewhere, there were examples of what David Edwards called "*collaboration without anglicisation*". Gaelic lords would carefully avoid conflict with the English, they would be verbally friendly and accommodating and make all manner of commitments, but in fact they would change little or nothing in the way they ran their political communities. Edwards gives the example of the Mac Giolla Pádraig barons of Upper Ossory. (In *Gaelic Ireland c. 1250-c.1650*, ed. P.J. Duffy, D. Edwards and L. Fitz Patrick, Dublin 2001). In other localities there were astute gamblers who would sometimes rebel when that was advantageous, but were careful also to make peace at the right time and not be caught out on a limb. Examples were Fineen O' Driscoll in West Cork, Donal MacCarthy in South Kerry, Grace O'Malley/Tibbotna-Long Bourke in Mayo, and Alexander MacDonnell in Antrim. All of these people had that quality which Fear Flatha Ó Gnímh describes in one of his magnificent poems: the supple flexibility of

the reed, which bends in the storm so as not to be broken. (*A Poem On The Í Néill*, ed. B. Ó Cuív, *Celtica* 2, 1954.)

And then there were the few who were unbending and who gambled most on the power of Spain. First of all, James FitzMaurice, the most talented of the Munster FitzGerald, who was squeezed out of his native province by his jealous relative the Earl, but who ultimately managed to precipitate earl and earldom into a religious war where the Fitz Gerald were completely destroyed. And there's Hugh O'Neill, the most important of all, whose relations with Spain remain for somebody to make sense of. Though he behaved quite like an old-style High King on his tour of Munster in 1600, in fact he seems to have recognized that he would not have sufficient acceptance in that role. But then, what was he aiming at in the late 1590s, when he held out for what Cecil called "*Utopia*"? Had he fallen for the charisma of the visionary churchmen? The fact is, in 1596 he was offered a compromise which it would have been in the spirit of Gaelic politics to accept. Staking all on Spanish aid, he refused. The O'Neills stood proudly like the oak in the storm, Ó Gnímh said. . . and fell.

(Fineen MacCarthy of Carbery was someone who would certainly have wished to bend prudently, but he couldn't quite figure out which wind was blowing the strongest. It's an extraordinary story which somebody should try retelling. Right on cue, a handsome, gifted and ambitious MacCarthy appeared in Munster at the moment when the Munster FitzGerald had been destroyed. For four centuries the MacCarthys, whom the FitzGerald displaced territorially, had been plotting and scheming, and hoping that by a miracle of good fortune they might somehow achieve this result. In 1261 they almost managed it, but not quite; in the following century too they seemed to have moments of opportunity, and Gofraidh Fionn Ó Dálaigh wrote some splendid poems of incitement for their leaders, but the FitzGerald's hold was not slackened. A full two centuries later, with no contribution from the MacCarthys except some mainly verbal collaboration, the English made their fondest dreams come true.

But the English, when destroying the FitzGerald, had not at all intended to serve the MacCarthys' ambitions. They were shocked when Fineen, the heir-apparent in Carbery, eloped with Ellen MacCarthy, daughter of the Killarney-

based Earl of Clancare. Ellen, her father's only legitimate child and heir, had been supposed to marry the planter Nicholas Browne. There was now the appalling prospect of the MacCarthys, the ancient pre-Norman power, re-emerging in a huge unified territory—headed by a man who was known to have mastered the Spanish language. And this in 1589, the year after the Armada!

The English made a measured and moderate response—which is to say, they did not kill Fineen. They merely kidnapped him and brought him to London. Following the destruction of the Munster Plantation in the rebellion of 1598, he was briefly allowed back to West Cork, since it was hoped he could be a counterweight to Hugh O'Neill and the anticipated Spanish invaders. He temporised too much, so they kidnapped him again and this time kept him in London, endlessly appealing, until his death 40 years later. The paranoia which this "*Hispaniolised*" Fineen inspired in the English is vividly expressed in *Pacata Hibernia* and some other letters published in *Life And Letters Of Florence MacCarthy Reagh* by Daniel MacCarthy.)

Spain "*endangereth and disturbeth all the nations of Europe*", Walter Raleigh said in 1596 (Pagden p67). To the extent that Spain was disturbing Ireland, its interest was instrumental. The Catholic Irish were the enemy's enemy and they were capable of causing trouble. Ireland might have the potential to become "*an English Flanders*" (Igor Perez Tostado, *Irish Influence At The Court Of Spain in the Seventeenth Century*, Dublin 2008 p50). But what was a Spanish alliance supposed to lead to from an Irish point of view?

The most able, resolute and persistent planner of a Spanish alliance was Flaithrí Ó Maolchonaire, who became Archbishop of Tuam in 1609. In his cluttered book Perez Tostado identifies him as the first Irish "*power broker*" (p51), though without seeming to recognize his huge importance. In King James's time, when Spain was at peace with Ireland, Ó Maolchonaire was prepared to press for Spanish diplomatic pressure to win some relief measures for Irish Catholics. However, his preference was for war. He aimed to exploit any outbreak of military conflict between Spain and England to organize an invasion of Ireland. Knowing how intense the rivalries were in Gaelic Ireland, he was prepared to consider makeshift political

solutions. The essential thing was to restore the Catholic religion. For that purpose he had infinite faith in Spanish power: the Spanish assuredly could do it, if only they would want to. (See Benjamin Hazard, *Faith And Patronage. The Political Career of Flaithrí Ó Maolchonaire*, Dublin 2010.)

However, an Ireland sustained by Spain would surely have led a wretched, violent and most precarious existence unless the State power in England too was changed. And for any Irish gambler, that was quite a wager.

Did Spain change the way the English thought of the Irish? And if so, how? The question is worth asking because Spain, while it was the greatest power on earth, was a model in ways that were forgotten about when its power declined. The Spanish invented modern colonial thinking, and also another, opposite kind of thinking (by Bartolomé de las Casas) which is hard to label but fascinating. I will say something about these in a future article.

APRIL 15/16 1941

I knowed him guid but stern
 Billy Garret, when we lived
 fornest hiz ferm
 hiz huz was once gran'
 I cud tell
 wi' hiz sticks ah furniture
 no gloss on them now did dwell
 but a girm
 'pon thiz Victorian manufacture

an' forbye
 he wore thon oul jacket torn waddin'
 peepin' from the showlders
 as if tae defy
 sez he: it'll do me m'day
 hadn't I it near forty year
 an' that's not
 the wurd of ah lie
 ay in sowl
 so houl yer tung
 fir I'm Garret the boul'

But Spot's there to cwam him
 the yung fox-terrier
 hiz wee we'an to him rins
 as he futs the bellows merrier
 a grey coke fire gasps an' wheezes
 while the smut flies as bees
 tae the swayin' roses' tease

the tilly lamp burns its mantle white
 a when ah shadas on the wall
 Spot stiffens
 growls shows hiz bite
 as a wee figure scampers
 oe'r the sooted ceilin'
 tae the chimley damper
 while the tin clock picks awi'
 at the star-diamond night

m'da's bin hat wi' a stone
 they're peltin' the huz
 an' he's cut tae
 the bone
 sez fir ye tae cum
 fir a guid Prodestan mon
 can tell hiz people
 we're not pigs
 to be owned

they must lave wer huz alone
 m'mither and sasters
 pray on their knays
 crossin' themselves
 for the polis
 there might be none
 scaldin' water and sizzlin' pokers
 we have in hot cowl's
 shud they brak in while m'da
 races three mile down
 Saintfield Road
 tae the barrack jibbers
 but all they'll do is geg
 do ye think in hiz face
 agin they'll wave
 the Union Jack fleg

tak the shotgun tak one shell

Wilson John Haire

An Ulster Scots poem

1941

Introduction

This poem is written in the dialect I remember spoken in Carryduff, County Down during my time there up until 1950. I have been back to the area a number of times but the dialect has disappeared.

Most of the people there had Scots ancestry going back centuries. If we as children had any traces of dialect, it was literally beaten out of us at school. The teachers on occasion would satirise the dialect when angry with a pupil who had slipped into it. In my home I was shouted at for using some dialect words. Dialect in my home was a matter for derision.

I secretly liked Ulster-Scots, or Lallans (lowlands) as it is also called, as a boy. Children in the area spoke it in defiance during lunch time away from the ears of the teachers.

Billy Garret, who is mentioned in the poem, was a small farmer whose farmland came up to our house. He was against what was happening to us as a family.

April 15/16 1941 saw a heavy German air-raid on Belfast. Two hundred bombers took part and 900 people were killed. Three-quarters of the shipyard and aircraft factory were destroyed. They didn't function again for three months. The fires were so bad that the Stormont Government asked for help from the what was then the Irish Free State which saw fire engines crossing the border.

One of the attacks on our house was just before this German raid. The planes came low over Carryduff on their way to Belfast and then came back on their way to Holland or Northern France.

1941 is written with the spelling to the approximate sounds. It was an oral

dialect in the area of Carryduff I lived in. I have never seen it written, and it is unlike the language used by Ulster-Scots Societies, which seem to put too much Scots in it, possibly in order to display their settler status. The Carryduff dialect tended towards being more Irish. Children at my school wrote plain English and I can't remember anyone attempting to write how they talked, away from the school.

There was a joke on dialect going the rounds in my area during WW2:

A US soldier asks a Carryduff girl:

'Hey, honey, whadda yah do about sex around here?'

The girl answers:

'At sax we have wer tay.'

There were many dialects of Lallans in the North, this is just one of them. Today it is said only 1% speak it. And that will disappear from public life eventually. It's embarrassing for me to hear it spoken artificially by enthusiasts of the Ulster-Scots Societies after I lived it sixty to seventy years ago and heard the master of it, Billy Garret. But maybe somebody has to do it. Though they will have to do it without seeming triumphalist by ignoring the sectarian conflict with its lack of human and civil rights for the Catholic community. Taking that into account can do a great deal of good for Lallans.

In the poem there are no misspellings, everything is deliberate.

Glossary

Ay in sowl means: Yes, and within my soul

loanin - lane

fornest - opposite

ween - lots of

fire in the air
an' heaven'll hear ye
hear ye better
than yon church bells
the coke glitters the shadas
darken
oul Billy wets hiz thum'
when the bible-pages harkens
the bey taks
the rusty sangle-barrel gun
braks it and putts in the
shell daract

the tapestry begins:
the oul man luks from the windy
the dog lyin' in the crook of hiz arms
the sky unhinged
wi' the oul faded moon blood-tinged
by the comin' dawn
but it's still a brave wee night
dark anuff still for a shindig
the bey 'magines
what language the gun'll spake
maybe sumthin' lak:
youse al go tae frig

hiz da fires
the coorse christins scatters
hi note lo note daizil ingins
in the sky shatters
the pace afore it begins
the bastes rattle their chains
in the byre
waitin' for the milkin' an' the loanin
tae fresh grass ordained
jist as the burds wake
tae first light
the Dornier the Heinkel the Junkers
moan an' groan oe'er Bil'fast the night
bringin' it tae its hunkers

28th October, 2012

Desmond Fennell

Reply to Jack Lane and
John Minahane

End Of Western Civilisation . . .

I am grateful to Jack Lane and John Minahane for responding in the last issue of 2012 to my essay *The Staggered End Of Western Civilisation* (*Church & State* No.109). In the sixteen years since I began airing my evolving "post-European" view of the West in books and magazines, and on my website, they are the first Irish intellectuals to engage with it. Nor, indeed, in those years did any alternative new view of contemporary Western history come from an Irish thinker. Hardly signs of a lively Irish intellectual scene!

My *Church & State* essay in question began as follows:

"In the last ninety-odd years, European or Western Civilisation has been rejected by three revolutions: the Russian and German revolutions and the Second American Revolution. In each case the central aim has been to replace European civilisation with a new framework for life".

Note the implication there that a civilisation is a "framework for life". I defined it more fully as "essentially a grounded hierarchy of values and rules covering all of life and making sense, which a citted community's rulers and ruled subscribe to over a long period". Hence, a framework for life made up of rules—do's, don't's and do-as-you-likes—which makes sense to the people involved.

I argued further that the Russian and German revolutions each proposed—and in the Russian case implemented for 70 years—a new, non-European set of rules-to-live-by; that the Second American Revolution has, since the late 1960s, done likewise throughout the West; that its new, left-liberal set of rules has been experienced by Westerners, mainly subconsciously, as a senseless framework for life; that the offence and pain of this have been made bearable only by the accompanying *ersatz* sense supplied by a continuous, "consumerist" increase in the power to buy and do; that when this continuous increase ceases (as it is indeed ceasing) the senseless system will dissolve into social chaos; and finally, that this social chaos will accomplish, definitively, the first thing the three revolutions were aiming at with their replacement attempts: the end of that European civilisation which they deemed oppressive and misguided.

In response to this view of things, Jack Lane, while offering no definition of what he means by a civilisation, argues that European civilisation ended a good while back. It was ended, Jack believes, by the First World War—a war essentially provoked by Britain—and by the subsequent unjust peace settlement. But I must point out that Britain did not then or subsequently produce a critique of European civilisation comparable to that of Marxism or Nazism, let alone to the vilification of European civilisation which raged in the USA from the late 1960s to the 1990s.. Nor did there emerge from the First World War and the peace settlement a new set of rules-to-live-by in place of the traditional European rules system. That traditional European framework for life continued in force in America and Western Europe

through the 1920s into the 1950s and early 1960s. It continued to be subscribed to, nominally, for some years after it had been brought into crisis by the West's abandonment in 1945 of a fundamental European rule, namely, the ban on indiscriminate massacre of human beings.

That brings me to John Minihane's objection to a sentence in my treatment of the Hiroshima and Nagasaki massacres, namely, the italicised sentence in the following passage:

"Massacre was forbidden by Western morality and law. *When massacres had previously been committed by Westerners, they had been retrospectively condemned by the prevalent public judgment, and the ban on such action vigorously reasserted.* The official American declaration that the Hiroshima and Nagasaki massacres were legitimate had... important consequences ... It declared indiscriminate massacre to be an optional element of American warfare. "

John writes: "I cannot agree that previously there had been an unqualified ban on massacre". In support of this objection he cites indiscriminate massacres by agents of the English state in Ireland in the 16th and 17th centuries and says: "These massacres were not retrospectively condemned, nor did the prevailing political culture proclaim that they were impermissible".

Well, I could answer that I did not say that the retrospective condemnation was immediate—it occurred in each case throughout European history either immediately or ultimately and was done by the then "prevalent public judgment" in the West! But I will be more honest.

First, to clarify: in the context of the atomic bombings I was referring to indiscriminate massacre, that is, of men, women and children or non-combatants generally: not to massacres of warriors. Second, I was thinking in terms of a continuing Western ban on such indiscriminate massacre reaching from the mediaeval Christian code of chivalry to the clearly disapproving, late 18th century reference in the American Declaration of Independence to "the merciless Indian savages whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions"—and on further to the Geneva Conventions (1864, 1906, 1929).

I confess, I forgot the moral cynicism, in this as in other respects, which marked the so-called "Renaissance" period, roughly the sixteenth into the seventeenth centuries. Machiavelli's *The*

Prince appeared in 1532. That period was also marked by colonising European penetration into "savage" lands beyond the Atlantic. It suited budding English Imperialism to regard the Irish as "savage", (not properly human) and the European treatment of "savages" and heathens always tended to ignore moral limitations that applied to the treatment of fellow European Christians, at least when these answered to the same definition of Christianity. (And incidentally, it is relevant to note that two days after the Hiroshima bombing, President Truman wrote in a private letter: "When you have to deal with a beast, you treat him as a beast".)

However, the previous European Christian doctrine that women and children, and non-combatants generally, must be spared in warfare resumed in humanitarian terms from the eighteenth century onwards.

In my new book *Third Stroke Did It: The Staggered End Of European Civilization* (Publibook Ireland) which was published after that *Church & State* essay, I offer the final version of that essay along with essays on the impact of the American left-liberal ideology on various aspects of the West today and on Ireland specifically. It can be obtained online at publishedinireland.com

Brendan Clifford

Michael Collins And Lenin

The Taoiseach's revelation that Collins had a meeting with Lenin in London before Britain's Great War—which under revisionist guidance we now embrace as Our War—has been doubted. But, timewise, it is possible that they met.

The Taoiseach's party was founded for the purpose of combating Lenin's party. While the immediate enemy of Fine Gael at its foundation in the early 1930s was the Fianna Fail party, Fianna Fail was seen as a menace to civilisation because it was a puppet-party of Leninism. De Valera was depicted in Fine Gael propaganda as a front-man for the IRA, and the IRA was represented as Leninist. Dev was the Kerensky of the Irish situation. Kerensky was the weak democratic leader of Russia after the revolution of February 1917. He led the Government which followed the collapse of the Tsarist regime. His weakness gave Lenin the freedom to build up the Communist forces during the Summer of 1917 and to seize power in the Fall. He might have had good intentions. And Dev might have had good intention. But the world is not governed by the good intentions of weak leaders. It is governed by the purposeful application of force.

The history of Europe during the 1920s had shown that only Fascism had the effective means and the strong will needed to stop the spread of Leninism and save civilisation. Fine Gael therefore formed itself as a Fascist party.

It turned out that De Valera was not a weak leader at all. He used IRA support to stop the Fascist revolution. Then he curbed the IRA. Thus he preserved—or established, as it had not existed effectively until then—the democratic system of Parliamentary government by parties. And, by winning Election after Election, he made it necessary for Fine Gael to slip out of its Fascist mode—which it did by supporting Fianna Fail's policy of Neutrality in Britain's Second World War of the 20th century and participating in the Emergency measures which made Churchill hesitate about acting on the *right* which he asserted to take over Ireland for the War.

Only one Fine Gael leader remained distinctly Fascist during the War. That was James Dillon. And Dillon wanted Ireland to enter the War as an ally of—or, more realistically, in subordination to—Britain. And that was the reason why Dillon could not be Taoiseach in 1948 when Fine Gael led a Coalition Government with the Labour Party and a recent Chief of Staff of the IRA, Sean MacBride.

Fine Gael was the only real Fascist party there has ever been in Irish political life. The others were mere gestures on the margin. And it shows how far Fine Gael has forgotten its origins that its leader now *praises* Collins for having made contact with Lenin.

Collins did not support Britain's 1914

War—"Our War" as his successors would have it—and Lenin did not support Britain's ally, the Tsar. But their situations were so fundamentally different that there is little to be learned from comparing their positions on that War.

It is, however, worthwhile comparing how each of them dealt, as the leader of a Government, with an issue which was central to the course of history—how to handle submission to a Treaty dictated by a militarily powerful enemy.

For Lenin it was the Brest-Litovsk Treaty of 1918. For Collins it was the Agreement which he signed in December 1921, and under which he formed a Government in 1922.

On 24th February 1918—

"Lenin spoke in defence of signing the German proposals. He began by saying that Soviet power must face up to the truth, that it must acknowledge the total impossibility of resistance to the Germans" (Newspaper report of a Speech, given in *Collected Works*, Volume 27).

On the same day he wrote an article entitled *An Unfortunate Peace*, and another called *The Peace Treaty*, saying "We are prisoners of German imperialism".

In a speech on *The Position Of The Communist International On The Question Of The Separate And Annexationist Peace*, he said:

"From the point of view of defending the fatherland, it is impermissible for us to allow ourselves to be drawn into an armed conflict when we have no army and the enemy is armed to the teeth and excellently prepared..."

When the Moscow Regional Bureau passed a motion saying that submission to the German proposals would result in Soviet power "*becoming purely formal*", Lenin replied with an article called *Strange And Monstrous*:

"Immensely more harsh and humiliating peace treaties than the Brest Treaty have been signed before in history... without discrediting the regime or turning it into a formality; they ruined neither the regime nor the people, but rather steeled the people, taught them the stern and difficult science of building up an effective army even in the most desperate conditions and under the heel of the conqueror."

In *A Serious Lesson And A Serious Responsibility* (5 March 1918):

"the defence of the fatherland and the raising of its defensive capacity lie

not in babbling about a revolutionary war... but in retreating in good order, so as to save the remnants of the army..."

Political Report, March 7th:

"Yes, of course we are violating the treaty; we have violated it thirty or forty times... Only children can fail to understand that in an epoch like the present, when a long and painful period of emancipation is setting in, which has only just created and raised the Soviet power three stages in its development—only children can fail to understand that in this case there must be a long and circumspect struggle. The shameful peace treaty is rousing protest, but when comrades from *Kommunist* talk about war they appeal to sentiment and forget that the people are clenching their fists with rage, are "seeing red"—..."

He then referred to the Peace of Tilsit, which was imposed on Prussia by France in 1807 after the French victory at the Battle of Friedland. Under it, Prussian territory was transferred to France and Russia, a low limit was imposed on the Prussian Army, and Prussian Forts were occupied by France. Lenin said:

"The Hoffman of those days—Napoleon—time and again caught the Germans violating the peace treaty, and the present Hoffman will catch us at it. Only we shall take care that he does not catch us too soon..."

Then:

"Perhaps we will accept war; perhaps tomorrow we will surrender even Moscow and then go over to the offensive; we will move our army against the enemy's army if the necessary turn in the mood of the people takes place... I am compelled to accept the harshest peace terms because I cannot say to myself that this time has arrived. When the time of regeneration arrives everyone will realise it... This time will come when the people will say, we will not permit ourselves to be tortured any longer. But this will take place only if we do not agree to this adventure but prove able to work under harsh conditions and under the unprecedentedly humiliating treaty we signed the other day..."

And in *The Chief Task Of Our Day* (March 1918):

"We were compelled to sign a "Tilsit" peace. We need no self-deception. We must courageously look the bitter, unadorned truth straight in the face... It's not true that by signing a "Tilsit" peace we have betrayed our noble ideals or our friends. We have betrayed nothing and nobody, we have not sanctified or covered up any lie..."

"The Peace of Tilsit was a supreme humiliation for Germany, but at the same time it marked a turn towards a supreme national resurgence..."

"Yes, learn from the Germans!! History is moving in roundabout ways. It so happens that it is the Germans who now personify, besides a brutal imperialism, the principles of discipline, organisation... And that is just what we are lacking."

(Germany, towards the end of the war of defence which it had to wage against Tsarist Russia, had become the imperialist power pressing on the weak Soviet state which had replaced Tsarism with German support. The following year Germany, defeated and unarmed, was made to sign a disgraceful Treaty at the point of a gun. The main world Imperialist Power throughout was, of course, Britain. And Britain was the only Imperialist Power that Ireland had to survive against.)

Early in 1918 Germany needed to put a decisive end to the war in the East in order to concentrate all its force for a final effort in the West. It stated its terms to the new Russian State which, about a year earlier, it had played a critical part in bringing about. The terms were unacceptable to a majority of the Bolsheviks which refused to agree to them. Bukharin gained a majority for a proposal to reject them outright and appeal to the masses to rise up in revolutionary war. Trotsky, who was Foreign Minister, argued with the Germans—or orated at them—but refused to negotiate over terms. He declared that he was neither for war nor peace. Lenin from the start maintained that military resistance was hopeless. He insisted on submitting to the German demands in order to maintain the Soviet State on such territory as remained to them.

Bukharin gained a majority against him for war but did not have the nerve to act on his mandate. Lenin threatened to resign from the leadership and appeal to the party membership against it. The matter was resolved when Trotsky deserted Bukharin and Lenin got his way. Lenin signed the Treaty. then, with every speech and article on the subject he said had submitted to an Imperialist Power which he did not have the means to resist. He had retreated to fight another day. And, to make certain that there would be a fight when the other day came, he never gave the lie to the Treaty when defending it. He always defended it in a way that was intended to make it hated.

Collins did things differently.

The Brest-Litovsk Treaty was at least a Treaty. A Treaty is an agreement between states and the German Government did not deny that Russia was a sovereign state. The British Government did not agree that the independent Government elected in Ireland was the Government of a state.

Collins, acting without the authority of the Government which sent him to negotiate with the British Government, signed an "Agreement" under which Britain authorised him to establish a Government in Ireland on terms which included recognition of the ultimate authority of the British Crown. The Agreement was signed in response to a very short ultimatum, under threat of immediate and terrible war if there was any delay in signing. The meaning of the short time limit was that the delegates must sign without consulting their Government—which the British Government did not recognise as having any legitimate authority. Collins was the active force in persuading, hustling and intimidating the entire delegation into signing.

The signing was done in the evening, and the 'Treaty' was sprung on the Irish public by the British papers the following morning.

It was a certainty that there would be substantial disagreement with this 'Treaty' in the Irish Government, in the Dail, in the Army, and in the Sinn Fein Party.

By his action in causing the 'Treaty' to be signed without the approval of his Government, Collins took the responsibility for managing the follow-through entirely on himself. It was his business to hold together the Party, and the Army which obliged the British to agree to a Truce and to negotiations with Sinn Fein. This meant that he had to sell the Treaty to the large body of politicians and soldiers which he knew would be very unhappy about it.

Much that was said by himself and his supporters indicated that they signed because it would be impossible to conduct a defence against the kind of war which Britain was threatening. That was their basic case. But, increasingly, the case that was put that the 'Treaty' was a good bargain. And Collins even denied at one point that he had acted under duress. He phrased it casuistically, but that was a meaning that was likely to be got from his words. And tricky use of

words in such circumstances does not carry credibility.

Lenin insisted on the brute reality of the situation as he saw it, and he argued his corner hard throughout, and by doing so he held his Party together.

Collins had not argued his corner and did not made his views and his intentions clear before signing. And, after signing, he began prettifying the Treaty. He split his Party and enabled Britain to corner him into a 'Civil War. At the final Cabinet meeting before going to Dublin and signing he did not say to his colleagues that the Irish military position would not hold if the British resumed the war, that the British offer was the best that was likely to be made, that he was for accepting it, and that if the Government refused to face up to the necessities of the situation he would no longer be bound by Government authority. He did not say that. According to the Minutes of the meeting, he said nothing.

He went to London and signed under ultimatum. Then he came back and set up a new Government on British authority. The Dail, acting under threat of all-out British war waged by Boer War methods (with Concentration Camps and chains of Blockhouses), agreed to this. But the Government set up by Collins could not have been set up by the Dail. It was a Government authorised, supplied and armed by Britain. And, as the weeks went by, Collins began to present the 'Treaty' in a positive way, as something that was good on its own merits—not as a retreat in the face of aggressive Imperial power which would enable something to be saved as a base for future effort.

If he had adopted Lenin-s approach, he might have succeeded. The approach he adopted enabled the British to manipulate him into Civil War.

Lenin's retreat and submission lasted only six months. By the end of 1918 Germany was crumbling. If Collins had acted likewise, his opportunity would have come within the year. The British War Coalition Government fell in the face of the refusal of the Turks to comply with the Treaty which Britain sought to impose on them. A series of weak party Governments followed in Westminster. None of them would have been able to wage the kind of total war of reconquest threatened by Lloyd George.

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**Government Of Ireland Act
Women flock to join the Freemasons!
Dame Elisabeth Joy Murdoch
No Religion
Deacons
Digging His Own Grave!
Baby Boom
Immigrants
C of E Surprise**

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Government Of Ireland Act, 1920
(extract)

An Act to provide for the better Government of Ireland

enacted the 23 December 1920.

"Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows : -

...Section 65. Special provisions as to Freemasons.

(1) It is hereby declared that existing enactments relative to unlawful oaths or unlawful assemblies in Ireland do not apply to the meetings or proceedings of the Grand Lodge of Free and Accepted Masons of Ireland, or of any lodge or society recognised by that Grand Lodge.

(2) Neither the Parliament of Southern Ireland, nor the, Parliament, of Northern Ireland shall have power to abrogate or affect prejudicially any privilege or exemption of the Grand Lodge of Freemasons in Ireland, or any lodge or society recognised by that Grand Lodge which is enjoyed either by law or custom at the time of the passing of this Act, and any law made in contravention of this provision shall, so far as it is in contravention of this provision, be void."

Women flock to join the Freemasons!

It took 300 years for the second woman to be initiated into an Irish Freemason lodge, but now it appears the floodgates are to open.

A little over a month ago Caroline Wollk, a retired teacher from Kilgarvan, Co Kerry, became the first woman in Ireland to be initiated into a lodge since Elizabeth St Leger, daughter of Viscount Doneraile, in 1712.

Since then, lodges in Ireland were a male-only preserve, until Wolfe Tone Lodge No 3 in Ballincollig, Cork, changed all that.

Another woman, Melanie Meyer, has just been admitted to the lodge, an affiliate of the Grand Orient de France.

Stephen Murray, Master of Wolfe Tone Lodge No 3, said a third woman will be initiated on November 17 and a fourth soon after. He said that, following an *Irish Examiner* feature on Freemasons, they had received a lot of email enquiries from women and had asked

them to attend a meeting, while he said another six women have indicated they want to be initiated. (*Irish Examiner*, 6.11.2012)

Dame Elisabeth Joy Murdoch, died in Melbourne on 5th December 2012, age 103. Previously styled as Lady Murdoch, she was an Australian philanthropist. She was the wife of Australian newspaper publisher Sir Keith Murdoch and the mother of international media proprietor Rupert Murdoch.

"Religion doesn't keep her going; nature, family and friends do—and a glass of wine. She told Andrew Denton in his *Elders* series that she didn't believe in a personal god. "I received a few letters after the show telling me that I must come to realise I was quite wrong. People are a bit sensitive, but I had to be honest"..."

(*The Age*, Melbourne, December 6, 2008)

NO RELIGION: One quarter of people in England and Wales now profess to have no religion, according to new population numbers.

In Census figures released this week by Britain's Office for National Statistics (ONS), the numbers ticking the 'no religion' box on the national record have grown by 10 per cent over the past decade to some 14 million people. In terms of Christianity, the census revealed a four million-person decline from 37.3 million in 2001 to 33.2 million in 2011.

In a statement responding to the figures, the Catholic Bishops' Conference of England and Wales pointed out that Catholic figures had remained steady over the past decade.

"Polling shows that the Catholic population has remained consistent at 9% of the total population for many years... Ipsos Mori research for Cafod in 2008 pointed to there being 5 million Catholics in England and Wales and around one million attend Mass on a weekly basis."

Describing the overall Christian decline as "*a challenge*", the bishops added:

"The fact that six out of 10 people in England and Wales self-identify as Christians is not discouraging. Christianity is no longer a religion of culture, but a religion of decision and commitment.

"People are making a positive choice in self-identifying as Christians."

The ONS figures also show that, for the first time in Britain, the marriage rate has fallen below the 50% point, with 46.6% of those eligible actually married in 2011.

DEACONS: Catholic couples will have an opportunity to wed in Church with married laymen officiating instead of priests. Non-clerics will also conduct baptisms and funerals.

The new "*hatch, match and dispatch*" powers will be given to six married men in the Diocese of Elphin at Sligo Cathedral tomorrow.

They will be ordained Permanent Deacons, the first in the diocese for 1,500 years.

Eight Permanent Deacons have recently been ordained in Dublin, while six other dioceses have men training.

The office of Permanent Deacon was a feature of the early church, but it fell by the wayside. It was restored 50 years ago by the Second Vatican Council. (*Irish Independent*, 7.12.2012)

DIGGING his own grave? The former multi-millionaire property investor and solicitor Brian O'Donnell has said he and his wife will never return to live in Dublin and claimed "*Ireland holds nothing for us*". O'Donnell owes the Bank of Ireland €71 million.

"Mr. O'Donnell, who is trying to be declared bankrupt in Britain, yesterday said his future is in the UK, to such an extent that he has bought a grave there" (*Irish Independent*, 30.11.2012)

Speaking on his second day of testimony yesterday, Mr O'Donnell said their experience in Ireland had been "*very bad*" and the economy was in some ways worse than in Greece.

He said the couple had decided that their residence, futures and lives would be in London, so much so that they had bought a grave there.

When questioned by counsel for the bank, Gabriel Moss, that he did not have the grave in March, Mr O'Donnell said that he did now and denied fabricating evidence.

Under Irish law, bankruptcy can take up to 12 years to be completed, while in the UK it can take as little as 12 months. Bank of Ireland wants the couple to be bankrupted in Ireland.

BABY BOOM: Within months of Ireland's property bubble bursting, estate agent Grainne Bird-Thistle got caught up in the country's next boom: babies.

The number of births in Ireland hit a 118-year high in 2009, when the economy clocked up its worst year on record, and the number of new arrivals has remained close to that peak despite the struggle to emerge from financial crisis.

For some, the dark economic clouds have been a spur, as diminished career opportunities and cheaper rents and house

prices give them more space to start families.

"During the boom you couldn't afford to have a mortgage unless you had two jobs and worked really long hours," said Bird-Thistle, 39, as she left an appointment at Dublin's main maternity hospital before the birth of her second child.

"If the market is slowing down, why not raise a family? It's a brilliant opportunity." (Reuters, *Irish Exam*. 30.11.2012).

IMMIGRANTS: There are over 100,000 more foreigners living in Ireland than was previously thought.

The Central Statistics Office (CSO) said it has had to revise all its employment figures after the Census showed it was hugely underestimating the size of the non-national population.

They had estimated there were 374,000 non-Irish nationals of working age in the

country, but the census revealed that figure was actually 477,000. The change did not mean there had been a sudden influx of foreign workers, but reflected they were under-represented in previous Household Surveys, CSO analyst Kieran Walsh said.

The dogs in the street knew this! Enumerators accepted there was widespread refusal by migrants to fill in the household forms, never mind gaining entry to apartment blocks.

C of E SURPRISE: It has been widely remarked that the new Archbishop of Canterbury, world-wide leader of 80 million Anglicans, is a former oil executive who was once rejected for ordination. Welby worked for 11 years in the oil industry, five of them for the French oil company Elf Aquitaine based in Paris. In
Continues on back page

Stephen Richards

Northern Ireland Today

The New Establishment

I've always found it interesting to observe how individuals and institutions routinely transform themselves without seemingly any recognition that anything has happened; let alone an admission that yes, indeed, we've changed our mind on this or that issue, and we did it for very good reason etc. In my days at Cambridge in the late 1970s it seemed to be *de rigueur* for my contemporaries to join the Labour Party, possibly as part of an "*entryist*" strategy. One of them, a very nice guy called Andy Sentance, eventually became the most hawkish member of the Bank of England's Monetary Policy Committee. He has now moved beyond that to some even more influential role. So he became a member of that capitalist Establishment which he and his colleagues used to vilify. The militant socialist phase would appear to be a normal stage in the *cursum honorum*, the ladder of ambition.

I was never a very good joiner of anything. Even my membership of a Presbyterian Church is a sort of qualified membership, with Baptist leanings; whereas my connections with the Campaign for Equal Citizenship and of the Counties Antrim and Derry Fiddlers' Association both turned out to be a bit painful. None of us in my mother's family (much less the Welsh relations!) ever were Orangemen, apart from a cousin who joined Caddy Lodge, near Randalstown, and then went off to Trinity in the mid-sixties, so I don't know how many times he walked with

them on the Twelfth.

Anyway, my thoughts were turned in the direction of human fickleness by a most remarkable press release from the *News Letter* of 11th December. I'll quote from it, not in full but in sufficient detail to convey a fair impression of its contents.

Barra Speaks Out

Northern Ireland's Director of Public Prosecutions has called for a root-and-branch review of how legal aid is paid to Defence lawyers, claiming they have access to an apparent "*bottomless pit*" of public funds.

Barra McGrory QC said it was not right that the proportion of money distributed to Defence solicitors and barristers representing clients supported by the state was around double that of the Public Prosecution Service's (PPS) £35 million annual budget. Mr. McGrory said the establishment of a public defender's office was one possible way to bring spending on both sides into line while also introducing a needed measure of regulation over Defence advocates, whom he claimed were operating "*a free market on the public purse*".

"I think there needs to be a root-and-branch examination of the criminal justice system to have a look at just why the defence costs appear to be a bottomless pit", he said.

{He} acknowledged recent measures introduced by Stormont justice minister David Ford to reduce the fees

paid to defence teams in criminal cases but said more substantive reform was needed.

"Mr. McGrory was a prominent defence lawyer himself before joining the prosecution service.

"In a sense I am poacher turned gamekeeper but I know it from both sides, and one of the things that struck me coming into the prosecution service is how under-resourced it is compared to the defence", he said.

"I have to work at not getting annoyed when people say 'you took this case and it cost a fortune'—with the greatest of respect the vast bulk of money that was spent on the case came from defending it... I just think simply tinkering with the method of calculating the fees doesn't tackle the problem. There needs to be a deeper and specific examination of how the money is spent"... "

Mr. McGrory's comments come as Mr. Ford is attempting to take similar action to cut the legal aid bill for civil cases. Legal bodies such as the Bar Council have criticised the Minister's initiatives, claiming they will create a system where only those who can afford it will be able to access a good defence. Mr. McGrory rejected that analysis:

"There is nobody more conscious of the right to a fair trial than I am, having been a defence lawyer and bearing that responsibility as a prosecutor, but I know of no right to a fair trial which requires the defence to have double the resources of the prosecutor"... "

"Mr. McGrory, who has been in post for a year, said there remained room in the system for an independent body such as the Bar but he voiced concern that it was not subject to the same degree of regulation as the PPS...

"The Department of Justice is dishing out {sic} millions, over and above what it gives us, and there is nobody controlling quality, there is no quality control..."

"The head of the PPS said he was not carrying a torch for a public defender's office but said it was one potential option.

"I don't see why not", he said. People will go 'Oh, a public defender's office—that's an infringement of a Defendant's rights.' But is it? It might be a better way to control the costs. Certainly it would be a mirror image of the prosecution service and if it was equally resourced and was providing the service in a more streamlined way, then I think why not look at it".

Legal Aid Largesse

I have no doubt that the casual

invitation extended by Mr. McGrory to look at the Public Defender option will shortly be backed up by a legislative imperative; and, on the basis of past experience, the public consultation process will be gone through as a tedious necessity and the responses ignored. Messrs. McGrory and Ford, with their different functions and very different backgrounds, are co-ordinating their approach, with the requirements of the Treasury at Westminster in mind.

I haven't thought much about Barra McGrory nor have I ever spoken to him. He's a couple of years younger than me and has progressed somewhat further. I remember I attended a seminar addressed by him around the mid 1990s. He was advising us solicitors how we should handle PACE interviews, that is, interviews conducted by police under the Police and Criminal Evidence Act of 1984. I still go to the police station quite often to be present at PACE interviews. Maybe from his exalted position Barra doesn't know how much we get paid for these outings. It's £43.25 per hour except if we're attending at unsocial hours. I remember in early 2012 being called down to Coleraine PSNI station at 11.30 p.m. on a Friday night and coming home around 2.30 a.m. I got paid at the enhanced rate of £57.21 per hour. Those rates have stayed the same since 1991. Of course that's a gross figure out of which overheads have to be paid.

I can sort of live with that: it's about public service and loyalty to clients, but I resent being told that I'm somehow coining it at rates like that. In any event, I don't have an extensive criminal practice, and I'm not ambitious to have one, when I see the amount of fees I've been able to recover in the few significant Crown Court cases I have had.

Fathers And Sons

But back to Barra. He's the son of the late Paddy McGrory, a solicitor with an extensive practice in representing paramilitary prisoners, usually but not exclusively, from the Republican constituency. He represented the families of the IRA volunteers who were shot dead while on active service in Gibraltar. I seem to remember that he was one of those who protested strongly in the early 1980s when his clients were being tried in "supergrass" trials. As I recall it, all those convictions were set aside on appeal in those bad old days of the oppressive Northern Ireland regime, even the convictions that had resulted from the evidence of Christopher Black,

who was the most compelling of the supergrasses. The idea seemed to be that convictions based on supergrass evidence were *ipso facto* unsafe. I heard on the news recently that Raymond Gilmore, another supergrass, is concerned that his security is being compromised and that he has been in effect cast by the wayside.

There is now indeed a P.J. McGrory Annual Human Rights Lecture, and the organisers were honoured in 2009 when this was given by President McAleese, herself a noted human rights lawyer.

Ironically some of Paddy McGrory's clients were on the run in the United States, where supergrass evidence is a keystone of the system. There has been a revival of the supergrass tactic in the Northern Ireland jurisdiction too, on Barra's direction. Around the end of term in June 2012 Gillen J. dismissed the cases brought against about a dozen UVF men on the word of two supergrasses. Barra later defended his decision to proceed to trial. He has also, controversially, given the go-ahead to the use of intercept evidence against various dissident Republican suspects.

Rebalancing The Scales

I had understood it that Barra took over his late father's practice after the latter's death in 1994. He later read for the Bar, was called in 2009 and must then rapidly have become a Queen's Counsel, before being appointed as Director of Public Prosecutions not much later. This appointment means that the two top legal positions in Northern Ireland are held by men from West Belfast. (John Larkin, originally from Glenavy Co. Antrim, is the Attorney-General.) Barra mentions his own "poacher turned gamekeeper" status without actually refuting what he sees as a possible jibe. The suggestion is that it was only when he saw the PPS budget that he realised with what largesse the Defence was being sprayed.

The supposed financial disparity as between Defence and Prosecution resources is painted impressionistically; and in particular I'd like to see a comparison between the amounts paid to prosecuting counsel per day compared to defence counsel. For someone of his vast experience on both sides of the fence he seems to have no comprehension of how totally different the ballgame is for the Defence. Unlike the Prosecution, the Defence can't piggyback on all the preparatory work done by the police as they conduct the initial investigation. Nor

does the Defence have automatic free access to the services provided by forensic labs, state pathologists and so on. Any specialist evidence, medical, engineering or otherwise, has to be authorised by the Legal Aid Fund, and the fees paid to those experts come out of the defence budget.

The Prosecution benefits from economies of scale that are not open to the Defence. If you're a solicitor in the north of Northern Ireland and you have a client who's remanded in custody facing trial it will be necessary to take a whole afternoon out of the office from time to time to go down to Maghaberry Prison to see him. You also have to go out and look for your witnesses and talk to them.

I could go on but won't. This is not special pleading. I can well accept that fees paid to the Bar out of the Legal Aid Fund in past years were excessive. The fees paid to both solicitors and barristers in connection with the Saville Enquiry seem to have been excessive. But the squeeze on both limbs of the legal profession is not commensurate; and the cheerleaders are people like Barra Mc Grory, whose Office as I understand it doesn't include a financial remit, and for whom the rights of the individual now seem to come in second to the prerogatives of the Crown.

Black And Bermingham

I wonder what the human rights orientated lawyer that was the younger Barra McGrory would have made of the call for a public defender system of justice? There are two very different but equally instructive books that I suggest everybody with any interest in legal systems at all should study. One is by Conrad Black, the patrician Canadian publishing tycoon who spent two separate lengthy spells in correction centres in Florida as the result of a prosecution arising from a shareholder dispute at Hollinger Inc. The book is called *A Matter Of Principle* and was first published in 2011, then republished in 2012 by Encounter Books, then by Biteback Books in the UK.

The second is *A Price To Pay* (Gibson Square, 2011 I think) and is by David Bermingham, one of the Nat West Three. Both books contain a lot of technical detail, mostly necessary if not always easily digestible to those of us who aren't familiar with the world of merchant banking and corporate dealmaking. Black's style is at worst pompous, dogmatic and self-righteous. Bermingham errs on the demotic side. But it can be

said of both men that they're trying conscientiously to tell the truth; and each in a strange way corroborates the other. Both tell a good story, and will keep you reading far into the night.

Despite the pockets of common sense and even kindness that Black and Bermingham encounter along the way, it's plain that the system of criminal justice in the US is sick unto death. No precis of mine could do justice to the facts.

The Condemnation

What follows is part of Black's essay (forming an appendix) on the system, with some specific reference to his own experiences:

"It is terrifying to see how the prosecutors can, as they did with Burt Kravis and Thompson {i.e. Jim Thompson, multi-term Governor of Illinois} intimidate prominent and successful people who in other contexts would have had some moral authority and no absence of goodwill towards me. And it is very disturbing to see what a bullyboy like Sussman thought nothing of threatening to do to my mortgagee in Palm Beach if he renewed the mortgage and denied Sussman his false claim to St. Eve {Chicago federal judge} that I was in default of my bail conditions. This was the basis of his demand that accordingly, my house should be seized, bond rescinded, and I should be sent to prison at once, without the annoying formality of a trial—with no critical comment whatever from the world media. It was disturbing to see his threat of prosecution of the acting President of Hollinger Inc. (Don Vale) if he so much as entered the U.S. to testify that I had pre-cleared the removal of the famous boxes with him. These outrages are routine and mention of them brought no response even from a relatively fair-minded judge, as St. Eve was...

"The plea bargain is nakedly the exchange of altered testimony for varied sentences. It generally starts well down an organisation and brings irresistible pressures to bear on people unable to sustain themselves psychologically or defend themselves financially against such an onslaught...

"Every informed person in the country knows that the criminal justice system is based on officially sanctioned fraud and intimidation, and that the federal court houses are silent and the courts are empty because almost no one can go the distance with the government ...

"It is terribly important that I make the point that I was not especially singled out for this assault. This is the routine modus operandi of the U.S. prosecution service. It does what it

wants and prosecutes whomever it wishes for as long as it likes."

Now listen to David Bermingham explain the practical outworkings of the system in connection with the Enron hearings. The NatWest Three were dragged in on the coat tails of the Enron case, with no evidence of any offence having been committed in the US or UK. The 'victim' was NatWest Bank but it had not made any complaint; and if it had done then any trial should have been in the UK jurisdiction, but for the 2003 Extradition Act and the slavish compliance of the political and legal establishment in the UK with the US extradition process, with the exception of Boris Johnson and the House of Lords.

Developments in the Enron Case were of great interest to the NatWest Three.

JAMIE OLIS

"Named after the Deputy Attorney General, Larry Thompson, the Thompson Memorandum was a guide produced in January 2003 for prosecutors on whether to indict a corporation. It was the product of the successful conviction of Arthur Andersen, which had consigned the once mighty accounting firm to oblivion, leaving nearly thirty thousand accountants looking for new jobs. Even the reversal of the conviction three years later by the Supreme Court was a hollow victory, because the firm had long since ceased to exist...

"The Thompson Memorandum gave prosecutors enormous leeway in deciding whether a company was being sufficiently "co-operative", and the ability to use the threat of indictment as a lever, and gave companies a strong incentive to throw their employees to the lions.

"Perhaps the most striking example of this was the case of Jamie Olis, an employee of Dynegy, also based in Houston. In March 2004 he was sentenced in Houston, Texas, to 24 years and 4 months without parole in Federal prison for accounting fraud. (To put that in perspective, the median sentence at the time for murder was 13 years, for drug trafficking 4 years, and for sexual abuse 3 years.) Pressure had been brought to bear on him to testify against the 'bigger fish' in the prosecutors' sights; he refused. His two co-defendants, Gene Foster and Helen Sharkey, were sentenced to 15 months and 30 days respectively. They had been charged with exactly the same offences, but had agreed to plead guilty and cooperate against Olis, rather than take their chances at trial.

"Olis had made the cardinal error of asserting his innocence at trial, believing that the truth would prevail. A man of very modest resources, he was unable

to fund a proper defence when his company stopped paying his legal fees, but was so sure of his innocence that he thought this would not matter. The CEO of the company had been told in no uncertain terms by the prosecutor that if they didn't withhold his legal fees the company itself would be indicted.

"Olis described how he had been encouraged to plead, but that the price of pleading was to make up a story that simply wasn't true. He was asked if he was tempted to take the deal.

"I did think about it, but there was no way I could have done it."

"Why?"

"Because it wasn't just a matter of pleading guilty. What they wanted was for me to tell the story that I and everybody else engaged in a conspiracy, and I couldn't ruin those people's lives. I'm Catholic and I can't do that"..."

All of this seems a far cry from the modest proposals of Barra McGrory, but great oaks from little acorns grow. For what it's worth, here is Black's succinct summary of the public defender system:

"The public defenders are usually just Judas goats, paid by the court, intimidated by the prosecutors, part of the charade of preservation of the constitutional rights to due process and advice of counsel and paid by the numbers of people they supposedly represent, not the results they achieve.

"Typically, what appears to happen is that the defender enters into some plea bargain with the prosecutor on the basis of which the defendant pleads, expecting a sentence of say two years. The prosecutor then argues for the maximum tariff, and the judge hands down five years. When the defendant asks his counsel for an explanation he's told that the prosecutor didn't stick to his word."

It's a pity that it takes a conservative pro-American Canadian like Black, born with a silver spoon to which he added more, to stick up for the victims of the system, those men and women that Barra McGrory, with his Irish Republican credentials, seems happy to throw to the wolves.

Ireland would have again an intellectual life: more precisely, an intellectual life of the quality it had during the revolutionary years, while the British still ruled us and for some years after. Thus equipped, we Irish could in due course help to found the coming new civilisation as many of our learned and holy predecessors laid the foundations for Europe."

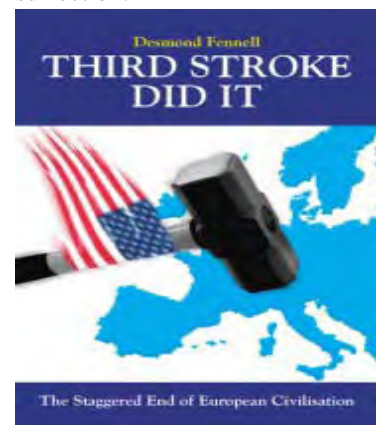
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Third Stroke Did It by Desmond Fennell

PubliBook Ireland is proud to announce the forthcoming publication of the renowned cultural and political philosopher **Desmond Fennell's** new book *Third Stroke Did It—The Staggered End Of European Civilisation*, price 12 Euros.

In a series of thought provoking essays Desmond Fennell explores what he describes as the staggered end of European civilisation. Having survived the brutal strokes of the Russian Revolution and Hitler's Nazi Revolution he argues that European civilisation has succumbed to the subtle stroke of the Second American Revolution – left wing liberalism. He concludes that after the liberal regime has run its senseless course, it will dissolve into social chaos out of which, ultimately, a new civilisation will arise, consigning Europe's to history.

In his essays he explores, in his own incisive way, the ancillary phenomena of the liberal regime—feminism, the soft totalitarianism of the West, the special position of the Jews, the unloved European Union. Turning his focus to Ireland Fennell discusses the suppression of Irish thought, the distress of the Catholic Church, the high suicide rate, and the disintegration of the nation that carried out the Irish Revolution. With the hundredth anniversary of the 1916 Rising in sight, he recalls in a commemorative essay the humanism that motivated that insurrection.



Desmond Fennell

Letter

Name Of Church & State

I disapprove of, and advise strongly against, the third title, or second subtitle, which you have added on the front cover: **An Irish History Magazine**. Together the three titles produce a confused effect, suggest uncertainty of purpose. Moreover, if the 'history' referred to is Irish history, then the new addition repeats that backwards-look and over-concentration on the Irish past already characteristic of the *Irish Political Review*. 'Church & State' for reasons of tradition and 'Cultural Review of Ireland and the World'—even better leaving out 'Cultural'—were quite sufficient. We already have a magazine called *History Ireland*.

Moreover, unknowingly, you have put a spanner in the works of the ambitious recommendation for the future of your magazine which I have made on page 110 of my new book just now being published...

The Recommendation

[On Page 109-110 of *Third Stroke Did It*, Desmond Fennell writes:]

"I have dealt here with how the Irish mass media, the Irish State through its cultural agencies, and the Irish university presses, discriminate against Irish thinkers and thus discourage them. To

conclude positively, I propose seven steps towards remedying this nationally impoverishing state of affairs.

"Replace Aosdána (retaining the name) with a self-electing body that has the same broad terms of reference as the French Academy but a much larger membership. Replace the Arts Council with a Council for Cultural Promotion. Have the agency Culture Ireland include Irish thinkers in its promotion of Irish culture abroad. Have the Irish university presses establish jointly, alongside their lists of academic books by academics, a list which, twice yearly, publishes a book characterised simply by ground-breaking through about an important matter. Let the Royal Irish Academy take example, annually, from the Académie de Dijon whose national essay competition on a prescribed theme in 1750 was the occasion of launching Rousseau into his writing career. Finding funding to transform the magazine of history and ideas *Church and State*, edited by Pat Maloney from Cork and sold by subscription, into a fortnightly magazine of ideas available in all newsagents. And let RTÉ have a weekly one-hour radio discussion among Irish intellectuals debating some brain-stretching theme.

"If those measures were taken,

Intellectual Life In Ireland

History Magazines

In fact, Ireland has already not only one History magazine, but three. Two of them are long established: *Irish Historical Studies* and *The Irish Sword*. *IHS* was founded three-quarters of a century ago, and *The Irish Sword* a few years later. Both of them decided to deal only with the history of British Ireland—Ireland as a region of the British state.

IHS cut off its subject well before the removal of the British state. It did not allow the Third Home Rule Bill, in which some kind of Irish national political entity was implicit, to be dealt with—or the developments of the dozen years before the introduction of the Bill—the Parnell dispute, and the extensive Unionist reforms from the Local Government Act to the Land Purchase Act. And the defection of County Cork from the Home Rule Party in 1910 because Redmond had sectarianised nationalism was not mentioned in its pages.

The Irish Sword, founded by the Military History Society of Ireland, and edited by Hayes McCoy, was much more earnest and purposeful than *IHS*, but was likewise confined to British Ireland: the Jacobite War (or Williamite Conquest); the Volunteer movement of the late 18th century, Fenianism, and the activities of Irishmen as soldiers in various armies around the world—Continental, American, British. But most of this cannot be sensibly understood as *Irish* military activity.

Irish military history ended in the early 1690s and resumed in 1916. The critical question was about how it resumed after such a long hiatus. That question was outside the remit which *The Irish Sword* gave itself.

IHS and *Irish Sword* between them left an empty space at the core of Irish history which Oxford and Cambridge, acting through Trinity College, UCD and UCC, filled with British histories of Irish 'violence'.

Joost Augusteijn of the Trinity 'History Workshop' a generation ago, and Fearghal McGarry today, mull over the question of what made the Irish capable of engaging in acts of sustained "violence" in 1919.

The Irish masses, given the vote along with the English masses, by the

Reform Act of 1918, voted to establish independent government in Ireland. The British Parliament took no heed. It authorised the British Government to carry on governing Ireland, substituting military rule for any semblance of a democratic mandate. The Irish responded militarily to this military challenge to their national will democratically expressed. Many questions arise in connection with this turn of events. The two history magazines ruled them out of order as subjects for investigation. These magazines were in effect 'succession state' publications of the Empire.

The Irish military response to British militarism is almost always described as violence. The word "violent" has overtones which are not present in the word "military". The Irish response was military, but is usually misrepresented as violent. It was because Irish action after 1918 was military that Britain agreed to negotiation in 1921—and again in 1998. Violence it could handle.

There was within Irish society, during the two centuries between Limerick and 1916, a groping for action of a military order. The more ambitious attempts were pre-empted by the British Government and reduced to manageable violence. (Some lesser attempts, which did not pretend to be more than punitive violence, had some beneficial local effect on ruling class conduct.)

1916 was not an outbreak of violence. It was a military event. The British rulers of Ireland knew the difference. The historians of independent Ireland did not consolidate the difference. They left it to the likes of Augusteijn and McGarry to dissolve purposeful military activity back into violence.

It was not until 20 years after its foundation that *The Irish Sword* published an article about 1916. It was treated as a military event but was not set in historical context. The article and the event it dealt with both came out of the blue.

In 1922 Britain succeeded in inflicting serious damage on the Irish military development that had obliged it to negotiate. Although the two history magazines have eased up on their self-imposed restrictions, the 'Civil War'

fought under British ultimatum remains beyond their reach.

They have never discussed what Northern Ireland is, and how it could be that a 25 year war was fought within the borders of the British state.

Another taboo subject in these history magazines is the Second World War and the Irish military event connected with it—the refusal to make the territory of the state available to Britain for the War, defying Britain to take it.

It is said that Ireland was retarded socially by its refusal to allow itself to be made a British base of operations—it could not actually have made war on Germany because Britain, by means of the 'Civil War', had left it without an Army capable of making war. Whether society was retarded or advanced by neutrality is a speculative question. That the nationalist community in the North was socially advanced by the Provo War is a demonstrable fact, but an unmentionable one.

The third history magazine, *History Ireland*, is a kind of tit-bits version of the other two. It is published more regularly and circulated more widely but, it is under establishment patronage and is therefore restricted in its scope by establishment parameters.

It is conducted by a former socialist revolutionary, who failed to sustain whatever his original revolutionary vision was. As a lapsed revolutionary, he appears to have carried over, into his commercial venture, coterie inhibitions of his own, in addition to the constraints imposed by his sponsors. For that combination of reasons, none of the matters mentioned have been broached in *History Ireland*, and they will not be.

These matters should have been opened up by intellectuals with secure positions in the Universities operating in academic freedom, and unconcerned with either political power or profit. But, in the real life of the Irish state, the Universities are the last place they could have been opened up. This has now been officially acknowledged with the admission that the 20th century was put out of bounds for *Irish Historical Studies*. That is to say that Irish history was put out of bounds, because prior to the 20th century what happened in Ireland was part of British history.

Until there was an Irish state all there could be in Ireland were protest movements acting on the British state. And, after an Irish state was established, residual British influence was deployed

to prevent it from taking itself as a substantial historical subject. This was particularly evident in academia, which did not reflect and consolidate the political achievements of the 1930s and 1940s.

This Magazine

If the National University had housed a national intelligentsia committed to developing the implications of independence and Partition, this magazine would not have been needed, and would not have been produced. It exists because essential matters could not be thought about within the academic institutions of the state.

There was naturally an attitude of disdain struck towards it by the well-paid academic functionaries, insofar as they condescended to notice it. At the same time there was a growing feeling of unease. If what we were publishing was not just pretentious nonsense, then it was intellectually de-legitimising the official order of thought. Of course most were happy to do what they were told and pocket the money, but signs of unease kept coming through to us. And in recent years there has been a minor rupture within academia on the issue. A historian who has secured an academic base in Britain has indicted the Irish History Departments of inventing stories to serve a political purpose of the moment. It is unlikely that much will come of this, but, after decades of nothing, at least it is something.

The founders of this magazine did not choose to make it a cheaply-produced, small-circulation publication without any official recognition of its existence. That was just how it had to be if substantial matters were to be dealt with. And that is how it remains. We have often been told it was a shame that it was not more fashionably-produced and more widely-circulated. We have never refused to accept the means of making it so.

The first issue dealt with was the history of the Roman Catholic Church in Ireland. In a series of articles on *The Rise Of Papal Power In Ireland* it was shown that the Church, which was then (early 1970s) very much in the ascendant, was a construction of the third quarter of the 19th century. Its vigour was that of a new development, without long historic roots. And it was still in the process of getting stronger when it was subjected to the subversive influence of the 2nd Vatican Council. The tone of it, as we recall, was explanatory rather than hostile. When the Pope visited the

country a few years later, it was produced as a booklet and sent around for review. It got one notice, in *Books Ireland*, which is obliged to notice everything sent to it. The review was a curt dismissal by a priest. The Church in the full flow of its power did not want to be understood in any terms but its own. Hostility was fine, but dispassionate understanding from within Catholic Ireland was unacceptable.

And the hostiles—the anti-clericals—of which many were to be met with in Dublin pubs, refused public engagement with the power of the Church. I had little experience of Dublin, but I knew of the Dublin anti-clericals from the account of them given to me by the late Pat Murphy, who despised them.

The anti-clerical view in the early 1970s was that there was no need to jeopardise one's career prospects by engaging in conflict with the Church and obliging it to make compromises with other viewpoints. The globalist development of capitalism would destroy the Church—therefore the sensible thing to do was to confine one's radicalism to the pubs and advance one's career while waiting for this to happen.

And so things seem to have turned out. We have anti-clericals in Government trampling on the remnants of a Church whose collapse they did nothing to bring about. It was cute. But the cultural development that would have come about through public conflict which brought about compromise did not happen. And in place of compromise there is only a kind of emptiness.

BICO has been a self-help organisation from the start. These were the only terms on which it could have been done. It has produced magazines, pamphlets and books on the understanding that they would not be reviewed and would have very restricted commercial circulation. At present we have no commercial circulation at all in Cork city because certain vested interests disapprove of us very strongly.

At a certain point we got regular requests from the *Irish Times* for review copies of books. We sent the books but noticed that they were never reviewed. We asked the Literary Editor, James Downey, why this was. He replied snootily that the paper was under no obligation to review books sent to it. So we took no heed of further requests for review copies.

A generation of radicals and revolutionaries was bought up by the *Irish Times* around 1970. The paper was then

being run by Major McDowell, in consultation with Whitehall, on behalf of the oath-bound secret society that controlled it. It could only be understood, by any reasonable judgment, as a segment of the British state left behind after it had been made necessary for the British Government to leave. Without visible means of support in the form of circulation, it kept up the style of a major newspaper covering Irish and world affairs. Its purpose was to erode the party which had given substance to formal Irish independence—Fianna Fail. It succeeded. Fianna Fail today is the empty shell of what it was then.

The mind-boggling slogan of the revolutionaries of 1969-70 was "*Tories Out—North And South*". In fact there were no Tories in power—or even in existence—anywhere in Ireland. The Tory Party did not operate in the Northern Ireland region of the British state, and in 1972 a Tory Government abolished the Ulster Unionist system. And, if an international comparison is sought for Fianna Fail as it was then, the Gaullism which restored France after 1945 is about as close as can be found. But never mind about that. The socialist revolutionaries of the time, who were much encouraged by the capitalist press, were student revolutionaries. They were bourgeois intellectuals in the process of production. They had little or no connection with actual working class movements. The *Irish Times* had its pick of them. It gave them good salaries and set them to work in the revolutionary business of undermining the Fianna Fail "*Tories*" in the interest of the Imperial state.

They settled down—as many generations had done before them in Britain—to be the intellectuals of capitalism. Their particular business was to berate the "*crony capitalism*" by means of which Ireland had generated some capitalist momentum of its own. They were not required to advocate Imperialist, or 'globalist', capitalism. It was enough to campaign against "*crony capitalism*" with overtones of socialistic verbiage. There was no actual socialist movement bidding to take the place of the "*crony capitalists*"—the national capitalists. And, if one of them was insufficiently adapted to his task and was overcome by the need to indulge in a moment of revolutionary street theatre at the gates of Trinity College, who cared. That was Fintan O'Toole's moment of self-discovery. He had not quite known what he was until then. He

was an odd-man-out in that he had not been a fierce socialist revolutionary, and got it out of his system, before becoming part of the Establishment. So he strutted out to the street, gave his revolutionary call to the people to rise and overthrow the system, and then went back to draw his salary.

These *Irish Times* hirelings are all we have got in the way of a bourgeois intelligentsia. And, looking at them in the light of the various bourgeois intellectual movements of European history, it has to be said that they deserve neither the adjective nor the noun. To be bourgeois they would have to be national. And, as intellectuals, they are only mimics.

What is an intellectual? Desmond Fennell is an intellectual. But he is an intellectual without an intelligentsia—which must be a frustrating thing to be. If there was once a fragment of an intelligentsia in Dublin that he was part of, it is long gone.

I imagine such a thing must have existed, since he exists. I imagine that it existed within the environment of the Catholic Church. There was certainly no liberal, secular intelligentsia which took public account of the hegemony of the Church Hierarchy in a way that obliged the church to take account of it—such as this magazine tried to cultivate. There were only the future anti-clericals, making careerist obeisance to the system they hated and biding their time until the imperialist capitalism, which they also affected to hate, destroyed the Church for them. And then, when globalist capitalism and Vatican 2 destroyed the hegemonic influence within which an intelligentsia existed—a fact which happened coincidentally with the War in the North—the public life of the state became intellectually barren.

Desmond Fennell, in the *Sunday Press*, maintained a public presence as an intellectual in the 1970s. But it seemed to me, looking at things from a Belfast viewpoint, that he was an intellectual without an intelligentsia—his environment having evaporated around him.

Conor Cruise O'Brien then appears on the scene as a one-man *ersatz* intelligentsia. He had the connections that enabled him to conjure up this illusion. He had been a senior civil servant in the Anti-Partitionist Front in a period when nothing was happening on that Front. He had been an assistant to the Secretary-General of the United Nations when the Secretary-General made a bid to start running the world and came to grief. He joined the Labour Party in the late 1960s and was active in

the *Socialism In The Seventies* election campaign. He came to Government office in 1973 and was Coalition spokesman on the North. At a critical moment in 1974 he insisted on a hardline Anti-Partition stance which ensured the fall of the Sunningdale Power Sharing system. In 1977 he lost his seat to Haughey and conceived an anti-Haughey passion. He became Editor of the London *Observer* in order to direct it against the Anti-Partition cause which he had once been paid to serve. His policy on the North, which had been slippery during the seventies, was hardened into a simple security campaign to put down the Republicans. And then he joined a fringe Ulster Unionist party (to the bewilderment of a devoted following he had accumulated), only to be branded as a cuckoo in the nest by mainstream Unionism. And that was the end. All he left behind was echoes in the hollow mind of Eoghan Harris.

At a certain point O'Brien discovered Edmund Burke and wrote a book about him. Or he discovered Burke's tirade against the French Revolution and saw it as being applicable against Republicans on the North.

On his general assessment of the Revolution Burke was wrong. He was certain that the restructuring of France by the Republic would not take—that the mathematical reduction of the historic Provinces into Department named after natural features would be a passing fad. But the Departments are there today, as are most of the changes made by the Revolution. What did not take was the remaking of the Calendar. The new Calendar was particularly welcomed by the Presbyterian United Irish who saw it as the scotching of Paganism masquerading as Christianity under Papist protection. But in that matter Papsim defeated the Revolution, and we still call days and months by the names of Pagan gods. But for the most part the changes made by the Revolution held, and the monarchy restored in 1814 could not take root.

Burke's insight was that human life could not be simplified down to meet the requirements of the Enlightenment. He had been brought up amongst Catholic cousins in North Cork before going on to be a Whig intellectual in London, and he knew that very different forms of human life are possible, and that there is no streamlined form that arises naturally out of human nature and meets its needs, as Enlightenment intellectuals thought.

Rousseau, within the French Enlightenment, saw the same thing. He insisted on saying it and placing himself in antagonism with Voltaire and the others.

As far as that went, Burke was the English Rousseau. But Burke conceived an irrational hatred of Rousseau. And O'Brien echoed it. David Trimble, tutored by the Godfather of the Official IRA, echoed it in his Nobel Prize speech written by Harris.

Burke's tirade against the French Revolution had no effect on the course of the Revolution. I doubt that it was intended to have. It was directed against English enthusiasts of the Revolution, and was effective there. He preached a Crusade against France, parting company with his Whig colleagues, and calling himself an Old Whig. But Old Whig became new Tory. The war against France was conducted by Pitt on the ground of national interest, and I imagine it would have been fought if Burke had never written about France. But Burke's increasingly extremist pamphlets certainly helped to inflame feelings.

Burke's distinctive contribution to English political culture was his pamphlet asserting that party-politics—politics conducted by means of a couple of distinctly established parties—was essential to the system of representative government.

O'Brien took no account of that. I assume the reason was that the British mode of government in the Six Counties was indefensible in the light of it. At least I had made the case that it was, and O'Brien chose not to refer to the matter.

On the basis of Burke's general political philosophy O'Brien should have been an enthusiastic supporter of Charles Haughey, and "*Irish solutions to Irish problems*". But he hatted Haughey as irrationally as Burke hated Rousseau. And I gather that he was extremely irritated when somebody made a comment to that effect at a talk he gave in the University.

On the couple of occasions when I have met Desmond Fennell, we discussed what an intellectual was. He said I was an intellectual. I said I had never been anything but an uneducated manual wage-worker.

An intellectual is not somebody who thinks. Everybody thinks. As Hegel remarked, thinking is one of those things you cannot help doing. But, for some reason, not everybody can write what they think. It is a knack. It has little to do with education. I have known many highly educated people who hadn't got it. I had it and the cultural backwardness of Slieve Luacra did nothing to stifle it. So I'm an uneducated worker who writes without any inclination to become a writer

—an intellectual. So was James Conolly, who for that reason eludes the grasp of a highly educated generation.

An intellectual is somebody who is paid to think and who has a place in the social order as a thinker. In order to occupy that place effectively he must be educated. Education in a well-conducted state is a kind of regimentation of thinking which makes it useful to purposes fostered by the state, and establishes layers of networks for individuals who go through the process.

People who figure out the world for themselves and follow their own bent should not be encouraged. Many years ago I read Walter Bagehot (author of the *British Constitution*) on education. He came very close to describing higher education as higher regimentation. And he disapproved of people who think without having been educated on how to do it. And I agreed with him.

Some years ago Martin Mansergh lectured the Aubane historians on the theme that the cobbler should stick to his last. But, in a well-structured system of state, it would be no matter if the cobbler did not stick to his last. Nobody would heed him. But here was this highly-educated Englishman, and highly-placed servant of the Irish State, with an English sense of the proper order of things, having to dispute with somebody who was far below a cobbler in the social hierarchy.

You don't find an English Cabinet Secretary having to engage in public argument with a Wiltshire peasant who has a bright idea about State affairs. And in Ireland forty years ago such a thing could not have happened. And the fact that it happens in Ireland now, and that I am writing this, shows what a pitiful mess the Irish State has made of its intellectual life since 1970.

As to producing this magazine fortnightly for commercial circulation—I suppose if somebody gave us the gift of a million Euros for that purpose, we'd have to have a go at it. I doubt that much would come of it, other than the waste of a million.

A realistic attempt at it would need very much more than a million. Things have got so bad on the intellectual front that the enterprise would have to be on a scale that would make it possible. to build up a staff of salaried writers who in the first instance would direct their thoughts on the required lines for economic reasons.

But don't let me discourage anybody who is thinking of giving us a measly million.

The Catholic Church In France during the Second World War

During the Second World War France was occupied by German forces after a defeat so catastrophic that it caused her ally Great Britain to flee from the field of battle. The French Government retreated to Bordeaux, where it asked for an Armistice rather than capitulate. France was dismembered and occupied. Alsace and Lorraine were annexed by Germany, and the North was made dependent administratively on the Brussels Nazi administration. However the Germans did not occupy an area situated away from the Channel and Atlantic coasts, until November 1942.

Assembled in the small town of Vichy, in the non-occupied zone—at what was to be its last meeting after the defeat—Parliament gave Marshal Pétain full powers to govern and to make a new constitution.

Pétain had "*full powers*"; he legislated by Decree; Parliament did not meet. These so-called full powers did not however allow Pétain to do as he liked. His position, unsupported by any party or mass organisation, was weak. He had against him the occupier, part of the French political personnel, and a large part of the press, who all wielded power from Paris.

In the Occupied Zone, Vichy legislation was only valid after it was approved by the occupying authorities—but there was only one source of legislation. Vichy laws applied to all zones. Therefore all Vichy legislation was under German control.

Public administration in the occupied zone was also under the control of the occupier, down to the nomination of officials.

What role did the Catholic Church play in this situation? Since it was traditionally associated with the Right, one would expect that it would support Pétain and be given pride of place by the regime and then be engulfed in the disgrace that followed. But is that what happened?

What was the Church before 1940?

The Church had survived despite years of successful persecution, starting with the French Revolution. It had taken part voluntarily in the meeting of the Three Estates (the Nobles, the Clergy

and the Third Estate, the bourgeois class), and supported the decision that the property of the Church would be put at the disposal of the nation (1789). There followed a series of measures, such as the expulsion of religious orders in 1790. During the following years, which were dominated by foreign wars, Christianity was suspended, the Church calendar superseded, Church buildings vandalised, and the cult of Reason was established.

After the Revolution, Napoleon did not reverse the transfer of property from the Church to a large section of the population, including the peasantry. The transfer of influence from the Church to the State in the field of welfare, education and the registering of births, deaths and marriages was maintained. He did not reinstate the Church in its property or in its old position as dispenser of education and welfare, neither did he return its responsibility of registering births, deaths and marriages. However, he more or less imposed a Concordat on the Pope, which compensated the Church by providing finance for the clergy and for Catholic schools.

The Restoration of the Monarchy (1815) and the Second Empire, after a brief second attempt at a republican regime, did not see a return of the Church to its former position, as might have been expected.

In 1875 the Third Republic was founded and, after a shaky start which saw royalist parties still influential, the Republican parties established themselves, supported by a long-standing majority in Parliament which was very strongly anti-clerical. The Republic was finally built, on a platform of anti-clericalism.

The Republicans voted to implement measures that had first been put forward during the French Revolution at its most virulent: expelling the religious orders, removing religious symbols from public buildings, preventing members of religious orders from teaching, ending the legal sanctity of Sunday rest, and forbidding processions and the ringing of bells. To rub it in, they named streets after republican figures, including anti-clerical politicians. The present writer lived near "*Rue Aristide Briand*"; Briand headed

the committee that worked out the law of separation of Church and State.

Teaching had remained a stronghold for the Church: it ran a network of primary and secondary schools, which spread its influence. The Republicans dealt that network a blow by creating an alternative. The Jules Ferry law of 1882 made education compulsory and set up a network of schools that were free. Catholic schools were not free. The new State schools would not teach religion, and the teachers would be trained in establishments that were to be strictly neutral in matters of religion. The competition between the two school systems gave an edge to the republican teacher, increasing his or her militancy in the cause of the neutrality of the State. This had a deep and lasting influence on the country. In the 1950s, the author of this article remembers being taught to admire Jules Ferry and his law of "*L'école laïque, gratuite et obligatoire*" {free, non-religious compulsory school}, and a prize-giving day when the headmistress protested in her speech to parents that the priest had scheduled the celebration of First Communion on the same day, causing some pupils to be absent.

Religious Orders

The establishment of the Third Republic saw a concerted attack against religious orders: they were dissolved and their property confiscated and liquidated, unless they obtained permission to continue in existence. This permission had to be obtained from Parliament, and was systematically denied. It was illegal for members of a non-authorised order to continue wearing their habit and occupying their premises, the crime being punishable by a fine or prison. In 1904, members of religious orders were banned from any teaching whatsoever. Faced with this situation many members went abroad. (As a consequence, the young Charles de Gaulle went to Belgium, to attend a Jesuit school.) Others gave up wearing the habit and remained in their premises, bought through helpful supporters for "*other purposes*". When such subterfuges were suspected, the religious were prosecuted. Between 1906 and 1914 there were 272 prosecutions for such cases.

The de la Salle Brothers (*Frères des Ecoles Chrétiennes*) went abroad. They established a flourishing network of schools in the Middle East, Egypt and South America, where they taught French. They had no presence in France. As a result, eventually their only connection with France was the name of

their founder, and only the older members were native French speakers. The Republican Government realised it was depriving itself of a useful presence abroad and tried to change the legislation to permit the Brothers to once again establish themselves in France but this was never allowed. The moderate Republican Poincaré wanted to put this to Parliament in 1926 but it came to nothing.

Separation of Church and State

The Government unilaterally legislated for the Separation of Church and State in 1904-5, at a time when diplomatic relations between France and the Vatican were broken. The Committee that worked on this measure included members who explicitly wanted the destruction of the Catholic Church. The law was a punitive and humiliating measure imposed on the Church. Churches and presbyteries were to be confiscated unless a "*cultural association*" (*association culturelle*) was formed, on the model of 1901 associations, with as sole object the exercise of the cult. The law of 1901 had established the right of associations to exist legally. ('Associations according to 1901' still exist today, for non-profit making associations.) So each priest had to found an association and have it allowed by the Mayor, who would then allow the use of a Church and a presbytery. If the property included a library, that was confiscated, as not necessary for the exercise of the cult. Furthermore, saying Mass was considered as holding a meeting, and this too had to be applied for, on the basis of one Mass, one application. What was worse from the Church's point of view was that this applied to the Bishops too. Priest and Bishop were on a footing of equality, the Church's hierarchical structure was ignored.

Priests and Bishops were no longer salaried or housed by the State. The cult associations were only allowed to keep the property that was necessary for the exercise of the cult; the rest was confiscated. This necessitated inventories. But in some areas these led to disturbances so severe that they had to be discontinued.

This law did separate Church and State. The Church was no longer anything special. It was a series of separate associations, with which the State had no particular connexion. The State then had no say in the appointment of Bishops. The Church had no connexions left, except with the Papacy.

The Church refused to turn itself into

a series of 1901-type associations. Priests were not however turned out of their Churches and Presbyteries: a Mayor who tried to do that was told to desist; Masses were not stopped.

The result of these campaigns against the Church from 1789 onwards had their effect, however. A large number of people, especially the lower classes, deserted the Church. France was de-christianised. The clergy was isolated; in villages the priest was often in opposition to the Mayor and the schoolteacher, and his influence was much weaker. Financially the situation was bad. Priests and Bishops lived on small incomes; the priesthood was not attractive as an occupation.

What did the Church think? Paradoxically it was encouraged by the Pope to accept the republican regime: Its official role was to support established government and to preach obedience to the faithful. Pope Leo XIII in the Encyclical *Diuturnum Illud* of 1881 had enjoined the faithful to recognise and respect established authority. In the case of France, the Pope was recommending to Catholics that they accept the Republic, at a time when many Catholics still were not willing to accept the Republic as a *fait accompli*. They obeyed the Pope on this, more or less willingly.

Social Policy

The influence of the Pope however set the clergy on a line of thought that did not coincide with the philosophy of the new republican liberal regime. The Encyclical *Rerum Novarum* (1891) had taught the clergy that liberal capitalism was the enemy of the Catholic Church, and the agent of de-Christianisation. In the thirties, two important Encyclicals put the Pope's position on the two philosophies of the time: one against Communism *Divini Redemptoris* (1937) and one against Nazism, *Mit brennender Sorge* (1937, at a time when the British and French Governments were encouraging Hitler, an encouragement culminating with Munich). The Catholic Church set itself against the three important movements of the twentieth century: liberal capitalism, socialism and Nazism.

Vichy & the Church

So this was the Church that was greeted in 1940 with the news that Marshall Pétain was head of State.

There was a moment of hope from some members of the clergy, but feelings were mixed on both sides.

The Church continued its policy of respecting the Government of the

moment, as recommended by the Vatican. The official Church position was that the hierarchy would be loyal to the established regime but not in thrall to it. The Church's spiritual role forbade it from committing itself to support any political regime. The Papal Nuncio, Valerio Valeri, warned the clergy to keep their distance; there was no knowing how long the regime would last, and no great confidence should be placed on it, it would be like building on sand.

The ACA (*Assemblée des Cardinaux et Archevêques*, an assembly of the Archbishops and Cardinals) met in September 1941 and issued a reminder to priests not to be involved in activities of a political nature, such as contributing to the spread of Government propaganda. It forbade priests and leaders of Catholic movements to hold Office in the association of First World War veterans (the *Légion Française des Combattants*), created by Vichy after it had disbanded all previous veterans' associations.

A National Council was established by Vichy to help frame the new Constitution, and at first it included some ecclesiastics. Cardinal Suhard was a member but never attended and soon withdrew. It was felt that Catholics should not be part of the National Council.

On 24th July 1941 the ACA declared the Vichy regime "*legitimate*". The Vichy regime was a representative institution, having been actually voted in by the assembled Parliament at a time of the gravest crisis.

There were members of the clergy, especially at the beginning, who sympathised with the Vichy regime. They liked Pétain's message: repenting sins, restoring authority and discipline, returning to the land and to the family. They liked Vichy's motto: *Travail, Famille, Patrie* (Work, Family, Country). The National Revolution of Vichy was directed against liberal capitalism; this seemed to chime with the message of the Encyclical *Rerum Novarum*, so they approved the National Revolution. However, as we have seen in a previous article *The Vichy origins of modern France. How the Vichy Government superseded traditionalism and promoted modernity* (Church & State 105, Summer 2011), the National Revolution was the ideology of a nostalgic and powerless minority within the Vichy Government.

On a personal level, the Church hierarchy was not very enamoured of Pétain himself; he was not devout and had not lived his life as a good Catholic

—he did not get married until his sixties, and then marrying a divorcee. His wife's first marriage had been annulled in 1929 and the possibility had existed of consecrating his civil marriage in Church since that date, but Pétain did not avail himself of the opportunity. (His marriage was eventually consecrated in a religious ceremony in 1941, by proxy, and for reasons of State.) There are no religious references in his speeches and appeals. Despite being in the Army, he had not involved himself in the Dreyfus Affair, in which religious elements had been active.

Pétain did want the support of the Church. However, he was aware that he was getting the support of a body that was not very popular in the country, or with many politicians, or with the occupying forces. Eventually too it was the support of a body that was critical of his Government's policies. He counted on the support of the Church but did not choose many Ministers who could be considered as Catholics. His head of Government Pierre Laval in particular was scornful of the Church.

Vichy Legislation in Favour of Church

Vichy laws in favour of the Church show the limits under which the regime operated.

The defeat had precipitated a general feeling of guilt: spontaneously came the idea that France was culpable; there was a collective self-accusation. This was so widespread that even Trade Unions like the Communist-allied CGT as well as the Christian CFTC blamed certain acts by the Trade Union movement for the defeat. For some Catholics, France deserved to be beaten: the French had sinned, loved pleasure and the easy life, lacked discipline, eschewed hard work, and their morals had become too lax. Then came the search for the people responsible for this state of affairs. France was no longer a Christian country, because her children were educated by militant godless teachers in the compulsory, free, non-religious primary schools. The solution promulgated was to stop the production of these teachers, so teacher-training colleges were closed. Existing teachers in State schools would be made to teach "*Duties to God*" as part of the curriculum; priests and members of religious orders would be allowed to teach in State schools.

But, given public opinion at the time, these measures could not be carried through; Vichy could not undo decades of anti-clerical measures. In religious matters, public opinion was on the whole

indifferent, if not hostile, to the Church.

The Vichy Directives were greeted with protests; the Minister of Education responsible was replaced. The new Minister for Education insisted on his determination to maintain the secular State and the neutrality of schools, so duties to God were not added to the curriculum, and clergy not allowed in State schools, although teacher-training colleges did remain closed (until 1945).

Signs of religious observance had been removed from public places, crucifixes had been taken down from class-rooms, hospitals and town halls; some in 1940 thought the time had come to bring them back. Pétain, aware of public opinion, said the time was not right. (Portraits of Pétain were put up in public buildings instead.)

Religious Orders

Vichy made some moves in favour of religious orders. It allowed members of religious orders to teach (they had started teaching again, unofficially, after the First World War). It allowed orders to receive legacies. It encouraged orders to apply for permission to settle, letting it be understood that it would be granted. Few applied, only one permission was actually granted. In 1944 the De La Salle Brothers were even refused permission by Vichy, on the grounds that their headquarters were in Rome.

However, belonging to a non-authorized order was no longer a criminal offence, so nuns and monks could wear their habit again without fear of prosecution. Processions, taking the objects of the cult outside the Church, were once more legally allowed. These measures legalised what had been tolerated more or less since the end of the First World War.

The clergy outside religious orders, the secular clergy, also benefited from measures in their favour. Since the separation of Church and State, religious buildings had not been maintained by the State, unless they were of special historical interest. Vichy promised to make funds available to repair all Churches. It is interesting to note that in September 1940, the Bishop of Tarbes asked Pétain for the return of the Lourdes Grotto from the local Town Council.

Catholic Schools

The main question however was that of the funding of Catholic schools. Napoleon's Concordat with the Vatican had not returned to the Church the property confiscated by the Revolution, but had made compensation by financing Catholic priests and schools. Since the

Third Republic and the spate of anti-clerical measures, the State had no longer contributed to the running of Catholic schools; teachers' salaries and the maintenance of school buildings were financed by parents' contributions and charitable donations. A fifth of all schools functioned in this way, gathering about a million pupils. 45% of secondary schools were Catholic schools. Vichy allowed funds to be given to Catholic primary schools, within limits.

The law of 2nd November 1941 stipulated that Catholic elementary schools could get a subsidy from the State, but to compensate for this the schools would be under the control of public administration. Vichy did not want to encourage the expansion of Catholic schools, so this subsidy would only be given to already existing schools, and the subsidy would never amount to more than 3/4 of the sums needed to run the schools. Teachers would receive "*up to 60% of the salary paid to State primary teachers*". The subsidy was only for primary schools, and did not include the cost of maintenance of buildings, and even less that of building new schools.

After 1943 the Bishops tried to obtain an increase in subsidies. Pétain was no longer in charge, but his head of Government Pierre Laval turned a deaf ear, being both displeased with the Bishops' attitude to certain measures taken by him, and aware of the attitude of the population which did not want to see the neutrality of the State in religious matters and the higher status of State schools endangered.

As the War intensified and the situation in France worsened, a number of issues gave rise to disagreements and led the Church to distance itself from the Government.

Youth Organisations

Vichy and the Church had conflicting objectives regarding youth organisations.

1914, with the 'Sacred Union' against Germany, had seen the reintegration of Catholics into the life of the nation. Thanks to anti-clerical laws, seminarists were required to do military service and priests were made part of the army as ordinary soldiers. The War had thrown the clergy into close contact with ordinary soldiers, factory and farm workers in civilian life. This experience opened the eyes of the clergy to the depth of ignorance and indifference to religion which existed in the country, especially among the lower classes.

The Church reacted by developing a

policy of social action and youth action. It developed a network of charitable associations, and a network of youth organisations, the *Jeunesse Ouvrière Chrétienne* (for young workers), the *Jeunesse Etudiante Chrétienne* (for students) and others, grouped under an umbrella organisation.

The Vichy regime on the other hand, isolated and suffering from a lack of support, wanted to find mass support for itself. To achieve this, Vichy formed youth movements. To fill them out, it wanted the Catholic groups to merge with them, without keeping their religious character. The Church was adamant that this would not happen and this created ill feeling between Church and Government.

Forced Labour

From 1942, the Nazi occupying forces ordered that workers in occupied Europe be sent to Germany to work. In France, Prime Minister Laval tried to negotiate and extract compensation by exchanging workers for prisoners (France had 1.5 million prisoners in German POW camps). From 16th February 1943 Compulsory Labour Service was official Government policy. This put Catholics in a dilemma: on principle they had decided to support the Government, but they did not want to work for the enemy. The motto "*Labour, Family, Country*" had turned, as they said, into "*Forced Labour, away from the Family, against my Country*". Young Catholics turned to priests for advice. The hierarchy turned to theologians for advice. The advice was, that it was not a sin to refuse to be sent to Germany to work.

This advice did not help the hierarchy get out of the difficulty. Some Bishops relayed the advice in letters to be read to the faithful, others did not. Some Catholic publications tried to relay the advice in their pages but were prevented by censorship. Arguments raged: some thought that there should be a Catholic presence among the French in Germany, especially as the Germans refused permission for chaplains to accompany the requisitioned workers; if Catholics refused to go, others would be made to go in their place. There was no consistent support by the Church for young Catholics who wanted to escape the Compulsory Labour Service.

Persecution of the Jews

The Church did not object to the measures taken in 1940 "*to limit the influence of Jews on French public life*".

In the search for those responsible for the defeat, many thought that, as we saw above, godless education was the source of French weakness and decadence. Those who had framed the new system of compulsory, free, non-religious primary schools included Jews and Freemasons. They also included Protestants, but the French had too long a memory of the Wars of Religions to want to attack them.

The Church agreed with Vichy that there was a "*Jewish Question*" (See Appendix).

The Church did however protest against the deportation of the Jews when that happened; deportations from the internment camps were witnessed by the local population and local priests and gave rise to protests. The protests of the Bishop of Toulouse, Mgr Saliège, were the topic of a radio programme on France Inter (8.11.12). Mgr. Saliège was one of the people who before the War deplored what he saw as the lax morals of the French, their love of pleasure and search for an easy life, so Pétain's words had found an echo in him at the beginning. But on 23rd August 1942 he wrote a letter to be read in all Churches protesting against the deportation of Jews. Laval forbade the reading of the letter; it was read in many places in France however, and also on Radio Vatican and on the BBC. Other Bishops wrote similar letters, and tried to have them read in Churches or published in Church magazines. On an individual level, members of the clergy protected people persecuted by the Nazis and by the Vichy regime, including Jews, by hiding them and helping them to reach safety. The Paris press said the Bishops were obstructing the anti-Jewish laws.

Post-War Legacy

Paradoxically, the experience of the War led the Church to take a turn to the left in matters of politics. At the Liberation, the Resistance took pride of place in the Government and in public opinion. Whatever its actual importance in influencing the course of events, it assumed a huge importance in the ideology of the liberated country. Catholics had played an important part in the Resistance. They had formed or joined Resistance groups, they had founded magazines with strong social and democratic sentiments (for example, *Témoignage Chrétien*), they had protected the persecuted, and they had fought and died for freedom. This led the other members of the Resistance, Communists, Socialists and Gaullists to

mute any anti-clericalist feelings, out of respect, and to preserve unity. A Christian Democrat party was formed. Other European countries had strong Christian Democrat parties that became very important after the War, with leaders such as Adenauer in Germany and De Gasperi in Italy. As a result of the involvement of Catholics in the Resistance, a Christian Democratic party was founded, the Mouvement Républicain Populaire (MRP), with Georges Bidault. Schumann, MRP Minister for Foreign Affairs, worked with Adenauer and Gasperi towards a European Union. The importance of the MRP diminished however from 1947.

Worker-Priests

Part of the discussion about the Compulsory Labour Service was the argument that Catholic priests ought to be present where French workers were sent. Some priests went illegally as workers to Germany with the purpose of bringing the Catholic religion to the workers. The movement towards continued after the War; Catholic priests made a point of reaching out to the working class, believing that by sharing their experience they would be able to transmit to them the Christian message. The movement soon took on a political nature; the priests espoused the workers' causes. They were reined in by their hierarchy.

The Catholic Church supported the Vichy regime, although with reservations regarding some policies: it opposed the formation of a single youth movement, it did not support Compulsory Labour Service, and it protested against the deportation of the Jews. On a personal level the clergy acted strongly to protect the persecuted. After the War this was recognised and during the Purge that followed the Liberation they were not persecuted themselves for having been Pétainists. Later, the State of Israel bestowed the title of "*Righteous among the Nations*" on some members of the clergy. The War however contributed to diminish again the importance of the clergy in the life of the faithful: the Church had been unable to give clear guidance in difficult circumstances, and the faithful would from then on be less inclined to turn to it for guidance.

The presence of Catholics within the Resistance helped to reduce the prevailing anti-clericalism of the political class, and to give Catholics a place in the political and social life of the country, at least for a time; the Church was no longer associated mainly with right wing political parties.

Appendix

The Jewish Question

The French Catholic Church is accused of wrongdoing by during the Second World War accepting that there was a Jewish Question. This needs to be looked at.

Jean-Paul Sartre wrote a book in 1944 entitled *Reflections On The Jewish Question* {*Réflexions sur la Question Juive*}. He does not explain directly what the Jewish Question was, but we gather from what he says that it concerns the excessive number of Jews in certain professions, in the eyes of some people.

The Jewish Question was explained in an objective manner by James Parkes in 1941, in an Oxford Pamphlet on World Affairs (No. 45) first published in Oxford at the Clarendon Press 30 March 1941 and reprinted in April and August of the same year.

James Parkes was an admirer of the Jewish people, who went on to be given honours by the State of Israel.

Parkes takes a historical approach, which is summarised below.

The nineteenth century was a period in which the emphasis passed from land-owning to commerce and industry, and from the country to the town. Jews were by their history largely town-dwellers and occupied with commerce; as a consequence they soon became unexpectedly prominent in the society that was developing. Those to whom the developments of the 19th century were distasteful regarded as a deliberate plot what was but a natural consequence of the general situation.

In fact none of the main developments of the century owed their existence to the presence of Jews. They owed far more, for example, to the British for their industrial developments, or to the French for the free thought and republican psychology which had sprung out of the French Revolution. But, as Jews seized upon the opportunities which British and French developments offered, they were conveniently used to concentrate popular opinion against those developments, by those who preferred the old order; and modern anti-Semitism was born.

Parkes pointed out that many financiers were not Jewish and most Jews were not financiers and continued:

"But that a people, numbering 16 million, and with a long tradition of commercial and intellectual life, should produce a considerable number of great bankers, scientists and businessmen is only to be expected. And it is still more to be expected in that this is a commercial and industrial age."

The prominence of Jews in Communist Parties could also be explained:

"Treat a young and enthusiastic intellectual as a social pariah—as Jews were treated in most countries of Eastern Europe—and the result is

often to create a revolutionary. And, being better educated than most members of revolutionary parties, he is likely to come to the top."

Parkes thought that it was a very sick society which could not digest the petty difficulties inherent in the desire of an ordinary minority to retain its distinction; it could be argued, he said, that Jews were less of a problem in England for example than the Society of Friends, who refuse military service. A Jewish community, allowed time to settle down to a normal life, will not be a problem—unless it is much richer than the ambient society, or much poorer, giving rise to two distinct Jewish problems. The situation was particularly acute at the time, said Parkes, because the violent Russian persecution of the Jews in the period 1881-1905 caused millions of Jewish refugees to flood Western Europe and America; and, before these immigrants could settle, the wave of nationalism after World War 1 made their lives difficult, especially in Germany.

Jews wished to flee from Germany, but economic capacity to absorb new citizens had also shrunk throughout the world; it was more difficult in 1933 to absorb 10,000 Jews of equal social and cultural standards than to absorb ten times that number from Russia in the 1880s.

Parkes then discussed the situation in the new states created after World War 1 at the Paris Conference and its various Treaties.

The new countries, and Poland as a newly recreated country, had imposed upon them the "Minority Treaties" of 1919-1920, which forced them to guarantee autonomy in the fields of education, law, language and culture to their minorities, including Jews. These Treaties were accepted very reluctantly and under the strongest protest. The majorities insisted that there should be a right to have the majority language taught in primary schools so that secondary education could bind the different elements of the State into a unity.

The question arose, whether a minority was entitled to as many positions in the public or economic life of the general community as it could obtain on the basis of ability. Poland and Hungary answered No. In the USA, universities had adopted means to limit the number of their Jewish students. The Nazis said that Jews, 1% of the population, occupied a disproportionate number of important places in universities, medicine, law and elsewhere.

In Poland, in the earliest days of the Polish Republic, 30% of students were Jews. Education was free but accommodation was not. Jews, being town dwellers, had access to cheap accommodation with family or relatives. Poles were country folk, slower to pick up education than Jews; thus, said Parkes "*measures to protect the Poles were neither unnatural nor unjust*".

Poland wanted to develop cooperatives among peasant and among urban workers, but they could not compete with Jewish businesses, so a measure of protection was legitimate. And in all these cases such measures could scarcely help taking the form of "*anti-Jewish*" measures.

In post-War Hungary, the middle classes of what had been a large Empire had suddenly to seek new ways of living in a tiny State. Before 1914, the Hungarian middle classes made their way in the army and civil service; they didn't care

if Jews were numerous in law, medicine, journalism etc. After 1920, they needed these professions for their sons, and felt it legitimate that some protection should be given to their sons in learning a new way of life.

What of the situation in Great Britain and the USA? Parkes said that there was no question of the Jewish minority being able to dominate the highly-developed societies around them; instead, Jews were accused of "*setting the tone*" in certain professions, and of lowering the standards laboriously acquired by previous generations.

Parkes explained this as follows: we were living in a period of breakdown of our social and economic order. Shrinking markets and opportunities made it harder to make a living, so new entrants, not yet established, accept the lowest professional standards. Long-established Jews did not do so, but new entrants to professions who were non-Jewish did so. Moral decline was part of the whole breakdown of civilisation which led to the current juncture in the UK. Blaming Jews "*is inviting disaster, by misleading people as to the real nature of the problem which confronts them*".

In the US and Great Britain the raising of the Jewish Question was a dangerous red herring for it was not of importance, whether the group whose conduct was debasing the community's standards contained a high or a low proportion of Jews. The decline must be attacked *as such*.

In Eastern Europe, there *were* too many Jews to digest in various of the national polities *as they were*; and, in themselves, both limitation and emigration were policies which, however delicate to apply, were entitled to consideration.

Parkes does not consider the situation in France, but in 1940 the French State thought that France suffered from a problem regarding Jews similar to that present in Eastern Europe: excessive numbers in certain professions and excessive influence over the public life of the country. The measures taken were initially designed to remove Jews from posts in universities and to establish quotas for Jewish students.

This is what is meant by saying that the Catholic Church agreed that there was a Jewish Question.

While Parkes did not mention the case of France as such, his arguments apply there too. People who rejected the modern industrial and commercial world were apt to blame the Jews for its development. This was apparent during the Dreyfus affair, when the people determined to deny the innocence of Dreyfus came from the ranks of the Army and the Church, and of those who yearned for the maintenance of a traditional rural France.

Comments about the US and Great Britain apply to France: the raising of the Jewish Question was a dangerous red herring; as Parkes said, blaming Jews "*is inviting disaster, by misleading people as to the real nature of the problem which confronts them*". And the general comment that it is a very sick society which cannot digest the petty difficulties inherent in the desire of *an ordinary minority* to retain its distinction applies to France too. Or, more precisely, in 1940, not so much 'a very sick society', but a society in desperate straits.

Egghead History

In this issue we begin a series of extracts from the writings of academic historians, who profess a particular concern with democracy, showing how they dealt with the course of political affairs in Ireland between 1914 and 1922.

We start with Professor Brian Girvin's book, *The Emergency*.

'Emergency'

We are informed by the cover of this book that it "*tells the story of what in Ireland is known as 'The Emergency' but elsewhere as the Second World War*". But, in fact, as a glance at the files of any Irish newspaper published during the War will make clear, the Second World War was called *the Second World War* in Ireland as it was elsewhere. The implication of the assertion that the Irish called the Second World War *The Emergency* is that they were extreme solipsists who denied the existence of the War because they were not taking part in it. But, in the light of the indisputable historical facts, that assertion appears as the kind of blind spot in the mind of the author that the author attributes to the Irish.

The Emergency was the name given in Ireland to the state of readiness in which the country was put so that it could resist any of the belligerent Powers in the Second World War who chose to invade it.

Professor Girvin says that, though he grew up in a Republican family, he found nationalism limiting and adopted a viewpoint of "*liberal universalism*". He sees liberal universalism as having imposed an obligation on everybody to take part in support of Britain in the World War that Britain began in 1939. Ireland certainly did not see Britain's claim to a universal entitlement to support as valid. It rejected Britain's claim to universal support for its War. It did not deny that Britain had launched yet another World War. Quite the contrary.

Constitutionalism

In an introductory chapter on *The Making Of De Valera's Ireland*, Professor Girvin traces the source of the moral delinquency of 1939 to the displacement of what he calls *constitutionalism* by what he calls *forceful nationalism* between 1914 and 1921.

De Valera's men in 1939 were men who in the period of the First World War had given up the prospect of orthodox middle class life in response to the lure of nationalism: such men as Sean T. O'Kelly, Sean Lemass and Dr.

James Ryan. And:

"Sean MacEntee from Belfast had been an engineer with the prospect of a good life ahead but took part in the 1916 rebellion and was sentenced to death. Others might have stayed on the family farm or worked in local government as teachers. Yet all were attracted by militant Irish nationalism, breaking with the Home Rule consensus between 1914 and 1916. They challenged the dominance of the Home Rule party in 1917 and 1918, contributing to the political success of Sinn Fein in 1918 in what was a landslide election victory for the extremists..."

"In 1939 independent Ireland was unusual because it was a functioning democracy. By that time Ireland and Finland were the only recently established states that remained democratic. Authoritarian government had become the norm outside democracy's heartland in north-west Europe and even there the future was uncertain. Moreover all the indications were that Ireland too might soon become authoritarian. No Catholic agrarian state with a strong nationalistic culture had remained independent and democratic for very long during the inter-war period; most existing democratic states were Protestant or liberal republican. Political scientist Tom Garvin has shown that many of those who participated in the struggle for Irish independence were unenthusiastic democrats attracted by authoritarian and militaristic alternatives to representative government. However, Bill Kissane has countered this, arguing that representative institutions were already deeply embedded in Irish nationalist political culture in the 19th century... Kissane is persuasive but he does not adequately address Garvin's challenge that within Irish nationalism there were militaristic and authoritarian strains. What happened after 1914 and contributed to the violence of that period was that democracy and nationalism came into conflict over the future of Irish sovereignty.

"Ireland's democratic political culture was seriously challenged between 1914 and 1924. This challenge took various forms, but the driving force for it was nationalism. Up to 1914 Irish nationalism had expressed itself primarily in constitutional terms. Though demanding Home Rule from Britain, moderate Irish nationalists had worked within the British political system to achieve a major reform of the constitution. John Redmond and his colleagues in the Home Rule party worked to

convince a majority in Westminster that devolved government should be conceded to Ireland, and they were not prepared to work outside the constitutional structure to achieve this end. This was almost achieved when the third Home Rule Bill was passed in 1914. However, Irish nationalists were agreed that any Home Rule settlement should apply to the entire island of Ireland, and Ulster Unionists rejected nationalist claims to the north. Ulster Unionism asserted Northern Ireland's right to be considered as an autonomous community with sovereign rights. This dispute has been central to the political conflict in Ireland ever since... The question was determining which majority was acceptable for deciding major political change... The British parliament had acknowledged the justice of the Unionist case by 1914, but the right of the north to remain within the UK was rejected by Irish nationalists, even the most moderate...

"For Irish nationalists the notion of partition was outrageous, and in common with many nationalists de Valera was radicalized by this threat. It drew him to the centre of an anti-democratic conspiracy against not only the British state, but majority opinion within the nationalist community. De Valera shared with the leaders of the 1916 rebellion a contempt for the complex compromises and negotiations at the heart of constitutional politics. In its place these radicals emphasized the will to power, which was in turn based on an unchallengeable utopian republican vision. The radicals distinguished between the will of the people as an ideal represented by themselves and the actual existing will as expressed in elections and through public opinion. This provided the justification for the 1916 Rising, but what in fact occurred was an unrepresentative coup d'état by an unelected group in a political system that remained open to change. That this was the case was demonstrated over the next two years when Sinn Fein challenged the Home Rule party for the leadership of the nationalist community. Sinn Fein was a radical nationalist party originally founded in 1905. Reorganized in 1917, it became a political vehicle for all those nationalists opposed to the moderate Home Rule party. Sinn Fein's challenge was successful, but the leadership remained unenthusiastic democrats. The ballot box was used to radicalize opinion, promote republican utopianism and justify the 1916 coup, not to consolidate democracy. As a result constitutional politicians were swept aside at the 1918 election, nationalist representatives seceded from Westminster and confrontation between Irish nationalism and the British state became central to Irish political life. Nor did this end the violence. In 1917 de Valera was elected

president of Sinn Fein, but was also appointed leader of the paramilitary volunteers. The volunteer executive was given the authority to declare war on Britain if the need arose. This is a version of the 'Armalite and ballot-box' strategy favoured by the later Sinn Fein, but also provides evidence for de Valera and Sinn Fein's reluctance to embrace democratic elections.

"Sinn Fein certainly received a mandate at the 1918 elections, but it was not a mandate for armed revolt. There were two powerful constraints on nationalist violence. The first of these was the Roman Catholic Church, which opposed the use of violence to achieve political objectives... The other constraint was public opinion itself. Nationalist opinion was never homogeneous, despite what Sinn Fein claimed in its propaganda. Most nationalists in 1918 had voted for a change of leadership not for a declaration of war on Britain. Like the Church, opinion remained uneasy about violence though more ready to condemn the state than the nation. Nevertheless, the complex nature of Irish public opinion meant the Sinn Fein and the IRA had to continue to take account of the deeply rooted commitment to democracy on the part of many nationalists while pursuing what was a radical and utopian political strategy. The contradiction in this was obscured during the War of Independence, when Britain was successfully characterized as the aggressor in Ireland, but the influence of representative politics did not disappear.

"Despite these constraints Ireland's democratic tradition was seriously threatened by the use of violence during the War of Independence and thereafter. IRA volunteers developed a militaristic mindset which was frequently impatient with the slow processes of democratic participation..." (pp33-36).

The statement that "*democracy and nationalism came into conflict over the future of Irish sovereignty. Ireland's democratic political culture was seriously challenged between 1914 and 1924*" is not easy to understand. The democratic franchise was not introduced until 1918 and at the first election held under it Ireland voted to establish independent government. Nationalism was democratic. Democracy was nationalist.

The 1916 Insurrection happened in a period when the electorate was a minority of the adult population; and when the electoral process had been suspended for the duration of the World War; and when the Home Rule Party, without a mandate even from the elite electorate, had not only supported the British war on Germany, Austria, and Turkey by voting for it, but had used all its influence to drive the male population of Ireland into the maelstrom of war.

"*De Valera shared with the leaders of the 1916 rebellion a contempt for the complex compromises and negotiations at the heart of constitutional politics*". By 'constitutional politics' Professor Girvin can only mean British Parliamentary politics. The British Parliament absolutely denied the right of Ireland to become independent.

Professor Girvin seems to use the terms "*constitutional*" and "*democratic*" as meaning the same thing. This is very unsound historically. It was a great issue in British politics, in the 19th century and into the 20th, whether what was called "*constitutional government*" could be maintained on the basis of democracy.

Democracy was introduced in 1918, having been made unavoidable by war conscription. And in Ireland Constitutionalism (in the sense used by Professor Girvin) immediately came into antagonistic conflict with democracy.

From 1919 to 1921 an attempt was made to uphold what Professor Girvin sees as Constitutional government against the democracy by means of the Imperial Army and the Black-and-Tans.

The "*utopian republican vision*" was independent government. Nothing more. The only utopian thing about it was the expectation that the newly-democratised Parliament in Britain might not send the Army of the Empire to prevent it after the Irish electorate voted for it.

The "*Armalite and ballot-box*" reference is anachronistic (as is much else in Professor Girvin's writing). The situation in the North in the 1970s was utterly different from the 1919 situation. In 1919 the majority that had voted for independence was not prepared to go home quietly and forget it when the British Parliament put its army to work on them. The situation in the North half a century later was that Britain, having allowed the Six Counties to detach themselves from the Irish state and remain under British sovereignty, excluded them from the democracy of the British state, and imposed an undemocratic system of government on them, in which communal antagonism was the only practically possible form of political activity. Professor Girvin, despite his professed concern for democracy, does not comment on this.

"*Ulster Unionism asserted Northern Ireland's right to be considered an autonomous community with sovereign rights. This dispute has been central to the political conflict in Ireland ever since*"— It has not. The Ulster Unionists did not assert sovereign rights as a separate community. They asserted the right to remain an integral part of the British state. When the British Parliament decided in 1921-2 that they might exclude themselves from whatever political arrangement was

Heather Perrin
England uber alles!
Putnam Pontificates
Patrick Kavanagh

conceded to the rest of Ireland, it did not do so by simply enabling the Unionist areas in Ulster to remain an integral part of the British state. It was found expedient in the Imperial interest to pretend that the Ulster Unionists had wanted something different from Britain as well as from nationalist Ireland, and Westminster threatened the Ulster Unionists that something worse would happen to them if they did not go along with that pretence. So Westminster obliged the Ulster Unionists to submit to being treated as Ulster Home Rulers, and to operate a strictly subordinate system of devolution outside the political democracy of the British state. And it is the consequences of that undemocratic arrangement for the large nationalist minority in the Six Counties that have been "central to political conflict" ever since.

Another surprising omission from his account of Ireland leading up to 1939 is the Fascist movement. If Ireland was not securely democratic in 1939, would it not have been to the point to say something about the anti-democratic elements? His writing would incline the reader to suppose that they were the De Valeraites. In fact it was the Treatyites, the participants in the Empire and Commonwealth, who were Fascist. Fine Gael was formally a Fascist Party. It advocated the ending of the Parliamentary system. It urged De Valera to recognise the Fascist insurrection in Spain as the legitimate Government long before it had established itself as the *de facto* power. De Valera upheld the Parliamentary system against Fine Gael pressure.

Professor Girvin remarks that Fine Gael "effectively abandoned its identification with the commonwealth when it accepted neutrality" (p64). But he does not mention anywhere that identification with the Commonwealth went along with identification with Fascism in Irish politics in the 1930s.

Professor Girvin seems to suggest that there was a special relationship between Protestantism and democracy. But liberal-democratic comment usually traces the major Fascist Power to something it calls Prussianism. Prussia was Protestant. German Protestantism in the 1930s was part of the structure of the Fascist State. The major power of resistance in the texture of German society to the Nazi development was the Catholicism through which a stable democratic regime was quickly established after 1945.

*

Professor Girvin aspires to be a consistent democrat—but the depth of his anti-national passion does not allow it.

From page 14

1984 he became treasurer of the oil exploration group Enterprise Oil PLC in London, where he was mainly concerned with West African and North Sea oil projects. He retired from his executive position in 1989 and said that he sensed a calling from God to be ordained.

"Another surprising recruit to the Anglican Ministry is the Rev. Patrick Butler, the curate at Guildford, Surrey.

"His father is the notorious George Blake, the Soviet spy, now living in Russia. When his mother remarried, Rev. Butler took his stepfather's name, and is described as a 'very evangelical' Christian. God works in mysterious ways, indeed! (*Irish Cath.* 15.11.2012)

HEATHER PERRIN

"A former District Court judge has been sentenced to two-and-a-half years in jail for deception." (*RTE news*, 28.11.2012).

"Last night the Girls Brigade drew a veil of silence over the conviction of one of its most prominent members, District Court judge Heather Perrin who once served as director of the Girls Brigade International Council."

"The motto of the Girls Brigade, the Christian uniformed organisation, is seek, serve and follow Christ.

"Its aim is "to help girls become followers of the Lord Jesus Christ, and through self control, reverence and a sense of responsibility to find true enrichment of life"..." (*Irish Ind.* 21.11.2012).

Perrin (nee Thornburgh) was found guilty by a unanimous jury of deceiving an elderly friend into bequeathing half of his €1 million estate to her two children.

The conviction of Perrin has sent shockwaves through the bench.

It has also shocked the close-knit Anglican parishes of Malahide and Portmarnock as well as the United Dioceses of Dublin and Glendalough, where Perrin was a leading light in Christian organisations such as the Girls Brigade.

Although a relatively recent appointment, in her short tenure Perrin has made legal history as the first judge in the history of the State to be convicted of a serious crime.

"Her elevation to the bench in 2009 was attributed at the time to her credentials as a hard-working, northside Protestant"

(*ibid.*).

England über alles

"Every schoolboy used to know that at the height of the Empire, almost a quarter of the atlas was coloured pink, showing the extent of British rule.

"But that oft recited fact dramatically understates the remarkable global reach achieved by this country.

"A new study has found that at various times the British have invaded almost 90% of the countries around the globe.

"The analysis of the histories of the almost 200 countries in the world found only 22 which have never experienced an invasion by the British.

"Among this select group of nations are far-off destinations such as Guatemala, Tajikistan and the Marshall Islands, as well some slightly closer to home, such as Luxembourg"

(*Daily Telegraph*, London, 4.11.2012).

PUTNAM Pontificates

"The problem in Ireland is the degree to which all politics is local. It infantilises politics. Big decisions consistently get reduced to the local perspective and that's kind of how democracy has turned around and started to eat itself" (Sir David Puttnam, UK New Labour Lord, Irish Independent, 27.10.2012.)

Ten-time Academy Award-winner Lord David Puttnam, who has 26 BAFTAs and a Palm D'Or to his name and who lives in Skibbereen, Co Cork, was named Ireland's *Digital Champion* by Communications Minister Pat Rabbitte TD on 17 December 2012.

Patrick Kavanagh: what the *LEADER* publication said about him in 1954:

"..hunkering on a bar stool, defining alcohol as the worst enemy of the imagination. The great voice, reminiscent of a load of gravel sliding down the side of a quarry, booms out, the starry-eyed young poets and painters surrounding him, all of them 20 or more years his junior, convinced (rightly, too) that the Left Bank was never like this, fervently cross themselves, there is a slackening, noticeable enough, in the setting up of the balls of malt. With a malevolent insult which, naturally, is well received, the Master orders a further measure, and cocking an eye at the pub clock, downs the malt in a gulp which produces a fit of coughing that all but stops the traffic outside. His acolytes, sylph-like redheads, dewy-eyed brunettes, two hard-faced intellectual blondes, three rangy university poets and several semi-bearded painters, flap.

"'You have no merit, no merit at all', he insults them individually and collectively, they love it, he suddenly leaves to get lunch in the Bailey and have something to win on the second favourite. He'll be back"

(*Irish Independent*", 9.10.2012)
