

Church & State

An Irish History Magazine

And Cultural Review Of Ireland And The World

Quo Vadis?

Puritanism Old and New

**What Went Into The
Making Of Belgium?**

Sectarianism in War of Independence?

Cherokee Treaties

Brexit and Rights

Solzhenitsyn: Polish Prologue

O'Connell takes on Irish Banks

Editorial

Quo Vadis?

“What happened to the separation of Church & State?” — Vincent Twomey asked that question in connection with ex-President McAleese’s Vatican offensive in her campaign to take over or destroy the Roman Catholic Church, or destroy it by taking it over.

It is a fair question since her Presidential status is made use of by the ex-President in her Vatican offensive.

When she was President it so happened that she was also a Catholic? Isn’t that how it was under the Daniel O’Connell rule that he took his religion from Rome but his politics from home. And she was a President for all the people, wasn’t she? That was at least an obligatory thing to say.

But, when she ceased to be President, she set about making another career—as a Roman Catholic, within the Roman Catholic Church.

Her first step was to restore herself, in no uncertain terms, to the status of a public Catholic of strong nationalist vintage. She did this by comparing the position of Catholics in Northern Ireland with that of Jews in Nazi Germany—and blaming it on the Ulster Protestants.

The position of Catholics under Northern Ireland arrangements was certainly deplorable. They were deprived of political life, in the sense that they could play no part in the public life of the state. Politics is the business of governing a state. Catholics were undoubtedly excluded from that business in the North.

But it was not the Ulster Protestants who excluded them. And it was not done by a renewed Penal Law.

It was done by the British administration of the state—the UK state—the only state there ever was in the region.

Lord Bew’s *Northern Ireland State* was a propagandist deception of a British ideologist. The state was always the British state. Political authority was always British. The Six County electorate did not refuse to vote for the Tory, Labour and Liberal parties of the state. Those parties refused from the start to participate in the Northern Ireland system that they set up in 1921.

If McAleese had attributed responsibility for the politically airless condition in which Catholics were held in Northern Ireland, one could treat her “*Holocaust*” comparison as a minor exaggeration not worth quibbling over. But she didn’t. She would have offended the powerful if she had done that. She preferred to demonstrate her renewed Catholic zeal by blaming the Protestants—who had not asked for the Northern Ireland system, had said they did not want it when it was first proposed, and had only agreed under duress to operate it as the means by which they could remain “*connected*” with Britain, though excluded from its political life equally with the Catholics.

And who was most damaged by being excluded from British political life? The excluded British of course! Jeffrey

Donaldson, on the 20th anniversary of the Good Friday Agreement, tries to put a brave face on it. But everybody knows that Ulster Unionism became shabby under the devolution of 1921, when its only possible political activity was counting heads. It was a Party without a purpose, wanting only to stand still. And, by standing still, it subjected itself to erosion, under a well-known law of nature.

The Catholic community, not desiring to be British, made its own politics under undemocratic British government, fought a war to a stalemate, and ended it under an advantageous compromise.

However, the flourishing of Sinn Fein has nothing to do with McAleese. Her progress has essentially been of a token Northern Catholic who could serve a purpose.

When all of that was over and done with, and she set about becoming something by her own efforts, she became a Roman Catholic canon lawyer, and set about altering the Church so that it would better accord with her own personal concerns.

And now her purpose seems to be to destroy it as what it always was, and remake it, using the force of advanced anti-male feminism, into a matriarchy.

She represents it as having been throughout its existence a male-chauvinist dictatorship, hateful to women. And yet one knows from experience that, in the populace, it was women much more than men who sustained it.

An occasional man might become abnormally holy, but it was women who took a dimension of Catholicism into the normality of life. (Under the new rules of understanding, this means that women were so comprehensively oppressed that they did not know they were oppressed at all and were got to love their oppressor.)

McAleese’s champion in the *Irish Independent*, Colette Browne, tweets that the Catholic Church was progressive—1800 years ago.

Who knows what it was 1800 years ago? Maybe it consisted in some places of groups of Bohemian drop-outs from society. And it is obvious that the last thing Mary McAleese wants to be is a drop-out from society.

In Ireland it seems to have taken the form of hermitages in the early Egyptian mode, letting society be and being let be by society; copying manuscripts; and voyaging into unknown places to spread the message. Not quite McAleese.

The Church that impressed itself on Europe—the Church that became Europe—began much latter: more than a century after Colette Browne’s 1800 years. It was absorbed into the Roman Empire by a Roman Emperor and gained durable structure from the structure of the Empire. And, when the Empire declined, it lived a shadow life as the Roman Church under a Pope.

CORRECTION:

The editorial in the last issue incorrectly described ex-Taoiseach John Bruton as a former EU Commissioner. In fact he was an Ambassador of the European Union to the United States between 2004 and 2009.

It humanised Christianity in the late Middle Ages through the Renaissance, and warded off an attempt by the Protestant Reformation to de-humanise it again.

Vincent Twomey suggests that McAleese and her enthusiasts do not understand the action of the symbolic and the sacred set in motion by the Church. That seems indisputable. They just dole out vulgar abuse of the kind that was strong in the anti-clericalism of Dublin pubs in the 1960s.

This publication was a daring venture when it was launched in 1973. Its purpose was to replace the Church/State *melange* of popular culture with distinct ideas of what might be considered the proper sphere of each.

We made it clear that it was not our aim to dissolve the Church. It was not lack of daring that held us back, but the knowledge that the Church expressed something in human life that lay beyond the reach of the State.

The Church did not appreciate what were doing. Very much not. It wanted to preserve the *melange*. Our early victories were very painful to it—the first being about the siting of a statue in the grounds of Cork Regional Hospital.

It would have been wiser to encourage us. Or to take the matter in hand itself, and to publish the historical material that we were publishing instead of trying to stifle it.

And now we seem to be the last defenders of the Church—which hardly dares to defend itself!

Greece failed to become Europe. Indeed it never even became Greece. It consisted of many idyllic worlds of gods and goddesses and priestesses, each absorbed in itself. Europe begins with Rome, and consolidates itself as Roman Christianity. It dabbled with Greek goddesses and priestesses in the Renaissance a thousand years later, but never seriously contemplated reverting to that world, having incorporated enough of it to be going on with.

Vox Pat

Pre-Independence Cork

"The Cork of my early youth [1920s] was a comparatively small, rather straggling city, very dilapidated in parts, but the worst slums are hidden away from the main thoroughfares. It was a slow-moving, unbusinesslike place, cluttered with beggars: artistic, musical and merely vocal. There were numerous women wrapped in large black shawls, known as 'Shawlies', and paper-sellers, mostly young, barefoot boys. In cold weather their dirty, blue-red feet always worried me.

"In Tivoli I took for granted that most of the well-to-do families were Protestant, whereas what were called 'the lower orders' were Roman Catholic."

(M. Jesse Hoare, *The Road to Glenanore*, Howard Baker, London, 1975, "one of the best known books on the Cork Anglo-Irish Ascendancy.").

For Ash Wednesday, Mattie McGrath, "arranged for a priest to say morning Mass in the private members' restaurant for TDs in Leinster House. For good measure, he was carrying around a bag of ashes he had been given by the priest so that he could put a cross on any TD who had missed the Mass" (*Sunday Business Post*, 18.3.2018).

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Jack Lane

Questions for Bishop Colton

Protestants on Sectarianism during the War of Independence

As most readers will know, academic writing of Irish history has in recent decades been set in a framework established by Professor David Fitzpatrick and his star pupil, Professor Peter Hart. This equated the War of Independence with a sectarian war conducted by Catholics against Protestants, simply because they were Protestants. The current Protestant Bishop of Cork, Cloyne and Ross, Paul Colton, has claimed that he is scared of a repetition of this sectarianism in the coming years that might be precipitated by the commemorations planned to commemorate the war.

"A leading bishop has told how the Church of Ireland community in the Irish Republic is fearful of the upcoming centenaries of the War of Independence and the Civil War amid concerns they could re-open old sectarian divisions ... Among some in our Church of Ireland community, the commemorations are anticipated fearfully and with a certain dread. Dr. Colton said it is vital that, for any understanding of the era, the human stories need to be fully told" (Belfast Telegraph, 11.9.17).

The human stories do indeed need to be told and Bishop Colton might consider what his co-religionists had to say about sectarianism before and during the War of Independence. With all due respect to the Bishop I would suggest that they were in a better position to know about the real situation than the Bishop is a century later.

The following are extracts from the *Irish Bulletin* relevant to this matter. The fact is that accusations of sectarianism by Catholics against Protestants was an integral part of the British propaganda campaign against Irish independence and the *Bulletin* published statements by representative Protestants to counter it:-

"We publish below a selection of these statements, of which there have been so many that it is impossible to reprint them all. We give, first, general statements dealing with all Ireland, then statements referring to the provinces, and, lastly, declarations made in various counties. The majority of the quotations are taken from the columns of the "Irish

Times", the organ of the Protestant minority in the South and West of Ireland.

All Ireland.

On June 7th, 1920, the Moderator of the Presbyterian Church of Ireland said:-

"It is a notable fact that nowhere has a hand been raised against one of our isolated Church buildings, nor against a single individual Presbyterian in the South and West."

and on June 6th, 1921, the Moderator repeated almost verbatim this declaration.

On June 9th, 1920, Mr. George Russell (A.E.), who was a member of the Irish Convention of 1917, wrote in the "Freeman's Journal:

"I as an Irish Protestant and an Ulsterman by birth have lived in Southern Ireland most of my life. I have worked in every county and I have never found my religion to make any barrier between myself and my Catholic countrymen, nor was my religion a bar to my work; and in that ill-fated Irish Convention one Southern Protestant Unionist after another rose up to say they did not fear persecution from their nationalist and Catholic countrymen."

On June 17th, 1920, at Hull a conference of the representatives of the British Wesleyan Methodist Churches was held, at which the Irish representative said:-

"As far as I know in a country place in Ireland there has never been any interference good, bad or indifferent, with the worship of Methodists. The courtesy and kindness shown to your representative in Ireland is more than tongue can tell."

The Provinces.

A "Southern Protestant" writing to the "Irish Times" of July 16th, 1920, speaking of the Province of Munster, said:-

"Having been a resident in the South of Ireland for nearly thirty years, I can truly say that never once in that period have I ever received anything but the greatest possible courtesy from all classes and creeds in the South. I think that this fact cannot be too widely known in these days of stress. One would imagine from the speeches of Sir Edward Carson in the North that we in the South, because of the differences in our religions, were at one another's throats. No greater mistake was ever made."

On July 19th a similar statement was made in a letter to the "Irish Times" by a "Western Protestant", and on the 23rd in the same paper one of His Britannic Majesty's Deputy Lieutenants in the Province of Connaught wrote:-

"Sir:- I am a Protestant and have lived most of my life in the West of Ireland. During this long period I have enjoyed the friendship of my Catholic neighbours. Never has a hostile word been said to me or to any of my friends by reason of our religion. We never hesitated to ask our brother Catholics to do us a favour or oblige us in any emergency, and on every occasion there was a very ready response."

On July 29th, 1920, a "Midland Protestant" wrote to the "Irish Times":-

"We are only a mere handful but have been living quietly among our Sinn Fein neighbours and have had striking evidence of the protection of the powers that be (Republican authorities) in our lawful undertakings."

The Counties.

Dublin. (Protestants: 26% city population; 15% county population).

Mr. Denham Osborne, writing in the "Irish Times" of July 23rd, 1920, said:-

"Southern ministers of the Presbyterian Church have repeatedly made public their testimony to the kindly relations existing

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between the surrounding community and the members of their congregations. This was done by the Moderator of the General Assembly, a Southern minister, at the recent meeting at Belfast. It was done by the Moderator of the Synod of Dublin, the Minister of Waterford, in April last. It was done also by the Convenor of the Irish Mission, a Dublin minister, and other speakers during the Assembly meetings. If I may refer to myself, I have repeatedly repudiated in public this charge of intolerance. Fellow-Churchmen of mine have done the same; and many of them, like myself, have given scores of years of service to our Church in Southern Ireland."

A County Dublin Unionist in the "Irish Times" of August 4th, 1920, said:-

"As there are numerous letters in your paper from Unionists from almost all of the twenty-six counties, testifying to the cordial good-will existing between all Protestants and Roman Catholics in every phase of life I wish to endorse their sentiment having lived happily and unitedly with all Roman Catholic workers, neighbours and friends."

Cork County. (Protestants: 8.55%).

Mr. J.W. Biggs, writing from Bantry, Co. Cork, on July 22nd, 1920, said:-

"I feel it my duty to protest very strongly against this unfounded slander (of intolerance on the part) of our Catholic neighbours, and in so doing, I am expressing the feelings of very many Protestant traders in West Cork. I have been resident in Bantry for forty-three years, during thirty-three of which I have been engaged in business, and I have received the greatest kindness, courtesy, and support from all classes and creeds in the country. In Munster, where Catholics outnumber Protestants by thirteen to one a large number of the leading traders are Protestants, who are being supported by Catholics and the greatest goodwill exists between them."

Mr. W.J. Verlin, Solicitor, Youghal, Co. Cork, writing on September 20th, 1920, to Rev. M. Ahern, local Catholic Curate, said:-

"I take this opportunity of expressing my sense of the kindness I have always experienced from the members of your church during my long life here."

Clare. (Protestants: 1.8%).

Mr. Eyre Ievers, writing from Mount Ievers, Sixmilebridge, Co. Clare, on September 7th, 1920, says:-

"As one whose family has lived for generations in the South of Ireland, in the midst of a Catholic population, I wish to add my testimony to that of the numerous correspondents who have already expressed their sense of the good feeling existing between Protestants and Catholics in the South. Notwithstanding their small minority they have always enjoyed the fullest toleration."

Cavan. (Protestants: 18.54%).

The British Judge Brown at Manor-

hamilton Quarter Sessions (reported on September 27th, 1920) said

"he had never experienced anything but kindness and good-fellowship from his Catholic countrymen, some of his best and sincerest friends being amongst that number. Since he came as judge to Cavan and Leitrim he had received nothing from them but courtesy and kindly greetings."

Kerry. (Protestants: 2.74%).

Messrs Latchford and Sons, Ltd., (a Protestant firm), writing from Tralee, Co. Kerry, in the Press of September 22nd, 1920, said:-

"For three generations we have transacted our business throughout the South of Ireland and never otherwise than under the friendliest relations. The kindness and patronage we have received from our Catholic neighbours is sufficient answer to the question of intolerance."

Kildare. (Protestants: 17.39%).

At the select vestry of Naas and Killashee, Co. Kildare, held in the first week of September, 1920, presided over by Canon Clover, resolutions were passed on the motion of Mr. G. Wolfe, seconded by Col. R. St. Leger Moore, C.B., deploring the acts of religious intolerance such as those at Belfast and adding: "We shall endeavour to foster the good feeling amongst our neighbours of different religious beliefs which has always existed between us in the past."

Kilkenny. (Protestants: 5.03%).

Very Rev. Dean Winder, M.A., of Kilkenny, speaking to the Catholic members of the local Technical Committee on July 13th, 1920, said:-

"You need not tell me that you are tolerant in Kilkenny. I have received nothing but kindness, consideration and goodwill since I came here and I can never be thankful enough to the Kilkenny people."

A declaration signed by the head of every Protestant family in the United parishes of Fiddown, Castlane and Clonmore, Co. Kilkenny, including Canon R.M. Kellett, Major Max Bollam, Major E.W. Briscoe, Col. W.H. Wyndham Quin, etc., was published in the Press of September 20th, 1920. The Declaration said:-

"We desire to give public expression to our appreciation of the unailing good fellowship which at present exists, has always existed and we believe will continue to exist between ourselves and our Catholic neighbours."

Galway. (Protestants: 2.36%).

Rev. W.P. Young, speaking at the General Assembly, Belfast, on June 10th, 1921, said: "I have never met with the slightest discourtesy from any individual in the matter of my worship."

Rev. J.C. Trotter, writing in the "Irish Times" from Ardrahan Rectory, Co. Galway, on July 20th, 1920, said:

"During my experience of over thirty years in the Co. Galway I have not only never had the slightest disrespect shown to me or to those belonging to me as Protestants, but from priests and people, gentle and simple, have received the utmost courtesy, consideration and friendship which I esteem very highly. As to the Roman Catholic farmers about, I have known them to come to my help during seed-time or harvest, even to the neglect of their own crops."

Leitrim. (Protestants: 8.53%).

At a meeting of the Protestant inhabitants of Annaduff held in Dromod, Co. Leitrim, in the first week of September, 1920, resolutions were passed asking the Protestants of Belfast to adopt a more friendly attitude to the Catholic minority and testifying that "no Protestant in the parish has been interfered with on account of his religion."

Leix. (Late Queen's County). (Protestants: 11.26%).

On July 21st, 1920, a Protestant in Leix wrote to the "Irish Times" on the question of Catholic Toleration:-

"In spite of all the changes of these last years I see no difference in the old friendly courtesy and kindness that I have known all my life unless, indeed, that sometimes they are greater."

Limerick. (Protestants: 2.92%).

The Very Rev. R.S. Ross Lewin, Protestant Archdeacon of Limerick, writing to the Press on September 15th, 1920, said that for six generations his people had been in Co. Clare and had always been on the best of terms with their Catholic neighbours. His predecessor, Rev. A. Armstrong, who was a rector in Tipperary, had lived for forty years in that county loved by all sections of the community.

"The tolerant treatment received at all times" from their Catholic neighbours was mentioned in a resolution passed by the Rathkeale and Nanten Select Vestry, Co. Limerick, reported in the Press of September 20th, 1920.

Longford. (Protestants: 8.04%).

Granard (Co. Longford) Select Vestry passed a resolution (reported in the Press of September 8th, 1920) condemning

"the conduct of Belfastmen in introducing religious persecution into the troubles of our unhappy country" and adding: "We desire to disassociate ourselves from their actions which have neither our approval nor our sympathy and we would like our feelings made known to our neighbours with whom we have always lived on the friendliest terms."

At Mostrim, Edgworthstown, Co. Longford, prominent Protestant resid-

ents published a resolution, reported on September 20th, 1920, expressing appreciation of the goodwill shown to them by the Catholic majority.

Louth. (Protestants: 8.42%).

On August 31st, 1920, at Dundalk, a public meeting of the Protestants of Co. Louth was held to protest against the destruction of the homes of Catholics at Belfast. Rev. Mr. Joynt said he has spent four years in Co. Cork and lived happily there with everyone in the community. Mr. A. Coulter said:-

"The first message we ought to send to the North of Ireland is that it is possible – and has been in my life-time in the town of Dundalk accomplished – that Catholics and Protestants can live together as men and not as beasts."

Mayo. (Protestants: 2.14%).

At a meeting of Protestants in Castlebar, Co. Mayo (reported in the Dublin Press of September 2nd, 1920), over which Rev. J.A. Lendrum, Rector, Castlebar presided, many tributes were paid to the toleration the Protestants had experienced. Mr. Dixon said he had lived with the people of Mayo for twenty-seven years and at no time did the fact that he was a Protestant embarrass him officially or otherwise. Mr. A.C. Larminie said that as a Unionist he had received at all times every consideration and courtesy. His political views were known but that fact did not debar him from being elected year after year on the various local bodies in Caselebar.

Meath. (Protestants: 6.81%).

On August 23rd, 1920, Sir Nugent Everard, Bart., His Britannic Majesty's Lieutenant for the County of Meath, and the Right Rev. the Protestant Bishop of Meath, wrote to the "Irish Times":-

"We bear witness from our own experience of the happy relationships in both commercial and social life that exists in the County of Meath between our Roman Catholic neighbours and ourselves who represent only 5% of the total population."

Monaghan. (Protestants: 25.32%).

A specially convened meeting of the Carrickmacross Select Vestry, presided over by Rev. T.A. Watson, M.A., was held in September 1920 (see Press of September 8th). A resolution proposed by Captain E.C. Shirley, seconded by Mr. J. Watherington, J.P., and passed, declared:-

"We wish to place on record that the relationship in this district existing between the Catholic majority and the Protestant minority has always been of the most friendly and amicable nature."

Roscommon. (Protestants: 2.37%).

On July 19th, 1920, the "Irish Times"

published a letter from a Protestant in Roscommon, in which he said:-

"I have been resident in and travelled the West of Ireland for over twenty-five years and have received nothing but kindness all round."

Tipperary. (Protestants: 5.43%).

The Select Vestry at Fethard, Co. Tipperary, at which were present Rev. R.C. Patten; Col. Cooke, O.B.E.; Major General R.O. Kellett, C.B., C.M.G., D.L.; Captain E.C. Morel, etc. adopted a resolution condemning

"in the strongest possible manner the action of our co-religionists in the North of Ireland in cruelly driving from their homes and their employment their Catholic fellow-workers and countrymen, and we hereby testify our appreciation of the kindly relationship that has always existed and now exists between the different religious denominations in our neighbourhood."

Similar resolutions were passed at meetings of the Select Vestries in other parts of the County.

Waterford. (Protestants: 7.77%).

Mr. B.G. Ussher, High Sheriff of the City of Waterford, writing to the "Irish Times" of November 6th, 1920, sent the following statement for publication as expressing the views of the Protestants of Co. Waterford:-

"In view of the fact that a widespread belief is still encouraged by a portion of the Press (in spite of testimony to the contrary) to the effect that Irishmen are incapable of mutual toleration and goodwill, we declare on behalf of the Protestants of the County that religious persecution has always been unknown amongst us here and that we lie in peace and harmony with our Roman Catholic countrymen."

Westmeath. (Protestants: 8.68%).

Rev. A. Drought, Protestant Rector at Castlepollard, Co. Westmeath, and Messrs. W.A. Wilson and M.C. Webb, synodsmen, addressed a letter (published on September 14th, 1920) to the Rev. J. Giles, Catholic Curate, stating:-

"We are glad to state, and we believe we speak for every Protestant in this district, that we are living in the midst of a large Roman Catholic population and that we are, and have been, at all times treated with the greatest courtesy, kindness and toleration by our Roman Catholic neighbours."

Wexford. (Protestants: 7.69%).

Rev. W.H.T. Gahan, Protestant Rector of Gorey, Co. Wexford, in a letter to the "Irish Times" on July 26th, 1920, said:-

"I may say that having spent a ministry of fifteen years in the Midlands and South of Ireland I cannot remember a single instance of anything but kindness, consideration and tolerance from my Roman Catholic friends and neighbours... I may add that

during recent months, when I have come in contact with many of our clergy I have not heard a single complaint of religious intolerance or hostility... We dwell,—a helpless minority—in safety and friendly confidence among our Roman Catholic fellow-countrymen."

Wicklow. (Protestants: 20.94%).

The Press of September 20th, 1920, reported a meeting of the Blessington (Co. Wicklow) Select Vestry, at which "the very cordial relations which existed between Catholics and Protestants in this county" was recorded with appreciation.

Rev. T.J. McCord, the Manse, Tinahely, Co. Wicklow, wrote to the Press of September 15th that having resided in five Northern and three Southern counties he invariably found that "The vast majority of every creed live in friendship and mutual helpfulness."

(Volume 6, No. 4. Irish Bulletin, 25th October, 1921.)

In a later issue the Bulletin published more of these statements:

"In the IRISH BULLETIN of October 25th, 1921, we published a long series of statements by leading Protestants in all parts of Republican Ireland, in which the complete absence of intolerance on the part of the overwhelming Catholic majority towards their Protestant fellow-countrymen was generously acknowledged.

Since that issue of the IRISH BULLETIN was published many similar statements have appeared in the "Irish Times", the organ of the Southern Unionists.

The Sense of Justice of the Majority.

Mr. Beverley G. Ussher of Cappagh, Co. Waterford, in a letter to the "Irish Times" of October 26th commented upon the appeal made by certain Protestant Bishops in Ireland to the British Prime Minister for the insertion of "safeguards" for the Southern Unionists in any settlement come to at the London Conference. Mr. Ussher said:-

"It has been the constant mistake of Irish minorities, when in trouble, to lean upon English support, as the Israelites, though warned by the prophet, leaned upon the Pharaoh, King of Egypt. Would it not be wiser to place reliance upon the good-will and sense of justice of our Roman Catholic fellow-countrymen, who, at a time of extraordinary political bitterness, have shown that they are not actuated by any desire to disturb the harmony of our religious communions which, in the recent history of this country outside of Ulster, has proved a source of national strength and stability."

"Our Hope lies in Unity."

The Right Rev. Dr. Dowse, Protestant Bishop, speaking on October 26th, 1921, at a meeting of the Synod of the United Diocese of Cork, Cloyne and

Ross, said:-

"We thankfully recognise that throughout our diocese so much Churchmen and Roman Catholics live side by side on terms of friendship and good-will. As we look but into the future, we have grounds for hope. We have never desired a change of rulers. But if change must come, then, whatever be the form of government established in the future, and under which we must live, we believe, without any conceit or pride, that the contribution we can bring will be necessary if our country is to reach its highest level... We want to know that we shall be able to attain whatever position in the State our talents and abilities fit us for, without suffering any disability, either because of our religion or of our politics. We are glad to hear so many assurances from the dominant party in Ireland that these are the principles on which they desire that the civil and political life of the country will be conducted... None of us want partition. We are too small for it. Our hope lies in unity..."

"A Fair Chance as we have been given in the Past."

The Right Rev. Dr. Day, Protestant Bishop of Ossory, speaking at a meeting of the Diocesan Synod in Kilkenny, said on October 25th, 1921:-

"The members of our Church in the South of Ireland are but a minority of the population. In some parts they are very few and scattered. But they are real Irishmen, with just as strong and patriotic a love for their country as any other portion of the community. They have a big stake in the country and a real contribution to make to its welfare; and they want some kind of assurance that they will be allowed to live in peace and quietness where their forefathers have lived for centuries before them. That is all they ask. They ask no favour and no preferential treatment. They only ask to be given a fair chance, as they have been given it in the past, and to be allowed to use their brains and their energies for their own livelihood and for the good of the country in general."

"Trustfully we await the Outcome."

The Right Rev. Dr. Sterling Berry, Protestant Bishop, speaking at the Clonfert and Kilmacduagh Synod at Ballinasloe, Co. Galway, on October 25th, 1921, said:-

"To attempt to solve national problems by a resort to force is as irrational as it is certain to be unsuccessful. Coercion can restrain outward manifestations of ill-will, but coercion can never win the hearts of the coerced—nay, it only serves to deepen animosity and to accentuate bad feeling.

"Anxiously but trustfully we await the outcome of what is now taking place. Confidently we anticipate the coming in the near future of a settlement that will bind Great Britain and Ireland into a union which no Act of Parliament could ever bring about.

"And if the settlement comes, what is our attitude to be to the new order of government in this land?... Most earnestly I would plead for loyal support of the new order of government that would follow a settlement

and for hearty co-operation to the utmost of our power.... I do not share," his Lordship added, "the views of those who are already forecasting for us troublous times in this part of the country."

Proofs of Toleration in Sinn Fein, Dail Eireann and the Peace Conference.

Mr. Henry J. Walker, Athlone, Co. Westmeath, writing under date of October 21st, 1921, to the "Irish Times" says:-

"Always excepting some inhabitants of a limited area in North-East Ulster, few Irishmen will quarrel with Dr. Gregg's (Protestant Archbishop of Dublin) exposition of the rights of minorities.... Dr. Gregg has, no doubt, in mind the practical proof of sympathy given by Mr. de Valera, whose hearty support of proportional representation evidenced a devotion to principle not common amongst politicians.... Sinn Fein, as the majority, not standing to benefit by the change, but quite otherwise. And he, doubtless, contrasts this disinterested action with the very different course pursued on that occasion by the Belfast political guides.

"The Archbishop also recollects that, during the long history of the national movement in Ireland, the leaders whom the people most delighted to honour living, and whose memories are held in most tender affection, belonged to the religion of the minority. He knows that the favourite political teacher of Irish Nationalists is the Protestant Thomas Davis, whose doctrine was summed up in the Words:-

"Start not, Irish-born man;
If you're to Ireland true,
We heed not class nor creed nor clan,
We've hearts and hands for you."

And the Archbishop reflects with well-founded certitude that the religion of Emmet, of Mitchel, and of Parnell will not suffer persecution in Ireland. As an eminent Irish priest and patriot, the late Monsignor Kelly, said on a memorable occasion, 'The Irish Protestant patriots are the canonised saints of Irish nationality.'

"Dr. Gregg has also, one may feel sure, noted with pleasure that in the Ministry of Dail Eireann (though but a small body in number) there are two of his own religion, and that among the representatives of our people at the present Conference there is a distinguished Irish Protestant while both secretaries to the Irish Delegation are of that faith."

(Volume 6, No. 12. Irish Bulletin,
4th November, 1921.)

Some Comments

Several other, similar, statements were made at the time. Bishop Colton needs to tell us whether he believes what his co-religionists, and a direct predecessor, have said: and, if not, why not? If he does not believe them, then he is effectively saying that all these people were liars, hypocrites, cowards or worse. And if this sectarianism did not exist a

century ago, how could it possibly emerge today? Indeed, if there were such a danger, what is he doing to counter it? Is he not, in effect, stirring it up?

There are excuses made for Professor Hart these days, such as that he did not have sufficient information for his sectarian thesis. Dr. Bielenberg of UCC told the West Cork History Festival last year that he and his colleagues "*had gathered a wider range of information than was available to Dr Hart and therefore had a more rounded picture*" (30.7.2017).

However the information I have quoted from the *Irish Bulletin* has been available for nearly one hundred years. Professor Hart, as a most industrious researcher, cannot have missed it. The *Irish Bulletin* was the official daily paper of the Government of the Irish Republic—and it was the attempt to destroy that Republic which the war was all about. The *Bulletin* could be classified as a primary source—in fact the primary source about that War. Yet, in the book that made him famous, Professor Hart did not even acknowledge the *Bulletin* as a source or list it in his bibliography. It is inconceivable that he did not know of it—yet he ignored it! And if he did miss the *Bulletin*, he could hardly have missed so much material in the *Irish Times*!

Hart's methodology was simply that of His Master's Voice—to ignore the evidence that did not fit the narrative that he and Professor Fitzpatrick were creating. Such is the template for Irish academic history today—rotten to the core. It is a pity that Bishop Colton has joined his voice to that crew.

Vox Pat

Davos

On his doctor's advice, Robert Louis Stevenson spent two winters in Davos in Switzerland. He finished *Treasure Island* there, but didn't like the place:

Shut in a kind of damned Hotel,
Discountenanced by God and man;
The food?—Sir, you would do as well
To fill your belly full of bran.
The company? Alas the day
That I should toil with such a crew,
With devil anything to say,
Nor anyone to say it to.

"So", according to E.S. Turner, "*RLS took to tobogganing, alone and at night, which he found strangely exalting*"

(*London Review of Books*, 22.1.2018).

Brendan Clifford

Puritanism Old And New

A generation ago, when Mary M' Aleese was the perfect Roman Catholic, she sued me for libel.

I was not a Catholic at all, except in the sense that I most definitely was not anything else.

I just was not a Believer. That put it out of the question for me to be a Protestant. Protestantism began by discarding everything but Belief. I once had a look at its different varieties—not with a view to joining one of them, but to see what they were like—and I knew on the instant that none of it could have anything to do with me. And I knew therefore that my default position was Catholic.

I grew up in a community that was entirely Catholic as far as religion went, but in which religion was borne lightly as one of a number of things that we were. We were Catholics because it was the *Faith Of Our Fathers*. And what better reason could there be for being what we were? *Amhrán na bhFiann* was sung with patriotic diligence at All-Ireland Finals, but *Faith Of Our Fathers* was sung with spontaneous spirit. The bastards had tried to put us down because of what we were, and to make us into something serviceable to what they were, but we were too stubborn for them, and here we were still, enjoying being what we were.

We played Jacobite card games that were not reducible to calculation. We played football without an offside rule. We played hockey in the air. And most people did the minimum that was required to be a practising Catholic. A few did more than enough, which was regarded as praiseworthy but peculiar. And a few did less than was necessary, but were thought to have sufficient reason for it because of the disgraceful action of some Bishops in bringing religion into politics in 1922 by excommunicating Republicans in the service of the Treatyites.

From the age of reason until I was twelve or thirteen I practised religion at the Altar in Latin, never giving it a thought. I must have done a thousand Masses. I always preferred doing Masses for priests at home on vacation to being at school.

Then I was transferred from the stage-management to the audience and the whole thing became meaningless for me. I suppose it could be said that in my early teens I came to regard it as codology, as Mary M' Aleese has come to see it in late middle age. But I made no great fuss about it. When an issue was made of the fact that I didn't go to Mass on Sunday, I agreed on a compromise. I would stand outside the door for a quarter of an hour in the middle of the Mass, in the company of a few others who were similarly inclined, and discuss the world. It was polite to do so. As well as which, after Mass was a sociable occasion, and was the beginning of the sociable Catholic Sunday. To miss it would have been to miss a piece of life.

I never had any difficulty with the Parish Priests. The first one was Fr. Brick, who was gentlemanly, courteous and affable. The Presbytery (priest's house) was outside the village, about a mile from the Chapel. We lived half way between the two and Fr. Brick in his gentlemanly strolls often stopped for a chat. When he died Fr. Breen was given the Parish—a Parish of the Kerry Diocese in Co. Cork. Fr. Breen was a voracious reader of theology. He grudged any time that had to be spent away from it and rarely undertook the mile-long journey to the Chapel. He performed the daily Mass at home in the Presbytery and I was conveniently situated to help him with it.

On the morning after the Great Snow had fallen during the night people woke up late. I fought my way through the snow-drifts and it took much banging on the door to wake up the Presbytery and get the day started.

Fr. Breen did not often deliver sermons at Sunday Mass. When he did, they were exciting performances, vehemently delivered, very learned I imagine, and concerned with great matters that were of sublime interest to himself. They were orations and, lounging on the altar steps beneath him, one saw a fine spray issuing from his mouth as he delivered them. I never saw the like again until I found myself in the front row at a performance of the opera *Don Giovanni* as the tenor delivered his aria.

I doubt that Fr. Breen noticed my existence after I stopped doing Masses with him. At any rate it was not he who tried to make trouble for me. It was the militant laity—the forerunners of Mary M' Aleese.

There were not many of them. They all lived in the village. There was Andy The Manager, and Can The Store and a couple of others whose names I cannot recall. It is possible that I never knew them. Although there were only a hundred houses in the village, it appeared as alien and impenetrable to me as a city. Townland life was variegated and vigorous—at least it was along the Old Road west of Boherbue towards Knocknagree. Urban life was uniform and dull—at least that was how life in Boherbue appeared to me, though there seemed to be more life in Knocknagree village.

But the city was intent on becoming dominant. It was spreading its tentacles through the countryside. Therefore I left Slieve Luacra and went to London. Or I went to the British Museum which was supposed to contain all the books ever published. I had spent my teens in Slieve Luacra as an unskilled labourer, playing football and reading, and I left it in my early twenties under the provocation of an encroaching urban militant laity in religion and the enticement of access to books that I had been unable to get.

A poet in a Townland along the Old Road—a Murphy, and therefore, I suppose a cousin—wrote some verses about Boherbue that included two striking lines—

With truth and pretence as a mixture,
This world is a puzzle profound.

There was a fairly widespread view, regarding ultimate questions about existence, amongst the people I grew up with, that you've got to be something, and that, since our ancestors made up for something for us to be, that was what we were.

We had to be something that was made up, because we were not animals. Or if, in a sense, we were animals, then we were inadequate animals, born without a nature, only half made at birth, under the necessity of devising something to be, in order to exist.

Existence was a tentative affair. We were this and others were that. And they were just as entitled to be that as we were to be this.

And we had an interesting take on our Christianity. I don't know if the

story of Oisín was as much part everywhere of the old codology Catholicism that Mary M'Aleese despises, as it was in Slieve Luacra. Oisín was whisked away, by an immortal Princess who fancied him, to live a life of perpetual happiness in Tir na nOg. After a few centuries he began to find it tedious and begged permission to go back to have a look at the world in which people hunted and fought and lived and died. He returned for a look, only to find that the Ireland he had pined for no longer existed. Christianity had come during his absence and weakened the people.

That was a couple of thousand years ago—but Egan O'Rahilly was almost contemporary. And O'Rahilly, a few Townlands west of us, a few generations earlier, reflected that he would follow to the grave "*Na flatha faoi raibh mo shean roimh éag do Christ*", the princes under whom his ancestors lived before the death of Christ.

That was Slieve Luacra as I knew it through growing up in it. It was Catholic. There was no doubt about that. But it was not only Catholic. And it was not systematically Catholic. It was Catholic in a context that told it that it had been something worthwhile before it ever became Christian. And there was one popular element in Catholic practice that I took to be central to Catholic orthodoxy which I later discovered was highly irregular. Mass was said twice a year in a house in each Townland in the Parish. These were called station Masses. They were Townland holidays, and at them the priest mixed on convivial terms with the people of the Townland.

When I was about eleven I did the Station Masses in all the Townlands of the Parish of Kiskeam one year when the Parish Clerk, who usually did it, was ill. I went around with the accoutrements, set up the altar in kitchens, did the business of the Mass, put the altar away, and took part in the feasting.

I discovered later that, when Cardinal Cullen came from Rome to regularise religious practice in Ireland after the ending of the Penal Laws, he tried to abolish the informality of Station Masses, as a practice that was necessary under the Penal Laws but that now detracted from the dignity of the Church.

I left Slieve Luacra in 1957, prompted by systematising intrusions of militant laity. I did not see it again for about thirty years. I found then that Station Masses had been abolished, that local Saints had been struck out, and that the

mystique of Latin had been dispelled. I gathered that this was the work of Vatican 2, which had begun soon after I left.

There had also been an assault on "*superstition*", with the result that all the *Lioses* I knew had been destroyed. These were circular walls of earth, and some were double walls. Farmers did not interfere with them and they could be very pleasant places in Summer. But the superstition that protected them was dispelled and utilitarian considerations decreed that they should be levelled.

My piece of Slieve Luacra had become a different place when I returned to it. And that coincided with my encounter with Mary M'Aleese. She was an extreme continuation of what I had fled from. She stood for an authoritative systematisation of formal orthodoxy that I'm sure Con The Store and Andy The Manager would have found intolerable.

I would scarcely have been aware of her if she had not made it necessary for me to find out about her by taking out a libel writ against me. All that I found out about her I put in my Defence pleadings. And then Martin Mansergh, by misrepresenting the matter, made it necessary for me to publish the Pleadings along with a detailed account of the course of the action, so what she was in 1991 is all there on tap. (I later found that this account of the libel action was the only thing that I have published that was relished in Slieve Luacra.)

She was riding high on libel actions at the time, raking in the money. She got nothing from me, not a penny, and she incurred very large costs in the course of getting nothing. Even if she had won, she would have got nothing because I had nothing to give. I was, as I had always been, an unskilled labourer, and when she issued the writ I was unemployed. I could not even afford to pay for a solicitor's letter and had to conduct all my own defence.

The great question was: Why would anybody sue a labourer for libel? The purpose of a libel action is to get money in compensation for alleged damage to your reputation. M'Aleese had been plucked out of the blue and installed as one of the chiefs of the legal profession in Belfast and one of the first things she does is sue an unemployed labourer for libel!

The case got known around the High Court and in solicitors' offices—where I

had to go to make Affidavits—and one could see the thought in their heads: What's wrong with the woman?

She had been given a job for which she was not qualified and for which she had not applied—a job advertised for an experienced barrister or solicitor, and she was neither. She was brought from a lecturing job in Dublin and made Director of the Institute of Professional Legal Studies in Belfast, and had done no work there for the first term. I published an article by a trainee solicitor, who attended the Institute during that year, describing this, and received a libel writ. My Defence showed that her appointment was highly irregular. But it was not suggested that she had appointed herself. The responsibility lay with others—with Queen's University, and the heads of the legal profession. She dropped the action about a fortnight before it was due to go to trial, getting no compensation and bearing her own legal costs.

(She was given the job in order to increase the Catholic presence in the higher reaches of the academic legal profession. If that had been done honestly, I would have had no complaint. But the way the appointment was made, supposedly on merit, was in gross breach of employment rules that were being imposed on private Northern Ireland employers by law at the time, and I did not see why the law should be allowed to break the law without comment.)

The next thing was that M'Aleese was chosen to be the Fianna Fail Presidential candidate in the South. The Irish Presidency is a strange institution. There is nothing of substance for it to do, and it is quite unsuitable for an ambitious woman, with no public achievement behind her, who is coming to the peak of her power.

The first President was a Gaelic poet and scholar, and it was not irrelevant that he was also a Protestant. The second President was an Ambassador of the elected Irish Government of 1919 to the Versailles Conference—which shut him out on Britain's insistence. The third President had established the independence of the state by abolishing the Treaty Oath, getting control of the Ports, maintaining the neutrality of the state in a British war—in defiance of a British denial that it had the right to do so. With the fourth President things got murky. He was a routine Fianna Fail politician who supported Jack Lynch in the chicanery of the Arms Trials, and

set in motion the destructive re-writing of national history. The fifth President was the *Thundering Disgrace*. The sixth President was a human rights lawyer who gave up useful work to be a figure-head of state—hoping to make it an instrument of power in the state, and failing—and ended her job before her term expired.

But what is there for an ex-President, still full of beans, to do?

The sixth President was M'Alcese, who had no real public achievement to her name, and who appears to have been chosen as an Anti-Partition symbol of a state which was no longer in earnest in that matter.

With the present occupant of the Phoenix Park there has been a reversion to the earlier practice. President Higgins has one very substantial achievement to his name, *Teilifís na Gaeilige, TG4*. And, though he comes from a Labour political background, he seems to be more in sympathy with the actual history of the national development than any President since De Valera. And, when he becomes an ex-President, he will not be in bustling middle age, as M'Alcese was.

Mary Robinson, in her long retirement, carried on where she left off on becoming President, but at a higher level—where law becomes a will o' the wisp. There is no actual system of international law. And the United Nations was carefully designed not to be one. There cannot be a system of world law in which the five most powerful states are placed beyond the law, and each has a veto on the application to inferior states of such law as exists.

The task that M'Alcese has set herself is to remake the Roman Church from a position that is the extreme opposite of the position she expressed so forcefully before she became President. She aspires to dissolve the structure of a woman-hating male authoritarianism that has oppressed women over the centuries, scarcely admitting that they are human,—and replace it with matriarchy?

During my childhood career in the Church, one of the things that interested me was the Churching of women after childbirth. I have never read up on it, but the notion of it that I gathered was that it was an initiation rite for facilitating the resumption of the normal course of life after the messy business of giving birth. I understand that it is no longer done. But it seemed to me that women felt better for having it done.

Bernard Shaw looked forward to a time when human reproduction would change from the mammalian mode to reptilian. Reproduction by means of eggs that are hatched is neater and cleaner. But, until that happens, the fundamental difference between men and women will continue to be that women produce children out of themselves in a lengthy process of production in which men play a very small natural part; and feed the children out of themselves for a period after birth; and, for reasons of proximity if nothing else, will take the first steps in turning the unshaped animal that is born into a human being.

And, in the service of this function, women are usually constituted differently from men in other ways too. They tend to be more durable physically, though weaker in sheer displays of strength, and more patient emotionally.

Ways of life were structured on this difference from time immemorial. I can remember when the family was taken matter-of-factly to be the basic unit from which societies were constructed. The family consisted of a woman who produced and reared children and socialised them into the established culture, and was supported by a man. That was still the case, even in England, in the 1960s.

The family is no longer the basic unit of society in official culture. It may be maintained as a fact by individual ingenuity but it no longer has official existence as a social fact. And, insofar as it exists as a social fact, it is suspect. The unit of society is now the isolated individual.

There is a painting about Cromwell's revolution that used to be famous. A child is being questioned: "*When did you last see your father?*" The inhumanity of questioning a child in the course of a search for his father was taken to be self-evident.

It used to be the case that a woman could not be required to give evidence in Court against her husband. Today she can be prosecuted if she does not inform on him in respect of certain offences.

In England recently there has been an attempt to prosecute family voting. Many parts of England are now inhabited by recent immigrants who came to fill the empty spaces left by the radical decline in the ability of the native society to reproduce itself. Many of these immigrant communities are reluctant to have their family mode of living broken

up. They do not dispute individualistically about party politics but they left a senior member of the family fill out the postal voting forms as he sees fit.

When the party system of politics began to take root in England in the 1690s a commentator in the France of Louis XIV studied it, and he deplored it as a development whose inherent logic would cause the destruction of family life by setting brother against brother in the pursuit of conflicting abstract ideals.

Parties were at that time loose family arrangements within the aristocratic English ruling class, but when democracy began to be phased into the system a century and a half later, as a development facilitating the unleashing of *laissez-faire* capitalism, the result was much as the French Jesuit predicted.

The Secretary of the Institute of Directors—a very modern woman—said about twenty years ago that the reproduction of population was of no social concern and that the having of children was nothing but an individual life-style choice that a woman might make, deserving of no privileged social status. The eradication of the family has advanced greatly since then, as has the immigrant population. England is set on that course and it seems that Ireland (apart from its Ulster Unionist backwater) is too. The *coup de grace* was given to that old world by the official establishment of Equal Marriage—same-sex marriage in which reproduction is an impossibility.

Single-sex marriage is the flagship of Western Imperialism in its development as finance capitalism. Putin doesn't allow it, therefore he is a tyrant. The single-sex marriage referendum in Ireland was carried by a vast input of dollars, combined with instruction in American selling techniques.

Is the term "*sex*" properly applied to situations in which there is only one sex? *Vive la difference!*, the French said. Sex us about the difference. In French culture, and in many cultures founded on heterosexual social arrangements, while the difference was institutionalised as normal, abnormality was discreetly tolerated.

There was a time, not very long ago, when toleration was regarded as a good thing. But, in the vanguard of Western progress—in England and the region it influences—toleration has come to be seen as oppression.

In all of this nature is sometimes

cited as the source of value while at other times nature is what has to be overcome.

A kind of homosexuality certainly appears in the animal world. The part of it I know best is cows. When a cow goes on heat another cow would sometimes jump on her, if there was no bull about, and the act seemed to give some relief. But whether a cow on heat would prefer another cow to jump her instead of a bull I cannot say. Nor can I say whether bulls jump on one another in sexual play. Herds of bulls did not exist in my part of rural Ireland.

A cow on heat is anxious to be impregnated and she produces an odour that compels the bull. But that mechanism of nature has been discarded in human development, and that leads to complications.

Does the human female not give off any physical signs that influence males during periods of fertility? It seemed to me, from observation, that a residue of oestrus did sometimes survive, but fifty or sixty years ago I could not find that there had been any scientific investigation of the question.

There has, however, been a substantial break in the natural system, with the result that humans can either be sexually active all the time at one extreme or be asexual at the other. And in the middle there seems to be a broad stratum that fitted easily into the Christian marriage arrangement.

There is a degree of tension between culture and nature in the sexual life of humans. To a very considerable extent the culture of a society can induce a sense of normality about conduct which it encourages without coming into serious conflict with what nature urges. And, by the same token, cultural propaganda can arouse feelings of discontent with arrangements that had hitherto been found to be normal and satisfactory.

A progressive society might be described as a society with an inbuilt sense of dissatisfaction about itself, generated by the ambition of some influential minority within it. English *progress* has been driven since about 1790 by the rise of the middle class within it.

The aristocratic ruling class had, since Cromwell's fiasco collapsed in 1659, built England into a World Empire by judiciously finding suitable wars to fight and ending those wars to its own advantage.

In 1832 the ruling class gave way to middle class pressure and opened Parliament to it. It took the middle class about two generations to gain mastery of the state. In 1914, with the Irish Home Party in tow, it launched a World War against Germany and Turkey, and by the way it fought that War, and the catastrophic system it imposed on Europe and the Middle East in victory, it undermined what the ruling class had constructed.

That middle class was a continuation in civil society of the culture that had founded the theocratic Republic in 1649 and had helplessly watched it crumble in 1659. Its Millenarian entrepreneurship was safely applied to capitalist entrepreneurship for about a century and a half, within the security of aristocratic statecraft. Thrifty profit-making was its great virtue, sanctified by Puritan divines in the 1640s. Being thrifty itself, at least in principle, it had no qualms about imposing a much greater thriftiness on the labour force pressed into its new industries.

Spain, in its great days, had wasted Imperial plunder in luxury living, but Puritan England invested the profits of slave industries in the Caribbean Slave Plantations in the development of wage-slavery at home. It made Capitalism the dominant element in English life and made war on the traditional landed interest. It asserted itself politically as Liberalism, and as Liberalism it went into the business of World War on its own behalf.

But this Liberalism brought down Parnell over a sexual peccadillo, which had been common knowledge for years, when it became official knowledge in Court. And then, a little while later, it put it about that it was the priests that did it. But it wasn't the priests. It was the Nonconformist Conscience of English Liberalism. The priests supported Parnell in the first instance, but later turned against him on political grounds, when he started wrecking the Party.

The Nonconformist Conscience was undoubtedly anti-Irish, but its ultimatum to Parnell was not mere anti-Irishness. It had done the same thing to Sir Charles Dilke, Gladstone's heir-apparent, a couple of years earlier. The Biblicalist millenarianism of English Liberalism was authentic in its own hypocritical way. In 1832 it entered the power-structure that had been developed by the Cavaliers on whom it had made war in

1641. It was in no condition to make war on it again, so it burrowed into it, intent on remaking it from within. And it did steadily take control, remaking the aristocratic Whig Party into the middle class Liberal Party, hegemonising the newly-developing industrial proletariat and infecting it with its values. It was always there, brooding, but one never knew when it would strike.

There were undoubtedly very large numbers of people in English society, working class as well as middle class, who lived the Puritan vision. It had failed to grip the society as a whole in the 1650s. At least it had failed to keep its State functional. But that was due in part to the political competence of the Royalist resistance which foreshadowed the post-1660 ruling class. That resistance was Anglican, often verging on Catholic. And it continued to verge on being Catholic after 1660 until 1688—and even after 1688, if it yearned to be cultured itself, while maintaining the Penal Laws to please the Puritans.

In ancient Ireland there were movements of stringent Christianity. But those movements lived apart from society, leaving society to incorporate other forms of Christianity into its way of living. (And it is arguable that a return to primitive Christianity—which is what the Reformation purported to be—should have taken that form.)

In the mind of Puritan England in the 17th century Catholicism stood for loose living. (And in the mind of those who were forming the aristocratic Anglican State, it stood for democratic subversion of authority.)

Was it possible for people to live their lives in accordance with the Puritan ideal of economic thrift and strict sexual monogamy, with wayward natural urges—if they succeeded in making themselves felt—masterfully subdued? I'm sure it was. I'm sure that millions and millions of English people, of both sexes, lived such lives and died with a feeling of satisfaction at a life well spent.

Why is England just now so determined to make it impossible for such lives to be ever lived again, either in England or anywhere else?

It is pained by the thought that women anywhere should be held within institutionalised monogamy—but then it is disgusted by what goes on between men and women when restraints on the expression of sexual inclinations are lifted.

The Rugby Rape Trial in Belfast brought this out. The sexual chatter of the accused men was on record and was made use of in detail by the prosecution. The men were found Not Guilty. But the following morning Stephen Nolan, in his Radio Ulster Show, suggested that men who used such language about women, even though found not guilty of rape, were unfit to be public role models and should have their rugby careers ended anyway. He was ridiculed by callers, female and male, for living in a prudish time-warp, and for not having realised that sex had a tendency to be pornographic, and that the language of sexual encounters between free livers in modern times was the language of pornography.

He was particularly horrified by the term "*spit-roasting*".

I recall from a generation ago, when pornography was strictly illegal but the term "*erotic*" was being introduced as something virtuous by middle class England—as being the opposite of pornographic—that the Editor of the *Times*, William Rees Mogg, was asked to define the difference. He said that a number of men sexually engaged with a woman was at the essence of pornography. That was when the James Bond culture was at its peak. It was essential to the image of Bond that he should be at the sexual centre of a group of women. That was erotic, and was OK. And it was a sexual absurdity.

The most astonishing Labour of Hercules was making fifty virgins into women in the course of a night. There would have been nothing astonishing in Aphrodite doing that to the same number of men.

As sexual activity has been freed, this fact of nature has asserted itself both in art and life and the James Bond absurdity—a product of Victorian prudery—has withered.

Pornography is the major artistic development of the second half of the 20th century. Insofar as a semblance of it existed in England half a century ago, it was utterly crude and rudimentary in the James Bondish mode. It seems to have been given its main development in Munich after 1945 when almost every other cultural activity had been banned for Germans, and it became a feature of normal life. And then it was taken up by Hollywood—or *in* Hollywood. The content of its development seems to have been determined in the long run by women and to have been towards what

Rees Mogg long ago, and Stephen Nolan the other day, found utterly disgusting.

Ancient Greece is chiefly celebrated today for founding democracy. But the democracy of Athens has little relevance for the conduct of large states, and in the relationship between the sexes Athens seems to have been the forerunner of the stuffiest Victorians. The most famous woman in Athens, Aspasia, the mistress of Pericles, was not an Athenian. And the most famous woman of ancient Greece, the free-spirited Helen, was a product of authoritarian Sparta.

There were a great many Greek states—hundreds of them—and they had many different ways of life. The marriage custom in one of them, I forget which, was that girls of marriageable age should become Temple Prostitutes and should be free to marry after they had a customer. Some British historian of Greece singled out this custom as being the ultimate debasement of women I could find no information about the rate of happy marriages that followed from it.

The early 19th century English essayist, Hazlett, went to the other extreme in his recipe for happy marriage. He suggested that women should be covered with sexless clothing in order to stamp out sexual rivalry through sexual display. Then, until a man married, he would not know what women looked like and could not be made unhappy through making comparisons.

The current position of advanced feminism seems to be that women should be free to dress with as much sexual display as they wish, but that men should be compelled to take no notice.

It is now clear that the Feminist assault that broke down the more or less Victorian conventions that still existed in the 1960s did not know what it wanted. It had no coherent purpose. But it made possible the conduct that was dwelt upon in detail at the Belfast rape trial and reported extensively, and that was insisted upon as normal when Radio Ulster tried to admonish it.

What can one say about a woman being fucked out of her mind? Andrea Dworkin, a marvellous writer, held that that was what was done in the normal, modest course of events in sexual intercourse. She regarded sexual intercourse, however conducted, as being an Offence Against The Person. And how can women subjected to such a thing be expected to retain the use of reason?

Of course, like many bad things, it is addictive, and once experienced it can be sought, which doesn't make it right.

The Greeks had the myth of Tiresias, who was turned into a woman for a while, and when he reverted to being a man he said women had by far the best of it. Athena blinded him for blurting out the secret.

Andrea Dworkin, as far as I recall, was a member of SCUM—the Society for Cutting Up Men. And an advanced feminist that I heard on the radio recently said that the empowerment of women was not enough and that equality of the kind now being demanded needed the disempowering of men.

In Belfast and elsewhere there have been feminist demonstrations of protest against the Not Guilty verdict in the Belfast rape trial. Particularly exception was taken to the arguments made by a defence barrister. And a strong distinction was made between Consent and Submission.

A woman voluntarily, without invitation, puts herself in the way of a gang-bang and doesn't protest when she is spit-roasted—but that doesn't mean that she consents: she only submits. Why did she submit and give no indication of dissent when another woman entered the scene? Was it the experience she was having that kept her compliant?

About sixty years ago I came across the Dutch-Jewish philosopher, Spinoza, who was expelled from the Synagogue, distrusted passion, and was intent on viewing the world as a disengaged inhabitant of it, and was as anti-Catholic as anyone could wish. His conclusion on this subject was:

"There has never been a case of men and women reigning together, but wherever on earth men are found there we see that men rule, and women are ruled, and that in this plan, both sexes live in harmony. But on the other hand, the Amazons, who were reported to have ruled of old, did not suffer men to stop in their country but reared only their female children, killing the males to whom they gave birth. But if by nature women were equal to men, and were equally distinguished by force of character and ability, in which human power and therefore human might chiefly consist; surely among nations so many and so different some would be found where both sexes rule alike, and others where men are ruled by women, and so brought up that they make less use of their abilities. And since this is nowhere the case, one may

assert with perfect propriety that women have not by nature equal right with men..." (*Tractatus Politicus*).

This position accords in substance with that of advanced feminism. The implication of the demonstrations against the Belfast rape trial verdict is that men should be punished for not treating women as children and looking after them and shooing them away from occasions of sin—or whatever the current secularist substitute for sin is. And that women only show apparent willingness to engage in these degraded sexual practices because men would like them to and they mould themselves to the desires of men because of the male monopoly of power. Therefore men must be disempowered.

(There is, of course, one very striking way, though it is never mentioned in these arguments, in which a display of male power is an indispensable condition of the sex act happening at all. Men cannot be passive in it. The penis must grow monstrous in it, and where the woman is a virgin must take on the quality of a battering ram.)

An implication of the demonstrations against the rape trial verdict is that rape allegations should be dealt with by some authoritative procedure outside the law.

The defending barristers were condemned for defending their clients. It was suggested that money could buy law. There is no doubt that the law is, to a considerable extent, a commodity that can be bought. I am very much aware of the fact. McAleese bought it in her action against me, wasting a great deal of my time because I was unable to buy a defence. But, in the relevant case, the State, with its unlimited resources, acted for the alleged victim whom the jury decided was not a victim.

The Common Law is inequitable. The Puritans saw it as law for the gentry and, during their brief period in state power, they tried to abolish it in the UK. But Cromwell over-ruled them, dispersed the Parliament that was intent on abolishing the Common Laws, and prepared the way for the return of the gentry ruling class after he died.

Mary McAleese was very critical of British law in Northern Ireland when she was a Nationalist law lecturer in Dublin, but I do not recall that, when she was placed at the top of the Belfast law system, she did anything much towards reforming it. She certainly took advantage of its defects in her action against me.

She now condemns Roman Catholicism as a system of misogyny that has oppressed women throughout the ages. But that is only what other Feminists say about all other systems.

In Britain, what has come about since the early 19th century is a blending of Cavalier and Puritan with horrible results. In recent decades it has brought about a prolongation of childhood into early womanhood, combined with the sexualising by culture of young children a step ahead of nature. This has led to the new criminal offence of "grooming"—the seduction of children, who are actually young women living in a culture that has been made barren for them unless the law is broken.

In the North in 1968-9 the Civil Rights slogan was *British Rights For British Citizens*. There was no British citizenship then, nor was there the system of abstract rights that came from the Common Market. Everything in the way of Rights came through the political process, and the Six Counties were excluded from the British system of politics.

Women were admitted to the UK Parliamentary franchise in 1918. They were admitted without controversy because of Suffragette support for the Imperialist War and the mass entry of women into the industrial workforce during the War, but at a higher age than men so that they would not outnumber men in the electorate. There were only 17 women candidates for the 650 seats. Only one was elected—and that was in Nationalist Ireland. (In 1928 the franchise was equalised.)

A century later the current Feminist view is that the Parliamentary franchise contributed little or nothing to the advancement of women and women who got to the top in politics on terms of equal rivalry with men (e.g. Barbara Castle for Labour and Margaret Thatcher for the Tories) are in effect regarded as having joined the male conspiracy against women.

Furthermore equality of opportunity which does not lead to equality of outcome is regarded as a system of discrimination. So real equality must be brought about by counter-discrimination.

This was gone into about thirty years ago in the North. It was decreed by a kind of Commissar for Equal Rights, Bob Cooper, that the War was an expression of economic difference in occupation and that, if Catholics were made equal with Protestants (pro-

portionate to population) in every employment, the war would end. (It was in accordance with this policy that Mary McAleese was recruited in Dublin to head the Institute in Belfast.)

But the thing had to be done without the application of a quota system. Complicated rules of employment were established, and given the force of law, so that the effect of a quota system might be brought about through what could be argued was normal economic practice. It was in fact a devious structure of disability imposed on Protestant employers.

It achieved a certain amount of success in its economic aim, but that success had no influence on the War, which was political in its source and its purpose.

The formal difference with the gender conflict now going on, in the Irish state and the UK, is that, in Britain at least, the quota system is being applied frankly and discrimination is the means of bringing equality about—in the Labour Party. The Cavalier element in the Tory Party brings enough of it about by other means. And of course Sinn Fein is ahead of the game.

(In Ireland political parties can only qualify for political funding if they field 30% women candidates in General Elections. The threshold will rise to 40% before too long.)

McAleese has much bigger game in her sights. One could say that it is Europe that she wants to bring down. What is Europe in the eyes of the world? It is the Renaissance. The Renaissance was Catholic. What the Reformation tried to snuff out was Catholicism as the Renaissance, the two constituting a single whole. It was through Imperial England that the Reformation sought world power. Biblicalism destroyed the Renaissance within England itself. The iconoclastic campaigns of the two Cromwells were assaults on secular culture, as were the Penal Laws in Ireland. But the Renaissance held firm in Europe.

It might be that McAleese will succeed where Cromwell failed. But her record gives ground for hope that she will not.

A Reply To Senator Martin Mansergh On The Case Of (President) Mary McAleese vs B. Clifford by Brendan Clifford. 84pp. €12, £8 postfree

Also available to download free from the Athol Books website: see page 3.

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Rebel Cork's Orange Lodges—At its peak in the 1860s, Cork had a strong Protestant population, and there were once 44 Orange Lodges in the city and county. While membership cannot precisely be known, it is thought that at its peak there were between 3,000 and 4,000 Cork Orangemen.

The Orange Order was founded in 1795 in Loughgall, Co. Armagh, after Presbyterians routed Catholic Defenders in the riot known as the 'Battle of the Diamond'.

Quincey Dougan, a historian, presented details of the Orange Order presence in Cork city and county at a talk in Armagh on Tuesday 27th February this year.

Mr. Dougan, in his paper on the organisation in Cork, said:

"In Cork city and the Bandon district, the membership would have been comparable to places like Donegal at the time. So it was reasonably numerous."

He said that, despite the beliefs and practices of the Orange Order, there was rarely conflict during the time:

"There were a number of parading disputes, but comparatively speaking conflicts were few and far between. Certainly in Cork and Bandon, the Order was treated with disdain, disrespected and insulted, but at the same time it was not the victim of attacks and was to an extent tolerated."

Two of Cork's most recognised purpose-built Orange Lodges were on Tuckey Street in Cork city and on O' Mahoney Avenue in Bandon, the latter of which was called the Bandon Orange Lodge. Both are thought to have predated most of the other Orange halls that went on to be built in Ireland.

Orange presence in the County was strong enough for a County Grand Lodge structure to contain four separate 'Orange Districts' (groups of lodges); Cork city, Bandon, Dunmanway and Macroom.

Mr. Dougan welcomes any information on Cork's Orange Order past and can be contacted on qdougan01@qub.ac.uk.

Prince Albert!

"An Oireachtas committee has thrown out a petition to remove a statue of Prince Albert [husband of Famine Queen, Victoria] from the grounds of Leinster House.

"Part of the decision was the fact the Dáil doesn't actually own the statue.

"The Petitions Committee also said the artistic work should be appreciated despite the subject, after claims it was a relic of colonialism.

"Committee Chair Sean Sherlock (Lab.) said you don't need to tear out the pages of history to turn them over. *"It is the view of this committee that the statue should absolutely and utterly remain"*. said Sherlock" (*Irish Examiner*, 7.2.2018)

Independent Dublin City Councillor, Mannix Flynn believed that it should be moved from its current position, claiming it was a symbol of British rule:

"I believe it should be removed, but I don't believe it should be removed entirely out of public view, I think it should be consigned to the Collins' Barracks.

"It should be put on display there as an example of such memorialisation.

"Don't forget that the person who created this piece, Mr [John Henry] Foley, was from Montgomery Street in north inner city Dublin [*since renamed Foley Street*], so he's an Irish artist. It is a worthy work."

The Taoiseach, Leo Varadkar says he doesn't know what all the fuss is about over the Prince Albert Statue:

"I have no objection to Prince Albert being on Leinster lawn, I think it is part of our history.

"I have no problem with the statue quite frankly, it has been there for a hundred years, I don't know what the fuss is about."

Ironically, in the land of the Taoiseach's forefathers, there is a strong tradition of placing a separate plaque on Imperial monuments explaining the role of whatever individual or event from a

national perspective.

One thing for sure: the present writer would not choose Varadkar or Sherlock to do such an inscription!

Poles And The Holocaust

A Polish Government official has said a controversial law that makes it a criminal act to blame Poles for Holocaust crimes they did not commit will not lead to criminal charges.

The recently adopted law has sparked a bitter conflict with Israel, where it is seen as trying to whitewash the actions of some Poles during the Second World War.

It takes effect on February 28th. In reaction to criticism, the law is to be reviewed by Poland's constitutional court, which can order changes.

The law allows prison terms for blaming Poles for Holocaust crimes that were committed by Nazi Germans, who occupied Poland during the war. (Associated Press, 21.2.2018)

The Immaculate Conception Murders

"However, it was the reprisal execution of 8 December, 1922 of Rory O' Connor, Liam Mellows, Dick Barrett and Joe McKelvey, which led to the greatest bitterness amongst the prisoners [Mountjoy]. The Free State cabinet had met on the evening of 7 December and Dick Mulcahy proposed that captured members of the Republican Executive be executed as a reprisal for the shooting of two T.D.s, Sean Hales and Pdraig O Maille, on 7 December, one day after the Free State came into being. Hales was killed and O Maille was wounded. Earlier, both had attended the preliminary conference for the formation of the new Cumann na nGaedheal party in Oliver St. Gogarty's house in Parnell Square and had been returning from lunch in the Ormond Hotel when they were fired upon. Eoin MacNeill seconded the proposal. There was not even a semblance of a trial.

The firing party of twenty men from Portobello (now Cathal Brugha) Barracks was under the command of Hugo MacNeill—a nephew of the Minister, Eoin MacNeill. They lined up, ten standing, ten on one knee. As McKelvey was not dead he called 'shoot me' and MacNeill shot him in the chest with his revolver, but failed to finish him off. Again, McKelvey pleaded and the doctor in attendance, recognising MacNeill's upset at having to shoot a former comrade, bent down and threaded MacNeill's finger around the trigger and aimed the final shot which mercifully killed him. Earlier, McKelvey had

been reading *The Gadfly*, a tale of Italian revolution with a ghastly execution scene and had commented, 'God, I hope they don't mess up any of our lads this way.' (Michael MacEvilly, *A Splendid Resistance, The Life of IRA Chief of Staff Dr. Andy Cooney*, Dublin: Eamonn de Burca, 2011)

It is believed that Andy Cooney was the person singled out for execution but in the mayhem in Mountjoy, Dick Barrett, from Ballineen, Co. Cork was the prisoner chosen.

Bermuda Backtracks—Bermuda has reversed the legalisation of same-sex "marriage". A bill to reverse same sex "marriage" passed the Parliament in December, and Governor John Rankin signed it into law on February 7, 2018, just nine months after the Supreme Court of Bermuda imposed same-sex "marriage" by fiat.

A referendum was held on same-sex "marriage" and same-sex Civil Unions in June, 2016. Voter turnout was 46.89%. Sixty-nine per cent voted against same-sex marriage and 63% against same-sex civil unions. However, same-sex civil unions will be allowed and previous same-sex "marriages" will be recognised.

"The act is intended to strike a fair balance between two currently irreconcilable groups in Bermuda, by restating that marriage must be between a male and a female while at the same time recognising and protecting the rights of same-sex couples", the Government said in a media release. (*NewsWeekly*, Melbourne, 24.2.2018)

James Kelman

This Scots author shares common ground with writers from Africa, the Caribbean and beyond:

"There is tremendous awareness of an anti-imperialist tradition in parts of Africa, the Americas, Australasia and the sub-continent. You discover cultures that are fighting back with no choice except to use English. Writers in Africa are very aware of these issues and language as orature. I'm not going to name names, but many Irish writers are mildly disappointing, because they never seem to consider these issues at all. Without knowing it, they seem to take on the Anglo-Irish perspective. They get cushy jobs in London or New York in all the usual organs because they never challenge a single damn thing. There has been nothing of note in the Irish tradition for about 100 years" (*Irish Times*, 17.3.2018)

Penal Laws Once More!

"The Irish have gone from being craven before the Church to utterly dismissive of it and its influence on society. Either position is irrational. The Irish tipped the cap to the Church at every turn and now believe that it has no role in the world.

"This shift might be understandable, given the Church's past excesses. But, to anybody who understands the role of religion in society, the last state is as irrational as the first.

"The penal laws may well be on the way back; but this time they will be enforced by a government of our own. This is not as far-fetched as it may seem" (*Irish Examiner*, 2.2.2018 (Fr.) D. O'Brien, MSC, Co Cork).

36 Counties!

"The All-Ireland championship has been based on 32 counties since 1887. Those counties were set up over the centuries by the powers that be in London to administer its colony on this is-land. It is, therefore, ironic that we identify so much with those counties.

"However, our native government in recent years have set up four new counties Dublin City, Dublin South, Dún Laoghaire and Fingal in order to administer the area of 1.3m people that formerly was county Dublin.

"The question arises as to why these counties, each of which would be in the top seven on population, should not have a team in the All-Ireland championship.

"Each of them have a population seven to 18 times bigger than Leitrim. At present Dublin has over 40 times the population of Leitrim. The resources available match the population.

"If the GAA is going to maintain its amateur status, and have some level of fair play Dublin City, Dún Laoghaire, Dublin South and Fingal should be represented in its All-Ireland championship. It is only logical that counties set up by the native government should be recognised as well as those set up by the coloniser" (*Irish Examiner*, 16.3.2018, A. Leavy, Dublin 13).

Billy Graham

"His evangelical crusade grew in tandem with his own personal journey as he embraced tolerance and civil rights, transforming his born-again theology into a moral vocabulary that confronted the fears and embraced the aspirations of ordinary Americans. May he rest in peace" (*Irish Examiner*, 22.2.2018).

Elmer Gantry must be gritting his teeth! So too, must be Bishop Lucey!

Church for Sale—The former church of a Christian community on South Main Street, Cork is to be sold. The Church of Christ, Scientist, of which the Christian Science Society is part, believes in healing through prayer; it was founded by a woman, Mary Baker Eddy, in the United States in the late 19th century. As well as the Cork chapel it has a church on Herbert Park in Dublin, with a reading room on South Great George's Street in the capital.

The faith, which began in Cork in 1924 has now decided to sell because it has very few members, and none lives within easy reach of the city. There are 400,000 students of Christian Science in more than 60 countries. There are no ordained clergy.

The reported sale price is \approx 300,000. Profits from the sale will go to the mother church in Boston.

Nun At The Pictures?

Who is the only nun to be an Oscar-voting member of the Academy of Motion Picture Arts and Science?

Dolores Hart! Appeared with Elvis Presley in *Loving You* and Anthony Quinn in *Wild is the Wind*. She entered the Benedictine Abbey of Regina Laudis in Bethlehem, Connecticut to begin a seven-year novitiate, eventually becoming Prioress there.

Democracy

"Ireland is the sixth most democratic country in the world well ahead of Britain and 15 places in front of the US which doesn't even make the top 20, a new survey has found" (*Daily Mirror*, 1.2.2018)

"The Economist Intelligence Unit's (EII) annual Democracy Index for 2017 released yesterday ranks 167 countries on a 0 to 10 scale and only which register above eight are categorised as "full" democracies. The study found that there are only 19 "fully democratic" countries on the planet and Ireland is near the top of the list. (ibid).

Ireland is well ahead of the United Kingdom, which is placed 14th, and when it comes to a free and fair society the US doesn't even make the top 20 and comes in at 21.

Topping the list is Norway closely followed by Iceland and Sweden with New Zealand and Denmark making up the others in the top five.

Faith and Fatherland (Pro Fide et Patria). "The Irish News". The Catholic Hierarchy and the Management of Dissidents by Fr. Pat Buckley. 100 p.p. \approx 10. £7.50

John Minahane

The Spanish Polemic on Colonisation

Part 14

Indian Treaties, and the Expulsion of the Cherokees

"A New Thing Under the Sun"

There was a lively debate going on in the United States about 1830, centred on the question of Treaties. It involved some apparently simple questions. Was a Treaty binding? That is, supposing you'd signed it with Indians? Did the Treaties with Indians really say what they seemed to say? What obligations did they involve for the United States and the individual states, if any?

"These questions have forced themselves on us, as a nation—what is to become of the Indians? Have they any rights? If they have, What are those rights? and how are they to be secured? These questions must receive a practical answer, and that very soon..."

Thus wrote Jeremiah Ewarts, in one of a series of articles published in 1829. He was one of the leading campaigners against the policy of Indian Removal, which would require the Indians in the eastern United States to move to the West, beyond the Mississippi. The principal target for removal was the Cherokee people, who numbered around 20,000. Their territory was mainly within what the state of Georgia claimed as its bounds, with other sections in adjoining states. The land was good, and Georgia wanted it for white settlers.

"I expect to make it appear, by a particular examination of treaties, that the United States are bound to secure to the Cherokees the integrity and inviolability of their territory, till they voluntarily surrender it", Ewarts declared. He showed that the United States and the State of Georgia had signed Treaty after Treaty with the Cherokees, from 1783 on. The articles of these Treaties are cited or summarised at length. Time and again "*the United States solemnly guarantee to the Cherokee nation all their lands not hereby ceded*" or "*guarantee the remainder of their country forever*", and so forth.

The typical Treaty, of course, involved a sale of lands, and the Cherokees had sold a great deal by 1830. Three quarters of their original territory, Ewarts thought, but more recent writers would

put it at about six sevenths. However, what remained had been guaranteed to them, repeatedly and in the most explicit terms, by the United States. There is frequent reference in Treaties to "*the Cherokee nation*", with a clear implication that the Cherokees have their own jurisdiction and own their lands.

It was even formally stated in a Treaty that the Cherokees did not wish to go anywhere else. A preamble to the *Treaty of Washington*, 1819, "*declared that the Cherokees, as a body, wished to remain upon their ancient territory, with a view to their national preservation*". That they wished to stay in their homeland was scarcely surprising, and indeed this settled attitude was in harmony with the advice given to the Cherokees by many American leaders, from Washington to John Quincy Adams. "*They were constantly urged to become farmers, to educate their children, and form a regular government for themselves; and all this, avowedly, with a view to their permanent residence.*"

Yet now it was proposed to uproot the Cherokees from Georgia and send them hundreds of miles west! This policy was mainly promoted by the State of Georgia, by President Andrew Jackson and, under his influence, by the US Congress. Ewarts suggested that, if the Cherokees, despite all the Treaties, were now to be expelled, "*it will be necessary that foreign nations should be well aware that the people of the United States are ready to take the ground of fulfilling their contracts so long only, as they can be overawed by physical force*".

Had it ever been otherwise? Did this represent something new in the history of the United States? Ewarts believed that Indian Removal would really be "*a new thing under the sun*":

"It is now proposed to remove the landmarks, in every sense—to disregard territorial boundaries, definitely fixed, and for many years respected;—to disregard a most obvious principle of natural justice, in accordance with which the possessor of property is to hold it, until some one claims it, who

has a better right;—to forget the doctrine of the law of nations, that engagements with dependent allies are as rigidly to be observed, as stipulations between communities of equal power and sovereignty;—to shut our ears to the voice of our own sages of the law, who say, that Indians have a right to retain possession of their land, and to use it according to their discretion, antecedently to any positive compacts; and finally, to dishonour Washington, the father of his country,—to stultify the Senate of the United States during a period of thirty seven years,—to burn 150 documents, as yet preserved in the archives of State, under the denomination of treaties with Indians, and to tear away sheets from every volume of our national statute book and scatter them to the winds.

Nothing of the kind has ever been done, certainly not on a large scale, by Anglo-Americans. To us, as a nation, it will be a new thing under the sun. We have never yet acted upon the principle of seizing the lands of peaceable Indians, and compelling them to remove. We have never yet declared treaties with them to be mere waste paper."

The Cherokee Treaty Party

In the most recent article in this series I described how the Cherokee intellectual elite had their progressive illusions shattered. This happened in 1832, when the United States Supreme Court ruled that, according to the terms of valid Treaties, the Cherokees had separate jurisdiction, and therefore the State of Georgia had no right to extend its laws into Cherokee territory. But Georgia refused to obey the Supreme Court and continued its policy of aggression, plunder, forcible dispossession, and terrorism against the Cherokees. And devastatingly, President Jackson refused to enforce the Court's decision.

When the brilliant young Cherokee intellectuals had the shocking insight that white America would not guarantee their people's right to continued peaceful development, they performed a complete political turn-about. They abandoned the commitment which was common to all Cherokees, to remain in their own homeland and not even consider a move elsewhere. Instead they proposed a Treaty which would give white Georgia what it wanted, i.e. Cherokee lands, in return for new lands beyond the Mississippi and some compensation.

The Treaty party had to develop their campaign slowly and cautiously. They met firm resistance and gained very few

followers. The principal Cherokee leader, John Ross, who was an able politician, continued to try to engineer some compromise which would enable his people to remain where they were. Ross was a fluent speaker of English and a gifted writer. The issue between him and the Treaty party was never whether the Cherokees should continue to master the arts of Anglo-American civilisation and promote manufactures, etc.: all sides were agreed on that.

John Ross had good contacts among Christian activists and liberal lawyers, and generally with the Whigs, the second of the two great American political parties (opponents of Jackson's Democrats). Encouraged by these allies, he continued trying to develop opposition to Indian Removal and explore alternatives. As for the Treaty advocates, they could not actually negotiate any Treaty, since they were unable to make any headway at the Cherokee Councils.

As time passed, though, they felt it was more and more urgent to get involved in negotiations, and they were urged on by War Department representatives etc. Eventually, in November 1834, they called a council of their own. Although the attendance was tiny, a delegation was appointed to go to Washington to present a memorial to Congress, pleading dramatically for the Cherokees to be allowed to emigrate west of the Mississippi.

And, surprise surprise!—though they couldn't impress people at home, they were stars in Washington! Everyone from President Jackson down knew how to play this game:

"The (treaty party) delegation, ready to treat with the United States and thus resolve a most perplexing situation, had the inside track in Washington. They found themselves courted and flattered in contrast with the cool reception accorded Ross's deputation. Ross had submitted his own memorial to Congress, requesting the U.S. government to purchase the land of the Cherokees in Georgia, 'to grant them a sufficient portion of it in fee simple', and at the same time to extend to them the rights and privileges of Georgia citizenship."

Ross's position was weakened by the existence of a Cherokee Treaty party. He didn't want a clean break with those people. It occurred to him that he might complicate things by causing a conflict between President Jackson and the US Senate, regarding the compensation terms for a possible removal. When he tried this he found his bluff called:

Jackson and the Senate were at one. Ross then simply stepped back from what he had seemingly agreed to, removal on the terms decided by the Senate.

"It was clear to all that Ross was again pursuing stalling tactics, that his immediate objective was to hold the Cherokee question in suspension until the death of Jackson's administration, when, with a new government, his favourite scheme of naturalizing the tribe might be realized."

In due course John Ridge, the main Treatyite strategist, wrote to Governor Lumpkin of Georgia asking for protection against Ross's "*armed outlaws*". Threats of assassination against the Treaty party supporters were increasing; some were actually killed. These circumstances, Thurman Wilkins says, "*drew the Ridges into an ever closer relationship with the authorities of Georgia, a development that only intensified the opinion of many Cherokees that they were traitors*". Despite this, at one point Ross and the Treaty party agreed on a united policy.

However, the Treaty party resented Ross's policy of playing for time, when they themselves felt that everything was crumbling and there could be no time to lose. Once again they split from the majority. In December 1835 they met with the Government's Indian Commissioner at another small council which Ross's supporters boycotted. There they signed essentially the same Treaty which had been rejected by a massively-attended Cherokee Council two months previously. According to its terms, the Cherokees must leave the eastern territories not later than two years from the date of the Treaty's ratification.

One of the signatories was Major Ridge, John Ridge's father and a key supporter of the Cherokees' "*civilising*" course for decades past. "*The Ridge justified his intentions on the grounds that an intelligent minority had a moral right, indeed a moral duty, to save a blind and ignorant majority from inevitable ruin and destruction.*"

The Treaty And Its Enforcement

Nothing was more obvious than that this was a fraudulent Treaty. The Indian Commissioner's meeting "*was carried out without the confidence, advice or consent of the regularly constituted authorities of the Cherokee Nation, and, had he even double his estimate of five hundred persons, it would still have been an illegal body carrying out an*

unauthorized act". A protest against the Treaty received nearly 16,000 Cherokee signatures—even allowing for dubious cases, that represented a huge majority of the Cherokee population.

"(In the Senate, the treaty) aroused storms of protest. A widespread perception was that it was a fraud. Strong speeches were delivered against it, and in the House John Quincy Adams called it 'an eternal disgrace upon the country'... Had Adams still been president, the treaty would have doubtless been set aside... But Jackson pressed it with unyielding determination, and it was approved in the Senate on May 17 by a margin of one vote."

And that was that. The Government had its 'treaty', and it was grimly determined to abide by this particular Treaty, whatever about any other, to the letter! Granted, John Ross maintained his popularity among the Cherokees and the Treaty party made no significant gains. At the end of 1836 Andrew Jackson left Office, and Ross was hoping for a reversal of policy. But the next President was a protégé of Jackson's, Martin van Buren. His Government officials seem to have kept in touch with Ross and made efforts to persuade him to cooperate with removal, but Ross held his ground.

The final date for removal, according to the Treaty, was 23rd May 1838. But by then only something like 10% of the Cherokees had gone west. Three days after the final date, the military was called in to compel them. People were herded into squalid detention camps, where about 2,000 of them died.

When it was finally clear that nothing could prevent expulsion, the Ross leadership agreed to organise the emigration. This avoided even greater death and suffering, but there would be plenty of death and suffering anyhow. Because of a prolonged drought followed by heavy rains, it was not possible to travel at the time originally planned. When conditions allowed for movement again, going would mean travelling in the depths of Winter—and that Winter was extremely severe. However, there was no question of a postponement.

The thousands in the camps were forced to travel, on what became known as "*the Trail of Tears*". All told, it has been estimated that at least a quarter of the Cherokees died during this operation, though some recent writers suggest higher figures.

John Ridge sent back glowing reports of the western Cherokee territory to his friend Wilson Lumpkin, making it sound like a Promised Land. However, in June 1839 he, his father, and another Treaty party leader were killed in separate attacks as traitors. Shortly afterwards a Cherokee Council declared an amnesty for all offences committed since the recent emigration. A body of US Government troops, accompanied by Treaty party men, illegally entered the Cherokee territory to search for the killers, but they were never found.

Lumpkin and Indian Removal

Thurman Wilkins gives abundant evidence that at all times the leaders of the Treaty party believed they were acting in the best interests of the Cherokee people. Subjectively they did not believe they were traitors. But then, traitors rarely do.

"It is idle to ask whether the Cherokee Nation in the 1830s could have closed ranks and prevailed against the white settlers and their state. The fact is that the outside pressures had split the Cherokees apart; they were divided and ready to be conquered."

But maybe the question is not quite so idle. In reality, only the Cherokee elite was divided, and even the elite was not divided in 1830, or in 1831. Supposing John Ridge had not panicked, supposing he had held his nerve and prevented the development of a Treaty party thereafter, so that the Cherokees remained united against removal—how would things have gone?

Maybe the brutal and lawless land-lust of white America would still have swept all before it, and the Cherokees would have been forced west without much lapse of time. But there is no doubt that the Treaty party presented white America with the solution to a difficult political problem.

Jeremiah Ewatts and others had raised issues which were highly uncomfortable. The white settlers and their State, and their United States, required some sort of face-saving solution, however shoddy. A Treaty of some sort did seem to be needed, to supersede all those other Treaties which were to be broken. Even the ferocious President Jackson was of this opinion.

A man who did not at all see the need for Treaties was Wilson Lumpkin, who was successively Congressman,

Governor and Senator for Georgia. President Jackson chose him as one of two Commissioners to oversee the Cherokee removal. Lumpkin, in fact, was one of the prime agents of Indian Removal from the beginning. His memoirs, published in 1852, are quite helpful for clarifying all that happened.

Lumpkin, first of all, was a progressive and a pursuer of racial destiny:

"In vain we search the annals of the world for progress like our own. And still our course is onward and onward—to the summit of our destiny..."

Nor do I condemn, or regret, the success of our race on this continent. No, sir. I have none of that spirit of fanaticism, or sickly sympathy for these interesting people that induces me to regret that they have been supplanted by a superior race—by husbandmen for whom the God of Nature designed the more appropriate use of the earth."

But it wasn't really a matter of husbandmen versus hunters, since the Cherokees too had become husbandmen. The inferior husbandman could be required to make way for the superior:

"Had the Cherokee people been in a location where they could have remained undisturbed, they might, and no doubt would, have prospered and done well. But this was not the case. The Southern states, as their white population increased—but following the example of the Eastern and Northern states, and by the exercise of their constitutional and inherent rights—found it expedient and proper to take such steps as should change their Indian population for that of the white, which they considered superior."

In 1827 Lumpkin became the first man to present an *Indian Removal Bill* in the US Congress. To borrow a phrase from later times, he understood that it was necessary to "*create facts*". So far as he was concerned, Cherokee consent could not be expected and should not be waited for. The influence of Northern lawyers, politicians and "*fanatics*" over John Ross was so strong, and Ross's own control of the Cherokees was so complete, that the Cherokees would never give their consent. "*It being the interest of these several descriptions of men to keep the Indians in the States, for their own benefit, nothing but force could remove them from Georgia, and that force, I believe, I was the first man among all the living and the dead to recommend*".

But the opposition to what he was

proposing was powerful.

"During the recess of Congress, the Northern fanatics, male and female, had gone to work and gotten up thousands of petitions, signed by more than a million of men, women and children, protesting against the removal of the poor dear Indians from the states where they were located, to the west of the Mississippi."

Many books and pamphlets were published, denouncing the cruelty of the Georgians. Even within Georgia itself Lumpkin faced bitter opposition:

"My every official act of importance was perverted and misrepresented from day to day by much the larger portion of the public press of Georgia. The editorial labors of my opponents were aided and strengthened by many ingenious and able writers."

What he is saying, then, is that the policy of Indian Removal which he championed, and which President Jackson and the Senate finally passed into law, faced a great deal of opposition in the country. And the question is: was it practicable, at that point in time, to get round this opposition without offering some sort of Treaty?

The Significance Of Treaties

White America simply had got used to having Treaties with Indians. If there wasn't a Treaty with the Cherokees, it was going to be sorely missed. Lumpkin was exasperated by this addiction to Treaties and, in seeking to understand how it had developed, he repeated in earnest what Jeremiah Ewatts had said in irony. If Indian removal were carried, Ewatts said tauntingly, then it would be clear that the United States would only fulfil its Treaty obligations when over-awed by superior power. That was precisely the point, Lumpkin explains. When the colonists were weak and the Indians were strong, Treaties were made with the Indians as if they were equals; when the colonists became strong, this practice was abandoned:

"When the Indians in a colony or state were numerous, powerful and warlike, it has been the practice of all to conciliate them by entering into condescending compacts and treaties, and thus effect by prudence what they were unable to perform by force. By all the old states, except Georgia, this kind of treaty legislation has long since been abandoned, and direct legislation for the control and government of the Indians substituted in lieu thereof..."

A plea may be founded on the weakness of the colonies and the then strength of the natives which put into requisition that first law of Nature, self-preservation. This weakness on the part of the first European settlers introduced this treaty-making policy which I now so earnestly condemn."

We have not yet declared Treaties with the Indians to be mere waste paper, Ewarts said. Lumpkin, addressing the US Senate a few years later, made it plain that waste paper was precisely what he thought such Treaties were:

"Look at your large volume of Indian treaties! What do you there see? One recorded farce after another, couched in language of high official and formal mockery! One continued tissue of deception and deceit!"

There were two main reasons why the Treaties were deceitful. In the first place, they appeared to uphold the doctrine of Indian sovereignty. Yet in actual fact the States had never hesitated to bring the Indians within their State boundaries under their laws and jurisdiction when this seemed expedient, "unless, indeed, we find this hesitancy in the absence of physical power". Secondly, the Treaties might seem to imply that the Indians owned their lands, yet the principle "that the Indians had no right... to the soil... of the countries they occupied has never been abandoned, either expressly or by implication". In a nutshell, Lumpkin said, his doctrine was "that the intercourse and policy of the United States in general, with the subdued remnants of the aboriginals, has been unwise, deceptive, insincere, and fraudulent".

What did he propose instead? Speaking to the Senate on 30th April 1828, a few weeks before the Cherokee Treaty was due to be enforced, he made his position clear:

"I rejoice, sir, that I never aided in negotiating, or writing, one Indian treaty, although I have been instrumental in bringing about more than one treaty, because the government would not work in any other harness! And now, while I am here, urging the due execution of an Indian treaty, at this session of Congress, I only do so because this government will not comply with its obligations to the state I represent through any other channel. My opinion has been, for the last twelve years, that we should never make another of these farcical treaties with a poor subjugated tribe of Indians.

As a substitute for this practice of

making treaties with the poor remnant of these subjugated Indians, my plan is and has been for many years past, that the States and Federal Government should legislate directly for the Indians under their respective jurisdictions in the same manner that we legislate for minors and orphans, and other persons who are incompetent to take charge of their own rights."

Now, Lumpkin was a robust fellow, to be sure. I don't think he's famous, but it's obvious what sort of people might have admired him. He was a kind of pioneer, setting out for "the summit of our destiny". And yet, what he was advocating was still rather strong stuff for America in the 1830s. Although he was glad to profit from Lumpkin's energy, it was a bit strong even for General Andrew Jackson.

Granted, Jackson was firmly committed to the cause of Indian Removal. However, he disagreed with Lumpkin's policy of taking the law of the United States into his own hands (although when the Supreme Court denounced such activities, Jackson refused to enforce its verdict). He did not want Cherokee land surveyed and parcelled out to the winners of a lottery before the Cherokees had signed a Treaty agreeing to go.

In the following extract, "unoccupied lands" is a piece of sophistry based on the theory of John Locke, that hunters could claim no ownership of the lands they hunted on. The Cherokees had ceased to be hunters and become agriculturalists, yet the cultivated lands from which Georgian lottery-winners were expelling them were still, in Lumpkin's eyes, unoccupied:

"...in regard to surveying and settling the unoccupied lands claimed by the Cherokees previous to procuring their assent, (Jackson) was utterly opposed, while I was fully convinced myself such a treaty could never be procured from the Cherokees so long as they remained under the influence of a numerous host of selfish feed lawyers."

So then, even General Jackson felt he needed a Treaty! Until barely a year before his eight-year term of office ended, he didn't get one. John Ross had wanted to pursue the experiment of what would happen if he never got one. The Cherokees were entitled to think harshly of those who killed that possibility. After all, the result could scarcely have been worse than what happened in actual fact.

Sources:

"These questions...": Jeremiah Ewarts *Essays on the Present Crisis in the Condition of the American Indians* (Philadelphia 1830), p. 4; "I expect to make...": *ibid.*, p. 2; "the United States solemnly...": *ibid.*, p. 25; "declared that the Cherokees": *ibid.*, p. 48; "They were constantly urged...": *ibid.*, p. 54; "It will be necessary...": p. 46; "It is now proposed...": *ibid.*, p. 101.

"The treaty party delegation...": Thurman Wilkins, *Cherokee Tragedy: The Ridge Family and the Decimation of a People* (Norman, Okl. 1988), p.p. 266-7; "It was clear to all...": *ibid.*, p. 268; "drew the Ridges into...": *ibid.*, p. 272; "The Ridge justified...": *ibid.*, p. 285.

"was carried out without...": Gary E. Moulton, *John Ross: Cherokee Chief* (Athens, Ga. 1978), p. 76; "(the treaty) aroused storms of protest": Wilkins, *op. cit.*, p. 292; "It is idle to ask...": *ibid.*, p. 4.

"In vain we search...": Wilson Lumpkin, *The Removal of the Cherokee Indians from Georgia* (New York 1907), Vol. 2, pp. 192, 194; "Had the Cherokee people...": *ibid.*, p. 197; "it being the interest...": *ibid.*, p. 149; "During the recess...": Lumpkin, *op. cit.*, Vol. 1, p. 47; "My every official act...": *ibid.*, p. 184; "When the Indians...": *ibid.*, pp. 83-4; "A plea may be founded...": Lumpkin, Vol. 2, p. 194.

"Look at your large volume...": *ibid.*, p. 193; "unless, indeed, we find...": Lumpkin, Vol. 1, p. 84; "that the Indians had no right...": *ibid.*, p. 83; "the intercourse and policy...": Lumpkin, Vol. 2, p. 149; "I rejoice, Sir...": *ibid.*, p. 193; "In regard to surveying...": Lumpkin, Vol. 1, p. 181.

Vox Pat

Divine Right

"Can he believe that a coronation ceremony will keep him safe from all misfortune? There is no longer any hand virtuous enough to cure scrofula, or any holy phial beneficial enough to render kings inviolable..."

Chateaubriand on the coronation of Charles X, whose reign as King of France (1824-30) dramatised the Bourbons' failure to reconcile monarchy by divine right with the spirit of democracy prevalent after the French Revolution.

Stephen Richards

Part One

A Grieve Observed

This article is about Dominic Grieve (note my neat literary allusion in the title) and his reasoned defence of the constitutional validity of the EU system of governance, especially as it claims to supply a sound, rights-based, juridical framework for us to live by. The literary reference isn't really all that challenging. The first correct identification can claim a free meal in the Londonderry Arms Hotel, Carnlough!

Dominic Grieve QC is of course a former Tory Attorney-General, now retired to the Backbenches as MP for Beaconsfield. On trawling the internet I find that his wife is the Caroline Hutton who read Law two years ahead of me at Clare College, Cambridge. As for Dominic, himself the son of a QC (and a French mother), he is an alumnus of Westminster School and Magdalen College, Oxford.

Two or three times a week I receive an unsolicited internet mailshot called *Irish Legal News*. It provides useful summaries, some of which stick in the mind, of the main areas of development in both Irish jurisdictions. It is additionally used as a platform from which various high octane legal firms in Belfast and Dublin can broadcast their successes. A few weeks ago they were thoughtful enough to publish the transcript of an Address which Dominic Grieve gave on 23rd January, at the inaugural meeting of the Constitution Society, entitled *A Backbencher's View of Brexit*. At first glance I thought that this was what I had been waiting for: at last here was someone who had the guts to engage the Brexiteers head on at the constitutional level.

I've concluded that there are only two types of writers, those who try to explain things to the reader and those who for some reason can't be bothered. Even though I disagree fundamentally with him, I think that Dominic Grieve is in the former category. I've always liked Philip Larkin's self-deprecating story about his Oxford tutor's end of term assessment: "*Mr. Larkin can see a point when it is explained to him*". But that's nothing really to be ashamed of. Not many of us can see points until they're explained to us. The writing of the non-explainers is irritatingly knowing, full

of nods and winks, about the secrets the writers assume you're in on, but which they haven't made any effort to illuminate. Historiographically speaking, you then end up, as Brendan Clifford has argued, with a type of historical writing that is all shreds and patches. Writer and reader each seem to assume a lot of knowledge on the part of the other, so it ends up as a conspiracy of silence.

There's an interesting legal angle as well. As solicitors, we proceed on the working assumption that most of the junior counsel we instruct are pretty sharp guys and girls. One has to make a bit more of an effort to explain the facts of life to eminent QCs, their wits having been dulled by too much port down the years perhaps; and when it comes to the Bench, the higher up we go there we move from the realm of mere ignorance to that of invincible stupidity, and on to a nirvana of near imbecility. Probably I exaggerate, if not by much. But the wisdom hidden in this is that we must assume no knowledge on the part of the court. Everything has to be explained. Hence the tabloid glee at the judges who ask, or used to ask, "*Who is Gazza?*" (Maybe it's not just judges asking that now.) But the worst judges of all are the ones who preen themselves on a prior expert knowledge of the subject matter of the dispute. They inevitably stop listening and come out holding the wrong end of the stick.

An Episode Of Canards

I'll quote the first substantive paragraph more or less in full:

"There is of course nothing settled about Brexit on which to base some definitive commentary. Its final form and consequences remain wholly unclear. For nineteen months now we have seen the development of an unparalleled political and constitutional crisis. It has precipitated the fall of one government and contributed to the failure of another to get a coherent mandate for carrying it out... It is also breaking apart the previous broad consensus between the mainstream political parties as to how the economy should continue to be managed. This can bring potentially profound change in our country's relationship with both

our own and the international legal order with consequences that flow from this both domestically and internationally".

There are some pretty big statements there, and hardly one of them that should escape qualification. If Brexit's "*final form and consequences remain wholly unclear*", that's not the fault of the electorate but of the legislators (it may be Dominic Grieve was one of them) who, having thrown the ball into the lap of the voters, have since then shown a strange reluctance to carry out the voters' wishes. It seems the voters need protecting from themselves. I don't know about final form, but as for "*consequences*", can any of us predict the consequences of any course of action we vote for, or of any decision we make in our personal lives? The fact that the present state of the EU (former EEC) wasn't predictable when the *European Communities Act* (ECA) was passed, or that historic legislation upheld in the 1975 Referendum, while equally true, is neither here nor there. We do the best we can with the information we have.

Is the UK in the middle of an unparalleled political and constitutional crisis? Surely not unparalleled, as we cast our minds back to the years 1912–14. That was a crisis that shook the British state to its core, and took it to the verge of civil war. The Brexit crisis has been talked up, to be sure, but usually by those who, having been on the losing side of the vote, are now repeating that the thing simply can't be done. I haven't noticed any regiments threatening to mutiny over it, or riots in the streets.

Did this crisis precipitate the fall of one Government? Well, I'm surprised that an Oxford-educated constitutional lawyer, and former Attorney-General to boot, should be so sloppy in his use of language. The rather petulant resignation of David Cameron in the early morning of 24th June 2016 did not represent the fall of a Government at all. It was just a Prime Minister stepping down, like Wilson in 1976 or Blair in 2007. The Government continued as before.

Now, what about the "*failure of another [government] to get a coherent mandate for carrying it out*"? Of course it wasn't another Government; it was the same Government with a different Prime Minister. Leaving that aside, it's well known that General Elections are not single issue plebiscites. That indeed was the argument of the Brexiteers: it's simply not possible to obtain a definitive answer to a question of national importance by holding

a General Election unless the two main parties line up on either side of the question. In the UK the default position of both main parties was in favour of continued EU membership.

I can see how Theresa May saw the possibility of obtaining a huge majority that would cement her premiership until 2022, with Labour perceived to be less of a serious electoral prospect than at any time since 1983. That would have enabled the Conservatives to put their own stamp on Brexit and on a lot of other things as well. That is how politics works. That the strategy didn't go according to plan is beside the point. The idea that the Election of 2017 was held with the intention of obtaining a mandate for Brexit is nonsensical, for two reasons.

First, that mandate had already been given, twelve months previously. The voters could be forgiven for thinking that it was a case of *been there, done that*, not that Brexit was going to become a sort of Groundhog Day. In their innocence they thought they could go on to cast their votes at the General Election on the basis of the respective positions of the parties on the usual election issues of health, education, housing, and so on.

And, secondly, both the main parties went into that election on the basis of a professed acceptance of the referendum result. The Liberal Democrats took a rejectionist view of the result and vowed to campaign to undo it. They ended up with 8 per cent of the vote.

I'm puzzled also by Dominic Grieve's belief that, in the period prior to the Brexit referendum, there existed "*a previous broad consensus between the political parties as to how the economy should be managed*". I'm not sure just how far "*previous*" is meant to extend back. Our memories as to the sequence in which events occurred does tend to get hazy. But I have a distinct memory that Jeremy Corbyn was elected Labour leader by an overwhelming majority in the late Summer of 2015, nine months before the referendum. Was there a broad consensus as between Mr. Corbyn and the Conservative leadership at that time as to how the economy should be managed? If so, I missed it. Or did Brexit open up a crack in the space-time continuum, so that the result of the referendum destabilised the consensus before it happened?

Maybe Dominic is going back to the Ed Miliband era for his cosy Butskellite

consensus. I think Miliband would repudiate that though. Surely the battleground of British General Elections for the past century and more has been nowhere else other than over how the economy is to be managed. I think the correct position is exactly the opposite of what Dominic is suggesting. In the 2017 Election the Conservatives and Labour both came through strongly, to the detriment of the three minority parties, UKIP, the Liberal Democrats and the Scottish National Party. Some earthquake: it was more like business as usual, a political landscape that a visitor from the 1950s would have recognised easily.

Dominic goes on to emphasise the role of the UK in building those "*supra national legal frameworks*" that make up the underlying structure of the EU. The suggestion possibly is that, if the EU has become a legal straitjacket, it's one that the UK has had a significant hand in designing. I don't think this is really sustainable; the fundamentals of EEC jurisprudence were already in place long before the UK joined. I concede there has been some influence brought to bear by the UK along the way, particularly in relation to the Single Market, which seemed like a Thatcherite development but turned into a regulatory nightmare. He refers also to "*our unwritten constitution*", which is another schoolboy gaffe: I don't know what they taught them at Oxford, but at Cambridge it was dinned into us that the British constitution, while it is not a formal document headed 'Constitution', is derived from a number of sources, written and unwritten, and indeed Dominic goes on to refer to some of these.

Foundation Myths

We now arrive at a fascinating historical *excursus* that takes up the next few paragraphs of the speech, so interesting that it's worth quoting *in extenso*:

"My Brexiter (sic) colleagues have in varying degrees signed up to the view that EU membership undermines the sovereignty of parliament in a manner which is damaging to our independence and our parliamentary democracy and system of Law. This certainly fits in with a national (if principally English) narrative that they trace back to Magna Carta and the emergence of the Commons as a distinct body by the end of the 13th century. To this we can add Habeas Corpus and the Bill of Rights of 1689. It emphasizes the exceptionalism of our national tradition which we see recognised from a very early date.

In the mid 15th century we have it celebrated by Chief Justice Fortescue in his "*de Laudibus Legum Angliae*" ... There the use of torture is deprecated and trial by jury and due process praised and with it, its uniqueness to England. There is even an excellent section in it which might have been relevant to who had the power to trigger Article 50. '*The King of England*' he said '*cannot alter nor change the laws of his realm at his pleasure.*' A statute he said requires the consent of the whole realm through Parliament.

This narrative has proved very enduring. It places Parliament as the central bastion of our liberties."

We should note that at this stage what we might call the traditional view is deemed a "*narrative*". Further down the speech it's classed as a "*myth*", but I'm not sure whether *myth* is to be understood here in its popular or its more nuanced Jungian meaning.

"But [this narrative] can also be used merely as an assertion of power, particularly when the Executive has effective control over parliament. In theory at least, our constitution is that the Queen, acting with the consent of her Lords and Commons should have an exercise of power unlimited by any other lawful authority. It is what allowed Henry VIII in his Act of Supremacy of 1534 to use parliamentary authority to coerce his subjects on matters of deepest conscience and belief. And when the struggle between Crown and Parliament was resolved in the latter's favour it is what gave us the 13 clauses of the Bill of Rights and created the powers and privileges Parliament enjoys today. It is with those powers that Parliament in 1972 at the behest of the then Conservative government, enacted the European Communities Act which gave primacy to EU (sic) law in our country. It was Parliament that chose to allow what is now the Court of Justice of the European Union to override United Kingdom Statute law and indeed allow the superior courts of the United Kingdom to do the same, so as to ensure our conformity with EU law...".

I think I'd better stop there. According to Dominic, the time-honoured narrative that has the rise of Parliament running in parallel with the growth of constraints on untrammelled executive power has a contradiction at its core. That this was the way things worked out in historical terms doesn't detract from the contradiction. Parliament can be every bit as bloody-minded as any old Renaissance tyrant. It has arrogated supreme power to itself and it has no

hesitation in using that power when it wants to. So, when it acted in 1972 via the ECA to emasculate itself as the supreme lawmaking body for the UK (a kind of reverse *Act of Supremacy*), it was behaving in the unaccountable way one has to expect if well versed in the Constitution, even though it was actually starting to do away with itself in the process. There's nothing to see here and nothing for Brexiteers to complain about; it's just Parliament being itself.

Constitutionally this is sound reasoning. By the same logic suicide is the supreme act of individual autonomy. The only problem is that it tends to limit your options afterwards.

But this is what happens when constitutional theory becomes detached from common sense and political understanding. And in fact Dominic doesn't believe it himself, so I'm not sure why it forms part of his argument. The nineteenth century doctrine of parliamentary sovereignty owed a lot to the work of the utilitarian legal positivists, men like Austin and Bentham. It was something that had to be postulated in an attempt to identify the source of authority in the state. Later on it was taken up by Bagehot, but he was anything but theoretical in his approach. For Bagehot the supremacy of Parliament was simply a working model that helped to make government effective in the real world. The only way to get the business of government done was to command a majority in Parliament. He contrasted the British approach favourably with the American Constitution, with its system of checks and balances. Even Dicey, the theorist *par excellence*, found that his system broke down as he contemplated the enormity of the Irish Home Rule Bill.

At the risk of sounding like one of the myth-makers, I would argue that it is part of the glory of the British Constitution that it will bend but not break. For instance, one of its planks is the *Act of Settlement* of 1701, under which (*inter alia*) judges cannot be dismissed from their posts *quam diu se bene gesserint*, that is, as long as they conduct themselves fittingly. Theoretically Parliament could legislate to repeal this legislation, but we know this will never happen, because the independence of the judiciary is such a cardinal principle of the way the state is governed. Parliament is indeed constrained by historic legislation and by convention.

Parliament is also constrained by the day to day practicalities of what is

achievable. The Poll Tax legislation was properly passed into law, going through all the stages but, when it came to implementing it, a large section of the population rose up and simply said they wouldn't countenance it. But I would argue that the *European Communities Act* represented a constitutional outrage that isn't at all comparable with Irish Home Rule or the Poll Tax. By it, Parliament took those legislative powers that it held in trust for the British people and handed them over to supra-national bodies that were unaccountable to the electorate. It's to that date in 1972 that we can trace the degradation of Parliament as an institution and the increasingly Lilliputian stature of its inhabitants.

However, after attempting to turn the doctrine of Parliamentary sovereignty against the Brexiteers, Dominic goes on to suggest, as I have argued above, that "*Parliamentary sovereignty is not and has never in reality been unfettered*". He is now cheerleading for Sir Edward Coke and others who asserted the ancient liberties of free-born Englishmen as against the divine right theorists of Jacobean times, even though "*this was of course myth*".

Thus—

"the Bill of Rights in asserting the primacy of Parliament also contains the ethos by which that primacy might be limited. If the accusation against James II... is that he sought to 'subvert the Lawes and liberties of the kingdom'—rather the same accusation as I hear levelled against the EU, then what if it is the government of the Crown with a parliamentary majority that seeks to do so—what Lord Hailsham called 'elected dictatorship'..."

I think the phrase was "*elective dictatorship*" but no matter.

I'm not sure what Dominic is getting at here. What I think he's saying is that Parliament has to watch its step in passing legislation to change the status of the UK in relation to its international treaty obligations, which for him take the place of the "*Lawes and liberties of the kingdom*", many of which relate to EU membership. And (he is very clear here), while the EU-related Treaty obligations are important, they are "*not exceptional*". On this analysis, membership of the EU isn't really any different in kind from any other alliance, membership of NATO, adherence to nuclear non-proliferation treaties, etc. There is a whole host of treaties down the years that the UK has signed up to and there is

no reason to single out the ones relating to the EU as being *sui generis*.

I beg to differ. Any piece of UK domestic legislation is liable to be struck down for contravening a Directive of the EU. All trade negotiations are carried on by the European Commission on behalf of the member states. Agricultural, fishery, waste disposal and, increasingly, energy, policies are hobbled to those of the EU, whose competition laws apply to prevent the UK giving State support to certain key industries. Increasingly, foreign policy is an EU preserve. The relationship with the EU goes to the heart of what it means to be an independent state, able to enter into its own trade deals, treaties and alliances. In a sense the *European Communities Act* of 1972 was the treaty to end all treaties. It was the national equivalent of joining the Moonies. All your decisions are made on your behalf while you are part of the commune. States have been making treaties with one another since the Iron Age. The ECA was something new, as was recognised presciently by Lord Denning in *Bulmer v. Bollinger* (1974), with his striking metaphor of the incoming tide flowing up the estuaries.

Our Proud Record

According to Dominic, we "*have to respect our international legal obligations at all times*". And well said too. Otherwise, as *per* Yeats, mere anarchy is loosed upon the world. "*We are after all still in the midst of commemorations of the First World War, which we entered explicitly to honour our international treaty obligations to guarantee Belgian neutrality—what a then German chancellor was happy to describe as 'a scrap of paper'*".

That is a rather unhappy example to give. For one thing, it didn't work out very well for any of the nations concerned. For another, Britain was less punctilious about observing Greek neutrality in that same war. In fact Britain behaved in the same way towards Greece as Germany had done towards Belgium, with far less excuse. And, also in early Victorian times, the *London Protocol* of 1852 placed Britain under an obligation to guarantee the integrity of Schleswig-Holstein, but the British Government saw no reason to honour that pledge in 1864, when Austrian and Prussian armies invaded those provinces. The pretext for non-involvement was the 1863 November Constitution from which it was argued that the Danish King had moved

the goalposts and so the British were released from their undertaking. But the truth was that the territorial integrity of the Danish kingdom was of less importance than that of Belgium, as the UK had (or thought it had!) no strategic interest in Denmark. And in 1939 Britain went to war against Germany on the back of a joint Anglo-French Guarantee to the Polish nation, a guarantee that in the event no steps were taken to honour, either against the Germans or the Russians. In fact Britain was party to the betrayal of the Polish nation at Yalta.

These are such obvious points I'm almost ashamed to mention them. But it's important to recognise that we don't live in a finely-tuned world protected by networks of international obligations. States behave in accordance with their own internal dynamics, which can convey the impression of caprice to outside observers. The UK isn't immune from the tendency towards caprice. Neither the invasion of Iraq, nor the military intervention to bring down the Gaddafi regime in Libya, is susceptible of a textbook justification in terms of international law. And, as for the bombing of Belgrade twenty years ago as inspired by the liberal warmongers Blair and Clinton, I suppose nobody likes to think about that much now. It has been airbrushed out. The incoming US National Security Adviser John Bolton had it right when he opined: "*it's a big mistake for us to grant any validity to international law*".

Rights Of Nations, And Individuals

According to Dominic —

"the EU has had a major influence on rights. The legal order under the EU Treaties is of the greatest importance, since it provides the mechanism to ensure that the agreed rules governing the inter-action of nation states and European bodies are respected. As the product of an international treaty, the EU can only be effective and seen to be legitimate if its own operations are considered to respect the letter and the spirit of the Treaties that created it."

His preoccupation is with the language of Rights and how these are protected under the umbrella of EU and its Charter of Fundamental Rights. But I think it is legitimate to question how the EU institutions have respected the rights of states both within and without the EU. A key element of EU "*foreign policy*", formulated under the leadership (as EU Commissioner for Foreign Affairs) of a Labour *apparatchik* no one had heard of, and who had never stood

for election to any representative body, Catherine Ashton (Baroness Ashton of Upholland), was the extension of the self-evident benefits of EU membership to former Soviet republics. The attempt to do so in Ukraine involved an EU-sponsored *coup* to unseat the democratically-elected President, and the inhabitants of the Crimea and Eastern Ukraine are still living with the consequences.

We are now beginning to see serious pressure exerted on the Visegrad group (Poland, Slovakia, Hungary and the Czech Republic) who have refused to fall into line with the prevailing ideology, especially the doctrine that a permissive immigration policy is a force for peace and social harmony. And the EU institutions have acted like playground bullies in their relations with Ireland and Greece from 2009 onwards.

But Dominic doesn't subject the actual behaviour of the EU to any analysis. For him the jewel in the crown is the manner in which the EU guarantees the rights of its citizens through its rights-based jurisprudence. At the risk of opening up a legal philosophy front that I may not be able to sustain, I must say that I have become quite sceptical of this *rights-based* approach; and, insofar as the language of rights is appropriate, I'm not convinced that the EU contribution has been stellar.

The development of civil society in England has proceeded on the basis that (by and large) we are free to do what is not expressly forbidden (as opposed to Switzerland, where everything that's not forbidden is compulsory!). The crabbed common lawyers who created such a complex tapestry of Case Law were mostly concerned with property rights and the policing of contracts. They didn't bestir themselves all that much to lay down general principles, but when from time to time they did the principles tended to stick. So, Lord Mansfield in the eighteenth century ruled that the institution of slavery was repugnant to the air of England (*Somerset's Case*, 1772), while in 1932 another Scot, Lord Reid, pronounced on the question, "*who is my neighbour?*" (*Donoghue v. Stevenson*). At an early stage the English common law developed the traditions of trial by jury, *habeas corpus*, and the independence of the judiciary, none of which is a feature of the civil law systems. In fact the European Arrest Warrant, which Dominic later stresses the importance of, is antithetical to all three of these principles. You can be arrested at dawn and deported for

something which is not a crime in your home jurisdiction, and for which the grounds may be scanty at best. How does this guarantee our rights?

I'm not opposed to the idea that there should be development in the law, but I would greatly prefer a development that sprang from the "*ungodly jumble*", the thickets, of the common law, rather than something imposed from external sources with no organic connection to what it was building on. The post-colonial African states all had model constitutions, drafted by well-meaning English jurists; and the Weimar Republic had the most progressive set of anti-hate laws you could imagine.

My objections are aesthetic and functional but I also believe that the rights-based ideology that dominates our political discourse today is actually pernicious. In the late 1960s the children of the Butler *Education Act* demonstrated against the Stormont Government on the basis of the alleged denial of Civil Rights to the minority population in Northern Ireland. The term "*Civil Rights*" was used to suggest solidarity with the civil rights struggle in America, just winding up at that time. He who controls the language controls the political and cultural discourse. It was nothing to do with rights, civil or otherwise. The governing Unionist establishment was guilty of some minor abuses, of the type that one would expect in any artificial construct such as Northern Ireland was. The most serious was discrimination in favour of Protestants in the allocation of Council Housing. These abuses were milked remorselessly, even though by about 1971 they had all been rectified. But, far from being neutralised, the protests gained traction. Admittedly there was by 1971 a fresh and more genuine civil rights grievance, namely the imposition of internment without trial, which was a desperate and botched reaction to the paramilitary violence of the Summer of 1971. The ongoing violence led to further grievances over State action, grievances that could be couched in the language of civil rights. The concept of civil rights became in the end a toxic brew, arising out of a mixture of violence against the State, counter-violence by the State, and the (often violent) reaction to that counter-violence. The early protesters may have been sincere. The later ones had their own agenda. The only logic in the situation was the unimpeachable logic of Shakespeare's Scottish play: "*blood will have blood*".

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Peter Brooke

Alexander Solzhenitsyn, Alexander Dugin And The Russian Question
Part 9

Solzhenitsyn's *Two Centuries Together*— A Polish Prologue

The 'two centuries' of Solzhenitsyn's book on Jewish/Russian relations, *Two Centuries Together*, are the period from 1772-1972.¹ 1772 was the year of the 'first partition' of Poland, the carving up of a substantial part of Polish territory between between Russia, Prussia and Austria. "It is from this year that we can date the first important encounter between Jewish and Russian destinies" (p.36). Russia got the Eastern part of what is now Belarus together with, according to Solzhenitsyn, some 100,000 Jews. With the second and third partitions (1793 and 1795) Russia got most of the rest of modern Belarus, a large part of what is now Western Ukraine (with Brest Litovsk sitting on the border with the area taken by Austria) and (again according to Solzhenitsyn) about a million Jews.

1972 may not mark the end of the encounter between Jewish and Russian destinies but it was an important date in the exodus of Jews from the Soviet Union: "Although a small number of

*Soviet Jews were granted exit permits in the years 1945-68, and 4,300 in 1968-70, substantial emigration began only in March 1971. In 1971 a total of 14,300 Jews left the USSR for Israel; in 1972, 31,500; in 1973, 35,300... In the period 1968-76, 132,500 Jews emigrated from the USSR on Israeli visas, of whom 114,800 went to Israel."*² This, and the strange fact that it occurred in the midst of a ferocious anti-Zionist propaganda campaign by the Soviet Government, will be discussed in a later article. But for the moment let us return to 1772. What sort of Jewish population was it that Russia received with the partitions of Poland?

There had been a native Jewish population in the area through the conversion of local peoples—mainly in and around what is now South Eastern Ukraine and Georgia, most famously the Khazars.³ From the tenth century, there was a large (Solzhenitsyn tells us largely Khazar) Jewish population in Kiev at the time of the conversion to Christianity of its King, Vladimir, the beginnings of the story of Orthodox Russia, in 988. Kiev, seen by Russians as the cradle of their civilisation, fell to the Mongol invasion in 1240 and was afterwards disputed mainly between the Tatars, successors to the Mongols, Lithuanians and Poles while the centre of gravity of the Slav Russian Orthodox culture moved northwards to Novgorod in the West and Vladimir more Eastward, eventually centring on the principality of Moscow. A Jewish population continued in Kiev through this period.

The Judaizing Heresy

There had been a small Jewish presence in Muscovy until the early sixteenth century when the Jews were expelled following a crisis in the Orthodox Church, the "*Judaizing heresy*". Solzhenitsyn tells the story as follows:

"According to Karamzin (very highly respected Russian historian—PB) it began thus: the Jew Zechariah, who in 1470 had arrived in Novgorod from Kiev, 'figured out how to lead astray two spirituals, Dionis and Aleksei; he assured them, that only the Law of

Moses was divine; the history of the Redeemer was invented; he was not yet born; one should not pray to icons, etc. Thus began the Judaizing heresy.' [...]

After the fall of Novgorod, when Ivan Vassilyevich III [1440-1505, the Grand Prince of Muscovy who united Russia under Moscow's rule, not to be confused with Ivan IV, 'The Terrible'] visited the city, he was impressed by their piety and took both of the first heretics, Aleksei and Dionis, to Moscow in 1480 and promoted them as high priests of the Assumption of Mary and the Archangel Cathedrals of the Kremlin. [...]

The Novgorod Archbishop Gennadi uncovered the heresy in 1487, sent irrefutable proofs of it to Moscow, hunted the heresy out and unmasked it, until in 1490 a church council assembled to discuss the matter, under the leadership of the just-promoted Metropolitan Sossima. [...]

"The noteworthy liberalism of Moscow flowed from the temporary "Dictator of the heart" F. Kuritsyn. [Feodor Kuritsyn, Ivan's plenipotentiary Secretary—so to speak the "Foreign Minister", "famous on account of his education and his capabilities."] The magic of his secret salon was enjoyed even by the Grand Prince and his daughter -in-law... The heresy was by no means in abatement, but rather... prospered magnificently and spread itself out. At the Moscow court... astrology and magic along with the attractions of a pseudo-scientific revision of the entire medieval worldview' were solidly propagated, which was 'free-thinking, the appeal of enlightenment, and the power of fashion'. [...]

Soon Ivan III reconciled himself with his wife Sophia Palaiologos [as so often in these matters the religious question was bound up with rivalry between different factions for the succession to Ivan—PB], and in 1502 his son Vassili inherited the throne. (Kuritsyn by this time was dead.) Of the heretics, after the Council of 1504, one part was burned, a second part thrown in prison, and a third fled to Lithuania, 'where they formally adopted the Mosaic faith'.⁴

Jews came back into Russia with the Polish invasion, known as the *Time of Troubles*, 1598-1613. Solzhenitsyn says that, after Russian sovereignty was restored in 1613 with the beginning of the Romanov dynasty, they were able to remain, albeit in small numbers.

The Jews In Poland

But the real pre-history for the Jews themselves lay in Poland, using that term to cover the territory (now in Ukraine and Belarus) that fell to Russia in the partitions, and without going into the details of the interplay between 'Poland'

Grieve continued

Now, fifty years later, the message we are hearing from Sinn Fein isn't about civil rights at all: it's about *human* rights. It looks as if we're moving backwards. The denial of human rights consists of the refusal (rightly or wrongly) by the Unionist parties to agree to additional shedloads of money being thrown at the Irish language. That is a shocking debasement of the language of rights. Interestingly Sinn Fein doesn't apply the language of human rights to the unborn baby. Nobody is prevented from learning or speaking Irish. Tuition in the language is provided freely in schools. Publicly funded Irish medium schools have sprung up, some with very few pupils. Public broadcasting money goes into Irish language output on the radio. Not as much as in Wales maybe, but in Wales there is about twelve per cent of the population for whom Welsh is their first language, so there is a real, not a synthetic demand.

TO BE CONTINUED

and 'Lithuania'.

This 'Poland' had become a place of refuge for Jews, both from the East (Khazars etc) and German Jews from the West. According to Leon Poliakov in his *History of Antisemitism*:

"In a country with a rudimentary economy, whose population consisted only of nobles and serfs, the Jews soon gained a dominant role in all activities connected to the circulation of goods and money. It is certain that at first they lived in a state of excellent harmony with the Christians. We have already had many occasions to make this observation and I believe we can see a constant link between the moral state of an uncultivated population, only barely worked by the teachings of Christianity, not having yet learned to harbour any particular suspicions with regard to the so-called 'deicide' race, and its primitive state of economic development, allowing the Jews to assert themselves in a field where they didn't yet have any competition."⁵

He says that some of the earliest Polish coins, from the eleventh and twelfth centuries, carry inscriptions in Hebrew. A substantial hostility to Jews began to manifest itself from the end of the fourteenth century (accusations of ritual murder and profanations of the Host) and, at the end of the fifteenth century, they were expelled from Warsaw and Cracow (both towns that, after the late eighteenth century partitions, ended up in the Austrian Empire). But, says Poliakov:

"...the economic and even administrative positions the Jews could fall back on were so solid, so profoundly rooted in the social foundations of the country right up to modern times, that it was impossible to remove them. Contrary to what happened in the West, where the numerical weakness of the Jews would in the end facilitate their economic integration and cultural assimilation, the existence in the East of a Jewish social class would result in the appearance of a real nation *sui generis*" (p.390).

Poliakov sees this numerical strength as being maintained by a constant influx from the West, from Germany in particular following massacres that accompanied the Black Plague. He thinks that already in the fifteenth century their number was approaching 100,000—

"a number that is certainly open to question but the first systematic census, conducted around 1765, shows that they made up 10% of the population of the country. Given such a solid demographic basis, they exercised all

crafts, held a monopoly in some of them and were organised along the lines of a state within a state."

They didn't live in ghettos, they fulfilled essential administrative functions, notably tax and customs collections, set up industries, worked closely as assistants to the local nobility (as "*court-Jews—very little courts of course, given the anarchic fragmentation of power in Poland at that time*").

"Overall, it is true to say that in Poland they formed a whole social class—that urban middle class that had taken so long to form in Poland. Last distinctive characteristic: contrary to the great flexibility which previously their ancestors had shown in quickly adopting the normal language of the European countries where they were installed, the Polish Jews maintained the use of German, which became yiddish..."

This predominance of a version of German seems to suggest that there were many more Jews of Western origin than of Eastern, but Poliakov suggests that it was more a matter of cultural prestige than of numbers. Very important for the subsequent development in Russia was the tight social organisation of the Jewish communities:

"It is not surprising, given what has just been said, that the Jews in Poland enjoyed a very high degree of internal autonomy, not just on a local but also on a national level. They more or less administered themselves, following a constitution which could be called customary and federal. At the local level there was the community, or 'kahal' which corresponded to a particular territorial area and included together with the Jews of a town of whatever importance those who lived in the surrounding area. The government of the kahal was oligarchic".

It was chosen by the richest and most influential members of the community. They looked after the collection of taxes, public order, the synagogue, and operated a strictly regulated labour market. They chose the rabbi, "*a most important personage since his moral authority was reinforced by powers in judicial matters. He was by right president of the Judicial Commission, the kahal's tribunal*".

The *kahal* presided over a number of other commissions looking after charitable works, ransom of Jewish prisoners, care for the elderly, refugees, poor students etc and, very important, the proper respect for the dead.

This organisation—

"was favoured by the Polish authori-

ties for whom it was convenient to raise taxes globally and by community and consequently to be dealing with a strong community power. Later these authorities decided that it would be even more convenient to impose a single global sum of money annually on all the Jews at once, requiring them themselves to share out responsibility among the different communities. As a result the consultations and meetings which had been taking place among representatives of the kahals in a sporadic and irregular manner acquired a great importance. Starting in the second half of the sixteenth century these representatives would meet twice yearly in the Fair in Lublin in the spring and that of Yaroslav in Galicia in the Autumn... the federal chamber thus put together, a real Jewish parliament with thirty or so members, was called the 'Council of the Four Lands' and it wasn't without good reason that contemporaries compared it to the Sanhedrin in Jerusalem. Never, in fact, had the Jews in Europe enjoyed such a degree of autonomy."

The contrast with Germany is striking. Where legal documents relating to Jews in Germany took the form of requirements imposed on the Jews who were not considered to be a legal entity in their own right, in Poland they took the form of *ugody*—contracts agreed between Christians and the legally accredited representatives of the Jewish community. According to an academic account of the *ugody* system:

"In order to assess the origin of the legal agreements between Christian burghers and Jews in early modern Poland, one thinks first of those German territories from which the great majority of Polish Jews originated. In the course of the sixteenth century, German Jewry suffered expulsions from most large urban centres, including some of the most prestigious and ancient communities in German land, as well as from most Imperial cities. In sharp contrast to developments in Poland, where the sixteenth and first half of the seventeenth centuries are considered the "Golden Age" of Jewish communal life, marked by a significant extension of autonomous rights and the flourishing of prominent communities, German Jewish communities suffered what Yitshak Baer called a process of 'atomisation' by which he meant their reduction into small and dispersed aggregates, mostly in rural areas (the *landjudenschaften*) dependent on the goodwill of local or regional princes..."⁶

The Khmelnitsky Uprising

This Polish idyll was severely shaken in 1648 with the Cossack uprising led

by Bogdan Khmelnytsky, which entailed large scale massacres of Poles and Jews and eventually, after many twists and turns involving Sweden, Lithuania, Transylvania, the Crimean Tatars, and even the Ottoman Empire, resulted in Eastern Ukraine, including Kiev, being incorporated into Russia, at first on a semi-autonomous basis as a Cossack 'hetmanate'—a development which could be seen as the beginning of Russia's conversion into a Russian Empire.

I don't entirely understand why then 1667, rather than 1772, should not be regarded as the date on which a substantial Jewish population was incorporated into the Russian Empire. According to the Wikipedia entry on '*History of the Jews in Kiev*': "*After the Russian occupation in 1654, Jews were not allowed to settle in the city. This ban was lifted only in 1793 after the third partition of Poland*" [sic. the third partition was, as we have seen, in 1795].

Poliakov says that between 1648 and 1668 "*no Jew remained on the left bank of the Dnieper—those who were spared were sold as slaves to the Turks... the total number of victims [in the whole area, including the right bank—PB] rose to several tens of thousand, perhaps to 100,000...*" (p.399).

The Dnieper became the frontier line between what was left of Poland after 1667 and the Russian Empire (somewhat confusingly, the 'left bank of the Dnieper' is the area to the East, towards Russia. When we look at the map it's the area to the right). Nonetheless Poliakov also says that in 1727, when Catherine I (widow and successor of Peter 'the Great', not to be confused with Catherine II 'the Great') wanted to expel the Jews from Ukraine and Russia—

"it concerned those Jewish shopkeepers and artisans whose rootedness in the local economic life I have already described. Under these conditions, as soon as they tried to expel them, serious complications arose and the civil and military authorities were obliged to grant numerous exceptions to avoid a more serious disruption" (p.420).

So they were still there. Solzhenitsyn, incidentally, describing the same event—Catherine's attempt to expel the Jews—simply states that it didn't last very long, without giving reasons.

Nonetheless the Khmelnytsky rising had a huge impact on the Jews, economically and culturally, in Poland and Polish Ukraine:

"From the second half of the seventeenth century they were no longer the principal bankers of the country—this

role passed to Christian capitalists, above all the religious communities, churches and monasteries, whose wealth, mainly in land, had remained intact. The Jews, both communities and individuals, were in debt to them; the chronic indebtedness of the kahals, through their desperate efforts to refloat the Jewish economy, became a major social problem for Poland and continued to get worse through to the end of the eighteenth century. In 1765, the Polish diet suppressed the 'Council of the Four Lands', the Jewish federating organisation, finding it easier to impose on Jews, instead of the old global tax, a poll tax of two zlotys a head. So ended the Jewish semi-state autonomy..."

Seeking means of making a living, many Jews "*installed themselves in rural areas as innkeepers, tavern keepers, ('aubergistes et cabaretiers'—I'm not sure what the difference is—PB) artisans or peddlers, most of them living in extreme poverty*" (Poliakov, p.400).

A Cultural Aftermath

As many Jews left the area, sympathy spread to other Jewish communities throughout the world, encouraged by dramatic accounts of the massacre, and this was accompanied by the appearance of new religious movements, most dramatically that associated with the Jewish Messiah, *Sabbatai Zevi*, originating in 1648 in Anatolian Smyrna. According to Poliakov, 1648 had long been prophesied on the basis of an interpretation of the *Zohar*, chief text of the *Kaballah*, as the year of the coming of the Messiah, and a reading of the name Khmelnytsky in Hebrew characters could be interpreted as meaning "*The sufferings of the birth pangs of the Messiah will come on the world*" (p.402). Gershom Scholem, in his *Major Trends in Jewish Mysticism*, argues for a continuity between the Sabbatian movement and the emergence of the *Hasidim*, a movement which posed a serious challenge to the authority of the *kahals* and the Rabbis in the eighteenth century:

"the Hasidic movement made its first appearance in the regions where Sabbatianism had taken strongest root, Podolia and Volhynia (both areas incorporated into the Russian Empire as a result of the partitions—PB)... Those groups of Polish Jewry which already before and at the time of the first appearance of the Baal Shem (reputed founder of Hasidism. He died in 1760—PB) called themselves Hasidim included many Sabbatians, if they were not indeed wholly crypto-Sabbatian in character, and it took some time before the difference between the new Hasidim of

the 'Baal Shem' and the old ones became generally appreciated ... A further and very important point in which Sabbatianism and Hasidism join in departing from the rabbinical scale of values, namely their conception of the ideal type of man to which they ascribe the function of leadership... In the place of these teachers of the Law, the new movements gave birth to a new type of leader, the illuminate, the man whose heart has been touched and changed by God, in a word, the prophet." ⁷

Poliakov, who has earlier evoked the organisation of Polish Jewry as a state within a state, now suggests that international sympathy for the Polish Jews after the Khmelnytsky rising, combined with the international impact of Sabbatianism, marked the beginnings of what could be called a Jewish national consciousness:

"These social changes were accompanied by new spiritual and religious currents. They left on the mentality of the Polish Jews a characteristic mark and, what is more, they had vast repercussions among all the Jews of the diaspora. It was a remarkable process of influences having the whole of Europe as its centre and in which an infiltration of Christian concepts (which this time did not stop at the details of life and customs but left their mark on the new messianic movements) played a role. And that is how, solidly implanted on the banks of the Vistula [in the area which went to Austria—PB] and in the Carpathian forests [the area which went to Russia—PB], a Jewish nation took on a definitive form..." (p.400).

Orthodox Liberation Movement?

But the Khmelnytsky Rising, remembered by Jews and Poles alike as so terrible, was remembered as glorious in the Ukrainian and Russian Orthodox world. Orthodoxy had been tolerated and had even flourished under Tatar rule both in Ukraine and in Russia but it had been persecuted under the Poles. Khmelnytsky's actual motives seem to have been more to do with personal grudges than any large nationalist or religious project but his rising mobilised the repressed Orthodox population and the resulting union with Russia was widely experienced as a liberation. In 1954, the Central Committee of the Communist Party of the Soviet Union published '*Twenty One Theses*' on the tercentenary of the '*Pereiaslav Agreement*' between Khmelnytsky and the Muscovite government, hailing it as the union of Ukraine and Russia, though Khmelnytsky in fact turned against Moscow and allied with Transylvania in 1656 when Moscow allied

with the Poles against the Swedes. It was eventually Khmelnistky's son, Iurii, who renewed the Russian alliance, establishing the semi-independent but Russian aligned 'hetmanate', finally suppressed by Peter the Great after his victory over the Swedes in the Battle of Poltava in 1709.

The CPSU Theses declared:

"In the war of liberation, the Ukrainian people were led by an outstanding statesman and soldier. Bogdan Khmelnytsky. The historic merit of Bogdan Khmelnytsky lies in the fact that, while expressing the age old aspiration and hope of the Ukrainian people—close unity with the Russian people—and while giving leadership to the process of building Ukrainian statehood, he correctly understood its purposes and prospects, realised that the salvation of the Ukrainian people could be achieved only through unity with the great Russian people and worked perseveringly for the reunion of the Ukraine with Russia" (Sysyn—see the last footnote—p.117).

Leaving aside questions of historical accuracy, one can imagine how Jews, given their traditional memory of the Khmelnytsky rising, might have remembered it, the declaration doesn't seem to show much respect either for the sensibilities of the Poles, newly incorporated into the Soviet sphere of influence.

Ukrainian national separatism also regards the rising in a generally positive light. According to the Wikipedia article on Khmelnytsky:

"In Ukraine, Khmelnytsky is generally regarded as a national hero. A city and a region of the country bear his name. His image is prominently displayed on Ukrainian banknotes and his monument in the centre of Kiev is a focal point of the Ukrainian capital. There have also been several issues of the Order of Bohdan Khmelnytsky—one of the highest decorations in Ukraine and in the former Soviet Union.

However, with all this positive appreciation of his legacy, even in Ukraine it is far from being unanimous. He is criticised for his union with Russia, which in the view of some, proved to be disastrous for the future of the country. Prominent Ukrainian poet, Taras Shevchenko, was one of Khmelnytsky's very vocal and harsh critics. Others criticize him for his alliance with the Crimean Tatars, which permitted the latter to take a large number of Ukrainian peasants as slaves. (The Cossacks as a military caste did not protect the *khology*, the lowest stratum of the Ukrainian people). Folk songs capture this. On the balance, the view of his legacy in present-day Ukraine is

more positive than negative, with some critics acknowledging that the union with Russia was dictated by necessity and an attempt to survive in those difficult times."

It should perhaps be said that the actual effects of the Khmelnytsky rising on the Jews, though terrible, might have been less terrible than widely believed. A recent article by Shaul Stampfer of the Hebrew University in Jerusalem argues that the demographic evidence doesn't show the decline in population that a serious genocide would have produced:

"The Jews soon enough, if not immediately, recognised the danger and took steps to save themselves... most Jews resorted to flight, which is the real reason why so many survived, to return slowly when calm was restored. Within a century, the demographic impact of the uprising was hardly visible. The chronicles, true to their purpose of evoking emotion and repentance, omit mention of this reconstruction.

The number of Jewish lives lost and communities destroyed was immense. However, the impression of destruction was greater than the destruction itself. Had Khmelnytsky intended to slaughter Jew indiscriminately and as an end in itself, the number of victims would surely have been higher. What made the destruction loom so large was the knowledge that so many communities no longer existed. The chroniclers wanted to memorialise a lost world. The mid-seventeenth century was a terrible time for everyone in the Ukrainian lands; Jews were not the only ones to die, but they did suffer more than others ..." ⁸

Russians Gains In Polish Partitions

I have lingered over this pre-history to Solzhenitsyn's starting date of the Polish partitions in order to try to understand the problem the Russian Empire faced when it took on these areas with their substantial Jewish population. It could perhaps be reduced most simply to a matter of relations between, on the one hand, a serf population, largely Orthodox, tied to the land and to a largely Catholic Polish nobility, owners of the land; and on the other a Jewish population which was free, mobile, had its own distinct social organisation, was used by the Polish nobility to perform functions that were economically necessary but beneath the nobles' dignity, and who could indeed take on the role of landlords themselves by sub-leasing lands (while keeping rights over Churches built on those lands). This was the position which had given rise to the massacres of the

Khmelnytsky Rising (probably largely committed by those despised *khology*) and, if we accept Poliakov's account, what followed in the areas remaining to Poland was a degenerate version of the same thing—a serf peasantry and a relatively free and self-organising Jewish population, still patronised by the nobility to fulfil the functions of a middle class but much poorer than before, and facing more competition from Christian rivals, including priests and monasteries.

It was in these circumstances of greater poverty that the role of Jews as tavern keepers and distillers of liquor developed, a role that was to assume great importance in their problematic relationship with the Russian State, a State which, unlike the Polish State and nobility, had some concern for the well-being of the Orthodox peasantry.

TO BE CONTINUED

¹ Alexandre Soljénitsyne: *Deux siècles ensemble*, t.1, Fayard, 2002 (first published in Russian 2001). Actually, to be pedantic, the first volume of the French edition gives 1795 (date of the third and final partition of Poland) to 1995 (apparently the year when Solzhenitsyn finished writing the book). The second volume however gives 1917 to 1972 as the dates.

² Lukasz Hirzowicz: 'The Soviet-Jewish problem: internal and international developments, 1972-1976' in Lionel Kochan (ed): *The Jews in Soviet Russia since 1917*, Oxford University Press, 1978 (3rd ed), p.367.

³ The khazar origin of East European Jews, made famous by Arthur Koestler in his book *The Thirteenth Tribe* and playing an important role in the arguments of Shlomo Sand's *Invention of the Jewish People*, has been questioned in Shaul Stampfer: 'Did the Khazars Convert to Judaism?', *Jewish Social Studies*, Vol 19, No 3, Spring/Summer 2013. pp.1-72.

⁴ Although *Two centuries Together* has not been officially published in an English translation several large extracts are available on the Internet, largely on sites that could be called 'anti-semitic'. There is also a Kindle version, with extracts from Vol 1 and most of Vol 2, which I have used for this account of the Judaising heresy - locs 151 - 206 (pp.21-2 of the French translation).

⁵ Léon Poliakov: *Histoire de l'antisémitisme*. t.1. *L'âge de la foi*, Calmann-Lévy, 1981. This and the following extracts from pp.388-394. An English translation exists but since I don't have easy access to library facilities, I am using my own translation of the original French.

⁶ François Guesnet: 'Agreements between neighbours. The 'ugody' as a source on Jewish-Christian relations in early modern Poland', *Jewish History*, Vol 24, No 3/4, 2010, p.263.

⁷ Gershom Scholem: *Major Trends in Jewish Mysticism*, Schocken, 2011 (originally 1941). I have it in a Kindle edition which doesn't give page references. For what it's worth these extracts come from the Kindle locations 6,694 - 6,794.

⁸ Shaul Stampfer: 'What happened to the Jews of Ukraine in 1648?', *Jewish History*, Vol 17, No 2, 2003, pp.221-2. In an earlier footnote I reference Stampfer's questioning of the conversion of the Khazars.

What Went Into The making Of Belgium?

The invasion of Belgium was the excuse for Britain's Declaration of War on 4th August 1914. But Britain did not attempt to counter Germany on Belgian soil, or indeed mount its own invasion of Germany along its northern coast according to the Schleswig-Holstein Plan. What happened was the execution of the Plan that had been the only meaningful scheme since 1906—a British Expeditionary Force landing in France.

It had long been decided by the British war party that simply providing assistance to France would not generate the required social effort for a military confrontation with Germany. Belgium had to be made into the kind of victim necessary to arouse public sympathy: a perpetual victim under the heel of the Hun was required to sustain civil support for the ongoing military commitment.

But what was the nature of this country that so much store was placed on by Britain? And how had Britain and France regarded that country historically? These are the necessary, though rarely asked, questions that need to be answered if we are to assess the veracity of Britain's claim to be acting out of pure altruism when it unleashed the most destructive war in history on behalf of Belgium.

Belgium was created as a result of the 1830 revolution against Dutch rule. The peoples implicated in this revolution were the French-speaking Walloons and the Dutch-speaking Flemish. Because this new breakaway region created an instability to the post-Napoleonic re-arrangement of Europe, a Conference of the European Powers was called to sort it out. It began on 4th November 1830 in the British Foreign Office, with the Duke of Wellington presiding, and it went on for almost two years before closing on 1st October 1832 with a recognition of the separation of Belgium from Holland as a *fait accompli*.

However, Holland continued to refuse to accept the separation of Belgium and so its status remained problematic. The stalemate was broken in 1839 when, under pressure from Britain (exerted in part through an Anglo-French blockade of the Scheldt Estuary), Holland was finally forced to acknow-

ledge the status of Belgium. This opened the way for the signing of the relevant Treaties based on the negotiations at the London Conference which had ended seven years earlier. Consequently, on 19th April 1839, three formal Treaties, based on the results of that Conference, were signed, one between the Five Powers (Britain, France, Prussia, Austria, and Russia) and Holland, another between Belgium and Holland, and the third between the Five Powers and Belgium.

The provision surrounding Belgian neutrality was contained in Article VII and was present in all three Treaties. However, the relationship between the signatories and the question of Belgian neutrality was not the same between all those involved. Whereas the Five Powers were also to act as guarantors of Belgian neutrality, such a responsibility fell outside the obligations of Holland. The essential motivation of the Five Powers of Europe in entering into these obligations to the new State was to restore stability to post-Napoleonic arrangements by designating to Belgium the role of an internationally-agreed buffer State between France and Prussia.

Those were the basic facts behind the foundation of the Belgian State. But there was an intrinsic instability at the centre of the new State, which the neutrality treaties papered over. Although the Walloons and Flemish people spoke different languages, their common characteristic of being Roman Catholic defined their common alienation from their characteristically Calvinistic Dutch rulers at the time of the revolt. However, in the case of the French-speaking Walloons, the difference of language compounded the difference of religion in a way which was absent from their Flemish co-religionists and this had an impact on their relative roles in the evolution of Belgium from the start:

"The Belgian rising against the Dutch in that year [1830] was primarily a Walloon movement. The Flemings, whose community of language with the Dutch provided them with a certain fellow-feeling, and at least prevented their resenting the proclamation of Dutch as the official language of the Netherlands, were more disposed than

the Walloons to accept the Orange dynasty. They might have dissociated themselves from the insurrectionary movement altogether but for the Dutch measures against the Roman Catholic Church which roused their religious fervor, and even as it was, they left the direction of the movement in the hands of the Walloons of Brussels and Liege" (*Belgium*, by Demetrius C. Boulger. Published for the Bay View Reading Club, Central Office, Boston Boulevard, Detroit, Mich, 1913, p.12).

So from the beginning the Flemish community was a somewhat reluctant participant in the revolution that went into the making of Belgium. So it was also that the Walloons would, as a consequence, set the agenda for the new State—or at least that part of the agenda left over after the major European Powers had their say.

Two characteristics immediately emerged which reflected this situation. Firstly, French was declared the official language of the new State and, secondly, the 1831 Constitution would not reflect the overwhelmingly Catholic nature of the society that went into the making of Belgium.

Having French as the official language of the new State meant that French was to be the only language used in all Government transactions, in its legal code, and in the realms of higher education and commerce. Flemish had no standing, even though the Flemish people constituted around half of the citizens of the State and the vast majority of them did not understand a word of French.

For over forty years, this was tolerated by the Flemish people without any real protest from the European Powers or the Flemish people themselves. To some extent, the absence of any protest from the Flemish people was due to the fact that, as a predominantly agricultural people, they were relatively self-sufficient and many of them were capable of an existence which rarely brought them into contact with the Belgian State. Also the basis of their lives around the organisational unit of the Commune made it possible for them to sustain their culture and language through locally-funded and -operated Catholic Schools which required no State involvement to function.

However, as the century progressed, instances of economic interaction increased and issues of law relating to things like business contracts, land transactions, etc. brought the Flemish populat-

ion into a closer interaction with the State—a State which functioned according to a language that they did not understand and which they had no intention of learning. On an individual as well as the communal level the situation began to become intolerable. Objections began to be raised against the fact that individuals from the Flemish community were compelled to stand trial in criminal courts where the entire procedure was conducted in a language they did not comprehend. All of this was compounded by the growing level of State interference, through things like an expanding bureaucracy and taxation, with the day-to-day normality of their lives. But the final straw was a political decision of the State which introduced a new level of intrusion and which they felt threatened the very identity of the Flemish people. To appreciate the significance of this development we need to go back to the basis on which the State came into existence.

After the revolt in 1830, and before it achieved international recognition, a National Assembly met in Brussels on 12th November 1830 and proclaimed the independence of Belgium. It issued a constitution on 7th February 1831. The Assembly also established the German Protestant, Prince Leopold of Saxe-Coburg, as the first King of the Belgians. Having married Princess Charlotte of Wales, the only child of the British Prince Regent and future George IV, he was seen at the time as the British candidate and one who could counter any possible future French territorial ambitions in the area.

With the Catholic Party holding 140 of the 200 members in the National Assembly of 1831, it was anticipated that the constitution formulated by that body would reflect its Catholic dominance and it is here that the appointment of Prince Leopold of Saxe-Coburg was designed to provide balance. Thus, regarding the constitution:

"Had they desired to establish a clerical domination or to put into practice those principles of reaction, intolerance, and obscurantism, of which they had often been accused, they were in an excellent position for doing so; they had a unique opportunity. Instead they took just the opposite course. Spontaneously and unanimously, by the voice, first of all, of the Primate of Belgium, they repudiated claiming any special privileges for their Church or their religion: they asked only the fullest liberty for themselves and for everybody else. They joined heartily with the Liberals in

writing into the constitution the most complete list of civic and political liberties that was then to be found in Europe: unlimited freedom of conscience and of worship; the equality of all religions before the law; freedom of speech, of the press, of public meeting, of association, and of teaching. The Protestant historian, Guizot, noted with some astonishment that Belgium was 'the first Catholic nation that had frankly accepted the institutions and political liberties of modern civilization, while preserving and fervently practicing its ancient faith. While becoming liberal, it remained sincerely and earnestly Christian'..." (*Belgium: A Study in Catholic Democracy*, by Robert H. Lord. Published in *The Catholic Historical Review*, Vol. 9, No. 1, April 1923, p.33).

The pro-Catholic bias of the above commentator prevents a proper comprehension of how this situation came about. It resulted from the fact that the type of Catholicism that prevailed among the Walloon population (the people who took a greater interest in the politics of the time) was overwhelmingly that of the French type, and more influenced by French Enlightenment thinking than was the more orthodox Catholicism of the Flemish community. In other words, there was no homogeneous Catholic block operating on clear religious principles. On top of that, there was a desire on the part of the Protestant Powers not to have an overtly Catholic State on the borders with Holland and Prussia. Also, the constitution was designed around the election of an assembly based on a property qualification, which ensured an under-representation of the mostly agricultural Flemish Catholic population.

"According to the old article 47 of the [1831—ED] constitution, the voter had to pay 42 francs 32 centimes in direct taxes. These taxes—real-estate taxes, personal taxes, business licenses (*droits de patente*)—are higher in the towns than in the rural districts. This difference is a natural result of the greater value of real estate in the cities. It is true, however, that in consequence of this difference the towns had more voters in proportion to their population than the rural districts; and in those election districts (*arrondissements*) which included both town and country voters—and the most important districts were of this character—the disproportionate influence of the towns was a disadvantage to the Catholics" (*The Revision of the Belgian Constitution in 1893*, by Maurice Vauthier. Published in *Political Science Quarterly*, Vol.9 No. 4, December 1894, p.711).

That this kind of franchise arrangement should have been sanctioned by the Roman Catholic Primate of Belgium is explained by the fact that the individual concerned, Archbishop François Antoine Marie Constantin de Méan et de Beurieux, was of the Walloon Catholic community, which remained relatively unaffected by the way in which the property qualification impacted on the franchise. He was also of the nobility being the son of a Count. Nonetheless, the fact that he remained impervious to the impact the franchise arrangements would have on the rural Flemish Catholic population is indicative of the haughty manner in which the Walloon Catholics looked down on their Flemish co-religionists. All of these factors combined to produce a State and a constitution that was more an expression of French political thinking and Protestant Great Power politics than of the actual society which it was designed to govern.

Consequently, in the course of putting the Constitution into practice, Belgian society or, more accurately, that section which constituted the Flemish population, was deprived of influence on either State or Government. The Walloon Catholics, traditionally open to French Enlightenment anti-clerical influence, operated to a different type of Catholicism to that of Flemish Catholics—and political expressions like Liberalism and Socialism emanated disproportionately from within the Walloon community and became associated, in Flemish eyes, with that community.

As a result of the limited franchise, and a reluctance on the part of the Flemish population to engage with the State or its politics, the first sixteen years of Belgian Government consisted of a Catholic-Liberal coalition before, in 1847, the Liberals assumed sole control of Government. For almost forty years after that the Liberals exercised almost unlimited control (the only years they were not in power was in 1854 to 1857 and between 1871 and 1878).

The 1854 election had brought the Catholics into power for the first time—and also the first Flemish politician, Pierre de Decker, to appear in Belgian national politics. Having been elected Premier, de Decker undertook a very moderate Catholic and conservative programme of Government out of deference to the prevailing Walloon/French political culture. However, despite this, his period in Office was characterised

by a virulent campaign against him by the Liberals. The leading Liberal, M. Frere-Orban, appealed to the Walloon masses and "The threat of a revolution was made, and for the first time in the history of constitutional Belgium street demonstrations were the order of the day" (Boulger, op. cit., p.108). Eventually the premier lost his nerve and resigned, with the result that the Liberals returned to Office in 1857 and remained there until 1870, when the Catholic Party was once more voted into power partly because of a split among the Liberals caused by the increasing assertiveness of the left radicals in their midst.

This second tenure of Catholic Government once more brought forth expressions of popular discontent, organised by the Liberals and the emerging Socialist movement, with strikes and street demonstrations fuelled by demands for a republic, better social conditions, and an extension of the franchise. The Catholic Party in Government responded by introducing measures to improve labour conditions and reform of the franchise. However, despite these reforms, the first election under the new arrangements in June 1878 saw the Liberals once more returned to power.

Spurred by the threat from its own left under the influence of the growing Socialist movement, and misguided by the level of French anti-clericalism among the Walloon Catholics into believing that Catholicism in Belgium was ripe for the plucking, the Liberal Government in 1878 decided to take on the Church in the realm of Education. But any action designed to challenge the sense of identity of a significant proportion of the population by such an unrepresentative Government was bound to provoke a reaction. So, when the Government introduced its Education Act of 1879, it acted as a stimulus for the Flemish population to take a real interest in politics for the first time. This is how one Catholic academic subsequently described the Liberal Party's decision at this time to remake Belgian society in its own image:

"It is only fair to acknowledge that they [the Liberal Party—ED] accomplished much that was good during this long tenure of power. But it is also true that they displayed a narrow and selfish class-spirit, sacrificing everything to the interests of the dominant bourgeoisie, closing their eyes to the sufferings of the working classes under the new conditions produced by the

Industrial Revolution, and obstinately upholding a suffrage system which gave the vote to only one Belgian out of fifty. 'The votes of the ignorant can never settle questions,' Frere-Orban, the great pontiff of Liberalism declared. But if the Liberal Government was strangely indifferent to the rights or to the material conditions of the masses of the people, it was only too eager to control the mind and the conscience of the nation. Exaggerated *Laissez-faire* in one domain, and equally exaggerated *Etatisme* in the other—such was the tradition duly handed down to them by their Jacobin forerunners. This, together with their growing anti-clericalism, which in Belgium had so little excuse that it can only be explained as another Jacobin legacy or an imported *article de Paris*, led them into ever-repeated attacks on the rights of the Church, which culminated in the grand struggle of the years 1878-84" (Lord, op. cit., p.34).

The author of the above. Robert Howard Lord, was a Professor of Modern European History at Harvard. He was a member of the American delegation at the Paris Peace Conference in 1919 as an adviser on Polish and East European questions and was appointed head of the Inter-Allied Commission on Polish affairs which drew up the settlement involving the establishment of the Polish Corridor. However, it seems that he found his experience at Versailles so traumatic that while there he became a convert to Roman Catholicism and six years later in 1926 resigned his professorship at Harvard to study for the priesthood.

The Education Act which the Liberal Government introduced was designed to eradicate religious instruction in the public (or communal) schools. While the original revolution which created an independent Belgium in 1830 was led by the Walloons, the reaction to the 1879 Education Act was led by the Flemish population. The Act led to a further withdrawal of Flemish civic society from cooperation with the State, at least in the realms of education. As soon as the measures were implemented, parents withdrew their children from public schools *en masse* and teachers deserted their classrooms. Instead of public schools, children went to "*free schools*", which had arisen everywhere in response to popular demand for Catholic education. Within five months the equivalent of six million dollars was raised for the purpose of founding new schools. Land, buildings, and furniture was donated and workers provided their labour free of

charge in the construction of new school buildings. Within two years every commune possessed a boys and a girls "free school", and these schools were educating more pupils than those of the remaining official schools. To add to the Liberal Government's unpopularity, their fiscal impropriety created a budget deficit of fifty-nine million francs so, when the election came in 1884, the Liberals suffered a catastrophic defeat at the hands of the Catholic Party.

However, the Catholic Party that came to power in 1884 was a different creature to the one which had been in coalition with the Liberals for the first sixteen years of the State's existence and the one which held Government in the 1870s. The earlier Catholic Party had been dominated by the Walloon Catholics and the bigger landowning class, but the provocation of the Liberals' 1879 Education Act had stung the wider Flemish community into action and in the process politicised them and this new development made itself felt within the Catholic Party.

Thus the Catholic Party was compelled to accommodate itself to the different requirements of two newly emerging political forces—the growing Socialist movement with a power base among the Walloon community in the industrial south, and the social Catholic movement based on the peasants and landed poor in the Flemish agricultural north. While the Catholic Party, from a religious point of view, saw the newly emerging Socialist movement as another manifestation of Walloon anti-clericalism, nonetheless, as an expression of a demand for social justice it had to be taken into account by any party seeking to govern the country.

At the same time the party was also compelled to take account of the poorer Flemish agrarian workers and small-holders that had become politicised by their experience of the 1879 Education Act. The main lesson they learned from this was that, even if they ignored the State, the State would not ignore them. This was to create a growing awareness that the State itself had to be harnessed and the only way they could do that was to ensure that the franchise was reformed to reflect their interests. Out of all of this there emerged the Catholic Democrat movement—a movement that was based on community rather than the individual and on mutual help rather than a philosophy of socialism that sought to organise society around the State. However,

this was essentially a Flemish manifestation:-

"The Catholic or conservative Party was the party of the landed proprietors themselves. The Liberal Party was formed chiefly from the industrial bourgeoisie, and had no intention of wasting its efforts in a sterile attempt to attract a small fraction of the peasants. The Socialist Party was interested only in the urban workers. Thus the political attitude of the mass of the peasants remained one of passive submission towards the conservative landowners.

This condition persisted until, at the end of the last century, the Christian [sic] Democrat movement came into being. This movement was remarkable in that in the countryside it very soon assumed a definitely Flemish-national character, and in fact this aspect seems to have gone a long way towards ensuring the movement's success. Its progress in the Flemish country districts affords a curious and striking proof of the power of national sentiment. For centuries these districts had lived in complete submission, especially towards the Church. For its part, the Church, and especially the higher clergy, adopted a definite attitude of opposition towards the Flemish movement. But this had small effect, and for the first time numbers of Flemish peasants were seen embarking upon open rebellion against religious authority in the name of Flemish national feeling" (*The Revival of Flemish Nationalism in Belgium*, by H.I. Published in *The World Today*, Vol. 5, No. 5, May 1949, p.212).

The Catholic Democratic movement began outside the Catholic Party but then found an expression within that party and in the course of this relationship both manifestations had an influence on each other. The Catholic Democratic movement emphasis on communal and mutual support was combined with the Catholic Party's political understanding of the importance of State interference in support of social justice—an essential ingredient if it was to seek to prevent the alienation of the industrial working class in the Walloon south.

Liberalism and Socialism in Belgium at this time were primarily manifestations associated with the Walloon south and represented a consistency of political evolution that went back to the French Enlightenment. In the north the cultural soil was not conducive to the sustenance of that particular political plant. The Catholic Party that eventually emerged in the north was not a Socialist party but

remained a peculiarly Catholic manifestation of conservatism married to a movement for social justice that had evolved to operate within a culture that had not totally embraced the values of the French Enlightenment. Added to this was the fact that any prospect of the Liberal ideas of the south percolating into the Flemish community was hampered by the twin obstacles of language and demographics—a situation not helped by the virtual exclusion (partly voluntary and partly because of institutional obstacles) of the Flemish community from the functioning of the State.

In the end these cultural barriers proved more effective in preventing the flow of political ideas than any physical barrier. Yet, although there remained a very real cultural and political barrier between the Walloon and the Flemish populations, the pressure from a growing socialist sentiment among the urban working class and the more assertive social expression emanating from the poor rural Flemish Catholic population soon made itself felt as a demand for a significant change in the 1831 Constitution to embrace a wider franchise. It has to be remembered, however, that this development was not the exclusive result of the actions of the industrial working class.

By the end of the nineteenth century, economic and political developments were making it necessary for the Flemish community to increasingly engage with the Walloon-dominated State. Because of the peculiar arrangements that went into its formation, this domination persisted even in the period when the Catholic Party was in power as, until the Constitution was changed in 1893, the terms of the old Constitution played heavily in favour of the Walloons.

In response to this need, the community generated a political expression capable of holding its own in the face of the State-established politics and it succeeded in doing this by generating the first mass social and political organisation in the country—something that contributed to the Flemish component of the franchise agitation that led to the reforms in the 1893 constitution. Those reforms were initiated by the Catholic Party while in Government and involved the introduction of a system of "*plural voting*". The Catholic Party was compelled to introduce as a result of a General Strike and significant social

unrest demanding manhood suffrage.

The Liberals had earlier rejected the Catholic Party's own proposals, which would have equalised the urban and rural electorate, but fell short of manhood suffrage. The Liberal Party was also opposed to manhood suffrage, proposing instead a franchise based on educational achievement. This made it impossible for either proposals to gain the necessary two-thirds of the vote in the Congress of Representatives for the required constitutional change.

In those circumstances the "plural voting" arrangement was the only acceptable compromise. Under the arrangements of "plural voting", a citizen could gain additional votes, up to a maximum of three votes per person, based on criteria such as being married with children, ownership of property, and professional qualifications. Despite its limitations, this new system involved a significant improvement in the franchise. This can be gleaned from the fact that in 1890 Belgium had a population of 6 million inhabitants but only 135,000 of these had the right to vote. After the introduction of the "plural votes" in 1893 there were around 1,300,000 individuals with the right to vote.

The new 1893 Constitution was made necessary not only by the agitation among the urban working class but also by the rousing of the poor Flemish Catholic population, intent on bringing its influence to bear on the State in a way it hadn't before. The new Constitution in turn generated a re-orientation of the Catholic Party in ways that compelled it to take account of the industrial working class and the interests of the poorer Flemish Catholics. However that re-orientation took place much within its own terms of reference and not as a reaction to the usurpation of its relationship with the Flemish community by orthodox socialist attitudes.

"...the Belgian Catholic party, unlike the Centre in Germany, is a Catholic not a distinctly clerical organisation. It will do anything to advance the interests of the Catholic faith not at the expense of national well-being, and it is not ultra-montane. A former Prime Minister, M. Smedt de Naeyer, openly declared that his party was not a confessional one and had not pushed the interests of the church too far. The Catholic church is now awakening to the fact that history is no longer determined by lords and peasants but by capitalists and

working-men, and that its attitude must change accordingly. Being conservative by instinct, it generally favours the capitalist, but being also Christian, it advocates measures for the well-being of the working classes; it has safeguarded the interests of capital by farsighted legislation in favour of industry and commerce and has protected the interests of labour by inaugurating the splendid system of social legislation now in force. The members of the left wing of the Catholic party, known as the Catholic Democrats, are continually agitating for more advanced laws in favour of the lower classes. The church has built up a remarkable network of organizations which bind its adherents from the cradle to the grave. There are Catholic political clubs, social, literary and patriotic societies; schools, co-operative societies and labour unions" (*The Belgian Political Situation*, by J. Salwyn Schapiro. Published in *The American Political Science Review*, Vol. 7, No. 1, Supplement: Proceedings of the American Political Science Association, 9th Annual Meeting, February 1913, p.185).

The manner in which the Catholic Party attempted to accommodate itself to the needs of its own rural poor and the urban working class inevitably brought it into conflict with the free market economics of the Liberal Party.

"But the greatest glory of the Catholic party has been its social legislation and its social action. That party, like the Liberals, cannot be exempted from the reproach of having long remained passive in the face of the social question and of having allowed the Socialists to anticipate them in demanding justice for the working classes. But amongst the bourgeoisie, at least, the Catholics were the first to become conscious of the social evils from which the country was suffering, and to break with the old Liberal policy of *Laissez faire*. Nearly all the social reforms effected before the War were the work of the Catholic party; thanks to it, Belgium at last has what a non-Catholic writer calls 'a whole arsenal of social laws, of which it is proud and which are often cited as examples in foreign countries'..." (Lord, op. cit., p.42).

What emerged in Belgium as a result of the unique circumstances of its construction was the development of two different modes of organising society. The industrialised south of the country followed a pattern of political development based on Liberalism and the free

market while the north took the road of Corporatism.

"Nearly the whole rural population of the country has been organized under Catholic auspices, and notably through the action of numerous devoted priests, into an infinite variety of mutual benefit societies, credit societies, producers' and consumers' cooperative societies, etc., most of which have a moral and religious as well as an economic purpose. The Belgian farmer finds that it pays to purchase his implements, his fertilizers, and his livestock and to market his produce through his cooperative; everything he possesses down to his pigs, sheep, and goats, is insured by other societies; he can borrow money at the lowest rates of interest; when he or his family are sick, the mutual benefit society is there for his relief—in short, the Church has taught him that wonderful spirit of association, *corporateness* [authors' emphasis—ED], and mutual helpfulness which pervades the whole life of Belgium. In the smaller towns it is much the same story. There is scarcely a town of even a few thousand people that does not possess at least a dozen Catholic social organisations. In the large cities, however, the picture is not so gratifying, for there irreligion has long been widespread and the Socialists are very active. Still, even here the Catholics have been making notable progress in the last thirty years, opposing their cooperatives, banks, newspapers, 'people's palaces,' etc., to the Socialist ones, and above all, thanks to the zeal and talent of that great Dominican, Fr. Ruttens, building up that federation of Christian labour unions which, starting only about 1900, could last year boast 200,000 members" (Lord, op. cit., p.45).

When the Catholic party in Belgium assumed power in 1884, the economist, Emile de Laveleye, wrote: "*It is now to be proved whether a Catholic people can maintain in stable and durable fashion the free institutions borrowed from the Protestant nations, England, the United States, and Holland*". The next thirty years of Catholic party Government in Belgium showed that, although not fully emulating the models posited by de Laveleye, the Catholic Party did retain the same levels of democratic institutions as these countries, despite the inherent difficulties resulting from the way Belgium was founded. However, there was a departure from the economic model prevalent in the Protestant countries quoted by de Laveleye and, although still operating within the system of capitalist economics—and

therefore subject to the same limitations in terms of working class provision—it provided an alternative model by which capitalism could be made functional in a more civilized manner.

It is quite possible that the Belgian Flemish development could have gone on to find a place for itself within the alternative German model of Social Capitalism, as opposed to the model which had its birth in the Enlightenment and emerged into modern adulthood through Anglo-American free market liberalism. Unfortunately, there is no way of knowing what may have happened, as the First World War ensured that the Flemish development would lose its way, only to remerge some years later as a component of European fascism—and consequently put beyond the pale of any rational historical assessment by those whose views were formed within the world of the French Enlightenment and Anglo-American liberalism.

The Anglo-American victors of the Second World War were compelled to accommodate the survival of elements of the social approach, in the form of the Christian Democratic movement, because its social capitalist component provided an effective counterweight to the more feared Soviet alternative. This social capitalist model did its job in preventing the expansion of the Soviet socialism beyond its Second World War frontier but, after the collapse of the Soviet Union, it no longer served that purpose and the forces of Anglo-American financial capitalism first sought to change it by neglect but when it realised that it not only possessed a vigorous life of its own but was in the process of applying it as the basis of the social and political organisation of the European Union, it made it its purpose to destroy it. The 2008 financial crisis led to attempts to undermine what are called market-distorting labour rights and welfarism throughout Europe. The main centre of resistance to this, Germany, has been able to resist these trends more easily because that country retains a vigorous manufacturing base with a correspondingly assertive working class movement capable of fending off a direct attack on its gains within the Christian Democratic approach to society. Whether Europe can survive the continuing onslaught of Anglo-Saxon capitalist norms is a question that is still very much an open one.



Jules Gondon

First English Translation
by

Cathy Winch

Part 5

Biography of Daniel O'Connell (1847)

**O'Connell has just been elected
an MP for the first time**

[Translator's Introduction: Like other Irish leaders who fail to meet British wishes, O'Connell was subjected to calumny—or 'smears' in modern language. Wild accusations were made.

He was "*governing England using the Whigs as proxy*", and, apparently, "*his ultimate aim was a plan of religious proselytising designed to place the empire under the yoke of papal power*". Personally, he was accused of using funds collected from the general population for his own use. The accusation that most hurt him personally occurred in the continental press, which accused him of "*speaking with disrespect of Spanish priests*". His wounded sentiments regarding this invention are expressed in a letter to a friend, quoted at the end of this Part Five.

The continental press was influenced by London *Times* on the subject of O'Connell, according to Jules Gondon, the author of our biography, so much damaging his reputation that the Pope became prejudiced against him, as we will see in the next instalment. He strongly rebutted the accusation that he was motivated by private gain in a pamphlet, "*Answer to Earl Shrewsbury*", in which he says:

"Had I adhered to my profession, I must soon have been called within the bar, and obtained the precedence of a silk gown. The severity of my labour would have been at one much mitigated; whilst the emoluments would have been considerably increased. I could have done a much greater variety of business with less toil, and my professional income must have necessarily been augmented by probably one half.

If I had abandoned politics, even the honours of my profession and its highest stations lay fairly before me.

But I dreamed a day-dream—was it a dream?—that Ireland still wanted me; that although the Catholic aristocracy and gentry of Ireland had obtained most valuable advantages from Emancipation, yet the benefits of good government had not reached the great mass of the Irish people, and could not reach them unless the Union should be either made a reality—or unless that hideous measure should be abrogated.

I did not hesitate as to my course. My former success gave me personal advantages which no other man could easily procure. I flung away the profession—I gave its emoluments to the winds—I closed the vista of its honours and dignities

—I embraced the cause of my country!
And—come weal or woe—I have made a
choice at which I have never repined—
nor shall ever repent."

O'Connell then mentions being offered the posts of Lord Chief Baron of the Exchequer or Master of the Rolls. CW]

The result of the election decided the question of emancipation. Parliament, Ministers, the King himself, in spite of their distaste, had no choice but to accept that Catholic subjects were equal to other citizens. The Duke of Wellington and Sir Robert Peel justified, before both Houses, the measure they initiated in 1829, on the grounds of *the Clare election*. It is therefore not exaggerating the significance of this event to say that it marked the start of Emancipation.

Immediately after his election O'Connell went to Parliament. The astute lawyer maintained that he must be admitted to the Chamber, swearing only the oath of fidelity to the throne, leaving out the parts of the ordinary formula that injured his conscience as a Catholic. This claim raised a heated debate. The point of law was submitted to the most eminent juris-consults of England. One of the distinguished members of the London Bar, Mr Butler, supported O'Connell's opinion. The authority of the Courts was sought. The end of the session arrived before the question could be resolved. Meanwhile there was growing irritation in Ireland and attitudes were becoming more and more threatening. The elected representative of the people toured Ireland in triumph like a king. Before even entering the career—at the end of which other men find the reputation and the glory they seek—he had reached this summit of glory, where he was to remain for the rest of his life.

The Government feared an insurrection if the Clare MP was not admitted to the House of Commons. Ireland was fully resolved, and the population of England was in sympathy. The enthusiasm of the Irish even infected the troops sent to intimidate the Agitators. Soldiers, seeing the enthusiasm of the people, remembered they came from its ranks, and in spite of their superiors' orders, they joined their voices to popular acclamations. Troops shouted hurrahs in honour of the Clare deputy.

There was no time to lose. The Ministry gave in to necessity. At the opening of the 1829 session, it presented the *Catholic Relief*

Bill, which was adopted by the two Houses. The King had to be compelled: he only signed the Bill because his Ministers convinced him that civil war was on the point of breaking out. The Act of Emancipation received the Royal Assent on 13th April 1829 and, on the 15th May, O'Connell was presented to the House of Commons as Member for Clare.

The presence of the Agitator and Leader of the Catholic Association raised a storm in Parliament. Could O'Connell, who had been elected before the adoption of the *Relief Bill*, be admitted without swearing the Oath of Supremacy? His opponents claimed he could not. A sharp discussion started, and the House did not even allow O'Connell to defend his cause from the place reserved for parliamentary orators.

It was decided that he would be heard at the bar, like a simple petitioner. The cause was decided in advance: O'Connell was refused the benefit of the Act of Emancipation and the House resolved that he must swear the Oath of Supremacy. The Agitator asked for the oath to be communicated to him. He read it calmly, and after reading the lines: "*The Pope does not have and must not have spiritual power or authority in this kingdom*", the Agitator, looking across to where the Ministers were sitting, cried solemnly: "*This oath contains a lie; I will not swear it!*" He then withdrew, and the Clare Election was annulled; but the electors, called upon anew to choose a representative, again sent to the House the man who had opened its door to Catholics.

The authors of the *Relief Bill* had given way to violence. So that there should be no mistakes as to their sentiments, the Bill put limitations on religious orders, limitations which have still not been repealed, and it sacrificed the small electors to the landlords.

Over time, O'Connell represented several Counties in the House. Upon the death of George IV, he was elected by County Waterford. In 1831 he represented Kerry, his native county. From 1832 to 1836 he sat as representative of Dublin City. In 1832 his election was contested and then annulled after long debates before a committee of the House. He was then Member for Kilkenny for some time, was again re-elected by Dublin City in the General Elections of 1837, and from 1841 he was Member for County Cork. He sat eighteen years in Parliament altogether.

We will not follow O'Connell in all the incidents of his parliamentary career. The events of the last fifteen years are still present in everyone's memory, and the reader will supplement what the limits of these articles do not permit us to say. We will just observe generally that the champion of Irish liberties took a very active part in all British legislation from 1830 onwards. It was at first thought that, by leaving the theatre of his glory to sit

in Parliament, the Agitator would cease to be himself. His opponents saw in his entry into the Commons the end of his popularity. O'Connell soon gave the lie to these predictions. Without losing any of the influence he had acquired on his compatriots, he had the most brilliant parliamentary career. His voice gained over the House of Commons the authority it had on the masses. He bent his talents to the demands of his new position. He spoke the language of Office with no less success than the language he used when he was the organ of the burning passions which aroused his country against England. Even the least clear-sighted among his opponents agree that, in most of the great questions debated in the English Parliament, few orators produced a more powerful effect on the House and obtained as much success.

During the solemn debate on parliamentary reform, it is unclear if his rivals in eloquence managed to do better than him. If the Agitator did no harm to the success of the Statesman, the Member of Parliament preserved entire the popularity of the Agitator.

When the Bill of Emancipation was adopted, a law authorised the Lord-Lieutenant of Ireland to dissolve any association which he deemed dangerous to the safety of the State or to the public peace. The Vice-Roy soon made use of the arbitrary power given to him. England was taken by surprise when she saw O'Connell, after the triumph of Emancipation, rush over to Ireland to organise a new Association calling for the break up of the Union. The Member of Parliament for Clare proved to his country, on the morrow of his victory, that if he had, during the fight for Emancipation, protested less often against the legislative union, the sentiments expressed in 1800 had not diminished in his heart, and they represented all his hopes for the future of Ireland.

In the Winter of 1829 the Duke of Northumberland put forth a proclamation, counter-signed by Sir Henry Hardingue, Under-Secretary of State, abolishing the recently formed Association. O'Connell had to devise new schemes to parry this blow. He made speeches attacking the proclamation, targetting the Lord-Lieutenant and Sir Hardingue. The latter, an old military man, was very sensitive to the legislator's sarcasm, and sent him a letter of challenge after being called *soldier of fortune, foundling of war and chance*. But O'Connell had sworn he would never again fight a duel and he kept to his promise.

In 1830, when the Whigs came to power, people thought the Agitator would lay down his arms. But far from it, he became more virulent, and started a new peaceful struggle against England which became very fierce during that Winter. The change of Ministry had brought to Ireland the Marquess of Anglesey, with Lord Stanley as his Secretary of State. The latter soon proved to be one of the

Agitator's most relentless enemies. In Ireland as well as in Parliament, Stanley shadowed his antagonist, pursuing him ceaselessly with biting ironies. The Agitator, who gave back pleasantry for pleasantry without missing a beat, decorated him with the nickname of *barber of the poor*, an allusion to the apprentice barbers of Dublin, who shave the poor for free for the chance to learn the handling of a razor. Lord Stanley, a young man at the start of his political career, had been sent to Ireland as an apprentice Statesman, said O'Connell.

In order to evade the 1829 Bill prohibiting associations, the Liberator had the idea of creating Societies which met successively under different names, but which, apparently having no connexion with each other, were not like the associations that had preceded them. O'Connell started with the Society of Trades. "*I am a tradesman*", he said; "*my trade is agitation*". A Proclamation appeared immediately, pronouncing the dissolution of the Society of Trades and banning a Society meeting which the Agitator had called. The pretext invoked by the Vice-Roy was that this meeting was *likely to disturb the public peace*. O'Connell obeyed, as was his wont. But the Proclamation, having dissolved by name the *Society of Trades*, he immediately organised another society under the name of *Association for Stopping Illegal Meetings*. A second Proclamation banned this association. So O'Connell organised the *Society of Political Luncheons* and called his partisans, not to meetings, but to lunches. The Agitator tried several other schemes, squashed each day by a new Proclamation. Finally the Lord-Lieutenant, tired of this sort of war, banned *any other association of a similar nature*.

It was necessary to bend for the moment under the rigours of the political power, and move the struggle to a different terrain. If England was implacable in her prosecutions, O'Connell was just as determined in his resistance. He then started wearing a black armband as a sign of mourning, swearing to keep it on until the law against associations was repealed. He attacked his enemies at their most sensitive point, by establishing a system of boycotting imports which closed the Irish market to English trade. He gave an example of the workings of his system by refusing to have in his house tea, coffee and other products which come to Ireland via England.

In the middle of the troubles the Government was heaping on him, O'Connell thought up a scheme which was to disturb the Ministry greatly. He undermined public credit and administered strong punishment to the insolent financial aristocracy of Ireland which was opposing him so virulently.

Irish banks had a large quantity of notes in circulation. O'Connell decided to dis-

credit their value. "*It is time*", he exclaimed, "*that England stopped having the sole privilege of circulating convertible currency, while Ireland only possesses valueless paper*". Holders of *bank notes* were invited to apply for integral and immediate refund, all together on the same given day. O'Connell's invitation was taken as an order, and when his plan became known, a commercial reaction instantly spread through Ireland. Panic became general. All the farmers arrived in town, and holders of *bank notes* rushed to the banks to demand their gold. Funds soon run out. Bankruptcies were declared one after the other. Commercial operations were suspended and ten days passed before business transactions could recommence.

No blood was shed during this dramatic episode, but it was ruinous, and it taught England that the influence of the leader of Ireland had by no means diminished. It was a terrible lesson given to the financial aristocracy, which ceased all opposition to the Agitator.

His enemies soon found an opportunity to take their revenge. On 18th January 1831 the indefatigable tribune was arrested, with Mr Barret and his faithful friend Thomas Steele, at a meeting the authorities declared illegal. A criminal investigation began against them. The grand jury found the accused guilty, and they had to go before the ordinary jury. The case suffered delays, most probably the work of the Ministry. The 1829 Bill banning associations was only valid for two years. This period expired during the prosecution, which the Government abandoned. Amongst the gestures of sympathy to O'Connell during the legal proceedings was the undertaking by the inhabitants of ten Counties to come and attend his trial, with a black band in their hat.

In 1832—with the emancipation and insurrection which in just three days overthrew the throne of France and raised it up again still a recent impression—parliamentary reform triumphed in England. O'Connell, reciprocating the generous help the English had given him in the struggle for emancipation, turned to his agitation to this cause. Ireland rose in favour of parliamentary reform, even though its advantages to her would be minimal.

Under Earl Grey's ministry, the Agitator was more moderate than was his wont. He resigned himself to waiting, to provide leeway to the statesmen of England to grant justice to his country. He let the *Coercion Bill*, enacted in 1833, pass without rousing Ireland. The agitation of 1834, in favour of the Repeal of the Union, only yielded promises. On 22nd April 1834 O'Connell presented a motion in favour of Repeal to the House of Commons. His speech in support of the petitions on which his motion rested kept the House attentive for six hours. Mr. Rice (today Lord Monteagle) made a reply which lasted

as long. After a stormy debate, the House rejected the proposal by 523 votes to 38. Only one English Member voted for the break-up of the Union. The forty Irish Members who always voted with the Agitator were called *O'Connell's tail* [in English in the original. Tr.]. It was with their help that he kept the Melbourne [Liberal] Ministry in Office from 1835 to 1841.

We will pass over the touching expressions of sympathy given to the Emancipator of Ireland during his campaign through England and Scotland in 1835.

It is undeniable that the support given by O'Connell to the Melbourne Cabinet paralysed the agitation for several years. But we cannot blame him for this period of calm. In rest, as in action, the liberator never ceased to work for the happiness of his green Erin, which he called with pride *the most beautiful jewel in the world, the most lovely pearl of the seas*. The Ministry could not do without his support, and the Irish people needed a respite. O'Connell did everything to draw the greatest advantage to his country from these two circumstances. Without becoming a Whig, he said to the Prime Minister: Ireland will not rise, but on condition that you do everything you can for her. The Cabinet made sincere promises and Ireland was grateful for this show of goodwill. The Agitator thus had the opportunity to learn what he could expect from a British Parliament.

It must be admitted that, during Lord Melbourne's administration, Ireland was administered with great impartiality. Magistrates saw in front of them only citizens, where too often in the past they had distinguished between English and Irish, between Protestant and Catholic. The House of Commons, thanks to O'Connell, debated all the questions that pertained to the welfare of Ireland. But, in spite of the support of the Ministry, the Sister-Isle obtained only a small number of improvements. Parliament abolished the *tithes* collected for the specific maintenance of Anglican clergy. The income of the Primate of Ireland was reduced by some thousands of pounds Sterling. Church livings with no souls to care for were done away with. The tithe was reduced and its mode of collection slightly modified. The twenty-two Anglican Bishoprics were reduced to ten. Reform of municipal corporations was won in 1839. O'Connell demanded for his country the privileges enjoyed by English corporations. He said:

"Here I stand in this meeting room, asking you for the same justice that our fathers claimed, no longer with a humble and supplicating voice, but fully conscious of my strength and fully convinced that Ireland, from now on, will achieve without you what you have refused to do for her. I am not going to compromise with you: I want the same rights for ourselves that you have for yourselves, the same municipal

system for Ireland than for England and Scotland. If it were otherwise, what would a union with you mean? A union on parchment! We will tear these parchments to threads and the empire will be broken!..."

We do not count as a concession the establishment of the system of Workhouses, which O'Connell fought very vigorously in 1838. The Melbourne Ministry organised primary instruction in Ireland according to a system which, in spite of objections of principle, turned out in fact very advantageous to Catholics. These few improvements however are the sum total of what the Whigs conceded to Ireland in return for the truce and for the support of O'Connell.

To be fair, we must add that the Whigs submitted to both Houses a great number of laws aimed at placing this part of the empire on a footing of perfect equality with England. But these Bills, if they passed the Readings in the House of Commons without mutilation, all failed before the fanatical obstinacy of the House of Lords. The representative of Ireland aimed not so much to keep Lord Melbourne in power but rather to keep out the Tories—the mortal enemies of the religion and liberty of Erin. The alliance which allowed the Whigs to remain in power aroused Protestant anger against them and, when Lord Melbourne appointed two Catholic representatives of Ireland, Mr. Wyse and Mr. Sheil, to the Privy Council, passions became frantic. Not only was O'Connell represented as governing England using the Whigs as proxy, but it was now claimed that his plan of religious proselytising was ultimately designed to place the empire under the yoke of papal power.

The unpopularity of the Ministry warned O'Connell that he could no longer count on the Government. In 1840 he said to his collaborators: "*I would be deceiving you if I told you I hoped to gain justice from the Imperial Parliament. No. My only hope is the revocation of the Union!*"

The Tories were impatient to be in Office. At the opening of the 1840 session, Lord Stanley chose Ireland as the field of parliamentary contest. He violently provoked this country by presenting a Bill on the registration of Irish electors. The Agitator left immediately for Dublin. He made an appeal to his fellow citizens which roused them from their slumbers. He re-organised the Association under the name of *National Society* and threatened England with the Repeal of the Union. One day he was in Ireland addressing meetings, the next he was in the House of Commons fighting his opponent hand to hand, hobbling by every parliamentary expedient the passage of the Bill, "*the aim of which, he said, was to deliver Ireland bound hand and foot to the fury of the Tories*". The debate on the Bill, initiated by Lord Stanley on behalf of his party, has

given us some of the stormiest and most dramatic sessions ever recorded in parliamentary annals.

O'Connell was indefatigable; the ceaseless irony and sarcasm he threw at his determined enemy triumphed at last. Lord Stanley, whom he nicknamed *the Scorpion*, withdrew his Bill, having kept the House busy with it for more than half the session. Ireland celebrated her victory, and welcomed her Liberator to cries of *Repeal of the Union*. The Agitator then started a new campaign, which began with a meeting on 15th July 1840. At the end of that year his third son John O'Connell joined the Association to second the patriotic efforts of his father. The old tribune rejoiced in his heart at this decision. He was happy to see his son as the worthy heir to his glory, and he felt reborn when he heard him called *the young Agitator*.

Before we follow the course of events leading to the overthrow of the Whig Cabinet and Sir Robert Peel taking Office, let us see how European public opinion viewed the Liberator of Ireland, at such a recent period. Just ten years ago or less, the noble character of this glorious champion of liberty was misinterpreted, if not ignored altogether. Radicals in France and Europe made a pretence of believing he was one of them, whereas the true friends of liberty, the Catholics themselves, were wary of this tribune's popularity which had his name resounding through the world. Press organs which would have benefitted from a proper study of this extraordinary man, preferred to judge him second-hand from inaccurate or calumnious reports. A look through French newspapers from 1836 to 1841, for example, yields interesting discoveries. For instance in 1837, the *Journal des Débats*, with some help probably from the *Times*, invented a speech in which O'Connell spoke of the Spanish clergy in an indecorous manner. This was enough to give him a reputation as a demagogue professing the religion of the *National* [a Republican newspaper CW]. Later, in 1840, the *Quotidienne*, the *France*, and the *Ami de la Religion* used the name of O'Connell as a synonym for Chartist, and represented him as more or less a *sans-culotte*. These sheets, perhaps thinking this attitude served the cause of the Legitimists [one branch of royalists CW], never missed an occasion to insult a great man who had liberated the altars of his country, who had brought about the proclamation of clergy emancipation, and who had inaugurated the era of peaceful constitutional struggle. Only seven years ago, less perhaps, public opinion was deeply misguided regarding the famous Irishman, who really

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WW2 Diplomacy
1944—Neutral Ireland

Guth na hÉireann?
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Ash Wednesday

WW2 Diplomacy

"We've never asked anything from Spain but honourable neutrality", said Foreign Secretary, Anthony Eden in the British Commons. "In the dark days of the war the attitude of the Spanish government in not giving our enemies passage was extremely helpful." He said he was in agreement with the US that Spain could no longer plead alarm at German concentration on the Spanish frontier. (*Irish Independent*, 24.2.1944).

1944—Neutral Ireland

The Irish Government rejected a request by America for the removal of Axis diplomatic representatives in Dublin. The Note conveying the request was handed to Mr. de Valera by Mr. David Gray, US Minister to Eire on February 21st. Mr. de Valera immediately replied, verbally, that the request was one with which it was impossible for the Irish Government to comply.

Subsequently a Note setting out the attitude of the Government was dispatched to the American Government.

"The diplomat's US Note expressed concern for the preservation of the secrets of the Second Front, adding the the presence of Axis diplomats in Dublin would endanger the lives of thousands of US [sic] soldiers." (*Irish Independent* 11.3.1944).

It was announced in London that the British Government had sent a note supporting the US Government's request for the removal of Axis consular and diplomatic representatives in Dublin. Consultations were proceeding between London and Washington concerning the next move in view of Mr. de Valera's refusal to accede to the Allied request. Economic sanctions were believed to be under consideration.

It was disclosed in Washington that President Roosevelt advised Mr. de Valera two years ago that the Irish Government should not stand alone when the time came for the Peace Table Conference. The President gave this friendly warning in Washington in February, 1942. Its purpose was to assure Mr. de Valera that the American troops in Great Britain and Northern Ireland did not constitute a threat to Ireland (*Irish Independent*, 12.3.1944).

RESTRICTIONS on travel between Britain and Ireland was the first step in the policy designed to isolate Great Britain from Southern Ireland and to isolate Southern Ireland during the critical period now approaching, Mr. Churchill told the British Commons (*Irish Independent*, 15.3.1944).

QUESTIONED in the Commons by

Unionist MPs about Eire's refusal to remove Axis diplomatic representatives, Churchill said he did not wish to add to the statement already made. Nationalist members of the Northern Parliament supported de Valera's stand (*Irish Independent*, 16.3.1944).

MR. J. BEATTIE (Labour) in the British Commons asked Mr. Eden if, having supported the US demand for the removal of the German and Japanese representatives in Eire, he would now make a similar request for the removal of Axis Ministers in other neutral countries. Mr. Eden, in a written reply, said he would not, as the considerations which applied in the case of Eire did not apply in the cases of other neutral countries (*Irish Independent*, 29.3.1944).

THE ban on the export of British coal to neutral countries announced by Major Lloyd George, Minister of Fuel and Power in the British Commons also applied to Eire (*Irish Indep*, 8.4.1944).

Guth na hÉireann?

Asserting that they would have to get rid of the English language, Mr. de Valera, at an Irish revival meeting in Limerick, said English had been forced upon the Irish people, and was the badge of conquest. If they allowed Irish to die, they would have only a language which was the glorification of another people, and the Irish people would be scarcely distinguishable from the people of a neighbouring island (*Irish Independent*, 7.3.1944. *Guth* means Voice).

A Big Claim!

"The One Billion Rising event was organised by the Cork Sexual Violence Centre and director Mary Crilly explained the reasons behind it.

"The purpose of the event is to highlight the fact that there are three billion women in the world and one billion of them will be raped or sexually assaulted in their lifetime" (*E.Echo*, Cork, 15.2.2018).

Ms Crilly has been voted as Cork Person of the Month for March.

O'Connell concluded deserved the immortal gratitude of Church and Government.

In 1837 O'Connell learnt through one of his friends who was on the Continent that newspapers had spread the story that he had made a disrespectful speech about the Spanish clergy. At a meeting he hastened to deny he had ever used such language. He confided his pain to his friend:

"No, I have never lacked respect for the Spanish clergy; I am not guilty of this crime. How could anyone think I could speak in that way about ministers of the Lord? This sort of language resembles

that of the so-called liberals in France, who are enemies of religion more than they are friends of freedom....

I think there are few men less disposed than I am to attack, by insult or calumny, the priests of the Lord. I have often told you my *secrets* concerning the feelings of veneration that a priest invokes in me. You will perhaps laugh at me if I add that for me this respect amounts to a superstition, but I can't help it. I have never known a single person who treated ministers of the altar in an improper manner, having prospered in the world. There is, even in this world, a malediction that strikes such people" (The letter from

which we have copied these admirable lines has been communicated to us by O'Connell's friend to whom it was addressed. He has allowed us to make public the parts which could be useful to our work.)

Such was O'Connell, pouring his heart into the bosom of his friend. We see him here in the intimacy of a confidential correspondence. He cannot be accused of speaking or writing to produce an effect. But clearly we did not need this proof of his piety and of his respect for everything that touches religion.

To Be Continued