

Church & State

# An Irish History Magazine

*And Cultural Review Of Ireland And The World*

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## 'West' v Russia

*unfinished business from WW2*

Ukraine: **S**urrogacy Business  
**W**ho Are The Ukrainians

THE LONG ISLAND

Mairin Mitchell

*Civil War Without A Civil Cause*

Hiberno-Normans!

*and much else!*

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# The 'West' v Russia:

## *Unfinished Business From World War Two*

The Polish Deputy Foreign Minister, Marcin Prydacz, interviewed on BBC Radio's *Today* programme on 7th April by Nick Robinson, agreed that the War with Russia now being fought in the Ukraine had been *waiting to happen* ever since 1945.

He did not volunteer this opinion in so many words but, when it was put to him that it was the substance of what he was saying, he agreed.

It is significant that the question was put to him on British radio and not on Irish radio.

It could not have been put on Irish radio, even though the Irish State and the Irish populace had been sceptical at the time of Britain's presentation of its second World War on Germany, and of its proclaimed outcome as a victorious defence of civilisation against a deadly enemy of civilisation which had somehow arisen out of European civilisation and was threatening the world.

Scepticism about British actions and purposes saw Ireland through the War as an independent country, like Switzerland, which was willing to fight for its independence.

It was intimidated neither by the threats nor the moral posturing of the Saviour of Civilisation.

It knew, from memory of recent events, that Hitler had not come to power, and restored Germany as a major European Power, against British opposition. It knew that Hitler had rebuilt German power with active British assistance.

The propaganda name given to this after the event was *appeasement*. A name more in accordance with the facts is *collaboration*.

Britain was the guardian of the Versailles restrictions imposed on Germany. The United States withdrew from the European scene at the end of the War in disgust, Britain and France having prevented it from implementing the policy with which it had entered the War and saved them from probable defeat.

And Britain had then prevented France from making a settlement which would have secured it against Germany. It was then up to Britain to enforce the Versailles conditions on Germany, or else put it to the League of Nations to revise them.

The League was the world institution established by the Versailles Conference. Britain, having humoured the American President by agreeing to set up the League, then marginalised it by maintaining its enlarged Empire as the world body by which it acted.

It ignored the League when facilitating Hitler in breaking the Versailles conditions imposed on Germany. And then, suddenly, having broken Czechoslovakia for Hitler in the Fall of 1938, and making Germany the hegemonic Power in Eastern Europe, it decided to make War on Germany again in 1939.

The excuse for the War was the issue of Danzig—a German city in "*The Polish Corridor*", but not governed by Poland.

It was a kind of detached City State under League of Nations authority.

The "*Corridor*" was a stretch of German territory awarded to Poland by the Versailles Conference to give it access to the sea. It ran between East Prussia and the rest of Germany.

The German democracy of 1919-1932 refused to recognise the Polish Corridor settlement made by Versailles. But one of Hitler's first actions was to establish normal relations between Germany and Poland. A German/Polish Treaty was signed in 1934.

Effective Polish national power was established by Josef Pilsudski more than by any other individual. Pilsudski was the only Continental Socialist leader with whom James Connolly expressed agreement. He did so in both runs of *The Workers' Republic*, fifteen years apart.

### **Pilsudski and Connolly**

Pilsudski, like Connolly, took it that authentic socialism could only be established within a national political body. He founded a Polish Socialist Party as a nationalist party stretching across three states, and, like Connolly, he formed an Army. And, like Connolly, he went to war in 1914, in alliance with Germany.

The main body of the Polish population lay in the Tsarist State under the Partition arrangements of 1790. Pilsudski found a base in Austria for organising his army, and he went to war as an ally of Austria and Germany in 1914, both of which acknowledged in principle the restoration of a Polish State as a war aim.

Pilsudski was very much out of tune with the internationalism of the mainstream Social Democracy of the time, especially in Eastern Europe. Pilsudski's "*deviation*" was condemned both by Lenin and Rosa Luxemburg. And, if Pilsudski was out of tune, then so was Connolly.

Pilsudski remains a live presence in Polish culture, but Connolly has been reduced to an empty icon in Irish culture, socialist and bourgeois.

The disembowelling of Connolly has been chiefly the work of Desmond Greaves and of the Connolly Association, which he took in hand for the British Communist Party. Greaves, in his big biography of Connolly and in his pamphlets and in *Irish Democrat* articles, remakes Connolly into a semi-articulate Leninist, erasing his sense of affinity with Pilsudski. (We published Connolly's Pilsudski articles about forty years ago, along with observations of the Polish situation, but no notice was taken of the pamphlet.)

In the actual working out of things, the Pilsudskian deviation flourished, and the internationalist orthodoxy proved to be a miserable failure.

### **The Lenin/Pilsudski War**

Lenin's disagreement with Pilsudski moved from words to

deeds in 1920. There was a Polish/Russian War—a war between Pilsudski and Lenin. Lenin decided to push his way through Poland to Central Europe in order to stimulate the international revolution which he believed was waiting to happen there.

Pilsudski, in a Cavalier spirit similar to Connolly's, describes in his book, *The Year 1920*, how he held his Army together in a long retreat to Warsaw before the Russian offensive, re-wound it in Warsaw, and launched a vigorous counter-attack which dispersed the Russian armies and gave firm borders to the extended Polish State.

Pilsudski's State lasted until his death. It did not survive long when Polish affairs passed into the hands of Colonel Beck, who revoked the Treaty with Germany by entering into a military alliance—against Germany—with Britain and France, while refusing to make any arrangements with Russia.

Colonel Beck, in effect, treated both Germany and Russia as enemies when agreeing to form a military alliance with Britain which was virtually certain to lead to war with Germany. The British purpose in offering this alliance can only have been to spark off War with Germany over the Danzig Question.

Colonel Beck's insistence that Russia must be excluded from the encirclement of Germany indicates confidence in a Polish victory against Germany.

Poland had won the last major war fought in Europe in 1920. Germany, which had been disarmed for fourteen years, had a new untried army which, only a couple of years earlier had been practising manoeuvres with cardboard tanks. It was not unreasonable for Beck to have had great expectations from war with Germany, supported by the French and British Empires.

As to the exclusion of Russia from the anti-German alliance: it left Polish options open against Russia, which Poland had defeated in 1920. And anyway, had Stalin, with his crazy ideological purges of the officer corps of the Red Army, not rendered it useless?

Stalin, excluded from the anti-German alliance by a hostile Poland, and taking account of the possibility of a Polish collapse which would leave Germany in possession of Pilsudski's Poland right up against his borders, agreed to a German suggestion of a *Non-Aggression Pact*.

The European Union recently adopted a motion which declared Russia responsible for the Second World War by signing the Non-Aggression Pact with Hitler, ignoring the fact that Russia only agreed to this Pact as a measure of self-defence after it had been excluded by Poland from the alliance against Germany.

The effective meaning of the Pact was that, if the Polish State collapsed, Russia would occupy the region which Poland had conquered in 1920. And that is what happened. Poland collapsed militarily, and the British and French Guarantees were not acted on.

Pilsudski's nationalism was a pioneering force in Eastern Europe, where the various peoples had lived in Empires without the tight nationalistic regimentation favoured by Britain and the West. And Pilsudski's Polish nationalism included, Lithuania, which had once been a political entity, and the Ukraine, which had not. His State extended into what was later designation as the Ukraine, and was experienced there as national oppression by the native Ukrainian nationalism that was beginning to develop.

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The Polish/Russian War of 1920 might be described as the first conflict between Fascism and Communism—between national and international socialism. Fascism was national-socialism.

Lenin's view, which was the view held by the mass Social Democratic Parties of the time, was that Socialism would come about through a working class development across national boundaries and that it was incompatible with Nationalism. Nationalism was seen as a divisive force binding the working class to capitalism. That view was asserted most clearly by Rosa Luxemburg.

Connolly in August 1914 was willing to be active in the international socialist revolution, but he saw very quickly that it was not going to happen. Nationalism prevailed in European politics, and he therefore pursued the socialist cause within the nationalist framework, and supported Germany as a victim of British Imperialism and as the most socialist state in Europe.

The War, fought as Total War when Britain entered it, destroyed the framework of European culture as it had developed since the French Revolution and, in the end, it detached the elements of society from each other and set them in conflict. Lenin's view was that orderly social existence could only be restored by the organised dominance of the working class: the dictatorship of the proletariat.

1919 was the year that that would have happened, if it was going to happen. It did not happen. In 1920 the classes were brought back into conjunction in functional form by the Fascist movements pioneered by Mussolini. In Lenin's view, Fascism enabled Capitalism to have a second innings, and was therefore reactionary—but it only prevailed by according the working class an acknowledged place in the social order which it had never had before.

### The Dictator

Pilsudski's National-Socialism, however, did not arise out of a deadlock of class antagonism, as Mussolini's did. Like Connolly's it had a different source—a source that might be dismissed as *sentimental nationalism* before there was any political need for it.

But it was there in place in 1919, and it was the force which prevented Lenin's State from testing the European situation in 1920.

Here is an extract from a speech made by Pilsudski in 1923, which it is easy to

imagine Connolly delivering if MacNeill had not aborted the Rising:

“An extraordinary thing happened. In the course of a few days, without the man making any efforts, without any violence on his part, ...without any so-called ‘legal’ occurrences, something most unusual became a fact. This man became a Dictator. When I was preparing today's speech, I thought over this term ‘Dictator’. I didn't wish to use any far-fetched term or coin any special title for myself, I only wish, as a historian, to define the phenomenon which cannot be otherwise described. For this man issued edicts universally obeyed, his orders were executed; he nominated officials, both military and civilian. Whether he did well or ill I will not discuss at this moment, I am only concerned with the fact, the simple fact, the historical fact, which I cannot otherwise describe than by using the word ‘Dictator’.

“...How did he become Dictator of Poland without imposing his power by any violence, without making himself popular by any public activation... This man was welcomed for one thing for which he was considered extraordinary... —he wore this uniform, he was Commandant of the First Brigade. The only value which men had at that time, the only moral force which compelled men to obedience... was the fact that he was the Commandant of the First Brigade...

“Gentlemen, I was Dictator for some months. It was my own decision—whether wise or foolish is irrelevant—to call the diet, to surrender my power into its hands, and to create a legal form for the life of the Polish state. My decision was obeyed. The deputies who have often attacked me since, were elected on my orders, obeyed that order, and accepted election; at a date fixed by me they presented themselves at Warsaw...”

That was the first time Pilsudski was a Dictator. It was not the last time. He was a force behind the representative democracy which he established, and he was not inhibited from interfering with it. When he was Dictator the Polish State was described as Fascist.

The history of Europe between the Wars demonstrates that formal democracy with nothing behind it can be a helpless thing, and that there are no actual rules for the game.

### After Pilsudski

The conduct of the Polish State went awry when he died, and Colonel Beck, *between two flicks of the ash from his agor*, decided to accept the illusory Anglo-French guarantee, break Pilsudski's Treaty with Hitler, and provoke war with

Germany while rejecting alliance with Russia—rather than negotiate a settlement of the Danzig issue.

Twenty-four years after Pilsudski drew the Russian Armies to Warsaw for a counter-attack, and five years after Beck joined the Anglo-French alliance against Germany, the Russian Army was back at the gates of Warsaw, while within the gates there was a Polish insurrection against the German administration. That insurrection was also directed against the Russian Army outside the gates.

Britain had become a marginal force in the World War that it had launched, supposedly over Polish claims on Danzig. The fighting of the war against Germany in the East had become entirely a Russian affair. Russia had maintained a front against German attack in 1941 and was systematically driving the German forces back on a broad front, conquering countries in the course of defending itself, and liberating them according to the official propaganda of the War devised by the incongruous alliance of Russia, Britain and America.

Britain had withdrawn from battle in 1940, and had not returned to it while the outcome of the War in Russia was still uncertain and Russia felt in the need of a Second Front.

After its victory at Stalingrad, the Russian leadership began to feel confident of holding out alone, and after Kursk Russian victory was a virtual certainty.

The Warsaw Rising of 1944 had the obvious purpose of pre-empting liberation of Poland by Russia, and confronting Russia with a Polish nationalist Government in Warsaw.

The Russian Army, faced with the Rising in Warsaw, did not alter its plans. It let the Rising run its course. And Hitler, who might have vacated Warsaw in the hope of causing conflict within the East/West alliance, did not do so. He suppressed the Rising and left Warsaw as a shell for the Russians to occupy.

There was a Polish Government in Exile, dating from 1939, when it had refused to have Russia as part of the alliance against Germany. In 1944, when the Red Army was breaking the German State, Russia would have no truck with that Western-oriented Polish Government. It had its own Polish Government in readiness, which it put in place when it occupied Warsaw.

The Government in British exile protested. From their viewpoint Britain

was betraying Poland, after using it as a trip-wire for starting war on Germany. Churchill ordered them to be quiet. He could not yet force a breach with Stalin and still claim to have won the War. He consented to the setting-up of the Russian-oriented Government because had no choice in the matter. Britain had lost all directive contact with the War it had started.

After the surrender of Germany in 1945, Churchill did begin to set in motion plans for conflict with Russia over Poland, but his staff persuaded him it would be a futile act of madness.

Britain had begun the War, had lost (or given up) control of it, and played very little part in determining the outcome. It had to live with the outcome.

But the outcome was not what EU rhetoric now represents it as being. The defeat of Germany brought the basic antagonism in the world to the fore and made the two States expressing that antagonism into the World Powers. It was not a settlement but a stand-off—most especially so from the Polish viewpoint.

It was a condition of latent war that was deterred from happening by particular considerations.

America now seems to see its way to launching it by means of the Ukraine, and Russia seems willing to accept the challenge.

It would possibly have happened five years ago, if Hilary Clinton had been elected. The intervention of Trump, who wanted to end the antagonistic heritage of the 2nd World War by accepting that the world need not have a master, appears to have given urgency to Biden's efforts to push matters to a decisive confrontation in which the Russian State is destroyed (the only way in which its leaders can be 'tried' as war criminals), and China isolated and brought to heel.

### The Ukraine

The Ukraine is a new state, created by Soviet Russia. Its nationalism is a new nationalism—having previously been seen as Hitler's ally against Russia. On a mass scale it is a new phenomenon. It is absolutist in its values. It sees itself as being well worth a World War. And it has been well-tutored by the USA.

And neutral Ireland, in retreat from its own nationalism, is buying heavily into the absolutist anti-Russian nationalism of the Ukrainian state—a state which made its first orderly appearance in the world within the Soviet Union.

Unlike Ireland, it became an indepen-

dent state without war when the Soviet Union dismantled itself. Its independence was not preceded by a strong assertion of mass Ukrainian nationalism. Nationalism seems to have followed from being set up as an independent state, rather than being the force that brought the state into being.

The Ukraine was the Frontier of an Empire which was a civilisation, rather than a nationalism—unlike the British Empire, which was an exclusive nationalism with conquests. It was given a structured political existence as a region of the Soviet Union—a formally national existence but with the supra-national Bolshevik Party as its ruling body and its bond with the other Republics of the Union. (The Union of England and Scotland was likewise based on the prior existence of a common party system—the Whigs and the Tories.)

The Ukrainian Socialist Republic was admitted to the United Nations as a founding member in 1945. The Ukrainian nationalist development—which had raised an Army to fight the Soviet Union in alliance with Germany, and to serve the Nazi movement in various capacities—including the policing of Concentration Camps—was suppressed after the War and was not much heard of until it appeared in the Maidan Square *coup d'état* in 2014.

The nationalism of Petliura (who was briefly in alliance with Pilsudski in 1920) and Bandera was rooted out, though the seeds of it were nurtured in exile. The possibility of its revival does not seem to have been considered when the borders of the dismantled Union were being decided. But an independent nation-state must have a nationalism, and what existed in the nationalist pre-history of the Ukraine was Symon Petliura and Stepan Bandera.

The history of the Ukraine as an independent state began over thirty years ago, when the ways of transforming the Communist system into a Capitalist system were being groped for. The first capitalists were the 'oligarchs', who gained possession of large tracts of State property that was being privatised. The oligarchs had no expertise as capitalists. They had grown up in the Young Communist League, not in the market. Like the oligarchs in Russia, they made connections with American finance capitalism. But, unlike Russia, which constructed a State system of its own after a decade of anarchic oligar-

chic democracy, the Ukraine put itself in tutelage to the United States. It had its Colour Revolution and its spectacular domestic feuds, which contributed nothing to the establishment of an effective State. Its resources, established in the Soviet period, seem to have been frittered away. And socially it developed a sophisticated and Westernised upper layer above a Third World lower layer.

The events in Maidan Square eight years ago suggested that the seeds left by the nationalist development of the early 1940s had sprouted again and had made space for themselves outside the limelight. Nothing else could explain the sudden eruption of 1941-style anti-Russian nationalism in response to Yanukovych's proposal for a two way trade relationship for the Ukraine with Russia and the European Union.

The EU, which had diligently been making nonsense of itself, supported the Maidan Square *coup*, not knowing what they were doing—"*Father forgive them!*"

The USA does know what it is doing. It has never had any problem about taking anti-Russian elements of Nazism into its service.

Under US tutelage, the Ukraine has committed itself to becoming a member of NATO against Russia—it can mean nothing else as Russia has been refused the possibility of achieving security within NATO—to becoming bilingual in the Ukrainian variant of Russian and American English—and to suppress the use of the Russian variant.

There doesn't seem to have been any difficulty in linguistic communication during the Tsarist, Whiteguard, Communist, Nazi, or post-Communist periods, but it seems certain now that the languages will be forced apart and that use of the Russian variant will cease.

The Secretary of State has said that ethnic considerations have no relevance to the conflict in the Ukraine—which means that Russia can have no legitimate interest in protecting the Russian minority and the Ukrainian nationalists need have no qualms about suppressing it. But, with Russia having become a capitalist nation-state, that position was not tenable.

President Zelensky has demanded a War Crimes Trial on the Nuremberg pattern for the Russian Government; and he demanded the ending of the Veto System on the United Nations Security Council. What these demands amount to the destruction of the Russian State, and the

abolition of the United Nations—which could not have been established without at least Russia and the USA having a Veto on its decisions.

The Veto System as established implied a multi-polar world. It was actually bi-polar. Britain, France and China were window dressing. Britain and France remain window-dressing. But China—the American client-state of 1945—has become a Power which the US dare not challenge for the moment.

The growth in Chinese power compensates for the decline in Russian power.

If Putin's bid to re-establish Russia's right to make war (gained by its defeat of Germany), on a par with America's right to make war, comes off—and the Russian-Chinese alliance holds—then something like the pre-1990 order of the world will be restored. However, it will not be founded on antagonistic economic systems but only on rival capitalist economies.

But, if Russia's bid fails, and President Zelensky's demands are met, while China may remain a major economic Power for a while, it will not be a Power with a war-making heritage.

If events go that way, then the Veto system in the UN, will be grossly anomalous from the Clinton/Obama/Biden viewpoint, as implying the multi-polar world advocated by Donald Trump—the Traitor to Manifest Destiny.

As to NATO, with its 30 members and its eagerness for more, it is now best regarded as the framework for the American world state.

## Hell On Earth

The war in the Ukraine has delayed the conflict between the West and East of the EU. It has taken the EU off the hook with relation to Hungary, Poland and family values. It has released the Covid funds with which it was blackmailing them.

In Hungary Orban won a General Election which he was expected to lose. If he had made Hungary into something other than a democracy, he would not have been expected to lose it, and his victory would have been discounted in advance. It was clearly an election which he won, but which he might have lost.

But Smart-Alec O'Toole writes in *his Irish Times* Pastoral: "*The autocrat Viktor Orban has just been re-elected, right at the heart of the European Union*" !

Has Orban been elected for life then? Or is an autocrat a democrat with whom you disagree? Or has O'Toole lost control of his categories?

When Dante had his vision of Hell he was not surprised by what he saw there. It was only a dimension of what he had seen on Earth.

But O'Toole has somehow been living with a fantasy vision of democracy, and he is shocked and bewildered—at least for this week—now that something has dispelled the fantasy and brought him face to face with the actuality.

What he sees is that "*the threat to democracy comes at least as much from the inside as the outside*" (*Irish Times*, 12.4.22).

Democracy threatens itself! Of course it does! Does he know nothing of its Athenian origins? Has he never read Plato?

Two thousand years later Edmund Burke saw democracy as possibly being a stable form of political organisation in more or less self-sufficient peasant communities—not the kind of thing that O'Toole appreciates.

And O'Toole has also discovered the intimate connection between modern democracy in large states—representative democracy, which Rousseau said was not democracy at all—and Capitalism: "*The molten core of this crisis of democracy is capitalism itself which has gone feral*".

Furthermore: "*Surveillance capitalism... has privatised and monetised the free flow of information*" which is essential to "*democratic consent*".

And, on top of that, globalism undermines "*the law-making systems that developed with modernity nation states... by depriving these states of their livelihood—taxes...*" And—"The gross inequality generated by this feral capitalism is fundamentally incompatible with the promise of democracy, which is that each citizen has an equal say". Because oligarchs like Rupert Murdoch can exert political influence across many jurisdictions.

What can be the cause of this mental disturbance through which things that have been obvious for decades, centuries, or millennia are seen as if they had just happened? *Brexit*, presumably! As a Brit-admirer he saw the world through rose-coloured glasses, but now he sees it face to face. And it's just awful—at least, this week it is!

What we have now is "*a form of capitalism that is essentially about looting the world before it burns*". In other words, we have Capitalism as it has always been. It was born within Imperialism. The loot of India fuelled its take-off, along with the monopoly of the Slave Trade won by Britain's War of the Grand Alliance. But

for all that looting, we would not be the civilised commodity-consumers that we all are now.

Commodities were almost a novelty in De Valera's Ireland, where every household was a little productive unit and the countryside was littered with Labourers' Cottages, each with its acre of land on which a family could be raised outside the market. But De Valera's Ireland is dead and gone. And O'Toole danced on its grave.

"*Capitalism and technology are not going to sustain or spread democracy*". But they are, you know. What existed before them is now seen as a kind of barbarism.

Capitalism has not *gone* wild: it is "*feral*" in its essence. It is an unstable system which can only survive by expanding. Its core is molten like that of a volcano. It equalises all things in its path by destroying them. Karl Marx explained it all for children to learn almost two centuries ago. He also saw its fierce energy. So did Carlyle, who became a guru to Young Ireland. Marx said that money would become "*the universal equivalent*" for which all human values could be exchanged. Carlyle's way of putting it was that human contacts were being reduced to "*the nexus of callous cash payment*".

But human nature has proved to be immensely adaptable, and its adaptation to this Capitalism—which must destroy all values that are obstacles to its expansion, and foster values conducive to expansion—is now the medium of advanced Western civilisation. And consent to it is the essential thing in what is now called *democracy*.

O'Toole concludes that democracy can only be spread—he means that the spread of this aberrant kind of democracy can only be stopped—"by the people who are willing to fight for it". He gives not the slightest hint of what in particular it is that they should fight for.

The overall theme of the article is that "*Putin's psychotic war*" made some people "*desire to draw a clean line between the democratic world on the one side and the vicious autocracies on the other. That is escapist fantasy*", the two now having become much the same.

Why then describe Putin as psychotic? Or the independently-elected Orban, who fosters old-fashioned values, as an autocrat?



Angela Clifford

## Ukraine And The Business Of Surrogacy

In Ireland buying sex is subject to heavy penalties and social shame. But you can buy a person and you are committing no offence—and no-one thinks any the worse of you!

We are not talking about slavery but about Commercial Surrogacy.

Commercial Surrogacy is the practice of hiring a woman to bear a child for a purchaser. The purchaser may contribute to the construction of the child, if they are able, by contributing eggs or sperm. The surrogate 'mother' undertakes the transaction for purely financial reasons.

There is no concern about the status of the purchaser: whether the child will belong to a heterosexual couple, or to a different kind of partnership.

These days great stress is played on being able to trace your family tree, and to find out the context and social position of your family. Children who were adopted in a bygone era because of the irregular position of their mothers are given substantial compensation by the State. Part of the pain these children feel is not knowing their relations or their family context. They do not know if their family was subject to any hereditary illnesses.

Those situations could be described as accidental. When society created Homes for Unmarried Mothers, artificial birth control was crude and not generally available. Women became pregnant without wishing to do so; society did not provide many alternatives: these women had to commit to a life of hardship—single parenthood—or to make the painful decision to have their child adopted.

Many of these adopted children feel cheated of their family heritage and context. And often they seek out their natural parent(s).

The State has accepted it had a responsibility for these unsatisfactory social arrangements, and has paid considerable amounts of compensation to adopted children. Of course, when we say the State, we are referring to the collective

will of the people expressed in the Governments they elect and support with their taxes.

If the situation was bad for adopted children, what will it be like for children created with donor sperm or eggs, and brought into this world in a far-away land?

And what happens if the child born with unknown antecedents in a far-away country turns out to have a birth defect? That is no hypothetical question. That has actually happened: the purchasing parents simply walked away from that transaction and left the birth-mother holding the baby (in more ways than one).

India used to be the destination of preference for commercial surrogacy. Women came cheap there. Of course the women who offered themselves for this 'service' tended to be malnourished: they only sold their wombs because their families needed the money. So very often the pregnancy package came with extra rations: strictly for the child-bearer. As *Wikipedia* tells us: they received "*medical, nutritional and overall health care through surrogacy agreements*".

The Surrogacy Trade became a big export commodity for India. No one knows exactly how much surrogacy took place. But in 2012 there were over 3,000 Fertility Clinics in the country and the United Nations estimated the business was worth more than \$400m a year.

It is to the credit of India that it first restricted the practice by banning foreign homosexual couples and single parents from buying babies, and then banned commercial surrogacy altogether.

That is when other low-cost destinations like Ukraine came to greater prominence. The English *Daily Mail* reports that Ukraine is a "*global surrogacy hub*". To facilitate this trade, the surrogates are excluded from any right to the child they are bearing. If a mother should form a bond with the child she is carrying—tough! It belongs to the purchasers.

Unfortunately this lucrative business has been disrupted by the present war. Babies produced for the market cannot be transferred as arranged. The paper reported on 17th March that 21 babies are being held in a Kiev basement for safe-keeping during the current military problems. Parents who ordered children are mostly unwilling to make the risky journey to collect them. Apparently only two couples have collected the babies they commissioned: one from Germany, another from Argentina. The paper adds: "*hundreds of other families are faced with the desperate situation of not being able to reach their newborns*".

The staff looking after the babies are under immense pressure: more and more babies to look after: all deliveries and no collections.

It says nothing about the position of the babies themselves: left in limbo.

Apparently Ukraine offers cut-price surrogacy: \$60,000 if using donor egg or sperm—far below the \$100,000 - \$200,000 charged in the USA, 'the land of the free'.

Commercial surrogacy is banned in the United Kingdom, while Ireland leaves the practice unregulated. That means people are free to traffic babies if they can afford to do so.

While Dublin has not dared to pass legislation to legitimise baby-buying, it has gone to some lengths to assist Irish 'parents' who have commissioned pregnancies in the Ukraine and now find themselves in difficulties about collection.

There are wider social implications with this new business. Is the State now creating liabilities for the future? Will children born in this unorthodox manner, many of them created with purchased eggs or sperm, be suing a future Government because of the psychological damage they incurred in infancy, being separated from their birth-mother?

By comparison with Surrogacy prostitution is relatively benign. Whatever the circumstances of a person coming into the business, at least they are adults and are acting on their own exigencies. Like the surrogates, they engage in a commodity exchange: renting out part of their bodies to willing buyers. And their actions do not affect any third parties, as does the Surrogacy Trade.

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**Dresden Remembered!\***

“I refer to Máirín Quill’s letter (Irish Independent, March 23, 2002), in which she wonders how such a great nation could inflict such evil. The nation she refers to is Russia.

World War II ended in September 1945. With the war almost won, the British and the US obliterated Dresden in February 1945. In four air raids between February 13 and 15, 772 heavy bombers of the RAF and 527 of the US Army Air Force dropped more than 3,900 tons of high-explosive bombs and incendiary devices.

The bombing created a firestorm and destroyed 1,600 acres of the city centre.

An estimated 22,700 to 25,000 people were killed. There were 40 cubic metres of rubble for each surviving resident of Dresden.

Seven narrow-gauge railways were built in Dresden and 5,000 labourers were employed to clear the rubble, and the clearance was not completed until 1958.

The women of Dresden formed a human conveyor belt moving the broken bricks in their pails.

The image captured by German photographer Richard Peter, titled “View of Dresden from the Rathaus Tower”, became the German rubble picture par excellence.

An exhibition by numerous artists of the rubble clearance was held in the Army Museum on Nordplatz in Dresden.

Perhaps Ms Quill can contemplate how Britain and the US went so low toward the end of World War II. The RAF chief was Arthur ‘Bomber’ Harris. In 1992, Britain’s Queen Mother unveiled a statue of Harris, which caused outrage because of Dresden.—Hugh Duffy, Co Galway

(Irish Independent-25.3.2022)

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**Phobia**

A recent survey has revealed the Irish public’s number one phobia : agoraphobia, the fear of public spaces or crowds. The most common unusual phobia, according to Irish data, is *ombrophobia* — somewhat ironically for Irish people, the fear of rain, which is experienced by 34% of people worldwide.

Arachnophobia – the fear of spiders — was selected as the number one animal phobia by Irish participants.

According to the study, some academic research suggests that arachnophobia is hard-wired into the human psyche as a survival technique because venomous spiders have been a danger for millions of years.

*Xenophobia*, the fear of strangers or foreigners, is the second most common phobia in the world with 19% of countries reporting it as their most searched for phobia.

*Hippopotomonstrosesquippedaliophobia* — the fear of long words—afflicts 9% of people.

Meanwhile, the fear of confined spaces — *claustrophobia*—was selected as the number one fear in 8.33% of countries surveyed (Irish Independent-30 .03.2022).

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**Field-Work!**

A field in which monks from Tory Island monastery hid from British invaders in 1595 is being raffled to raise funds for a Derry City hurling and camogie club (Irish Catholic, 10.3.2022).

The development officer for *Namagha GAA*, which hopes to raise funds for a new pitch, Ger Roarty, said that the field has a historic connection with one of Ireland’s three patron saints, St. Colmcille.

“In 1595, Sir George Pelham sailed into Sligo to go out and destroy St.

Colmcille’s monastery on Tory Island, North Donegal. He destroyed everything except the bell tower”, Mr. Roarty told the *Irish Catholic*.

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**FF at rockbottom?**

“By now I think you would have more chance of getting young people interested in the music of Big Tom than getting them into Fianna Fail” (Willie O’Dea, Fianna Fail T.D. Limerick City-*Irish Independent*, 8.1.2022)

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**Fair-minded!**

“There is no nation or people under the sun that doth love equal or indifferent [i.e. impartial] justice better than the Irish.”

*Sir John Davies* made this remark following the collapse of Gaelic Ireland in 1607. A marked feature of that society was the *corpus* of Brehon laws, with its finely gradated system of penalties.

The pervasive influence of this legal code is corroborated by the fact that the practice of private Confession, with its finely gradated system of penances, was the invention of the early Christian community in Ireland. The principles of the Brehon Law stretched back to a common Indo-European heritage. Thus, in the absence of a state law enforcement system, some moral mechanisms were needed to ensure a guilty person actually paid compensation.

Fasting by the injured party at the door of the guilty party was sometimes both used in Ireland and India for this purpose. Curiously, the hunger-strike has been used as a political weapon in both Ireland and India, notably by *Terence MacSwiney* (1879-1920), nationalist Lord Mayor of Cork, and *Mahatma Gandhi* (1869-1948), the Indian nationalist leader and social reformer (*Ireland, The Great Little Answer Book*, Jim O’Donnell & Sean de Freine , Torc, 1994).

And of course, 13 years previous to the above publication, ten Republicans died on hunger strike in the Six Counties!

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**Wise Words!**

“Human kind cannot bear very much reality” (T. S. Eliot (1888-1965) in *Four Quartets*.

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**AE**

“When I stress the spiritual it is not because I am unmindful of material grievances or do not know the economic case which can made against the continuance of British rule. The economic case can be better understood by most, though



I do not think Ireland would have been troubled by Rebellions at all if its people had not a distinct national character, if they did not see a different eternity from the Englishman. Yet the majority of Irishmen will stress economic grievances most in conversation. It is ludicrous of British advocates to speak of Ireland as a country grown prosperous under British rule when it is the only country in Europe whose population has been halved in living memory... why was this? Because year by year the surplus revenues of Ireland and the wealth created were sucked up by its vampire neighbour and expended in Great Britain” (A.E. [George Russell] *The Inner and The Outer Ireland*. Dublin: The Talbot Press Limited, 1921.

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**The British Oath**

“I... swear by Almighty God (do solemnly, and truly declare and affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, [Elizabeth II, by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith] Her Heirs and Successors, and that I will, as in duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown and Dignity against all enemies, and will observe and obey all orders of Her Majesty, Her Heirs and Successors, and of the (admirals / generals/ air officers) and officers set over me. (So help me God.)”

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**Enlisting!**

There was a sharp rise in the number of Irish people enlisting in the British Army last year. (Irish Independent, 11.4.2022)

According to figures from the UK Ministry of Defence (MoD), 810 people from the Republic were recruited to the UK regular forces over the past three years.

Another 120 signed up to become officers, with a small number also signing up for the reserve forces, the MoD said.

Figures reveal how there was a nearly 30% rise in the number of Irish citizens enlisting in the regular army in the latest year for which figures are available.

They showed how 300 applications — or 0.33% of the total applications — came from the Republic of Ireland across the recruiting year of 2020 and 2021. That compared to 230 applications — or 0.26% of the total — from Ireland during the recruiting year of 2019 and 2020.

A similar rise of around a third was also seen in the officer ranks, with 40 people from the Republic signing up last year, compared to 30 in the previous year.

“The training doctrine for both armies and navies is more or less the same and our rank qualifications are treated by them as virtually the same as theirs. This means an artillery sergeant with fire-control co-ordination qualifications would be snapped up by the UK. Apart from a short conversion course, he’d resume service at his current rank and with better opportunities for promotion.”

Recruitment from Northern Ireland was also up by around 10pc last year, according to data released by the MoD.

It showed that of the 90,170 total people who enlisted in the regular forces in the latest recruiting year, 1,330 of them—or around 1.47%—resided in Northern Ireland.

Of the 12,750 total applications for officer ranks, around 190 of them—roughly 1.5%—came from people living in Northern Ireland.

Overall recruitment to various services of the British Army has steadily increased over the past three years, with 133,230 signing up in the latest recruiting year, compared to 121,970 just two years before.

“Our UK personnel from Northern Ireland have an illustrious history of military service and continue to play a highly valued role within the British army...”

“There is a long tradition of non-UK citizens, like those in the Republic of Ireland, serving in the British army and we greatly value their commitment and service”, a British Army spokesman said (Irish Independent, 11.4.2022).

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Peter Brooke

**Solzhenitsyn's Two Centuries Together.**

Part 19: *The Pogroms, Part 7*

(Part 18 appeared in issue Issue 146, Fourth Quarter, 2021.)

**Who Are The Ukrainians?**

**Part One: from Kievan Rus<sup>1</sup> to the Polish Partitions**

At the end of the last article in my Russian-Jewish series I said I would write about Ber Borochov and Vladimir Jabotinsky. Borochov (born in Poltava, in modern Ukraine) was the founder and leading theorist of the Jewish Social Democratic and Labour Party-Poale Zion (ESDRP-PZ), which eventually gave birth to Mapai and its successor, the Israeli Labour Party, which ruled Israel from 1948 to 1977; while Zabolinsky (born in Odessa, in modern Ukraine) was the founder and leading theorist of 'Revisionist Zionism', which inspired the 'right wing' movements that have dominated Israeli politics from 1977 to

the present day. This article would have taken the story where Solzhenitsyn did not go, into the land of Palestine. However recent eventsóthe Russian intervention in Ukraineótell me I haven't paid enough attention to the place where the 'Russian/Jewish' confrontations I've been describing occurred.

The 'Pale of Settlement'—the area in which Jews were allowed to live in the Russian Empire and where they were living in large numbers, the area in which the most dramatic pogroms occurredócorresponds more or less to modern Ukraine, Belarus and Moldova. If these are to be regarded as having a national and moral existence distinct from that of 'Russia', then instead of Russian pogroms we should be talking about Ukrainian, Belarusian or Moldovan pogroms. The Baltic states were also included in the Pale of Settlement and they had their own pogroms but I am

<sup>1</sup> By now readers will know that the Ukrainian names for 'Vladimir' and 'Kiev' are 'Volodymyr' and Kyiv. I've never mastered any consistent method for the transcription of Russian or Ukrainian names or words and the spellings I use are perfectly arbitrary. They should be taken as, hopefully recognisable, symbols of the persons, places or things they represent.

following Solzhenitsyn in concentrating on the lands that were regarded as 'Russian'.

It has of course been firmly believed for a long time that the pogroms throughout the area were deliberately fomented by agents working for the Russian Government but, as previous articles in this series have shown, modern scholarship broadly agrees with Solzhenitsyn that this is not true and that, to quote Solzhenitsyn on the subject, discussing the Kishinev pogrom:

"Why has the simple truth about the Kishinev pogrom seemed to be insufficient? Probably because the truth would have revealed the real nature of the government—an organism that had become sclerotic, guilty of anti-Jewish provocations [*brimades* in the French translation] but which remained unsure of itself, incoherent. So, with the help of outright lies, it has been represented as a deliberate persecutor, sure of itself, wicked. Such an enemy could only deserve a complete annihilation..."<sup>2</sup>

Kishinev, of course, as modern Chisinau, is the capital of Moldova: and the man most responsible for working up the feeling that led to the pogrom—Pavel Krushevan—was very much a Moldovan patriot, though not, so far as I know, an advocate of separation from Russia. It was also most probably Krushevan who was behind the *Protocols of the Elders of Zion* (probably initially as a sort of literary joke), not, as has been very widely asserted, the chief of the Russian secret police in Paris, Pyotr Rachkovsky.<sup>3</sup>

So what is it that distinguishes the Ukrainians (formerly known as '*Little Russians*') from the Russians (formerly known as '*Great Russians*'), apart from the existence in their midst of a large Jewish population?

<sup>2</sup> Alexandre Soljénitsyne: *Deux siècles ensemble, t.1, Juifs et Russes avant la révolution*, Eds Fayard, 2002. p.372. My translation from the French translation of the Russian original. The theme runs through the series but see in particular the discussion of Hans Rogger and John Klier in the article on the Derzhavin Memorandum, *Church and State*, No.133, July-September, 2018, now available on my website at <http://www.peterbrooke.org/politics-and-theology/solzhenitsyn/derzhavin/>

<sup>3</sup> But the heartland of the late nineteenth/early twentieth century pogroms was the area now known as 'Ukraine' and, in the context of the First and Second World Wars, the slaughter reached a level far beyond even the 1905 pogroms (centred on Odessa), which I discussed in the last article in this series.

## Kievan Rus'

Both Russians and Ukrainians trace their own historical and cultural continuity back to the *Kingdom of Rus'*, centred on Kiev, and the conversion of its King Vladimir to Christianity in 988 AD. Vladimir had previously been a persecutor of Christians. According to Dimitry Pospelovsky:

"the early part of Vladimir's reign was marked by the only known period of Russian history when human sacrifices were made to pagan gods and Christians were actively persecuted".<sup>4</sup>

He says that Vladimir was ruling over a diverse mixture of Slavonic, Finnic and Lithuanian tribes and initially had erected in Kiev a collection of statues representing all the different gods of these different peoples (something similar existed in the Ka'bah in Mecca until Muhammad got his hands on it).

But he seems to have decided, like Constantine before him, that a totalitarian religion—a religion which made exclusive claims to the truth about divine things—was the best means of uniting a diverse people.

The story has it that he was confronted with a choice between four such faiths—Christianity as promoted by Constantinople, Christianity as promoted by 'the Germans', Judaism, or Islam. He chose Christianity as promoted by Constantinople. It's interesting to note a choice was offered between German Christianity (the Catholic Church) and Greek Christianity (the Orthodox Church): Old Rome and New Rome. There were already very marked tensions between the two but the date conventionally used to mark the final division between them—the mutual exchange of *Anathemas*—1054, comes in the following century.

Rus' was not the first Slav kingdom to convert to Christianity. In the ninth century, Cyril and Methodius, the 'apostles of the Slavs', started out from Constan-

<sup>4</sup> Dimitry Pospelovsky: *The Orthodox Church in the History of Russia*, Crestwood NY, St. Vladimir's Seminary Press, 1998, p.19. Apart from Pospelovsky, my main source for this article will be different articles in the very impressive Encyclopedia of Ukraine, available online at HYPERLINK "<http://www.encyclopediaofukraine.com>" <http://www.encyclopediaofukraine.com>. The *Encyclopedia* was initiated in Paris by the Ukrainian emigré *Shevchenko Scientific Society* under the direction of the Ukrainian nationalist, Volodymyr Kubijovyč, one of the organisers of the SS Galicia Division in 1943.

tinople to Moravia, where they entered into conflict with missionaries responsible to Rome. But Cyril was to die in Rome and Methodius became Bishop of a Diocese (Pannonia) responsible to Rome. Both the Catholic and the Orthodox Churches regard them as Saints. The first Slav kingdom which converted to Christianity under Constantinople was Bulgaria in 864, closely followed by Serbia. Poland—or at least the Polish King and his court—was converted from Rome in 966.

Kievan Rus' derived its importance from its situation on the Dnieper (Ukrainian Dnipro) River, part of the '*Varangian route*' which linked Scandinavia and the Baltic Sea to the Black Sea and thence to Constantinople. At its height the principality covered almost the whole route without, however, actually reaching the Black Sea. The coastal area, including Crimea (already converted as it happens to Christianity), was held by a Turkic people, the Cumans, or Polovtians. The *Lay of Igor's Campaign* (late twelfth century, if we accept its authenticity) tells the story of an unsuccessful late twelfth century campaign against the Cumans. It is the basis of Borodin's opera *Prince Igor*, with its famous '*Polovtsian Dances*'.

Kievan Rus', more or less united under Vladmir (r980-1015), Yaroslav the Wise (r1036-1054) and Vladimir Monomakh (r1113-25), nonetheless tended to fall apart in rival principalities, definitively so in the late twelfth century. Without going into details (of which there are many!), two important cultural centres emerged with resonance for the future—Novgorod 'the Great' (there were other Novgorods, '*new towns*') in the North, along the Varangian route, and Galicia-Volhynia, which connected Kiev on the westward land route across the Carpathian mountains to Hungary and Poland and the area of West Roman influence.

Novgorod could be described as the cradle of what was to become Muscovite Russia, Galicia-Volhynia as the cradle, or at least the stronghold, of what was to become much later Ukrainian nationalism.

The whole area was overwhelmed by the arrival of the 'Golden Horde'—the Western section of the Mongol Empire, which stretched eastward as far as China and Southward to Persia and Mesopotamia. It first appeared in the Kievan territories in 1223 on a plundering raid but came in more definitively under Batu Khan, grandson of Genghis Khan. Kiev

was sacked and its residents massacred in 1240. 1240 was also the year that Prince Alexander (nineteen years old at the time) saved Novgorod from the Swedes at the Battle of the Neva, thus getting the name Alexander Nevsky.

In 1242 he saved Novgorod from the German and Estonian Knights of the Livonian Order, in the battle on the frozen Lake Peipus, memorably portrayed in Eisenstein's film. In fighting the Catholic West, Alexander was rejecting an appeal of the Pope to fight against the more formidable Tatars.

According to Pospelovsky, the Metropolitan of Kiev, Kirill II, persuaded his patron, the Galician-Volhynian Prince, Daniel Romanovich to do likewise. It was under Daniel that the town of Lviv was founded, and under his son, Lev Danylovich (r1264-1301), that Lviv became his capital.

The Tatar yoke, so long as it was acknowledged, was relatively light. It mainly consisted of requiring the payment of a tribute. Nonetheless Metropolitan Kirill did not live in the now devastated Kiev, and his successor, the Greek Maxim, while maintaining the title, Metropolitan of Kiev, transferred his seat in 1299 northwards to Vladimir, on the Klyazma River. Vladimir itself was in a poor state after being sacked by the Tatars in 1238.

This transfer of the Kiev metropolitanate northward prompted Lev's son, with the approval of Constantinople, Yurii to establish a rival metropolitanate in Halych (South of Lviv in what is now the oblast of Ivano-Frankivsk)—but this was hardly a great success: when the Volhynian, Peter, supported by Lev, went to Constantinople, he was directed by the Patriarch to go to Moscow, where he died. The separate Halych metropolitanate fell into disuse.

In all these developments we see the separation of 'Muscovy' and Galicia-Volhynia from their former heartland of Kiev.

The separation was hardened when the area covered by Galicia-Volhynia came under the domination of Poland and Lithuania. This is, I think, the real historical distinction between the people who became 'Ukrainians' and the people who became 'Russians'. The Ukrainians are the inheritors of Kievan Rus' who came under Polish (and Lithuanian, but most important, Polish) domination.

### Poland And Lithuania

In 1340, the last Prince of Galicia-

Volhynia, Yurii II Boleslav, was murdered, poisoned by his boyars. Galicia fell into disarray and was fought over by different Galician factions, as well as by Hungary and Poland—until, through an agreement between Poland, Hungary and Lithuania, it was incorporated into Poland in 1387. After struggles with Poland, Lithuania gained control of Volhynia in 1370.<sup>5</sup>

Lithuania had emerged as a Power in the thirteenth century in conflict with the Teutonic Knights, who had moved into the area on the Baltic now known as East Prussia. The Lithuanians at that time were still pagan but they were becoming Christian, using the Eastern rite, partly perhaps in reaction to the Teutonic Knights and partly through the influence of Volhynia. They had already, prior to 1340, taken some of the Volhynian lands and they had the support of the boyars who killed Yurii. They constituted, together with Poland, a bulwark against the Tatars. They also took more eastward areas of the old Kievan Rus'. According to Pospelovsky (p.81):

"In general, Kiev's fate in the period between the Mongol conquest in 1241 and its annexation by the Lithuanian prince Vitoft in the early fifteenth century remains unclear".

But the *Encyclopedia of Ukraine* entry on Kyiv has it annexed to Lithuania from 1362 through to 1482, when it was again sacked by the Tatars.

In 1386, more or less coinciding with the incorporation of Galicia into Poland, the Lithuanian Grand Duke Jagello married the Polish Queen Hedwig, converted to Catholicism, and became King of Poland as *King Wladyslaw II*. Catholicism became the only legal religion of the Grand Duchy. The result was a war with his cousin, Vitautas (Pospelovsky's 'Vitoft'), finally resulting in the Union of Horodlo in 1413, which kept the Grand Duchy of Lithuania in existence as a distinct moral entity, albeit subject to the Polish King, and allowed the continuation of the Orthodox Church. To quote the *Encyclopedia's* entry on the Union of Horodlo:

"Under the terms of the agreement the Catholic nobles of Lithuania were granted equality with their Polish counterparts; Orthodox (mostly Ruthenian) nobles, however, were consigned to second class status and prohibited from full participation in state affairs."

The *Encyclopedia* says of the term '*Ruthenian*', used here:

"The name Rutheni came to be applied to the inhabitants of Kyivan Rus' as a result of the medieval practice of giving newly encountered peoples the names of extinct ancient peoples. Boris Unbegaun has suggested that the attested Latin *Rucenus*, a rendering of the Old Ukrainian *rusyn*, was instrumental in the selection of the name *Ruthenus*. The first use of the word *Ruteni* in reference to the inhabitants of Rus' was in the *Annales Augustiani* of 1089. For centuries thereafter *Rutheni* was used in Latin as the designation of all East Slavs, particularly Ukrainians and Belarusians. In the 16th century the word more clearly began to be associated with the Ukrainians and Belorussians of the Polish-Lithuanian Commonwealth as distinct from the Muscovites (later known as Russians), who were designated *Moscovitae*." <sup>6</sup>

I shall use the term '*Ruthenian*' to refer to the Eastern Slav subjects of Poland until it seems to me, some time in the seventeenth century, that the term '*Ukrainian*' begins to be appropriate.

In parenthesis it may be noted that 1380, coincidental with the Polish-Lithuanian capture of Galicia-Volhynia, was the year of the *Battle of Kulikovo*, the victory of the Muscovite Prince Dmitri Donskoi, traditionally seen as the moment of the liberation of Muscovy from the Tatar Yoke. More or less at the same time, Bulgaria and most of Serbia fell to the Ottomans.

### The Ruthenians And Orthodoxy

It isn't immediately obvious to me why the Ruthenians clung so stubbornly to Orthodoxy. Constantinople had ceased to be a substantial political force since 1205, when it had fallen to the Catholics in the Fourth Crusade. It had recovered its independence since, but in a very weakened state. The fourteenth century saw the debate in Constantinople over "*hesychasm*" (the monastic way of silence) which was to give Orthodoxy a

<sup>6</sup> This particular entry in the *Encyclopedia* is written by the Ukrainian-Canadian historian, John-Paul Himka, a particularly interesting writer on Ukrainian nationalism, who will feature prominently in the next part of this article. In his essay '*Young radicals and independent statehood: the idea of a Ukrainian nation-state, 1890-1895*', *Slavic Review*, Summer 1982, Vol 41, No 2, Himka says: "At least until the turn of the century, the Eastern-rite, Ukrainian-speaking inhabitants of Austria-Hungary referred to themselves as 'Ruthenians' (*rusyni*) and to their conationals across the Russian border as 'Ukrainians' (*ukraintsi*). As of 1900, nationally conscious Ukrainians in Galicia shunned this distinction and began referring to themselves, too, as "*Ukrainians*". The formulation of the goal of national statehood contributed to the terminological reorientation."

distinct intellectual character that stands in good stead at the present time. The *hesychast* movement was to have great influence in the Balkan lands and in the emerging Muscovite Russia but, so far as I can see, had little influence among the Ruthenians, whose political and intellectual interests, even as we shall see among the Orthodox, lay westwards, to Poland and beyond, rather than Southwards towards the Balkans or Eastward towards Muscovy. As a result of this westward orientation, the Ruthenians lost their nobility, which became increasingly polonised. And yet, as Pospelovsky says (p.85): "*Even at the end of the seventeenth century, after all the coercion to push the Orthodox into Roman Catholicism... the entire Lithuanian territory had only 700 Roman Catholic, as against 5,000 Orthodox churches*".

Constantinople fell to the Ottomans in 1453 but, prior to that, at the Council of Florence-Ferrara, the Patriarch of Constantinople and the Moscow-based Metropolitan of Kiev, had submitted to Rome. Even though Constantinople soon repudiated the union with Rome, Moscow separated from it. As a result the Patriarch of Constantinople, in 1469, established a new Metropolitanate of Kiev, albeit now based in the Lithuanian capital, Vil'na (modern Vilnius). This marked a further separation of what we might call Ruthenian Orthodoxy from Russian Orthodoxy. But Orthodoxy in the area was kept alive, not by the hierarchy—always suspected of a romanising tendency—and certainly not by the nobility, but more by the peasantry and by 'brotherhoods' made up of craftsmen, merchants, lower clergy, and monastics. Despite periodical destruction by different political forces, the Kiev Caves monastery continued as an important symbol of Orthodox integrity. A very interesting style of icon-painting developed, specially in Lviv. The 'Pechersk icon'—showing the founders of the Kiev Caves monastery, SS Anthony and St Theodosius, under the protection of the Mother of God, is one of the most popular Ukrainian folk icons.

<sup>7</sup> See eg Ljudmilla Milyaeva: *The Ukrainian Icon*, Bournemouth, Parkstone and St Petersburg, Aurora, 1996 and Lidia Lykhach and Mykola Kornienko: *Ukrainian folk icons from the land of Shevchenko*, Kyiv, Rodovid, 2000. I have some examples of the folk icons on my website at <http://www.peterbrooke.org/art-and-religion/icons-index/icons-4.html>. A favourite theme in Ruthenian churches is the Last Judgment, and John-Paul Himka has written on this: John Paul Himka: *Last Judgment iconography in the Carpathians*, University of Toronto Press, 2018.

The fourteenth century, the period of the incorporation of the Ruthenians into Poland, was also the period of large-scale influx of Jews into Poland, following the Great Plague in Germany and the massacres of Jews that accompanied it. We are moving into the territory of the first article in my Russian-Jewish series *óA Polish Prologue*—and the crude pattern I outlined then of Orthodox peasantry, Catholic nobility, Jewish merchant, shopkeeper, tavern-keeper, artisan, landlord's agent.<sup>8</sup>

The position of the Orthodox worsened considerably in 1569, with the '*Union of Lubln*', which turned the relation between Poland and Lithuania from a confederal to a federal union. The Orthodox aristocracy lost the right to sit in the senate, the *Rada*, which had a right of veto over the decisions of the King *ó* extended in the seventeenth century to every individual senate member. In 1564, the Polish King, Sigismund Augustus II, invited the Jesuits to Poland, where they established a network of schools and colleges offering free education, with no obligation to convert to Rome. This was hugely attractive both to the Protestant element that had developed in Poland and to the more ambitious Orthodox elements, and of course it brought their children into a strong Catholic sphere of influence. The pull towards Rome, already strong among the Ruthenian aristocracy and higher clergy, produced in 1596, the '*Union of Brest*' *ó* the formation of the 'Uniate' church, which recognised the headship of the Pope and that it was the Catholic Church that possessed the fullness of the Truth, but retained elements of the Eastern rite deemed to be compatible with Catholic dogma. They were still, however, regarded as very much second class Catholics and their nobility were not given the same veto powers as their peers in the *Rada*. Pospelovsky comments (p.88):

"This was the reason most Lithuanian aristocrats converted to Western Rite Roman Catholicism in the course of the seventeenth century, and particularly those who had joined the Unia *ó* as a result the Unia became known in Poland as the peasants' religion."

### Cossacks

Oppressed by a Catholic nobility and by Jewish middlemen, many Orthodox Ruthenian peasants fled eastwards to 'Zaporizhia'—the 'land beyond the rapids' of the Dnieper river, land that was outside the direct control of the Polish or Russian Governments. Here they were in contact with the already es-

tablished Cossacks. The word, '*Cossack*', apparently derives from the Turkic word '*Kazak*', as in *Kazakstan*, meaning '*free man*'. The Cossacks were self-governing but ready to sell their services to the established states, mainly to guard them against the Crimean Tatars, but also on occasion to support one side or the other in the numerous complicated wars of the area.

The Tatars still held the whole Black Sea and Azov coastline including, of course, Crimea.

It is at this point, I think, that the word '*Ukraine*', meaning frontier, begins to be relevant.

When Ukrainians talk about '*Ukraine*' they are referring to the name of a country; when Russians talk about 'the Ukraine' they are referring to a frontier—the land separating Poland and Russia and the Tatars.

On the Russian side of the frontier, there were the '*Don Cossacks*', and on the Polish side there were the so-called '*registered Cossacks*', notionally loyal to the Polish Army, but Orthodox, largely made up of dissidents from the Polish system. The '*Zaporozhian host*' of escaped Orthodox serfs constituted a third Cossack force, unrecognised by the Polish Government.

Another, more intellectual, defence of Orthodoxy was mounted through the establishment, largely under Cossack patronage, of the '*Greek Slavonic Academy of Kiev*', opened in 1615, which, under Peter Moghila, a monk in the Kiev Caves monastery who was made Metropolitan of Kiev in 1632-3, became possibly the first serious centre of theological learning in Russian Church history. Peter, however, who came from a princely family in Moldavia, had himself received a thoroughly Catholic education in Western schools and universities. The teaching in the Kiev Academy (for a priesthood performing offices in Church Slavonic for largely Ukrainian speaking congregations) was in Latin and had a distinctly scholastic character. He was basically using Catholic weapons to counter Catholicism and the Unia. In 1997, the Orthodox Church of Ukraine *ó* still under Moscow but with a large degree of autonomy *ó* declared him to be a saint but this has not been generally accepted throughout the Orthodox world.

The '*Khelmnitsky rising*' of 1648, with its devastating effect on the situation of the Jews in Poland, is discussed in my earlier 'Polish prologue' article. It established at least briefly an independent state—the '*hetmanate*'—that straddled the Dnieper and could be seen as the first Ukrainian state—if we don't

<sup>8</sup> *Church and State*, No.132, April-June, 2018, <http://www.peterbrooke.org/politics-and-theology/solzhenitsyn/prologue/>

count Kievan Rus' itself and its various derived principalities prior to the Tatar assault and the Polish-Lithuanian takeover.

However, the two banks of the Dnieper, the right (West) and left (East),<sup>9</sup> fell out with each other in what Ukrainian historians call "*the ruin*". The Western Cossacks tended to ally with the Poles, the Eastern Cossacks with the Russians, so that eventually the territory East of the river fell into the Muscovite sphere of influence. But this was by no means a simple process. At the Battle of Poltava in 1709, when the Russian Tsar Peter I ('the Great') defeated the Swedish Charles XII, the Cossacks of the hetmanate under the hetman Ivan Mazepa, were fighting for Charles (after previously following a fairly consistent pro-Moscow policy). He fled to Moldavia, then in Ottoman hands, where he died.<sup>10</sup>

By this time, it should be said, Moscow was back in communion with Constantinople (in 1589, when the Patriarch of Constantinople, Jeremiah II, acting (according to Pospelovsky, p.67), under duress, established Moscow as an autonomous patriarchy. In 1686, recognised by Constantinople in 1687, the *Kiev metropolitanate* was brought under the control of the Moscow patriarchate.

This is the act which the present Patriarch of Constantinople, Bartholomew, rescinded when he recognised the autonomy of the Kyiv patriarchate. It occurred at a time when the Russian Church was in some disarray through the schism with the 'Old Believers', prompted by liturgical reforms introduced by the Patriarch Nikon.

In the early eighteenth century, in effect from 1700, formally from 1721, Peter suppressed the Moscow Patriarchate, replacing it with the '*Holy Synod*', which could be seen as simply a Government Department. The present Moscow Patriarchate came into existence as part of the February Revolution in 1917.

I gave an account of the creation of the Moscow patriarchate in 1917, together with a brief account of the earlier history in my essay, '*The Moscow Patriarchate and the Bolshevik Revolution*', *Problems* no 32, 2017, <http://www.peterbrooke.org/politics-and-theology/moscow/> Interestingly, the 'Spiritual

Regulation' under which the Holy Synod was formed was drawn up by Feofan (or Theophan) (Prokopovich), a professor in the Kiev Academy.

Poland suppressed its registered Cosacks in 1700 and recovered control of the western side of the Dnieper in 1714. The area had been devastated by the wars and the Poles set about repopulating it. Following the *Encyclopedia of Ukraine* account ('History of Ukraine'):

"Peasants from northwestern Ukraine, especially Volhynia, were attracted there by 15-to-20-year exemptions from corvée and other obligations. With them came Orthodox and Uniate clergy. Cossackdom, however, was not allowed to develop. The towns that were re-established were largely inhabited by Jews, who earned their living as innkeepers, artisans, and merchants. Polish gentry were largely attendants at the magnates' courts, and leaseholders or stewards managed their estates. At the peak of the social order were the few wealthy magnate families that owned huge latifundia. For much of the 18th century the Right Bank was a typical noble-dominated society, marked by lack of central authority, oligarchic politics, and extreme exploitation of the peasantry."

There were periodical peasant revolts known as '*haidamakas*', especially after the corvée system (forced unpaid labour) was reintroduced:

"The most widespread and bloodiest was the so-called Kollivshchyna rebellion of 1768, when the Poles were engaged in another war with Russia... Thousands of Polish nobles, Jews, and Catholic clergy were massacred. Fearing that rebellion would spread into its possessions, the Russian government sent forces to quell it. Thus ended the last great uprising of the Ukrainian peasantry against the Polish nobles."

This of course was on the eve of the collapse of the Polish State when, between 1772 and 1795, it was divided up between Austria, Russia and Prussia.

On the left (East) bank of the Dnieper the Cossacks continued to have a semi-independent existence. The '*hetmanate*', derived from Khelmnitsky, occupied and had limited sovereignty over the areas corresponding to the modern Kyiv and Chernihiv oblasts in the North of the modern Ukraine, on the border with Belarus.<sup>12</sup> Relations with the Russian Government were determined by the '*Hetman Articles*', starting with the *Treaty of Pereislav*, made with Khelmnitsky in 1654. The Articles were renewed with every suc-

<sup>12</sup> I am for the moment unable to explain why Belarus has a moral and political existence separate from Ukraine—its history is very similar except that it didn't have Cossacks

cessive *hetman* and steadily inflected in Moscow's favour, which also meant a steady conversion of the ruling Cossack elders into a landowning aristocracy on the Russian model and the reduction of ordinary peasants and Cossacks to a state of serfdom. In 1764, under Catherine II ('the Great'), the office of *hetman* was abolished and replaced by a Moscow-controlled '*Little Russian Collegium*'.

South of the *hetmanate*, the Zaporozhian Cossacks continued in existence in a territory that included what was to become Yekaterinoslav (now Dnipropetrovsk), and stretched across into the west bank of the Dnieper, bordering on the territory held by the Crimean Tatars. They too had been allied with Ivan Mazepa and Charles XII in the Battle of Poltava and had to take refuge with the Tatars in Crimea. They returned, but under tighter control from Moscow. Starting in 1752, Moscow began a policy of settling Serbs in their territory. As in the hetmanate, there was a continual process of converting the Cossack leadership into a landed aristocracy.

Following the account in the *Encyclopedia*:

"After the Russo-Turkish War of 1768-74 and the Peace Treaty of Küçük Kaynarca [when Russia got control of CrimeaöPB], the liquidation of Ukrainian autonomy gained new impetus. The Zaporozhian New Sich was destroyed by Russian troops in 1775; many of the dispersed Zaporozhian Cossacks fled and established the Danubian Sich and the vast lands of Southern Ukraine were incorporated into the Russian Empire as part of New Russia gubernia and Azov gubernia and developed by their governor Grigorii Potemkin. Catherine promoted the settlement of these largely unpopulated areas by Germans, Serbs, Mennonites, Bulgarians and others, and the establishment of several new cities on the Black Sea and Sea of Azov to attract foreign trade."

This is broadly the territory which is being occupied by the Russians at the time of writing.

We have come to the eve of the Polish partitions when, particularly in the 1793 and 1795 partitions, Russia got hold of most of the area that is now modern Ukraine, West of the Dnieper. It is quite clear, I think, that we are talking about a people who, despite their common origins, are quite distinct from the Russians and who maintained their own Orthodox culture despite the considerable pressure put on them to become Poles. The process by which they develop a sense of themselves as a coherent nation will be looked at in the following article.



<sup>9</sup> Which can be a little confusing because of course looking at a map the West is on the left and the East is on the right.

<sup>10</sup> Moldavia and Wallachia make up modern Rumania. They had submitted voluntarily to the Ottomans and were therefore allowed a certain degree of independence, becoming a citadel of Orthodox culture. Modern Moldova is part of Moldavia that was incorporated into the Soviet Union. and is now an independent state.

## Wilson John Haire

### I Took The High Road!

It was back in June, 1955, aged 23, that a pal of mine from Belfast, from teenage days, and I, decided to make for the Highlands of Scotland, from London where we lived, to a hydro-electric dam that was being built. There was a lot of talk on the London building sites about big money being made up there. I was soon to get married and I had to get the money together.

We headed off by bus, long before there were motorways. It was an all-day journey to Glasgow, our first stop off. There was very little money around in those days so it was a bed in a Salvation Army hostel, run by what looked like scar-faced ex-cons, because of their deadly-looking skin pallor due to being out of the fresh air and sunshine so long.

They told us how to protect any property we had. We both had large suitcases and a heavy box of wood-working tools. First we were advised to put each shoe under the legs of the bed. Taking off our clothes, for bed, they should be put under the mattress, along with any wallets or money we might have. The suitcases and toolboxes should be roped together and tied to the bed.

Breakfast next morning was one rasher of bacon and an egg with one toast. There was only a big spoon to eat it with. Asking for a knife, an ex-con informed us that knives weren't issued here, nor were sharp instruments like forks.

Next morning we managed to locate the decrepit ramshackle bus that was to take us to near Blair Atholl, which was in Perthshire, in the midst of the Grampian Mountains, through which the rivers Tilt and Gary flowed.

*Blair Atholl*, in the original Scottish Gaelic meant something like: a field or plain in New Ireland.

It was another long journey but it being a works bus it was free. Eventually we turned off onto a muddy road and onto rows and rows of Nissan huts, that had once being a German POW camp. Signed in to the company, we were assigned one of the Nissan huts in which there were twenty beds in two rows of ten, with a coke-fed round stove in the middle of the hut.

In the bed next to me was a German carpenter who began to recount his ex-

periences whilst a navigator in the Luftwaffe during WW2. Hearing my accent he told me he had been to Belfast, in a bombing raid.

I told him I had heard his planes coming over the quiet County Down countryside about 2 am in the morning. These were the Heinkel He-177 heavy bombers, he said. And he went on—

"I might have seen your house for it was a clear night."

It was like old pals meeting up!

I told him I recognised the sound of the bombers, a sort of staccato of low and high notes, as they had been here before. And then seven explosions, after each plane dropped its load on Belfast seven miles away . . .

"Eight", he corrected.

But I was sure it was only seven.

"Are you making a liar of me over one bomb". I said.

One night there had been 160 planes overhead with devastating damage on the heavy industry of the aircraft factories and shipyard plus engineering works.

2,000 dead in one night. But I forgot about that as the man seemed a decent type with a sense of humour.

One of my friends in the shipyard, as an apprentice, was another apprentice who was a B'Special. I put this friendship down to being an isolated Catholic in an overwhelming loyalist area and desperately needing friends. I just had no friends even as a child and as a boy, and as a growing teenager.

I had no girlfriends in Carryduff, County Down, where I lived with my family. Protestant teenage girls didn't go around in the countryside with the likes of me. Even if they wanted to the community would have come down hard

on them. These young girls were Presbyterians and regular church goers.

I learnt not to judge people by their professions or beliefs, but how much a human being they were, otherwise I was never going to have any friends.

Joining the Young Workers' League in Belfast at this teenage critical age changed my world for the better. The whole of life opened up as did the world. So, I listened to the German without prejudice

His plane, he said, had been shot down over Liverpool, and he spent the rest of the war in this very camp as a POW. He had married a local Scottish girl on release. She lived with her parents about two hour's bus journey away. He was sleeping in this camp to make money in order to buy a house for them both. To live with her at her parent's place meant spending money on bus fares. Then there were shouts from those trying to get to sleep and the conversation ended.

Next morning it was a breakfast of boiled kippers and rough bread, served by a huge Pole, who I was told was also a chucker-out. So you didn't throw your disgusting breakfast in his face. We were each provided with two jam sandwiches for lunch. Not much sustenance in that when doing such heavy work in the weather that was still sleeting though it was June.

More ramshackle buses took us to the dam site. My friend, who was 18 stone, though of muscle, was assigned a job on the ground, for his own safety, while I was sent to climb a 100 foot steel vertical ladder to the top of the dam. Now it was snowing. Back then no protective clothing, boots or helmets were issued.

The steel rungs of the ladder were iced up. It was something you climbed at least eight times a day, which included first thing up in the morning, down and up for 10am tea break, the same for lunch break, 3pm tea-break and finally down to get back to the huts.

The heart pumped like hell at first but you got used to it. Going backwards off the top of the dam on to the ladder stayed a heart-thumper.

The workforce consisted of Irish, Highlanders, Ukrainians and Poles, and the German. It was mixture of skilled and unskilled. The Poles were mainly skilled with some Irish skilled. The Ukrainians were unskilled labourers, while some

of the Irish were semi-skilled as concrete layers. Carpenters like myself made the shutters (moulds) out of heavy timber, from drawings, into which the concrete was to be poured. Foremen and managers were all Scottish. After work, leisure time was used gamble. It was the dreaded Crown and Anchor board on which bets were taken, and wages lost. I'd seen all of this in the Belfast shipyard before so I wasn't interested, and didn't understand it, as I didn't gamble.

The gambling was controlled by one Irishman and one Pole. The Polish workforce didn't gamble, didn't spend the odd day away with wives or relatives in order to save money. They had a longing to buy a house, or houses.

No alcohol was allowed on the site. There was regular film show each Saturday night. You could request a film and if enough men agreed then the camp authorities got that film. The most requested was the Hollywood Western *Shane*, made in 1953. It was a story of injustice by the big landlords against the small farmer. They were cleared from the land and if they resisted too much a hired killer, the man in the black hat, shot them dead.

The successful fight against this was the highlight of the film. The whoops and cheers from the Irish and Highlanders were deafening. It was shown four times and received the same whoops and cheers each time it was shown, as if it was being seen for the first time. No Pole or Ukrainian was ever at these film shows.

Another relaxation was the half dozen women working in the canteen. They were a lot older than I was so I wasn't particularly interested; besides, a 17 year old bride was waiting for me in London. The women were the reserve of the foremen. I don't know if they paid them, but that was suspected.

There was police post in one of the Nissan huts. I noticed that part of the camp was wired-off and had a locked gate. Stuck to the gate was a no admittance notice in English and some other language which looked like Polish. I later found out that was where the Ukrainians were housed.

The Poles had their own few huts but they weren't behind wire. The rest of us just mixed: Irish, Scots and the German. It was always story-time with the German as we lay in out beds. He said he wasn't a Nazi, that he had been conscripted and had chosen to fly. He described each bomb and how it was constructed. His ambition came one day when he was switched to

bombing England. He had something against them because of WW1. I didn't understand what he meant at the time.

He was in the war as a German patriot to right old wrongs. No one in the hut objected to his wartime stories unless he went on too long and kept them awake.

Been a reader, and having a library of books, I noticed there was not even one book around in the hut I slept in, nor anywhere else. There were no newspapers or radios.

One day, on the dam top, an Ukrainian labourer, calling himself Joe, began talking openly about his duties as a Concentration Camp guard during WW2. He didn't say where and maybe that was because there were always Poles within listening distance.

He talked mostly to the young like myself whom he felt were forever thinking and longing for women. He described his life as an easy one with his main interest being women and having a sexual encounter with these prisoners before they were executed.

I was certainly stunned by what he was saying. Some of the Scots workers bombarded him with jeers about what will happen to him when the Russians got their hands on him. The German would say something to him in German and get back a dumb response. I asked the German one day what he was saying to him but he wouldn't tell me except to say he wasn't been friendly. One or two said the Ukrainian should be kicked off the top of the dam.

One day he appeared with a black eye and a badly bruised face. Everyone said they had nothing to do with it. They were only here to make money for their families and not to end up in prison. We began then to suspect it was his Ukrainian comrades who had dealt with him for revealing what he had been. After that he disappeared from the site. That brought rumours they had killed him and buried him somewhere in this vast landscape.

I often passed the forbidden territory of the Ukrainian huts, wired off, with a locked gate, and noticed the police post was close to it. I don't think the police were there for us. It all seemed odd. They just had to be war criminals, wanted by the Soviet Union but given refuge by Britain, in a remote part of Scotland.

Most of these Ukrainians silently did their job, and only spoke to their own countrymen in their own language. Then they retired to their isolated huts

behind the wire. They didn't take part in the gambling nor were ever in the hut-canteen culture. Basically they were prisoners of some sort. Maybe with time they would dribble out into the Ukrainian communities in Northern England..

The job was hard and joyless, the money was no better than what I had been earning in London, so I decided to return to London after a six weeks. My friend also tired of the whole atmosphere. We had made a stupid mistake in coming up here. Now it was the tortuous journey back down South. Also, the tiny mobile Post Office was accused of theft. Men were sending money back to their families by registered post and people at the other end said they weren't receiving anything for weeks on end.

And it never stopped sleeting though it was now July.

Back in London I wondered about the Ukrainian secretive camp. I read that coal miners in England were complaining about having to work with various nationalities who had Swastika tattoos on their upper arms, revealed in the showers at knocking-off time.

Sometime in the 1980s, during the Thatcher era, I noticed a piece in a paper that said Scotland Yard was setting up a War Crimes Unit to investigate who, and how many war criminals were still living in the UK. I wrote to them and gave details of my working experience on a hydro-electric dam in Scotland. I gave them details of the main contractor and some of the sub-contractors who were employing the Ukrainians. I particularly profiled the Ukrainian known as Joe, his description and how he boasted.

Eventually someone answered, asking for more information. I squeezed out the last drips from my brain in remembering the police post beside the Ukrainian camp. Surely, the Scottish police would have some records from that period. But that didn't seem enough for Scotland Yard.

I began to think the setting up of this unit was just a bluff. If not then they had probably found that all records of the main contractor and sub-contractors had been destroyed, plus Scottish police records. A meeting was proposed but I declined. By by this time I was remembering that Britain itself was making war criminals in Northern Ireland, and that overshadowed my own Ukrainian experience.

Stephen Richards

## Lewis: The Egyptian Captivity

One Sunday in early March, listening to the car radio, I happened to hear some snatches of an interview, maybe discussion, between Justin Welby—the Archbishop of Canterbury—and Tony Blair, Sir Tony, dealing with the ethical dilemmas of leadership. The questions, however graciously uttered, weren't exactly softball, and might have given pause to a man of a different calibre. But, in the absence of Paxmanesque follow-ups, there were no obstacles in Tony's way; and one could visualise his furrowed brow as he cogitated on the importance of "doing the right thing" without the benefit of hindsight, and so on. What I heard made me wonder if he had ever in his life attempted to engage with any uncomfortable truths, whether about the world or himself. Where even a vestigial capacity for self-knowledge might have lurked, there was just a void. It conjured up for me the phrase, "beyond good and evil", but instead of a liberated titanic figure to take your breath away there was something that seemed less than a man, something that was retreating into non-entity.

No doubt statecraft encompasses moral categories all of its own, not applicable to the rest of us Ordinary Joes, and maybe we should be careful of using words like "evil" in that context. But at a very simple level I sometimes wonder how easy it is for any of us to admit that we may be bad people, not just in the "mistakes, I've made a few" sense but in our whole psychological make-up, even though our own destructive and vengeful behaviour is necessarily limited to our parochial sphere of influence. I would bet that nobody ever thinks of himself as a bad person, no matter how he might own up to this or that discreditable episode in his past life. We always have reasons, we always have excuses. C.S. Lewis, whom I can't help referencing, has a wonderful analogy, all too familiar to me from my tennis playing days. Most of my tennis varied from the mediocre to the poor, but every so often I would hit a really lovely shot, a backhand down the line that would have evoked an "Oh, I say" from the late Dan Maskell, had he been watching. It's those occasional decent shots that comfort us with the illusion that there are better things to be hoped of us, because we can't bear very much reality, as Eliot remarked.

### The Opium Nabobs

And, if that's true, then the early career of James Matheson, who in the year 1844 laid out the sum of £190000.00 to acquire the island of Lewis, wouldn't bear any very strenuous moral examination. As they say of the Russian oligarchs, this was dirty money, the ill-gotten gains of the opium trade, on which the firm—I suppose John Buchan would have called it the House—of Jardine and Matheson had grown fat. Since the firm was founded only twelve years previously, Matheson had made his money in a short space of time, and was still only 45 when he got out—in the same year incidentally that the business relocated from Canton to Hong Kong. The East India Company—and its successor the British Indian Empire—may now be one with Nineveh and Tyre, but the Jardine Matheson Group not only survived but continues to thrive. Having made its fortune in drug dealing it was able to diversify into a whole series of other lines, equally profitable and less shameful. The company archive was presented to the University of Cambridge in 1935, where John Wells is the curator. Interested parties should first submit their application to the company, using an on-line form.

Just as an aside, I'd hoped that Douglas Jardine, the England cricket captain for the controversial "body-line" Ashes series in Australia in 1932, might have been a Jardine of that ilk, born as he was in India, but the connection, if any, is remote.

### Liberal Pieties

Macaulay's House of Commons speech of April 1840, warning against interfering in the opium trade, takes up ten closely-printed pages in his Writings and Speeches and is full of every sort of rhetorical device. I'll resist the temptation to provide any extracts. His arguments seem to be roughly as follows: (a) China is a faraway country with a strange culture and language; (b) The Chinese previously had more or less given up all hope of being able to prevent the import of large quantities of opium, and were now engaged in a Canute-like endeavour; (c) the nature of prohibition gives rise to a culture of criminality; (d) rigid enforcement must necessarily also criminalise many English merchants of blameless character; (e) the consuming rage of the addicts will make

them pay any price, and run any risks, to the even greater profit of the dealers, so prohibition is counter-productive; (f) opium is probably not too bad after all, if used sensibly and medicinally; (g) there has been a gross over-reaction on the part of the Chinese authorities, resulting in England's honour having been impugned, up with which no self-respecting English Government can put.

This wasn't Macaulay's finest hour, and it's easy to judge him. In fairness to him he was a man ahead of his time. Some of those who would castigate him for his heartless obsession with the rights of trade over the call of our common humanity can be found echoing him 180 years later as they advocate for the legalisation, or at least the de-criminalisation, of cannabis and even more deadly drugs. The modern Left has a very selective notion of freedom. Already in America we're seeing the woke, moralistic corporations step in to dominate the market. Their social justice principles are just for the shop window, not the shop floor where the real money is made.

In their desperate attempts to strangle the trade the Chinese Government began to overstep the bounds of due process, thus providing the pretext for the British to invade, and subsequently to dictate the humiliating Treaty of Nanjing, in 1842. It was this which prompted the young Gladstone to declare, from the Tory benches, that "if there had ever been a war more unjust in its origin, a war more calculated to cover this country with permanent disgrace, I do not know". Curiously, Gladstone's mother, the former Miss Anne MacKenzie Robertson, had been born in Stornoway.

But this was only the first of the Opium Wars, by which China was ground down over the next twenty years. The idea perhaps was that the decaying Chinese Empire was the Sick Man of Asia, ripe for economic subjugation and ultimately to be subsumed into the Western, mainly the British, sphere of influence. It didn't work out that way in the end. Unfortunately China's so-called open century, 1850-1950, which among other things was the era of unprecedented missionary activity, the period of Hudson Taylor and the Chinese Inland Mission, was seen as an age of national degradation, and from 1950 on the West has to a greater or lesser extent reaped the whirlwind.

The eponymous founding fathers were representative examples of the Scots bourgeois lads who made their fortunes in the Empire. It was the Empire that opened up the world to the Scottish nation and reconciled it to the Union. While the Irish tended to be the foot-soldiers of the Empire and to a lesser extent involved in the administra-



tion, the Scots were the administrators par excellence, the engineers and the traders.

### The Path To Fortune

Strangely though, James Matheson got off on the wrong foot and it took a few years till he found his vocation. Born in Lairg, Sutherland in 1798, of a tacksman family with some Indian trading experience, and educated in Inverness and Edinburgh, he “began working life as a seventeen-year-old in a London counting house” MacLeod informs us. Two years later he sailed to India to take up a position with his uncle’s firm, Macintosh and Company, in Calcutta, but he didn’t do very well, and got the push a couple of years later for clerical incompetence. Making for Canton, he fell in with William Jardine, a fellow-Scot who had been a ship’s doctor, but found it a more profitable way of life to be a drug pusher.

The properties of opium were certainly well known in Western Europe. It was known as laudanum when mixed with alcohol in a liquid dose, becoming fashionable among the highly stressed upper classes. The difference was that the Chinese had discovered that when smoked it had an even more mind-blowing potential, and ultimately it bade fair to reduce whole sections of Chinese society to a mindless stupor. The following, as with all of the subsequent lengthy quotations, are from John MacLeod, *None Dare Oppose* (2010), his masterpiece on the tyrannical regime in early to mid-Victorian Lewis:

“There was nothing in the least wrong with buying silk and tea and ginger and porcelain...and shipping them home to a grateful Europe. The evil lay in how Matheson and Jardine decided to pay for them. It was no light matter to raise hard cash to buy such goods from the Chinese, who expressly insisted on payment in silver; British merchants, their currency long founded on the gold standard, could only source silver from Europe, at additional trouble and charges. Yet the Chinese...had no appetite for British goods in kind....

“The stumbling Chinese Empire was no match for men such as Jardine and Matheson. Soon they were buying enormous quantities of opium in India, selling it by auction in Calcutta—in full knowledge it was being snapped up by the middlemen who smuggled it, more or less brazenly, into China—and then vested that fortune not just in sought-after consumables from the great country, but besides developed enormous interests in banking, insurance and shipping.”

Matheson himself was totally frank about the genesis of the company fortune. In 1833, just one year on from the start of his partnership with Jardine, he opined:

“The command of money which we derive from our large opium dealings and which can hardly be derived from any other

source gives us an important advantage.”

“Even when his own nephew, Donald Matheson, quit the business in quiet disgust”, writes MacLeod, “his uncle was still insisting that he had ‘never seen a native in the least bestialised by opium smoking’. One suspects he had never made much effort to find one.”

By 1843 Matheson was back in Britain, becoming an MP indeed for an English rotten borough, of which there were still some, subsequently MP for Ross and Cromarty and buying an estate in Sutherland. This was the year it was all happening, because it was on 9th November that he married, for the first time, at the age of 45, the much younger Miss Mary Jane Perceval. Whatever bloodline may have connected her with the Prime Minister Spencer Perceval, assassinated in 1812, was tenuous, although, strangely enough, she had been born at a place called Spencerwood, Quebec, where her father had been active in business and even in government. There were no children of the marriage.

### Disruption, Ecclesiastical And Social

The year 1843 is significant also in Scottish history generally, for that was the year of the Disruption in the Scottish Kirk, and the traumatic birth of the Free Church of Scotland. Whereas in 1662 roughly two thousand clergy were “ejected” from the Church of England, the Disruption took the form of mass walkout of four hundred ministers from the General Assembly in Edinburgh, with the imperious, charismatic, polymathic, Dr. Thomas Chalmers at their head. The story of the Disruption and its long slow aftermath would take us far beyond the shores of Lewis. Suffice to say that for all the luminaries who were part of the original exodus and for all the stupendous energy and financial sacrifice that went into the building of new churches and manses, the Free Church by the closing decades of the century had somewhat lost its way, stumbling into the marshes in pursuit of the fitful light of German “Higher Criticism”. It didn’t help that Chalmers died just a few years later, in 1847.

These middle years of the century were indeed a time of great upheaval in Scotland. As urban centres of the Central Belt experienced exponential growth, there was no way that the system of Parish Relief, operated thitherto by the Scottish Kirk could keep pace. Even by the late 1830s the influx of Irish, Protestant and Catholic, but especially the latter, was beginning to alter the general demographic, and by the Famine era this would start to transform whole areas of the West of Scotland. There were going to be great chasms of social and economic

dislocation, adding to the considerable level of indigenous Scots poverty. Chalmers was in the forefront of those who argued that the parishes should rise to the challenge. The prestige of the national Church by 1840 or so was at its zenith. What a tremendous witness to the power of the Gospel it would be if the Kirk could encompass the charitable provision of the whole of the society. He dreaded the thought that the new English Poor Law regime should simply be dressed out in a kilt.

But even the sympathetic Carlyle had to comment: “With a Chalmers in every British parish much might be possible! But, alas! What assurance is there that in any British parish there will ever be another?”

We may come back to Chalmers on some future date, this fascinating figure at the cutting edge between theology and what was then called political economy, with a posthumous impact stretching far beyond Scotland. The kilted Poor Law came along, administered by State functionaries, and the poorhouses were set up. It was to be another century before any serious steps were taken to alleviate Scottish urban poverty.

Meanwhile back in Lewis this was a time of transition. The Seaforth/MacKenzie overlordship had just come to an end and the islanders, by and large, were coming out for the Free Church—albeit it was a cause of bitterness that the local ministers were so eager to take flight to some of the more lucrative nests that had suddenly opened up in mainland Scotland. This lack of an established ministerial cadre left the island even more exposed to the depredations of the new regime. And at the same time, in parallel with the Irish situation, though less disastrously, Lewis was in the middle of its own pre-potato famine population explosion, at 17,000 on the eve of the famine. The potato was of course part of the reason for this demographic leap, but improved hygiene, the smallpox jab, and neo-natal protocols played their part too.

There were plenty of evictions, but no forced emigration, or deportation as I suppose we should call it. The deportations within the island were tribulation enough. The Lewis peasantry had a visceral attachment to the land. MacLeod tells a story from 1887:

“One young man had promised his grandmother in Calbost to bring back some soil from Steimreway where she had been brought up. He forgot and grabbed a handful in Calbost itself, sure she would not know the differ-

ence. The old lady grabbed it, sniffed it, even mouthed a little—and then told him coldly it was mere Calbost earth, from a certain patch of ground—she would know it anywhere—and not at all from her lamented, promised land.”

### **The Roads Not Taken**

Under the Seaforth/MacKenzies, there had been no effort made to develop the fishing industry into what could have become a very profitable source of employment. That would have meant substantial investment in the harbour infrastructure. In the late 1840s there was no one else on Lewis with the financial capability even to consider undertaking the necessary expenditure on harbours, sea walls, and safe havens for fishing boats in rough weather. There were no safe natural harbours on the island and no easy means of landing a quantity of fish. So the Lewis fishermen continued to live life on the edge, and many were drowned, while the well-equipped mainland fleets plundered the fishing grounds.

Another no-go area for Matheson was whisky distilling.

“In one of those howling, almost hilarious twists of history, Matheson, who had made so much out of oriental addiction, was a righteous teetotaler, who would have all but gone to the stake rather than sully his name at such a trade”.

It seemed that for the proprietors, from well before Matheson, what MacLeod calls the “grossly exploitative” kelp industry was the only show in town. It was from the kelp, after burning, that glass, soap and explosives could be manufactured, at great profit to the West Highland landlords. Their overheads were low. Forty creels of seaweed were needed to make a hundredweight of kelp, and for every pound the landlord made the workers received one shilling.

MacLeod quotes Donald MacDonald of Tolsta on the nature of the industry:

“Evidently [the people of Uig] had to choose between kelping and the army... The introduction of kelping into Barvas met with much resistance, as the people detested the work. The factor however was determined that their antipathy should be overcome, as to bring in kelpers from outside would dent his profits”.

For a lyrical Irish angle on the kelp industry there’s the song *The Sea Wrack*, by Hamilton Harty, beloved of performers at local festivals. This was certainly not a fun occupation. And by 1830 or so, following the repeal of the Salt Acts, it wasn’t a profitable one either. The excess population was now going to become a liability.

The Seaforths, though they meant no harm, hadn’t done much good. MacLeod

would indeed ascribe their reluctance to evict their tenants to the necessity to retain cheap labour. But the tenants were certainly being moved around on the island, a bit like sheep themselves, as sheep came increasingly to dominate the best grazing lands. On a smaller scale, this was a type of social engineering later beloved by Stalin at a macro-level, as he attempted to break up what he saw as potentially fractious ethnic groups in the Soviet Union.

### **The Sweat Of Their Brow**

The famine hit the West Highlands and Hebrides like all the plagues of Egypt combined. This was the first test for Matheson; and the fact that he didn’t react with the savagery of many of the other landlords, such as the “vile” Colonel John Gordon (so designated by MacLeod) in South Uist—who hunted down the destitute tenants with policemen, guns and dogs, and had them “tossed into boats like cattle”—made him look good by comparison; and such of the natives of Barra, North and South Uist and so on who survived the voyage would pitch up in Canada in such a state of filth and skeletal misery that even the hardened immigration officers had never encountered anything like it. In the absence of any state welfare blanket or indeed any charitable relief that was any more than hit or miss, there was nothing for it for these immigrants but to beg for crusts in the streets of Quebec or Halifax.

Matheson was knighted for his philanthropy to his starving tenants. He imported huge quantities of meal for distribution among them at his own expense. But perish the thought that anybody could be seen to be getting something for nothing. And, as was the case in Ireland, he demanded free labour in return, not least in the building of the new Lews Castle, on the site of the old Seaforth Lodge. (The historic seafront Stornoway Castle had been destroyed by the Cromwellians two centuries before. One may have concerns about the behaviour of the Cromwellians, but they certainly did get around.)

The only similar example I know of in our own locality is Garron Tower, subsequently St. MacNissi’s College (now St. Killian’s!) on the Antrim coast between Carnlough and Cushendall, which was built as a Famine Relief project at the command of Frances Anne Vane, or Vane-Tempest, Marchioness of Londonderry, whose mother had been a MacDonnell. But I’m sure there are many others. The Antrim Coast Road itself was another by-product of the Famine, superintended by Sir Charles Lanyon, Ireland’s answer to Isambard Kingdom Brunel.

Even with the benefit of all the free labour, it still took £60000.00 to build the Matheson castle, and the rolling expanse

of parkland another £49000.00 to lay out. Collateral damage came in the shape of the destruction of two villages and the removal of their inhabitants. The ancient rigs are still faintly discernible, claims MacLeod, in the fairways of the post-World War II golf course which now occupies some of the land. Once again, I’m sure that Irish parallels aren’t lacking. One notorious episode in the North of Ireland involved the clearing of the settlement of Audleystown on Strangford Lough in County Down by the proprietors of the Castle Ward estate

With a superfluity of money and no shortage of labour, it would be have been surprising if (as with the Roman occupation) no good at all had come of the Matheson proprietorship: roads, a reservoir, a prison, “ragged schools”, piped gas, and a steamship service. There were also some turkeys, such as his brickworks start-up, and his pursuit of the idea that a shipbuilding industry could be based on wooden-hulled vessels.

### **The Munro Stranglehold**

It may be recalled that Donald Munro, the villain of MacLeod’s narrative, made a cameo appearance in my previous article, in connection with the Loch Shell evictions. For a quarter of a century from 1851, under cover of Matheson’s patronage and of the many and conflicting public offices he seized or was granted, this man terrorised the hapless peasantry of Lewis. There was no motive for it, and no particular venality: he did it just out of sheer badness, like Shakespeare’s Iago. It was power for the sake of power, so that it could be exerted as viciously as possible. It’s said that, leaving addictions aside, the sins that lead men to perdition can be categorised under the general headings of money, sex and power. The lust for power is something that I’ve always found the most mysterious of the three, though I’ve often seen it in action; and in the course of my work I’ve encountered it at its most raw in the bowels of the public sector, and among charitable organisations. Maybe if I’d ever been entrusted with any real power, such as a judicial office, I too would have been intoxicated by it!

Anyway, Munro was already in situ as procurator fiscal from 1841 when Matheson fetched up a few years later, and for some reason appointed him as factor, bearing the title, Chamberlain of the Lews. That created an obvious potential for a conflict of interest. Here’s MacLeod:

“As factor, he was in absolute control of estate employment, and, critically,crofting rents and tenancies, at a time when Highland smallholders “enjoyed all the rights and security of a pub pianist”. As procurator fiscal, he could direct crimi-

nal prosecutions, baffle any civil action against the Lewis estate or himself: all the more easily when he was one of only two solicitors on the island, and the other, William Ross, was both his cousin and his business partner, and when Munro himself was a Justice of the Peace and a 'baron bailie', —able on any occasion to appear at Stornoway Sheriff Court under a variety of hats, and send forth the local police as his own private army. In any event, he commanded a real one, for Munro quickly made himself commanding officer of the local 'Volunteer Force', or militia, and could (and did) threaten to turn out its part-time troops on the rare occasions things became sticky".

It would be tedious to list all the different committees and school and parish boards which Munro headed up. There wasn't any Munro-free zone left in which civil society could operate. His chairmanship of all four school boards on the island didn't result in any marked improvement in educational standards. It was all to do with control, not education; and unfortunately lessons in the medium of English had a severe impact on the Gaelic language in the long term.

He expected even Kirk Sessions to bow to his demands, to the extent of disclosing their Minutes to him so that he could dictate to them about how to operate the Poor Fund, in which he was eventually repulsed. Even as early as 1849, before he attained his total dominance,

"[Munro] issued seven summonses for removal, against sixteen Stornoway tenants, and in four different capacities: as, in his own right, a 'heritable proprietor', righteously throwing out folk from buildings he owned; as a solicitor for the Seaforth Estate...; as a solicitor for this and that private individual; and even as Procurator Fiscal, on behalf of the Crown and taking ruthless possession... in a case of intestacy, where someone had foolishly died without making a Will and the Crown was final beneficiary".

As for his general character, MacLeod introduces him to us in a passage oozing with loathing and contempt. This is not a normal type of villain, but a Hebridean version of Iago:

"For one thing, Munro himself was a Highlander (as indeed was his boss), son of a general merchant and reared in Tain, Easter Ross; not an English satrap or even one of the Gael's true and historic foes, a Lowland Scot. And he was a Gaelic speaker: oddly enough, the execrable character of that East Highland Gaelic (of flawed grammar, toiling vocabulary and unpleasant accent) is still darkly remembered on the island. For another, he was at once spiteful and capricious. There was no safe way under such a man, who could change his mind on a

whim and lash out a talon, regardless of any tenant's care, watchfulness or obedience. It was not merely enough to avoid offending the Chamberlain. You could do nothing... that might in the least way attract his attention... Lucre and fraud and the heaping up of much ill-gotten gold any Lewisman could understand, if not admire. Wintry, sterile and absolute malice he could not."

The only other legal office on the island was that of Sheriff Substitute (the Scottish equivalent of our Northern Irish Resident Magistrate). Interestingly for much of that third quarter of the nineteenth century this post was occupied by a Roman Catholic, Andrew Lothian MacDonald, whose initial soubriquet was An Dubh Phapanach ("the dark Papist"), but which was later amended to An Siorra a chur Dia oirnn ("the Sheriff granted us from God") on account of his essential decency.

But MacDonald lacked the backbone to call out and expose Munro, and indeed was to some extent turned by him, to become a sort of passive collaborator. So it was that:

"Surrounded by relatives and domestic hirelings, and operating a legal monopoly under a complacent laird, a timid Sheriff, a remote and indifferent Crown, and with a host of public offices and positions of commercial power in their hands, Munro and Ross would rampage through a quarter century of Lewis history like a cartoon witch and her familiar."

It's only the sixty-plus age group now who can remember what it was like to have to endure the abuse of power by schoolteachers who would never be held accountable. We had a kind of sixth sense that taught us how to differentiate between the teachers who might be a bit rough and ready, but not activated by any real malice, and the ones who were mean and vindictive, and took delight in humiliating us. And, at the top of the tree, there was the figure depicted once by a daring magazine contributor as "the arch-fiend in visible form", W. H. Mol himself, who wasn't exactly vindictive but was simply a holy terror, whose quiet, almost whispered tones were enough almost to loosen your bowels.

But that was only school, a day school at that, and there was a life beyond it. If you were a tenant on Lewis in the third quarter of the nineteenth century the whole island must have been like a huge open-air prison, presided over by a governor even more sinister than in Shawshank Redemption.

In MacLeod's narrative the stories tumble over one another, and ever more outrageous. There is the Donald MacLeod who is called back after paying his rent and doing full obedience to the Factor as he held court on his carved portable judgment throne: Tasdan eile air do dhrein: "*another shilling for your scowl*".

Or the man who came back from the fishing to find men ripping the thatch off his remote house and had to set sail immediately with his family and belongings to another part of the island, where he managed to get a croft. When he attended at the next sittings to pay his rent, having walked some distance, Munro wouldn't take it as he was a couple of minutes late. He was offered the chance to pay it at Aignish, on the other side of the bay, so, he "took off his shoes and raced across the sands, against tide and clock, knowing that failure would cost him a fine, or perhaps the loss of a second croft". And, when a croft fell vacant, the new tenant was obliged to make up all the accumulated arrears of his predecessor. Woe betide him too, if he seemed to be making a reasonable fist of the tenancy and was able to provide for his wife and family. As soon as Munro's all-seeing eye, like the eye of Sauron, was fixed upon him, he would be out on his ear, and his family very possibly cast to the four winds.

### Cold Charity

Midway through Munro's reign of terror, on 18th December 1862, there was a fishing disaster of such magnitude that news of it percolated through the wall of indifference that kept the Hebrides sealed off from the notice of the civilised world. All 31 men and boys on five boats were caught in a sudden storm off Ness on the north east coast of the island, leaving 24 widows—seven of them pregnant—and 71 fatherless children. Matheson rose to the occasion, meetings were held and committees were formed to administer the funds that came in from far and wide. But of course Munro was appointed treasurer of both Committees, entrusted to deal with the money at his sole discretion; and after an initial distribution the fund went quiet and no further meetings were held. No books of audit were kept.

But Munro hadn't embezzled the funds, and payments were made in his own way:

"He sat in his big special chair in his selected Ness lair on rent day, with both big books by him—one recording the local tenancies and their tallies, one for the Disaster Fund. When an afflicted relative was next in the queue... he balefully counted out her rent... from the Disaster Fund cash. Once it was all tantalisingly on the table, she had timorously to touch his pen on that account book. The money was then swept imperiously off the table into the bag for the rent, and he recorded that payment in his other book. Yet the chamberlain gave no receipt for the rent, and the sum credited to her related only to her rent and not to her other needs, whether she had one dependent child or six. And if she remarried... she was

removed at once from the Disaster Fund list. Her entitlement was over.”

The money wasn't embezzled, but Munro just couldn't bear to pay it out in response to the pressing need. The people had to be kept in a state of abject servitude and fear. But this particular moral black hole in the Munro psyche was to play a part in his downfall many years later. So, in an inversion of the Book of Ecclesiastes, if you fail to cast your bread upon the waters it will find you after many days, indeed it will come back to haunt you. By that time, in the mid 1870s, his empire was already crumbling, for other reasons, but this was to be the cause of Matheson finally casting him adrift.

### A World Of Illusion And Fantasy

Next time I'd like to say something about Munro's final comeuppance, in the

wake of what was perhaps his greatest act of hubris. But, at this point, it might be useful to return to the problem of moral self-awareness we started with. A large part of what it means to be human is the capacity to tell ourselves stories. We need stories just as we need oxygen, but the problem is that we very soon start telling ourselves lies, and create an alternative reality in which we live and move and have our being, with a certain degree of comfort. The lies we tell ourselves are reflected in the lies we tell other people. Might it even be the case that Satan himself, described in older writings as the Great Deceiver of mankind, is in a sense self-deceived? If the Miltonic Satan is a credible paradigm one might come to that conclusion.

There is always a higher good, in pursuit of which the lives that are wrecked and destroyed along the way amount to collateral

damage. The French revolutionaries and the dictators of the last century could make out more or less plausible defences on the basis of the greater good, eggs and omelettes. And so our statesmen and women continue to accuse one another and excuse themselves. But, in the parochial context of nineteenth-century Lewis, there was no possible conceivable good that could come out of the oppressive rule of Munro, not to the crofters he persecuted and not even to Munro himself. Not even the pleasures of sin for a season: no financial gain or sexual satisfaction, or any hope of reputational aggrandisement: indeed he may have been dimly aware that for decades after his death his name would be a cursing and a byword. If Munro wasn't in fact deceiving himself as to his own real nature, I wonder if this is evidence in support of the idea of existential, as opposed to circumstantial, evil.

## Martin Tyrrell

Máirín Mitchell—An Unconventional Republican: Part 2  
(Part 1, Storm Over Spain, appeared in Issue 147)

### Back to England

Máirín Mitchell was born Marian Houghton Mitchell in England in 1895 into what appears to have been a conventional English upper middle class family. Her father, Thomas Houghton Mitchell, who was Irish and from a well-connected Unionist family, had built a successful medical practice in Ambleside, in the Lake District. Her mother, Gertrude Pease, was heiress to a small fortune. Máirín herself grew up in the family home, Rothay Garth, which is now a luxury hotel. She was privately educated, first at St Winifred's Church of England boarding school in Wales, then Bedford College in London. Her brother, Edward, went to Sandhurst and from there to a wartime commission in the Border Regiment, finally becoming a pilot with the Royal Army Air Corps/Royal Air Force. He was killed in a flying accident in Egypt in 1918, a few months before the Armistice.

Sometime in the 1920s, Marian Houghton Mitchell seems to have taken leave of conventionality and reinvented herself as Irish and Catholic. These were serious conversions. Mitchell was well into her twenties when she made them and, having committed to them, she stayed with them: the Catholicism for the rest of her life, the Irishness, too, perhaps, though with decreasing enthusiasm after 1940—her zeal having

been previously significant. I do not know if Mitchell was ever a *gaelgeoir* in the sense that she ever became fully fluent in Irish, but she was certainly a member of the London Gaelic League where she took lessons and where she appears to have been something of a star pupil. It was through the Gaelic League that she met the journalist, William Ryan, a Parnellite and socialist who would favourably review her books, and through William, his son Desmond, a 1916 and War of Independence veteran, friend of Pearse and early biographer of de Valera (*Unique Dictator*, 1937).

Mitchell's published writings suggest a considerable knowledge of Irish history and politics, and of the Irish diaspora in European history. And when she writes on that diaspora, it is to connect Ireland to Europe: as if to say this is no mere British region but a national community of long standing that maintained its identity even when there was no Irish state.

It is possible that, in transforming herself, she put herself at odds with her family and the support it might otherwise have given her. For instance, though she travelled extensively in the inter-war period, it was always on money she had earned herself and from a variety of short-term jobs (teaching adult educa-

tion, translation, ship's stenographer) rather than a career. And when she died, in a Catholic care home in 1986, she was more or less broke. Her will bequeaths small gifts to friends across Europe and only a single Mitchell is mentioned in it, a solicitor in Birr in County Offaly.

The Offaly Mitchells link Máirín Mitchell to the poet, Susan Langstaff Mitchell, who was related to them, and lived with them for a time, but did not share their Unionism—Langstaff Mitchell being '*the red-headed rebel*', a contemporary nickname revived by her biographer, Hilary Pyle. (Susan, however, seems to have been no more rebellious than to support Home Rule when its time appeared to have come. And, when its time was up, she supported, through her association with George Russell and the *Irish Statesman*, Dominion Status for the whole of Ireland a year or so before it was being considered for any part of it.)

Máirín Mitchell opens one chapter of *Storm over Spain* with a few lines of Susan Langstaff Mitchell's and it might be that Susan's nationalist leanings influenced her own. But I think it more likely that Mitchell's re-invention was shaped by the company she kept in London in the 1920s. This included, not just *Charles Lahr*, his family and his anarchist circle, or the anarchists associated with the periodical *Freedom*, but also the Irish ex-patriates who mixed with them. The most important of these, from Mitchell's perspective, was *Hanna Sheehy-Skeffington* though she also mentions Seán O'Faoláin, Francis Stuart, Liam O'Flaherty and R.M. Fox, a socialist journalist who,

for many decades, wrote for the *Irish Press*.

By the 1930s, she was, by her own account, “rather conventionally republican”. Her two pre-war books, *Traveller In Time* (1935) and *Storm Over Spain* (1937), reflect this to some extent but also show her to have been a knowledgeable and compelling travel writer, multilingual (including Spanish and Russian), and someone genuinely taken with the places and people she encountered. *Storm Over Spain* ends somewhat despairingly with the observation that the world is heading for War or Totalitarianism. If Mitchell was a conventional republican, she aspired in the long run to a kind of pacifist anarchism—a world of self-governing communes, peacefully coexisting.

At the end of *Storm Over Spain* she writes that she has taken her leave of Bloomsbury and its politics which she sees as warmongering and simplistic.

But if she took her leave of Bloomsbury, she did not keep out of the War. Aside from her teaching and administrative work on the home front, the war years proved a prolific time for her as a writer: *Back to England* (1941); *Atlantic Battle and the Future of Ireland* (1942); *The Red Fleet and the Royal Navy* (1942); and *We Can Keep the Peace* (1944). These increasingly propagandist works show a move away from, first anarcho-pacifism and then, to some extent, Irish republicanism, conventional or otherwise. “*Much of it I know you will disagree with*”, she writes to Desmond Ryan regarding *Atlantic Battle and the Future of Ireland* adding that she did not dare send it (or *Back to England*) to Hanna Sheehy-Skeffington and that it took some courage even to send it to Ryan.

It is the Mitchell/Ryan correspondence that shows something of the evolution of her new, post-September 1939 worldview, the main themes of which are: that Britain and British naval supremacy are essential to the long-term peace and prosperity of the world; that Germany, in contrast, is wickedness incarnate and harmful to global well-being; that Northern Ireland is also wicked, and though its wickedness is of a much lesser kind compared with Nazi Germany, it is nonetheless a blot on the generally beautiful British landscape (India being one other such blot); the British Empire is not really an empire, it is more a kind of federation (or is heading that way); and Ireland (the Irish Free State as was) should voluntarily associate itself with that federalising empire, conditional on the ending of partition.

I intend to look at what Mitchell says about all of these, but I want to look first at

the Irish State at the time she was writing. By 1937, the Irish Free State had become the Ireland of *Bunreacht na hÉireann*. It was not officially a republic but it had the substance of one, so much so that, when it officially became a republic, in 1949, no change in constitution was required. De Valera was the architect of that *de facto* republic and the Constitution that underpinned it, and Máirín Mitchell was a qualified admirer of him. In *Atlantic Battle and the Future of Ireland*, she describes him as—

“an extremely shrewd statesman with a mind as brilliant as Mr Churchill’s, and an intellect and a foresight beyond the level of most of his contemporaries in the different countries” (p29).

Writing to Desmond Ryan in January 1938, she comments,

“I’m far from agreeing with all Dev does, and I’m very far from being a FF Party person, but I feel it’s well to show England what unity we can just now and a mass demonstration like last week’s is all to the good...”

This was a reference to de Valera’s arrival at Euston station prior to talks with the British Government. He and the Irish delegation had been warmly, indeed robustly, welcomed by a large group made up, mainly, of London Irish. (Mitchell might well have been part of it.) The welcome was sufficiently enthusiastic that it is referred to in the official note of the subsequent inter-Governmental meeting which focused on a number of issues, including Partition, and the ‘Treaty Ports’—the three naval bases, Berehaven, Spike Island and Lough Swilly, which Britain continued to hold under the *Articles of Agreement* [known as the ‘Treaty’, ed.] following the end of the War of Independence.

The *Articles of Agreement* required that Ireland should be the Irish Free State and that the Irish Free State would be a dominion of the British Empire. And, though the territory of the dominion was notionally the island of Ireland, Northern Ireland, as established by the *Government of Ireland Act 1920*, could opt out of it, which it did.

At the time the Irish Free State was established, Dominion Status was not the same thing as independence. It was a lesser thing. The original dominion was Canada, created by the *British North America Act 1867*. This federated Britain’s existing North American colonies under a single Government, without conferring any additional powers on the new entity—

called a *dominion*, allegedly, because it was thought ‘*dominion*’ would not antagonise the United States so much as ‘kingdom’ or ‘sub-kingdom’. No-one at the time would have considered Canada a newly-minted independent state. Westminster could still legislate for it, and the founding Act of the Westminster Parliament that was its Constitution could only be amended by request to London.

It was because Dominion Status was not exactly independence that it could be conceded in the case of Ireland. Not exactly independence and not exactly Home Rule, but somewhere between the two: so much so, that the term ‘*dominion home rule*’ recurs in the relevant parliamentary debates and in the press.

If *Dominion Status* was less than full sovereignty, *Dominion Home Rule* was less than Dominion Status. Though the Free State was formally no less independent than Canada, there were good reasons that it might have been less so in practice: the proximity of Britain to Ireland; and Britain’s retention of the ‘Treaty Ports’. Because these three ports continued to serve as bases for the Royal Navy, it meant that, in the event of a war between Britain and some other country, the Free State would almost certainly have been drawn into it. In addition, under the Free State’s Constitution, and following on from the *Articles of Agreement*, there would be no Irish navy for the foreseeable future. Instead, the Royal Navy, operating out of the Treaty Ports, would undertake the defence of Ireland’s coast until such time as an Irish navy was constructed, which was not going to be anytime soon.

If the new Irish dominion was intending to have a distinct foreign policy, something that would have made it unique among the Dominions, the Treaty Ports would have significantly curtailed it. (Around 1920, de Valera, then in the United States, had suggested as a model for Ireland’s relationship with Britain, Cuba’s relationship with the United States—a proposal swiftly contradicted by Irish Americans. Cuba, they advised him, having been liberated by the Americans in the Spanish-American War, had been granted independence on American terms. These included that the United States should have a formal say over Cuban economic and foreign policy, and be entitled to maintain a permanent military presence via the naval base at Guantanamo Bay. Only when Cuba accepted these conditions did the Americans withdraw their ‘army of liberation’ on the understanding that, if the Cubans reneged, the ‘army of liberation’ would come back.

And, sure enough, back it did come back about three years later!

The *Statute of Westminster 1931* confirmed that the Dominions were not colonies or subordinate kingdoms. But the idea that *dominion status* was something other than sovereignty seems to have persisted for the rest of the thirties and into the war years. When Orwell writes about India in *The Lion and the Unicorn*, he suggests that it should be given immediate Dominion Status with the option to *secede* from the Empire when the war is over. But, if a dominion was sovereign, it could secede any time. And, if secession could be withheld from it—or post-dated, as in Orwell’s proposal for India—then a dominion was not sovereign.

On paper, the *Statute of Westminster* made it possible that a dominion might detach itself from the Empire—‘secede’ as Orwell puts it. It could leave the Empire and rewrite its relationship with it. It could redefine itself. It could take a different side from Britain in an international dispute or in an all-out war. Or it could stand aside as a neutral. But I think the expectation was that, although all these were in theory possible, they would not be attempted in practice.

The Free State was the outlier here. It was the only Dominion, apart maybe from South Africa, where there was any particular desire to be more than a dominion and where dominion status was less than what had been aspired to, not more.

When the *Statute of Westminster* was debated in the House of Commons (a debate in which the Irish Free State is mentioned more times than all of the other Dominions put together), it was suggested that the Free State might be partially exempted from it. Churchill was the main advocate of this partial exemption. He argued that the *Statute of Westminster*, if applied to the Free State, would empower it to reject the 1921 *Anglo-Irish Treaty/Articles of Agreement* (he used both terms) “at any time when the Irish legislature may think fit”, and yet, in Churchill’s view, the *Articles of Agreement* constituted the “*title deeds*” of the Irish Free State. Until the *Statute of Westminster*, if the Free State repudiated the *Articles*, it would have been repudiating the legal basis for its existence:

“In the common law of Europe”, said Churchill, “in the jurisprudence of the world, the Irish Free State would have lost its foundations. It would have become a mere inexpressible anomaly.”

But, under the powers conferred by the *Statute of Westminster*, it could repudiate

the *Articles* in a manner that was entirely lawful. Of particular concern to Churchill was that it could refuse Britain the use of the Treaty ports and other facilities of a military value. In order to prevent this, and maintain the Free State’s qualified independence, he favoured the following amendment to Clause 7 of the Bill:

“Nothing in this Act shall be deemed to apply to the repeal, amendment or alteration of the British North America Acts, 1867 to 1930 or to the *Irish Free State Constitution Act, 1922*” (proposed amended text in italics).

But the amendment, raised at the Committee stage, was not carried.

The proposal to exclude the Free State from the *Statute* was probably because it was thought that the Free State in particular might make something of the potential it offered. Which is pretty much what it did, making itself, by 1937, a *de facto* republic. (That this was achieved cautiously suggests that the *Statute of Westminster 1931* did not, in practice, confer on the Dominions the actual level of freedom it promised and that the Free State, in using its powers under the *Statute* to remake itself, was transgressing.)

The matter of the *Treaty Ports* was settled the following year, when all three were handed back to Dublin at an April 1938 Anglo-Irish meeting that followed on from the January meeting referred to by Mitchell.

It is not obvious why this concession was granted. T. Ryle Dwyer suggests there might have been American pressure but it could have been that the ports were no longer seen as a particular asset. Joseph Carroll, in *Ireland in the War Years, 1939-1945* (1975) writes that, by the 1930s, all three were antiquated and “*their main value was as deep water anchorage... they were by no means fully equipped naval bases*”. But that was not how they would be viewed eighteen months later. It might be that Chamberlain thought that, in returning the ports, the resulting goodwill might mean that Dublin would sign up to the coming war. There was a hint of that when he justified his decision to the House of Commons, saying:

“A friendly Ireland was worth far more to us both in peace and in war than these paper rights which could only be exercised at the risk of maintaining and perhaps increasing their sense of grievance; and so we have agreed that, subject to Parliamentary confirmation, these *Articles* shall be repealed, and that the ports shall be handed over unconditionally to the Government of Eire. We do that as an act of faith, firmly believing that that act will be appreciated by the

people of Eire, and that it will conduce to good relations. I would remind hon. Members that again in the course of the speech to which I have referred Mr. de Valera repeated what he had said on more than one occasion before, namely, that the Eire Government would not permit Irish territory to be used as a base by any foreign Power for an attack upon this country. He further announced his intention to put those ports into a proper state of defence so that he could implement that assurance.”

The word *Eire* (minus its *síneadh fada*) occurs three times in the Chamberlain transcript quoted above, and would be remarked upon in the ensuing debate. “*Eire is a word which really has no application at the present time*”, Churchill commented, adding—

“and I must say, even from the point of view of the ordinary uses of English, that it is not customary to quote a term in a foreign language, a capital town, a geographical place, when there exists a perfectly well-known English equivalent. It is usual to say “Paris” —not ‘Paree’...”.

*Eire* (with the *fada* absent) would become the preferred term to designate the territory formerly known as the *Irish Free State* until it was superseded by ‘*Republic of Ireland*’, which has lately given way to ‘**Ireland**’.

On the matter at issue, Churchill was dismissive of what Chamberlain had said. He reckoned that de Valera was attempting to establish an independent republic and that, in that context, the Treaty Ports were a very big deal indeed. Churchill said that he had the advantage over Chamberlain of having been in on the discussions that led to the decision on the ports. At the time, he said, the Admiralty had advised him that, without the Irish ports, Britain would not be able to secure its food supply in wartime. Churchill advised the House:

“These ports are, in fact, the sentinel towers of the western approaches, by which the 45,000,000 people in this Island so enormously depend on foreign food for their daily bread, and by which they can carry on their trade, which is equally important to their existence.”

He went on to say that he and his colleagues were only being polite when they talked about the Royal Navy undertaking the coastal defence of Ireland. The main purpose in Britain retaining the ports was to defend Britain. That was the primary aim. It was as a by-product of this primary aim that Ireland was also defended. It alarmed Churchill that these ports, these *sentinel towers*, were now to be given up:

“Now we are to give them up, unconditionally, to an Irish Government led by men—I do not want to use hard words—whose rise to power has been proportionate to the animosity with which they have acted against this country, no doubt in pursuance of their own patriotic impulses, and whose present position in power is based upon the violation of solemn Treaty engagements.”

There was now a risk, he said, that in time of war the ports might fall to the enemy. But this was not a great risk, in Churchill’s view, and he added:

“There is a great deal of substance in Mr. de Valera’s declaration that the Irish would resent the landing of any foreign Power upon their shores, and that their main desire would be to rid their country from such an intrusion. But it seems to me that the danger which has to be considered, and which ought not to be excluded, is that Ireland might be neutral.”

The main risk was not that an enemy might take the ports, but that de Valera might declare Ireland neutral in any war (which he had made clear was his preference at the League of Nations). Or he might offer Britain a trade—the ports in return for Irish unity. And there would be nothing that could be done, if he did so. On paper, Britain might step in and simply take the ports, but that would play badly internationally, Churchill thought:

“To violate Irish neutrality should it be declared at the moment of a great war may put you out of court in the opinion of the world, and may vitiate the cause by which you may be involved in war. If ever we have to fight again, we shall be fighting in the name of law, of respect for the rights of small countries—Belgium, for instance...”

Ireland, said Churchill, had never accepted Dominion Status and, under de Valera, had gone out of its way to cancel everything that made it a Dominion—the Crown, the right of appeal to the Privy Council, the Annuities Agreement, the ports. Indeed, the ports, which might have been intended to make Ireland subservient to British interests, had instead made it a threat to these interests, and had thereby empowered it. He continued:

“He claims to have set up an independent sovereign Republic, and he avows his determination to have all Ireland subject to that Republic”.

(Whereupon the Communist MP Willie Gallagher interjected, ‘Good luck to him!’)

The *Statute of Westminster* gave the Dominions at best a theoretical independence on the premise that they would probably not actually use it. And, in practice, only the Irish Free State particularly used it. Could a Dominion use the freedom it has been given *as a dominion* to renounce its dominion status? And, if it renounced its dominion status, did it in so doing lose the freedoms it had had as a Dominion, including the freedom to renounce its Dominion Status? It is like a paradox from Bertrand Russell, or *Catch 22*!

Churchill thought that a Dominion that used its freedoms as a Dominion to redefine itself as something other than a Dominion *became* “an undefined and unclassified anomaly”. That is how he saw it when he had become Prime Minister and the Irish neutrality he had foreseen in 1938 was a fact and an irritation.

### Mitchell on the Agreement

Máirín Mitchell, writing to Desmond Ryan in May 1938, welcomed the Agreement between Britain and Ireland on the ports—and on other matters such as the settlement of the economic dispute between London and Dublin, which was resolved by London folding. So taken is she with it that she says she might dedicate her next book to Neville Chamberlain. The future she imagines is one of Anglo-Irish cooperation and she is dismissive of Dorothy McArdle, whom she reports as having said that the agreement guarantees Irish neutrality.

In Mitchell’s view, it would be impossible for Ireland to be neutral in the coming war. This was because, neutral or not, Ireland would be targeted as a potential military asset and, as soon as targeted, would cease to be neutral. She was not especially pleased at this prospect principally because she thought it likely that war would mean militarism and a ramping up of government interference in everyday life. But that is how it would be.

Writing to Ryan the following month, she mentions a talk by de Valera at Blackrock College, where the audience was generally appreciative—*except* “when he spoke about his wish to be on friendly terms with Britain”. Mitchell comments:

“If people prefer the risk of foreign fascism to British Imperialism (federalism I call it now) that’s their affair... Like lots of us, I’m loath to think of the price Ireland has to pay for her safety—the ports of course are only common sense—but it’s the militarism that will come. I wonder what the Icelanders are doing.”

Iceland was an interesting choice for comparison. In the *New Standard Encyclopaedia and World Atlas*, 1932 edition, the entry on the countries of Europe notes that the Kingdom of Iceland and the Irish Free State are sometimes considered independent states, with the implication that to consider them such is not strictly correct.

(In a separate entry, on Adolf Hitler, the then rising star of German politics, readers are advised that Herr Hitler, a former architect (sic), has written a book, *Mein Kampf*, in which he sets out his opinions, some of which are rather radical.)

The Kingdom of Iceland, established 1918, was a kind of Danish dominion—a kingdom in its own right but linked to Denmark by having the same king. But, in practice, its scope to act independently was limited by its sparse population, its relative poverty and its lack of armed forces. With the ending of the phoney war in 1940, it declared itself neutral, as did Denmark. Denmark was invaded and occupied by Germany. And Iceland was, shortly afterwards, invaded and occupied by Britain. About a year later, the British troops were replaced by an American garrison some six months before the United States formally entered the war. Throughout this period of, in effect, military occupation, the Icelanders remained neutral, despite repeated requests that they join the Allies.

*Back to England*, the first of Máirín Mitchell’s wartime books, was published in 1941, then republished by the Right Book Club in 1942. It is similar to her previous *Storm Over Spain* (1937), in that it looks back on peacetime travels in the light of a war now ongoing. Writing to Ryan at the start of 1939, when *Back to England* was still an untitled work in progress, she advises that he may not like it—“*certainly not the bits about the English left and a few generalisations about the British proletariat*”. But these remarks could scarcely have been worse than the comments she makes in a letter to Ryan in September 1939, barely a week after war was declared. She tells Ryan that she is angered by the left, by the Hitler-Stalin pact, and by the *Daily Worker*’s wriggling over same. Even the Irish Labour Party seems to have got in on the act, criticising de Valera for his alleged Anglo-French leanings.

This is a new kind of war, she says. Not a re-run of 1914. It was reasonable in 1914, she says, to construe the war as a conflict of rival imperialisms but no such interpretation is possible now. As

a result, she advises that her pacifism is at a low ebb, so much so that if she does not end up in a trench in France it will be due to cowardice. And yet, puzzlingly, she regrets the British Labour Party's move away from what she sees as its former pacifism ("*But isn't British Labour always the most bloodthirsty when Britain is in danger*").

What might happen, she wonders, if Russia were to engage against the democracies—"Brian O'Neill, *Bloomsbury and Daiken I'm sure will sing Russia, right or wrong*". O'Neill and Leslie Daiken were left-wing Irish journalists, Communist or Communist-sympathising; Bloomsbury was the well-connected coterie of which Mitchell had taken her leave in 1937, ironically on account of what she saw as its growing appetite for war with Germany.

There is a postscript to this letter, which is dated 11th September 1939 and follows the news that Russia has invaded Poland. Mitchell writes that this makes a nonsense of Russia's claims to defend democracy and she predicts that Gollancz will now dutifully weigh in with some suitable argument that Poland was never particularly democratic, perhaps with some helpful reference to the Polish pogroms. In fact, this was unfair to Victor Gollancz who almost from the start of the war recanted his earlier pro-Soviet views and became an ardent supporter of the war from the Anglo-French position. He would go on to publish *The Betrayal of the Left: an examination and refutation of Communist Policy from October 1939 to January 1941, with suggestions for an alternative and an epilogue on political morality* (1941), in which a number of writers—including the equally repentant John Strachey—plus Orwell and Harold Laski, set out their critique of the CPGB and the People's Convention.

Although Mitchell had written to Ryan that she had abandoned work on her book, she wrote to him in June 1940 to say that it would be published by Muller, possibly under the title *There'll Always be an England*. And, shortly after that, she tells him it will be "*a sort of ramble through Europe 1937-1940*".

Some of the book's content certainly fits that description. But it is more, I think, a kind of homecoming. Or at least a partial one. Orwell in similar wartime circumstances discovered he was a patriot after all, that he had been absent, so to speak, on the revolutionary socialist fringe but now that the war was real, he was back on his own side. If Orwell had come round to the war, he had not gone

off socialism. His wartime writings suggest that only a socialist Britain can win the war, a socialism based on the instinctive patriotism of the working class. The wartime Orwell finds inspiration in is that of the working class and the lower middles: and he sees in them the potential for a classless future. Mitchell, on the other hand, is not so struck:

"Communal life is bound to replace private and family life to some extent in Britain. And while this leavening may be pleasing to socialists and social workers, I think I would prefer bombs to billeting on the whole. That's if the billetees are British. In any other country but Britain and Germany, it would be pleasant, but broad and large, the British masses are crude and vulgar and have a mental poverty disproportionate to their

higher standard of living as compared to other countries. At any rate, I personally have no wish to see a dictatorship of or for the British proletariat. It would be the next nearest thing to a hell on earth, after a Nazi government, that I can think of. (No, I think the Russian dictatorship would be worse)."

Ireland, she says, is a more conducive home for the artist and the individualist and she writes that she would go there now if she could. But she has romantic ties that will keep her in an England she fears will soon collectivise. Instead of Ireland, she says she will be going to Plymouth to work as an interpreter. And yet, oddly, while longing for Ireland, she was finalising a book that would be entitled *Back to England*.

To be Continued

Brendan Clifford

## Civil War Without A Civil Cause

The Irish 'Civil War' of 1922/23 was not fought over a point of civil disagreement. It was, in that respect, a war without a cause. But there is no doubt that it was a war. And it was fought more thoroughly, more bitterly, and more mercilessly than the War of Independence that preceded it.

It was a 'good' war: if a war fought in earnest without quarter is a good war—then it was a good war. Nietzsche said that, rather than a *good cause justifying war, a good war justified any cause*. He did not say that as an advocate of war but as an observer of human affairs at the start of the post-Christian era in Europe—the era in which we live.

A good war may justify any cause— it being indisputable that the winner is right—but does it justify the absence of a cause?

Both sides in the Irish 'Civil War' wanted the same thing: an independent state.

The nominal issue on which the War was fought was whether the British Crown should be an element in the Constitution of the Irish state. But neither party to the War wanted the Crown.

The party that fought for the Crown did not do so because it was Monarchist. It fought for the Crown because the Crown threatened that, if it was excluded

from the Constitution of the Irish state, it would apply the might of its Empire to reconquering Ireland.

The Party that fought for the Crown was called the Provisional Government of the Irish Free State. That Party had signed a 'Treaty' with Britain, and under that 'Treaty' it was set up as the Provisional Government of the Irish Free State by Britain.

The Provisional Government was *Provisional* pending the holding of an Election to return MPs to a Parliament of Southern Ireland on which it would be based, and the adoption of a Constitution of the Free State which it was to govern.

The members of the Provisional Government were all elected members of Dail Eireann, which had a Government of its own. The Dail voted by a small majority to support the establishment of a rival Parliament and Government—a Partitionist Parliament and Government of Southern Ireland. The Dail majority that supported the Treaty left the Dail and met briefly as the Parliament of Southern Ireland so that the Crown—Britain—could install a Provisional Government based upon it.

But all those members of the Dail majority had been elected to the Dail on



a policy of rejecting the Parliament and Government of Southern Ireland provided for in British legislation in 1920.

Britain had made a point of not negotiating the Treaty with representatives of the Government of Dail Eireann. The people Britain negotiated with were actually were members of the Dail Government, and were in its service—but Britain did not recognise them as such. It did not receive the credentials to negotiate, given them by the Dail. It arranged that, when the Irish delegates turned up in Downing Street, there should be no ceremonial reception of them. They were quickly ushered from the door into a conference room and put sitting across a table from the British negotiators.

The British negotiators had the formal status of representatives of their Government. The Irish delegates had no official status whatever at the Conference. They were just a group that turned up and that the British decided to talk to as people with a following in Ireland.

If Arthur Griffith, the leader of the group, had insisted on presenting his credentials as a delegate of the Irish Government, there would have been no Conference.

It seems that the informality arranged by the British Ministers—who were past masters at ceremonial formality—affected the Irish delegates to such an extent that they forget they were delegates, and acted contrary to the instructions of their Government by signing a Treaty which was not a Treaty between the British Government and the existing Irish Government, and which the Irish Government had not seen when its delegates signed it.

The text of the Treaty was brought to the Irish Government only after it had been presented to the world by the British media as a *settlement*.

### **A Treaty Between Britain And X**

It was in fact not a Treaty at all. A Treaty is an agreement between Governments, but there was only one Government involved in this Treaty. The Dail Government which delegated the negotiators to form a Treaty with Britain for it, is not mentioned in it.

The Government in Ireland which was a party to this Treaty was a Government which did not exist at the time, but which the Irish signatories undertook to bring into existence as an obligation of the Treaty—the *Government of Southern Ireland*.

This Treaty, sprung on the Irish Government by its delegates acting on their own authority, was a matter of fundamental disagreement in the Government and the Dail from the start.

The Government decided to overlook the breach of its instructions to its delegates to sign nothing without its approval, and supported their action by a majority of one. But that majority was gained only because Robert Barton (a delegate and a member of the Government) had signed the Treaty at the eleventh hour, though disagreeing with it, because the British Prime Minister threatened that there would be immediate and terrible war launched in Ireland if he did not sign at once, and Barton then felt bound by his London signature to vote for the Treaty at the subsequent meeting of the Dublin Government. Having done that, he reverted to opposing the Treaty.

The document then went to the Dail where, after days of rancorous dispute in secret session, the Treatyites gained a small majority.

What did that majority signify? Not ratification of the Treaty. The Dail was not the ratifying body in Ireland, not being the Irish party to the Treaty. The ratifying body was the Parliament of Southern Ireland, which had never met.

### **Two Elections in One**

The Elections held in Ireland in May 1921 were organised by the British Government for the purpose of electing two Parliaments with devolved powers, one in the 6 Counties and one in the 26. The Dail decided to participate in these elections but treat them as elections of the 2nd Dail.

Sinn Fein won all the seats in the 26 Counties, except for a few seats allocated to the Protestant Ascendancy academic Constituency of Trinity College.

When the Viceroy called on the Parliament of Southern Ireland to assemble only the Trinity MPs did so, and as they did not constitute a quorum they were sent home. All the other elected candidates met as Dail Eireann.

Six months later the majority which voted for the Treaty in the Dail met outside the Dail—with the Trinity MPs—as the Parliament of Southern Ireland (which they had been elected to reject), ratified the Treaty, and appointed the Provisional Government, which had Michael Collins as its Chairman.

The Parliament of Southern Ireland (minus the Trinity MPs) then returned to the Dail and joined the anti-Treaty TDs in maintaining the Dail Government—the Government of the Republic.

The Parliament of Southern Ireland never met again as far as I know. As is the way with certain bees, it performed its essential function and died.

The Provisional Government continued without its Parliament. It governed through the Dail, camouflaging the difference but not becoming the Dail Government.

Collins had occasion to make it clear a number of times that he had powers as Chairman of the Provisional Government of the Free State that were not available to the Dail Government of the Irish Republic.

The Dail, even if it had been unanimous in support of the Treaty, could not have become the Parliament of Southern Ireland, because it did not accept Partition and because it had Deputies elected in the Six Counties sitting in it. It was therefore necessary that a Partition Parliament should be elected.

Griffith, President of the Dail, was eager to get on with the business of holding a Treaty Election while Collins, Chairman of the Partitionist Provisional Government—taking extra-Parliamentary factors into account—kept delaying the election. He seems to have assumed, when deciding to sign the Treaty in defiance of the instructions of his Government, that he would carry the Army with him—while the Dail would probably reject the deal.

But the way things worked out was that he mastered the Dail, while the Army slipped away from him. And, unlike Griffith, he did not live in Parliamentary illusion.

He knew the what's what of these things. The British did not come to the Conference table because of Irish voting—it came because the Irish showed a willingness to fight in support of the thing they had voted for. It had never recognised the Dail as a Legislature, but it had recognised the Volunteers as an Army at the Truce.

### **Armies And Legislatures**

An Army is a necessary component of a State, and especially so in a State constructed in the course of a War fought against a powerful enemy.

States have existed without Parliaments, and people have lived contentedly in them. States have not existed without Armies. Even the hundred petty States of Germany before the rationalisations of the 19th century had armies. It might even be said that the necessary components of a State are a King and an Army, under the protection of which the people could live their lives by custom, without public instruction.

A Parliamentary Legislature which makes laws that overturn custom, and asserts an authority to compel the people to live by them, is a very recent addition. According to the Constitutional authority, Dicey, it was an innovation of the 19th century. And the evidence of what has gone on in the world during the past three-quarters of a century suggests that democratically-backed Parliamentary Legislatures are as likely to prevent government as to facilitate it.

Democracy is now understood in the West—in the ‘Free World’, as it calls itself—to be a system of representative government conducted by a conflict of political parties which try to undermine one another. Rousseau, one of the influential advocates for Democracy in the 18th century, denied that government by representatives was democratic at all. But what is now called *democracy* is strictly a system of representative government, conducted through a conflict of political parties, which denounce each other as being destructive of the public welfare.

Parliamentary government by party conflict provided effective government in Britain over a long period because of the highly peculiar conditions of British life, both internally and with relation to the world. Parliament was exclusively an aristocratic body for the better part of two centuries. The conflicting political parties were groupings of aristocratic families which were all actively engaged in the great national business of establishing British supremacy in the world and exploiting it.

Monarchical government was destroyed by an upsurge of Christian fundamentalism in the 1640s. It was nominally restored in 1660, but the real power was a new aristocracy, forged during the period of revolutionary upheaval. That aristocracy established its complete dominance by means of the *coup d’etat* of 1688 and the introduction of a German to be King in 1714.

Democratisation began in 1832, when the aristocracy was faced with the

prospect of capitalist rebellion against it. The franchise was extended to the middle class. But the capitalists did not enter Parliament with their own party. They became Whigs and Tories, and learned the art of government by apprenticeship.

That long, slow development through the interactions of internal forces, free from intrusion by outside forces, was not a possibility in states that were trying to form themselves against British Imperial rule.

### **Democracy and Fascism: A Middle Class Problem**

The era of universal democracy was formally inaugurated by the formation of the League of Nations in 1919—a year after Britain itself had introduced a general adult suffrage (though with some restrictions). The new European states, formed from the destruction of the Hapsburg and German and Ottoman Empires—with formally perfect democracies—all failed. Most of Europe became fascist, and eastern Europe became strongly anti-Semitic.

Ireland, which was not a beneficiary of the Versailles Treaty arrangements, established itself as a democracy. And it remained a Parliamentary democracy, despite the efforts of the party that made the Treaty deal with Britain, to exert fascist authority against what would nowadays be called the “*populism*” of the anti-Treaty party.

When the Treaty Party, Cumann na nGaedheal, re-founded itself as a Fascist Party, Fine Gael, in 1933, it did not behave eccentrically or outrageously. It was in tune with European developments. It was De Valera who was out of joint with the spirit of the age. He held the Irish State to liberal democratic Parliamentary government when it might have joined the European norm with a Corporate State development.

Fascism was the middle-class thing in the 1930s. Party-political democracy became the middle class thing after Communist Russia destroyed the Fascist order in Central Europe. But the middle class is, by definition, the core around which the aura of normality is spun. So there is a problem.

Professor Tom Garvin of the National University tried to resolve it by means of the contemptible intellectual device of the paradox: *In Ireland the Fascist party was the democratic party, and vice versa.*

The London *Times* chipped in with a large photo of De Valera meeting Musso-

lini, and a caption explaining that Dev’s title of *Taoiseach* had much the same meaning as Mussolini’s title of *Duce*.

Fianna Fail was continuously in Office for sixteen years after coming to power in 1932. Doesn’t that mean that it was authoritarian? Doesn’t Democracy require more frequent changes of government?

Well, Fianna Fail, in the Fascist era, maintained authoritative government in the medium of a free conflict of parties. Fine Gael, on the other hand, founded itself as an authoritarian party but failed to gain actual authority. These two facts are possibly inter-connected.

The lineage of Fianna Fail goes back to the anti-Treaty IRA of 1922. In March 1922 the IRA revoked its allegiance to the Dail and declared its independence. It set itself up as a military dictatorship, so the argument runs, and De Valera did not denounce it.

During the Autumn of 1921, while the Dail delegates were trying to get the British Government to establish Treaty relations with the Dail Government—the Government of the Republic—the Dail Government was regularising relations between the various institutions of State established during the resistance to British terrorist activity. So that there could be no doubt about the legitimacy of the IRA, it was systematically re-commissioned as the Army of the Republic.

### **The Dail Revokes Its Mandate**

On 6th December 1921 the delegates, on their own authority, and against the instructions of the Government which appointed them, signed a document that came to be called a *Treaty*. It was not a Treaty between Britain and the Government which appointed the delegates. By signing it, they undertook to see to the formation of a new Government in part of Ireland under British supervision.

The Dail voted by a small majority to deny its own legitimacy and support the setting up of a new system of government in its place, beginning with the attendance at the Parliament of Southern Ireland, and the setting up of a Provisional Government backed by Britain.

The distinction between the Dail Government and the Provisional Government of the Parliament of Southern Ireland was camouflaged to a considerable extent, but it soon became clear that the Provisional Government had a source of actual power that was not the Dail.

The Dail from which the IRA withdrew its allegiance was not in substance the Dail to which it had pledged it.

The Government of a state must have an effective representative connection with the Army of a state in order to be entitled to its allegiance and to be able to elicit its allegiance. There was no organic connection between the Provisional Government and the IRA.

The IRA was intimately connected with the Dail, and swore allegiance to it. It did so at a time when the Dail had rejected the British scheme to set up a Parliament and Government of Southern Ireland. The Dail subsequently decided to implement the British scheme with modifications. It set up a Provisional Government, and armed it, to implement that British scheme. The Provisional Government acquired an Army which was not the Army commissioned by the Dail.

The relationship of trust between the IRA and the Dail Government was broken by the Dail, when it agreed to the setting up of a Provisional Government under the Crown to replace the Dail Government and to the setting up of a second Army in rivalry with the Republican Army

The whole business of the Declaration of Independence, and the setting up of a Dail Government with its own system of State must either be dismissed as nonsensical make-believe, or else taken in earnest. But, either way, the IRA was something real in the midst of it all. It was the only Republican institution which the British State had recognised, by negotiating the terms of a Truce with it. And either its swearing of Allegiance to the Government of the Republic was a piece of nonsense best forgotten, or the Dail had freed it from allegiance by agreeing to the setting of a Provisional Government under the Crown in place of the Government of the Republic.

### Griffith

The three leaders, Griffith, Collins, and De Valera, represented the three strands of the Independence movement: Sinn Fein, the IRB and the Volunteers.

Griffith played no part in the Rising but he was given honorary status in it by being arrested and interned, and by British journalists calling it by the name of his Party, Sinn Fein. The Irish Republican Brotherhood and the Volunteers were separate bodies, but with the secret organisation operating in and energising the wider organisation. In the aftermath of the Rising, the Sinn Fein Party was remade as a republican party by the IRB, and the leader of the Volunteers, De Valera, became SF President, with Griffith taking second place.

Griffith's aim before 1916 was to establish Ireland as a partner with Britain

in command of the Empire under an arrangement of *Dual Monarchy* of the kind that had been arranged between Austria and Hungary in the Hapsburg Empire. Whether or not he was a monarchist in principle, monarchy was acceptable to him. His means of achieving Imperial parity with Britain for an Irish Government was abstention from the Union Parliament and passive resistance to British government in Ireland.

While he did not dissent from the policy of Republican Sinn Fein, as remade by the IRB, a close observer (Major Street) was of the opinion that he was biding his time from 1918 to 1921, ready to revert to his earlier position if circumstances warranted it—as they seemed to do in the Fall of 1921.

Griffith was the leader of the team sent to negotiate a Treaty. At the last meeting of the Government before the British document was signed, he said he was in favour of signing it. It was put to him that, if the Government accepted that document, it would split the country. He agreed. He said he would return to London for further negotiations, and would not sign without further consultation with the Government. But, within three days, he signed a slightly amended form of the document without consulting his Government.

Robert Brennan, the Wexford Republican, who might be described as a level-headed bourgeois in the best sense, was in Berlin organising the setting up of a News Agency when he saw a newspaper report of the Treaty. He hurried home:

“In Paris, I found Sean T. O’Kelly, our Envoy, Leopold Kerney, our Consul, and all the office staff bewildered and furious at the turn of events. In Dublin I found the split. Sneering and cynical gibes at the diehards, on one hand, were met by ready taunts of ‘traitors’ and ‘treachery’ on the other. Dev had denounced the Treaty and all the newspapers were belabouring him. Almost the first person I encountered when I went to the Mansion House was Griffith. He came over to me, smiling and cheerful

‘What do you think of it?’ he asked. ‘I think you’ve made an awful mistake’. He flushed. ‘Have you read the terms?’ ‘I have’. ‘Do you realise what we’ve got?’ ‘I do’, I said. ‘You’ve got a great deal, but you’ve also got British sovereignty and partition’.

‘It does not mean partition’, he said stiffly. ‘Under Clause Twelve we’ll get at least two of the six counties, Tyrone and Fermanagh, and possibly other areas, such as South Armagh and South Down’.

He said Lloyd George was convinced that this was the case. The Boundary Commission was to allocate such territories in accordance with the wishes of the inhabitants...” (*Allegiance*, p330-1).

Griffith asked him if he realised the alternative was war. He replied that he didn’t believe it was:

“ ‘Would you accept the alternative of war?’

“ ‘I know it’s a frightful choice, but at least we would all be together’.

“ ‘The person who talks like that is a fool’ said he.

“ ‘Well, A.G.’, I said, ‘I don’t care what names you call me. I’ll never call you any’.

“He smiled wryly, and went out, but he continued to treat me on the old terms, though he was very sore at everyone else who opposed the Treaty” (p331).

After the Dail vote for the Treaty, De Valera set about vacating the house in Kenilworth Square which he occupied as President. He asked Brennan to tell Griffith to come and collect the keys.

“Griffith said “What does he want to do that for? ...Tell him he can stay in that house as long as he likes.”

De Valera insisted that he was vacating the house. Griffith was distressed. He said he would send no one for the keys.

Brennan suggested that Dev should talk to Griffith about it. Dev agreed, though he didn’t see what use it would be.

I went back to A.G. and he was frankly pleased.

“I’ll go to him”, he said. He came back with me and the meeting between the two was cordial. I was about to leave but both of them asked me to stay. We sat around a table and for nearly fifteen minutes the talk was on generalities. There was no mention of the house on Kenilworth Square.

“Look here Griffith”, said Dev, “the way I feel about all this is that we are going from bad to worse if we don’t get together”.

“That’s certainly so”, said Griffith.

“It shouldn’t be impossible for us to find a formula to enable us to work together.”

“I agree.”

“It’s a great opportunity”, said Dev, “and what I feel about it is that we have the game in our hands if we handle it right.”

“True.”

“We have the ball at our feet, so to speak”, said Dev, “and we can win for Ireland with the whole team playing as one”. He paused a moment. “Suppose we try to find a basis?”

“But we have it”, said Griffith, “we have the Treaty”.

“You mean the basis is acceptance of the Treaty?”

“Sure.”

Dev threw up his hands and the conference was at an end” (p332/3).

Griffith's action split the Government and split the Dail and he seemed to be eager to get on with splitting the country by holding a Treaty Election. But he was only President of the Dail, and the Dail Government—through his action—was no longer the Government of the Republic.

When the Dail voted for the Treaty it voted for its own replacement by a new order of things. De Valera stood down when the Dail supported the Treaty and was partially replaced by Griffith. That is to say, he did not replace De Valera as President of the Republic only as President of the Dail. The vote for the Treaty was a vote for the dissolution of the Republic.

Griffith had been appointed leader of the Treaty Delegation, but it was Collins who exercised the decisive influence in it. That was a matter of personal character. But, in the implementation of the Treaty, Collins held formal precedence over Griffith as well as personal: he was Chairman of the Provisional Government, while Griffith was only President of the Dail, which had reduced itself to the status of a debating chamber. The function of the Dail was to confuse and disable the Republican movement that had produced it, while the Treatyite Free State system was being constructed by the Provisional Government to replace it.

### Collins

Collins, having in mind the real forces that had come into play since 1918, prevented Griffith from confronting the society with the Treaty in an Election whose purpose would be to revoke the declaration of independence. He delayed, and delayed. It seems that he did not see the use of getting a vote against the Army which had made it expedient for the British to negotiate. And when, eventually, he allowed Griffith to call an election, it was not an election on the issue of the Treaty, but an election to return a Coalition Government of Treatyites and anti-Treatyites in a pre-arranged proportion, to govern the country without bothering it with Treaty matters.

Griffith had called a Treaty election, and had made a long speech about it. But Collins obliged him to revoke that call the next day, and to call another election on altogether different terms, and as a series of by-elections in the 26 Counties. That tactic avoided it being a Treaty election. (See *Irish Foreign Affairs*, March 2021.)

At that point Collins was summoned to Whitehall, browbeaten, and warned to get back into line with his Treaty obligations. He half-revoked the Coalition Pact in a speech in Cork city on the day

before the Election. Then, a few days later, before the Third Dail—or the 2nd Parliament of Southern Ireland, or whatever it was that was elected—could meet, Collins launched the 'Civil War', on the understanding that, if he did not do so promptly, the British Army would act.

Lord Birkenhead relates that, as he signed the 'Treaty' for the British Government, he remarked that he was probably signing his political death warrant, and that Collins responded by saying that he was signing his actual death warrant. It was a strange thing to say. It was probably just a piece of one-upmanship.

If it is taken as being meant in earnest, the only apparent ground for it was an acute awareness that he was acting against the instructions of his Government, usurping its authority, and was in danger of being arrested for treason when he returned to Dublin. But I know of no evidence that that was his line of thought. So it was probably just bravado.

It is evident that he did not take the Dail Government in earnest. He was head of the IRB. On 3rd December 1921 he had discussed the document that became the 'Treaty' with the Supreme Council, but had said nothing intelligible at the meeting of the Dail Government.

As head of the IRB he had control of the things that mattered. He was, in Griffith's words, the man who had won the War. He had the Army at his back, apart from a few countrymen. He would go through the motions of calling the Parliament of Southern Ireland, accept a measure of power from the British as the Provisional Government, manage the implementation of the Treaty in his own way—a way that would keep ideological Republicans reasonably happy—and with the British Army gone home, and an enlarged and regularised army at his disposal, he would set about dealing with the North.

He found out that the IRA on the whole did not see him as the man who had won the war and did not see itself as his creation; that Whitehall would monitor every move in his implementation of the Treaty; and that *Northern Ireland* was not a comic-opera state that could be knocked over, but was a fake name given to the Six County region of the British state for the purpose of confusing Sinn Fein.

And he found that the IRB, which had contributed much to the re-making of Sinn Fein as a Republican Party, and to its winning of the 1918 Election, had itself been subverted by the Sinn Fein constitutionalism of de Valera.

Harry Boland, his close personal friend as well as a close collaborator in the IRB, supported de Valera on the 'Treaty'. Collins was bewildered by the influence De Valera, the word-spinning logic-chopper, appeared to exert on sensible and capable men of action like Boland. Six months later, when he was in Commander-in-Chief and seemed to be in control of events, he wrote to Boland that he had the power to destroy him if he did not shake off the malign influence under which he had fallen. A short while later it seems that he did destroy him.

At the same time he wished that the people he was committed to destroying were the people he wished he had with him. Tom Hales would be worth a dozen of the opportunists who were with him. He did not like the company that had gathered around him, and it was getting increasingly fed up with him.

Collins ventured recklessly into West Cork, apparently for old times' sake, and was killed during a Republican ambush. His convoy might have driven on at speed, but he ordered it to stop and fight, and he himself did some shooting for the first time since 1916. It was a futile gesture on the part of the Commander-in-Chief. It got him killed. But the rumour got around that he was killed by a member of his own party under cover of the ambush. The interesting thing is that it is not incredible that his own party might have wanted him out of the way. He had become a nuisance to it, with his Northern policy and his yearning for a deal with the Republicans. He was in two minds. Dead, he became a glorious icon, and his single-minded successor set about grinding the enemy into the dust by means of a war of terror, and humiliating the survivors.

The Civil War ended, without a Republican surrender, in 1923. In 1924 the Collins Republicans were weeded out of the Free State leadership in the affair that used to be known as the *Mutiny of the Major Generals*.

### Republican Constitutionalism

That Free State purge cleared the ground for the re-emergence of Republican constitutionalism in form of Fianna Fail.

*Republican constitutionalism* was De Valera's creation. It had nothing like the meaning of *Constitutional Nationalism*—which meant the pursuit of Irish national aims within the British Constitution, pacifist nationalism.

What De Valera did was take the formation of an Irish Government on the basis of the 1918 electoral mandate as establishing an Irish Constitution.

Pacifism had nothing to do with it. Britain is a war-making State—as Tony Blair reminded his party in a retirement speech—and yet the British Constitution is one of the marvels of the political world.

A great many peoples around the world have been governed by Britain, which was itself constitutionally government—but that did not mean that they too were constitutionally governed.

I think it was Peter Walsh, at the end of the 17th century, who said that it felt no better to be oppressed by law than to be oppressed by despotism. Ireland was not part of the law-making process that oppressed it, and therefore that process was despotic with relation to it.

In the Fall of 1921 Collins negotiated as the leader of a rebel band, looking for a deal with the Government—while De Valera conducted an Irish Government as a Constitutionally established Govern-

ment which wanted to establish a Treaty relationship with Britain, but would not submit itself to British authority even if War was threatened.

Collins apparently did not see the difference. De Valera took the trouble to explain his position to the Dail and to get it to understand what it would mean if it re-elected him as President: it would mean he was Executive President of the Republic, with considerable freedom of action.

Collins, though he nominated Dev for the Presidency, must not have been listening to the conditions which DeV placed on his re-election. Irish Constitutionalism was outside his conception of what was possible. He remained an ingenious conspirator, skilled at manipulating spontaneous forces. But in 1922 all his ingenuity came to nothing.

Instead of handling Whitehall, he found he had given it the whip hand over him. He thought he could humour

the British by making a sacrifice of Rory O'Connor, who was not entirely in harmony with the countrymen, and still keep Liam Lynch onside, but Lynch left to defend Munster against him. And then he found that the members of the Provisional Government he had gathered around himself were becoming far too Treatyite for his liking and were solidifying against him. He had got himself into a fix. And it looks like he went back to his origins in the hope of finding a way out of it—one way or the other.

So the 'Civil War', fought without sufficient reason, was not one of these *good wars* that justify any cause. It was a kind of preventative war, fought in place of a possible resumption of the War of Independence. The winners won a barren victory. All they could do with it was delay the revival of the De Valerite Constitutionalism which they had rejected.

## Nick Folley

Part Two

### Some Connections Between Hiberno-Normans And The English Crown, Especially During The Wars Of The Roses, And Their Consequences For Ireland

Present at the Battle of Wakefield of December 1460 on the Lancastrian side had been Irishman James Butler, 5th Earl of Ormonde and 1st Earl of Wiltshire.

Butler had been made Earl of Wiltshire in 1449 for his staunch Lancastrian credentials. Contemporary chroniclers however didn't think much of his martial prowess and one wrote that he "... *fought mainly with his heels* [i.e by running away] *being afraid of losing his beauty* [i.e getting scarred or wounded in battle]..."

He had also been present at the First Battle of St. Alban's, then at Mortimer's Cross (1461)—where Lancastrians had been soundly defeated by the Yorkists led by Edward. One Chronicler of the battle claimed that, when Ormonde's (i.e James Butler's) forces saw the Lancastrian centre ward (under the Earl of Pembroke) being defeated by Edward, they simply sat down and awaited the outcome of the battle, rather than go-

ing to Pembroke's aid! However other Chroniclers wrote that Ormonde's ward acquitted themselves reasonably well. Not so Butler himself, who, when he saw the battle was turning against him, made his escape, then disguised himself as a peasant woman to avoid detection. This latter action especially earned him the disgusted opprobrium of his peers.

However his career survived, until his luck finally ran out after the Battle of Towton the following Easter (1461) where the Yorkists were again victorious. Butler was captured and quickly executed. His execution may in part have been prompted by his hardline Lancastrian sympathies, but also by his presence at Wakefield in 1460 where both Edward's father (Richard) and brother (Edmund) had been executed. He had brought significant forces from Ireland to fight for the Lancastrian cause over the years.

There may have been other factors in his downfall as well. The Butler family as a whole were staunchly Lancastrian and had many connections to the Lancastrian cause. James Butler's sister, Anne, was married to English knight Sir John Talbot, 2nd Earl of Shrewsbury and 2nd Earl of Waterford (a title he'd inherited from his father, who had also served as a Chancellor of Ireland). Talbot had been Chancellor of Ireland until the arrival of the Duke of York to take over as Lord Lieutenant.

Talbot had criticised the Duke of York's conduct as Lord Lieutenant, and, though he briefly threw in his lot with the Yorkists, he was also involved in the 1459 Parliament which passed Acts against the House of York. Talbot was captured after the Battle of Northampton (1460) and hacked to pieces by the Yorkists.

#### Wars Of The Roses And Ireland

There were lasting repercussions for Ireland from the involvement of one of the most prominent Hiberno-Norman families in the Lancastrian cause, and from the connections between the Yorkists and the Lieutenancy of Ireland. The Butlers of Ormonde may have used their influence with the ruling House of Lancaster to their advantage in disputes with their rivals, the Fitzgerald Earls of Desmond, another Hiberno-Norman family, to the southwest.

The only 'Irish battle of the Wars of the Roses' took place at Piltown, Co. Kilkenny, in the Spring of 1462. After

the execution of James Butler at Towton in 1461, his brother John Butler became the 6th Earl of Ormonde and seems to have carried on the family's Lancastrian sympathies. In Spring 1462 he captured the son of Thomas Fitzgerald, the 7th Earl of Desmond. On hearing of this, Desmond marched to either rescue his son or have satisfaction. He ran into a force of several hundred under Edmund MacRichard Butler at Piltown and a bloody battle followed. It began at the location now marked by the 19th century 'sham' Tower and ended several miles away where the ruined tower of the 18th century Church of Ardclone now stands. Over 400 men lost their lives, making it a big battle by Irish standards.

Perhaps because of such rivalries, the Desmonds tended to favour the Yorkist faction, and were later to provide material help in Yorkist bids for the Throne or against the Lancastrian faction. The fault lines in England were clearly being felt also in Ireland.

It is not necessary to relate here all the turnings of the Wheel of Fortune as Yorkists and Lancastrians occupied the Throne in turn. Suffice to say that, by the mid-1480s, Richard III of York had come to the Throne. Richard (formerly Duke of Gloucester), despite the efforts of the *Richard III Society*, has always been associated with the disappearance and presumed murder of his nephews, Edward IV's children. Richard's treatment of his nephews and seizing the reins of power have divided historians. His actions must be seen in the context of England on Edward IV's death.

Edward had allowed his lust to 'get the better of him' and married a relative commoner (i.e. minor gentry) in the form of a young widow, Elizabeth Wydville, in order to bed her. Elizabeth was a striking beauty but was also ambitious, grasping and ruthless. She demonstrated this streak when in 1467 she stole Edward's signet ring (which the King would have used to 'sign' royal executive orders) and used it to give an order to have the then Earl of Desmond executed simply because the Earl had made disparaging remarks about Edward's choice of bride. Obviously Elizabeth got to hear of it, perhaps from Edward himself. John Tiptoft, who carried out her order, overstepped his brief by also executing two of Desmond's sons, but some of the blame must be traced back to Elizabeth herself.

This incident demonstrates several things: though Elizabeth Wydville was not well regarded by most of the English

nobility and Commons, for the Earl of Desmond to have made such remarks shows there must have been some degree of familiarity between Edward and Desmond. It's probable that, given the Lancastrian leanings of the Ormonde Butler family, the various Earls of Desmond saw their best hopes of advancement as lying with allegiance to the House of York. The Desmond faction would probably have known the famously easy-going and conciliatory Edward was unlikely to have given such an order simply for Desmond speaking his mind, and would have learned or guessed, that true responsibility lay with Elizabeth.

Elizabeth Wydville used her position as Queen to advance the interests of her extended family, and before long Wydviles were being granted titles, honours and lands by Edward, either to please his wife or at her behest. This infuriated former Yorkist supporters, notably the Earl of Warwick, and led to a falling out between Edward and Warwick, the latter pushed into an unlikely alliance with his former nemesis, Margaret d'Anjou.

This alliance came to grief at the Battles of Barnet and Tewkesbury, which left both the Earl of Warwick and the sole Lancastrian heir, Prince Edward (son of Margaret d'Anjou), dead and Lancastrian hopes seemingly in tatters. It may have been that Edward was seeking to build himself a power base that did not rely on old supporters like the Earl of Warwick, but, in doing so, he was repeating the same mistakes as Henry VI, surrounding himself with, and empowering, unpopular advisors who limited access to the person of the King for their own gain.

When Edward died, the Wydviles were left in an apparently unassailable position: firmly entrenched at Court and in the gentry, they held the person of the heir to the Throne (Edward V, son of Edward IV) and his brother Richard, next-in-line. Both boys were very much under the influence of their mother Elizabeth. It was a prospect that must have filled Yorkists like Richard, Duke of Gloucester with dread and horror. Elizabeth—along with her Wydville relatives—would be the one to exercise real power through her son, at least until he came of age to rule in his own right, and even then was likely to see things his mother's way.

In the light of her treatment of the Earl of Desmond, anyone who stood in her way knew what to expect, and Richard knew she was no friend of his. The accession of Edward V would have

marked the start of the Wydville dynasty in all but name, and Richard initially had some support among nobles like Edward IV's close friend William Hastings and the Duke of Buckingham in ensuring this didn't happen.

The 21st century mind may be bemused as to why late 15th century nobles had such objections to the Wydviles—after, all the Throne had changed hands many times over the previous 30 years, what difference would it make if it went to the Wydviles? The best analogy is to try and visualise how a stereotyped 21st century SUV-driving Middle Class person might react if it was becoming clear that the supposedly drug-dealing family from the Council Block were suddenly thrust into a position of real power where their writ would be Law and the forces Justice and the Military at their disposal. That might be one analogy of how England's mediaeval aristocracy viewed the situation. It helps make sense of Richard's otherwise inexplicable actions, and he may have genuinely felt he was acting in the best interests of the country as a whole.

Once he had both princes in his custody he may have initially intended to reign as Protector for life, and thus at least secure his own safety and the stability of the country: *'I didn't sweat for the Yorkist cause for 30 years to let the Wydviles ruin it all!'*-type thinking. It must have become obvious to him though that eventually his nephews would come of age and there would be no reasonable objection to them ruling in their own right. Then where would their loyalties lie? With the Uncle who'd kidnapped and imprisoned them and executed their uncles (Lord Rivers for example) as well as close former friends of their father's (William Hastings)—or with their beloved mother who'd fled into sanctuary to keep out of the reach of Richard III?

The only solution must have seemed to get rid of them, but their disappearance and presumed murder shocked even a nation jaded by 30 years of dynastic warfare and bled Richard of most of whatever support he had left. It was probably what prompted the Duke of Buckingham into rebellion and making an alliance with Margaret Beaufort, mother of Henry Tudor, to place Henry Tudor on the throne instead. The plot uncovered, Richard had Buckingham executed in Salisbury.

The irony of Richard's actions is that, between the casualty rate of the Wars

of the Roses and Richard's murders and executions, almost all possible claimants to the Throne of England had been swept away, leaving the field open for Henry Tudor to make his very slim claim. Under no other circumstances, could Henry—whom Richard had dismissed as "*this slight Welshman*"—make a credible bid for the Throne.

Richard III's own son, Edward of Middleham, died in 1484, dashing Richard's hopes for a successor; and when Richard himself was killed at Bosworth in 1485, the House of Plantagenet effectively came to an end after 300 years of rule. One of Henry Tudor's first actions was to capture and imprison Edward Plantagenet: Edward was the son of George Plantagenet Duke of Clarence, and the last surviving male heir to the Plantagenet line. George had been brother to both Edward IV and Richard III but was finally executed by Edward IV in 1478 after several times plotting against Edward and being pardoned.

Henry had the young Edward locked up in the Tower of London, just as Richard had imprisoned Edward IV's two sons there before. But Henry didn't repeat Richard's mistake: he kept Edward alive in relative comfort. He was probably looking for a way to rid himself of Edward more permanently and the chance presented itself when Edward tried to escape in 1499 and was executed for doing so. In a sense, Henry acted no differently to Richard, but was savvy enough to do it in a way that wouldn't be unpopular. Let the Law do the murdering in broad daylight rather than a hired henchman in the dead of night.

### Henry Tudor

Henry Tudor had spent most of his life in impecunious exile, mostly in Brittany as a guest of Duke Francois II. He had survived attempts by Yorkists to extradite, kidnap and even assassinate him and was naturally wary, bordering on paranoid, as a result. He had also learned the value of thrift, which was to stand him in good stead when he ascended the Throne of England, enabling him steady the finances of the State. He had an attention to detail and took a deep personal interest in even the most minute affairs of State and was known to pour over even minor accounts or prolong Council meetings to the discomfort of the Councillors present. Yet, in the words of Shakespeare, "*uneasy lies the head that wears the Crown*", and Henry suspected plots everywhere from surviving Yorkists. His marriage to Elizabeth of York (daughter of Edward IV) was meant

to unite the Houses and bring an end to the strife, and it did, in that sense.

It was also meant to lend extra weight and credibility to his claim on the Throne, which otherwise only mainly came through his maternal Beaufort line. But it seems to have largely been a political marriage and, though Henry was faithful, he seems to have been distant to his wife.

His network of spies were employed to bring him news of anything that smelled of sedition. He had won his Throne with a small army, the nucleus composed of mercenaries and bolstered by Welsh and English adherents. Richard III had come within a hair's breadth of killing him in a death-or-glory cavalry charge at Bosworth, and only the timely intervention of Lord Stanley—who was supposed to be there to support Richard—prevented disaster.

The first challenge came to Henry's crown in the form of the Pretender, Lambert Simnel. Note that the mediaeval term '*Pretender*' does not mean 'imposter' but 'claimant'. Simnel was touted by his Yorkist supporters as Edward Plantagenet, son of George, Duke of Clarence. Why they should do so is a mystery, as the real Edward was at that time locked up in the Tower of London and Henry could have easily produced him to disprove the Yorkists' claims. Lambert Simnel was taken to Ireland in order to drum up support and recruit an army.

He (or more correctly, his 'handlers') was apparently was able to convince enough of the Irish Lords to have him crowned as Edward VI at Christchurch Cathedral in Dublin early in 1487. One of his most prominent supporters was Gerald Fitzgerald, Earl of Kildare. Simnel was joined by other die-hard Yorkist supporters in Ireland and from there they landed in England and started attracting further adherents and forces. By the time this 'Yorkist' army had reached Stoke, it had grown to a formidable force of some 8,000 men, large by the standards of the time. However, of these there was a hard core of 1,500 professional German mercenaries, plus 4,000 'naked' Irish kern. (The mediaeval term '*naked*' here meant these men were unarmoured. Like most Irish kern of the period, they would probably not even have had as much as a helmet or shoes: perhaps a leather cap if they were lucky, and armed with two short javelins or 'darts' and a knife. This type of open-warfare was, as we saw earlier, unfamiliar to them. The remainder

were a number of English supporters 'in harness' (i.e. armoured in some way). Near the village of Stoke, they ran into Henry VII's advance guard of some 6,000 men under the Duke of Oxford.

The Duke was a veteran soldier and his men well equipped and armed. The rebel army had to act fast if they were to have any chance of defeating Oxford before the rest of Henry's army—another 8,000 or so men—caught up with them. The battle went badly for the rebels, the unarmoured Irish kern being particularly susceptible to the arrow storms unleashed by the ranks of longbow-wielding Englishmen. One Chronicler recorded that they "*were so stuck with arrows they resembled pincushions*". The rebels were routed and slaughter followed. Of the survivors, the few German mercenaries left were allowed return home, but any English and Irish survivors were hanged. The message was clear: the Irish were considered Henry's subjects and they had acted treasonably taking up arms against him. Simnel himself was seen as a dupe or pawn and Henry treated him leniently, putting him to work in the Royal kitchens where no doubt he lived out his days contentedly enough regaling anyone who would listen about 'the time I almost became King'. He never troubled Henry again.

Nonetheless, Henry put a great deal of energy into discovering his true identity, a measure of how seriously Henry took such threats. He obviously wasn't Edward Plantagenet, who was in the Tower of London. The conclusions of Henry's spies was that Simnel was an ordinary commoner, with a passing resemblance to Edward Plantagenet, who had been coached by an Oxford priest named Simnel in the manners and knowledge of Court he'd need to pass himself off as the real deal, as part of a Yorkist conspiracy.

One modern theory is that Simnel was actually one of the '*Princes in the Tower*', that hadn't been murdered as thought, but spirited away by Richard III to keep him from the clutches of the Wydviles until a more opportune time. If this had been true, it is likely Henry would have had to have him executed—or judiciously murdered, as he did with Edward Plantagenet—as alive he would have been too much of a threat. On the other hand, Henry was married to Elizabeth of York, sister to the Princes in the Tower, and such a murder would not have gone down well with her. If he concluded Simnel was in fact one of the Princes in the Tower, he would have had to adopt a policy of silence on the mat-

ter and he was well known for his general policy of ‘least said soonest mended’.

The threats did not end there. In the 1490s what was left of the Yorkist faction got together to try and promote the cause of another Pretender, known to history as *Perkin Warbeck*. This time the Yorkists put it about that Warbeck was in fact Richard, the younger of the two Princes in the Tower. As the older boy was dead, that would have made him the last surviving male heir of Edward IV, and with a far better claim to the throne than Henry Tudor.

Warbeck initially landed in Kent with some 2,000 mercenaries, but was beaten off by Kentish levies. From there he made his way to Ireland, visiting Cork and Munster and raising some support. For the second time, a Pretender had managed to raise forces in Ireland for a bid on the English throne, the Earl of Desmond being prominent in lending him help. Henry VII sent Sir Edward Poynings over to Ireland in an attempt to either capture Warbeck or prevent him gathering support, and Warbeck was obliged to leave Ireland quickly.

He landed in England in 1497 and was able to make use of a popular uprising over taxes, that had spilled over around the same time, to enhance his support. But the rebels were defeated at Blackheath outside London as Warbeck was on his way to join them, and he fled to Exeter town, which closed its gates against him. He took sanctuary in Beaulieu Abbey and Henry VII spared his life. He was placed in the Tower of London to share apartments with Edward Plantagenet. Henry may have placed ‘agent provocateurs’ with these two men to encourage them to make an escape. If so, they duly obliged but were caught and executed immediately after.

Though there were no more open plots against Henry VII from within Ireland or England, the experiences of his formative years and the attempts on his throne must have made their mark on him and on the atmosphere in the Tudor household. This was the context and atmosphere into which Henry’s children, notably Arthur and Henry, were born. They surely would have grown up with stories about how Yorkist rebels gathered support in Ireland—perhaps the names of Gerald Fitzgerald, 8th Earl of Kildare and the Earl of Desmond were mentioned—and used Ireland as a base to regroup, as they did after Ludford in 1459.

Thanks to the repeated beneficial tenure of various prominent Yorkists as Lords Lieutenant of Ireland, the Yorkist cause

had some good degree of sympathy in Ireland, borne out by the ability of both Pretenders to raise support there. Nonetheless, Henry made the Earl of Kildare’s son—Garret Óg—his Lord Deputy in Ireland in 1503, supposedly saying, “*if Ireland cannot rule this man, this man must rule Ireland*”. The previous year Garret had married Henry VII’s cousin Elizabeth Zouche.

Garret Óg had been Henry’s ‘hostage guarantor’ for the loyalty of Garret’s father and had helped with the funeral arrangements after the death, aged 15, of Henry’s eldest son, Arthur. Arthur’s death brought Henry’s other son, also named Henry, into line for the Throne, but it was Arthur who’d been raised to this task from childbirth, while Henry enjoyed the frippery of Court life.

### Further Divisions

After Henry VIII broke from Rome, his dissolution of the monasteries and religious orders was carried out in Ireland as well as England, whereby Henry greatly enriched himself as well as extending his power over both Church and State. There was much resistance to Henry’s Reformation both in England and in Ireland, but eventually England caved in while Ireland continued in the Catholic faith.

One major effect of this was that any future English invasions or incursions into the country would not be absorbed as they had in Norman times, and the country would be divided along religious lines. Catholicism would come to be associated with the dispossessed and colonised native Irish (who by now included the Hiberno-Norman families that retained their Catholic outlook, sometimes referred to as ‘Old English’), and Protestantism to characterise the invading ascendancy and colonisers.

By the time Elizabeth I ascended the throne (1558), the fortunes of the Kildare Geraldines had declined. Under Henry VII and for a time under Henry VIII, they had flourished. But Thomas Fitzgerald, 10th Earl of Kildare, known as ‘Silken Thomas’, eventually overreached himself and was executed by Henry VIII in 1537. Henry then assumed the title, ‘*King of Ireland*’. The Kildare and Desmond Geraldines were interconnected, and perhaps this was one reason why Elizabeth I favoured the Ormonde Butlers instead of either branch of the Geraldines. The Butlers—as we have seen, in the person of James Butler, Earl of Ormonde and Wiltshire—had also been staunch Lancastrians, a dynasty to

whom the Tudor House had close political and relational ties.

It has been suggested there were ‘other’ reasons: that Elizabeth may have been enamoured of the reputedly dashing Thomas ‘Black Tom’ Butler (so-named for his swarthy complexion), referring to him as her “*black husband*”. One unforeseen consequence of Elizabeth’s favouritism was that the 14th (or 15th, depending on how you reckon it) Earl of Desmond found himself—as with the Yorkists his ancestors had supported in the late 15th century—unable to get the favourable ear of the English Monarch. The same type of circumstance had led to the Wars of the Roses, with the difference that, while the ‘*overmighty*’ Yorkist faction was powerful enough to challenge the King and his Lancastrian advisors, the Earl of Desmond was not.

Not only did ‘Black Tom’ take advantage of his close relationship to Elizabeth to advance his interests against his Desmond rival, the Earl of Desmond found he could not get satisfactory redress. Eventual rebellion was the inevitable and natural outcome of this state of affairs. The result of such a rebellion was, in turn, a foregone conclusion. Up against the superior manpower and resources of the English Crown, the Desmond rebellion provided the perfect excuse for the devastation and plantation of Munster by the English. Gerald Fitzgerald himself was finally run to ground and killed in 1583.

The Norman invasion of Ireland had come full circle, in a sense. The deBarrys, FitzHenrys, FitzGerald, FitzStephens who landed in 1169 and 1170 were all blood relations of Rhys ap Tewdwr—the family that would become the Royal House of Tudor.

While the presence of the Anglo-Normans in Ireland came about as the result of the actions of an Irish king, their establishment and presence in this country meant that there was never a simple Irish / English divide in relations between the two countries. The Anglo-Normans may have established their own kingdoms, taken advantage of whatever Gaelic customs advanced their interests, and become ‘*more Irish than the Irish*’, but historically they owed allegiance to the English Crown. This fact alone gave successive English monarchs political leverage here. They effectively had a ‘back door’ into the country, an excuse to meddle in politics or even land troops in Ireland in order to ‘maintain the loyalty of their vassals and subjects’, i.e the Anglo-Normans.



Conversely, the Anglo-Norman (or, by the 14th and 15th century, *Hiberno-Norman*, as I prefer to call them) families involved themselves in the affairs of the English Crown, a good example being their divided support for the warring factions in the Wars of the Roses. This tied to the fate of Ireland to the fortunes of the Yorkist, Lancastrian and Tudor dynasties.

Of course the ability of successive English monarchs to enforce their writ rarely extended beyond The Pale, or the major towns such as Waterford or Cork. Royal charters, such as that granted by King John I to Cork in 1185, were as much about claiming the loyalty of the citizens of that town by right, as about granting them trade and tax freedoms.

When various Gaelic chieftains or kings fought the English Crown, it could hardly be called 'treason', as no loyalty had been offered or promised to the King in the first place. Exceptions might be in such cases as mentioned by Froissart, when the 'four powerful rulers' accepted a knighthood from Richard II in Dublin. Once the ceremony had been concluded, Richard could legally regard them as his vassals. If they took up arms against him, he could attain them for 'treason'.

It is interesting that Froissart describes at length the efforts of the English to convince the Irish lords that first, their form of manners, then their form of knighthood, was 'not sufficient' (i.e somehow invalid); and that what was on offer from Richard was far grander, a 'real' knighthood. Cultural Marxist Antonio Gramsci would have understood this approach well—first change the culture, then change power relations.

It is questionable to what extent the Irish lords understood the full legal implications of their new knighthood, or what the benefit for them was in accepting it in the first place.

By the rise of the Tudors, Ireland had come to be seen as a place that was unpredictable, chaotic and a swamp of intrigue and plots against the English throne. At least two serious challenges to Henry VII's Crown had been launched from Ireland, and Yorkists had often used it as a bolt-hole from where to make a comeback when their fortunes took a downturn in England.

### Religious Divide

When Henry VIII broke with Rome, he set himself on a diplomatic collision course with the staunchly Catholic Spain which, fresh from the *Reconquista*, based its identity at least partly on its Faith.

That alone might not have prompted the Spanish response of the Armada, had it not also been for Henry's execrable treatment of Catherine of Aragon, beloved daughter of Los Reyes Catolicos, an insulting slap in the face for the Spanish monarchy. Not only were the Tudor monarchs now heretics of the first order, they had also treated the Spanish *infanta* as a piece of garbage to be handed down among brothers—and then set aside for a commoner like Anne Boylen in a very public divorce.

The limited control English monarchs had exercised outside The Pale was no longer tenable in the eyes of the Tudors. There was always the risk that Ireland, now associated with sedition and intrigue, might in turn become a base for Spanish operations if the Catholic Spanish, Gaelic chieftains and disaffected Hiberno-Norman families found common cause against Protestant English monarchs. It was inevitable that the Tudors would try and extend their rule across the whole of the country. That would be achieved in two ways—conciliation and force. Conciliation might take the form of the Tudor policy of 'Surrender and Regrant'—in a sense, a more complex application of Richard II's policy of 'offering knight-hoods' to Irish lords. The 'scorched earth' and Plantation policy pursued towards Munster was an example of force. The paranoia Henry VII brought to the Crown was handed down over generations until the death of Elizabeth in 1603.

(October 2021)

### Sources

This article can only deal briefly with this period of history. For a more detailed account of some of the events and personalities mentioned, the following reading will be useful:

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## Donal Kennedy Thoughts On War And Truth

With fake news so prevalent, and with the war in Ukraine continuing, I thought it might be instructive to look at a historical event where the facts have been rendered extremely murky.

In May 1915, in accordance with the accepted rules of war, a German submarine sank the RMS Lusitania off the Old Head of Kinsale on its way from New York in the (neutral) United States to Liverpool.

Construction of the vessel, owned by Britain's Cunard Line had begun in 1904. The construction was heavily subsidised by the British Treasury and the ship was constructed to facilitate war-time roles.

Early in the 1914-19 War, the Royal Navy swept German merchant shipping from the world's oceans and imposed a blockade to starve Germany into submission.

Germany responded using submarines. The German consulate in New York paid for notices in American papers advising readers not to book passages on the Lusitania.

The Germans were within their rights to sink the Lusitania and did so.

They had not started a war on Britain, France or Russia but responded to attack.

I imagine that in the British Admiralty champagne was drunk by the gallon and a wonderful party got underway after the Lusitania was sunk.

They had long been trying to inveigle the Americans into the war and among the lives lost in the Lusitania's sinking were more than 100 Americans.

British propaganda had been shrill since the outbreak of war and it was unencumbered by the tiniest concern for truth.

Nearly two years had elapsed before the United States entered the War as "an associated power" of the Allies. There was no sentiment involved. The Americans had made money hand-over-

fist since 1914, supplying war equipment and other goods to the Allies. They joined in the fighting when they considered that course would be even more profitable—and to make sure that the Allies were in a position to repay the debts incurred.

Numerous, supposedly fact-based, movies show newspaper placards announcing the sinking of the Lusitania in order to fool you into believing that the Americans joined the war the day after the sinking.

In October 1915 a brave and patriotic British Nurse, Edith Cavell, was shot by a German firing squad in Belgium after a court-martial found her guilty of passing information to their enemy.

War is a nasty business and the Germans were merely applying the ethics of the business as then understood in civilised society. Spies are shot in wartime.

The shooting of Edith Cavell was condemned as the most evil of crimes by British propagandists. But amongst themselves they boasted that it had been worth two army corps to them—because scores of thousands of brave, chivalrous and generous men flocked to the British colours.

It has long been rumoured that there were war materials in the Lusitania's hold. The ship's location is well known and is close to the Irish coast in our territorial waters. A few years ago the Irish Government was reluctant to permit exploration of the wreck when an application was made.

In this decade of remembrance it is surely appropriate to establish the truth about the Lusitania's cargo. Many Irishmen flocked to Britain's colours, to avenge what was portrayed, falsely, as a war crime.

One hundred years after Edith Cavell's death, Dame Stella Rimington, former Director of Britain's MI5, declared that the Germans had the lady 'bang to rights'—that Cavell was indeed involved in espionage.

If an ex-Director of MI5 can be candid about duping innocents into killing and dying for a lie, surely some Irish politicians, academics, and frogmen and frogwomen can establish the truth about the Lusitania's cargo?



Angela Clifford

Part Two of Extracts from **The Constitution Of Eire**  
*Part One of this series appeared in the Autumn 2021 issue of Church & State, No. 146]*

## The Constitution Of Eire/Ireland

**[NOTE: It has recently come to my attention that Frank MacDermott, a TD who is quoted in the extracts below, worked for British Intelligence and played a sinister role in blackening Roger Casement's name.]**

### Introductory

The *Irish Press* of the 1st May, 1937 carried not only the draft Constitution in full—both Irish and English versions—but also the text of de Valera's broadcast to the people on the document. Ten days later de Valera introduced the draft Constitution in the Dail with a speech which was thin in content. There were good reasons for this. It was not just that his Dail majority was secure: it was that he made the enactment of the Constitution the business of the people.

The new Constitution might have been enacted by the Dail, by the Dail sitting as a Constituent Assembly, or by a specially elected Constituent assembly. But de Valera chose a method in which the Dail had no special role in the adoption of the Constitution.

The draft Constitution was not introduced by any sort of Parliamentary Paper. It was issued as a press release by de Valera. TDs had no privileged position with regard to it: each had a vote in the referendum as one elector amongst the multitude, and that was all.

De Valera informed the Dail that he would use it as a consultative committee in putting the finishing touches to the document. All the preparatory work for the published draft had been done by de Valera himself, with the clergy as an advisory committee.

Members of the Dail complained that a Constitution could not be the work of one man. It was not the work of one man, but the other men were not in the Dail.

With the Dail reduced to the status of a consultative committee for de Valera, it is not surprising that little of interest

occurred in the Debate. Here was a Parliament discussing what would have been the major piece of legislation in the history of the State, and it wasn't legislation at all. It was asked to pass a motion of support for the draft Constitution, but it was not allowed to interpose itself as a legislative body between de Valera and the electorate.

De Valera's approach was to by-pass the existing Constitutional framework instead of amending it.

Amendment would have focussed the attention of the Dail on the innovations. By proposing an entire Constitution, most of which was a re-phrasing of established arrangements, de Valera concealed the innovations within the bulk of the whole. And by declaring that it would be enacted by the people he discouraged the Dail.

The procedure was illegal—or was outside the law. It could have been made legal by amendment of the old Constitution, but the point seems to have been to enact the new Constitution without reference to the old.

The procedure could have been challenged in the Courts, as being in breach of existing law. But, if that had been done, de Valera with his absolutely reliable Dail majority, could have rushed through the legislation which would have made the procedure legal. It was not challenged, so de Valera was enabled to bring in the new Constitution in symbolic disregard of the provisions of the Free State Constitution.

Since de Valera did not bother to amend the law of the Free State, the actual result of the referendum to enact the Constitution might have been disputed. It won by a simple majority of the elec-

tors who actually voted. But under existing law that was not enough to enact it. Article 50 of the Free State Constitution laid down that Constitutional amendment by referendum required either a majority of the total voters on the register, or two-thirds of the votes recorded. De Valera's Constitution achieved neither. Much less than half of the electorate voted for it, and the voting majority was much less than two-thirds. But the Opposition had by this time been thoroughly bewildered and demoralised by Fianna Fail, and did not dare challenge the result in the Courts. De Valera was therefore enabled to establish the new Constitution by a procedure which was not in accordance with the provisions of the Free State Constitution. This gesture appeared to break the last link with the Treaty. (In fact, de Valera had to return to the Treaty the following year for the purpose of ending the economic war with Britain.)

(One odd result of the enactment of the Constitution through a procedure which by-passed the legislature is that the Constitution does not appear among the Statutes in the volume for 1937; and there is a difficulty about the official listing of subsequent Constitutional amendments. These are included in the annual volume of Statutes, but they cannot be placed within the body of Statutes in chronological order since they are not Acts of the legislature, so they are just placed at the beginning of the volume, under Roman numerals. And they are not integrated into the cumulative *Index To The Statutes*, even though they have the effect of law.)

### De Valera's Speech

De Valera began the radio broadcast in which he introduced the Constitution by review Irish Constitutional history (emphasis as in the *Irish Press*):

*"When in January, 1919, the Dail set up the Republic, it adopted a Constitution which provided the Government to be carried on in what was fundamentally a war situation.*

*"The people were not at any time asked to sanction its provisions. Only the broad question—the character of the State itself—was made an issue with the electors.*

*"...the Draft Constitution of 1922 was published only on the morning of the General Election. No time was given to the people for examination or discussion.*

*"When the draft, somewhat amended, was passed later by the Assembly*

*that met in September of that year it was not again submitted to the people before its enactment.*

*"The Constitution adopted on that occasion suffered from the fatal defects that it was not framed altogether by Irish hands and that it was made subject to a treaty admittedly imposed by threat of force.*

*"Such a Constitution could have but one fate."*

De Valera went on to state that the 1922 Constitution had been amended 27 times: 10 by the present Government, the rest by its predecessors. Of the 72 original Articles (omitting transitory provisions), 31 remained intact: the law relating to Parliament, executive Government, Judiciary, Citizenship and the method of amending the Constitution. However, the new Constitution would bring stability.

As for the argument that a new Constitution should not contain general principles but be restricted to the machinery of government, de Valera stated:

*"I know that there are many theorists who take the view that a written Constitution should contain nothing more than the legal machinery necessary for the establishment and control of the organs of State", but his view was that "it should inspire as well as control elicit loyalty as well as compel it.*

*"Every citizen should see in the basic public law of his country the sure safeguard of his individual rights as a human being—God given rights which even the civil powers must not invade.*

*"The protection of those rights means more in the long run to the integrity and continuance of organised society itself than the organisation of the institutions by which it is ruled."*

In other words, the Constitution should be more than a set of rules for governments: it should be a rule of life for the people. This led to a very brief review of Family, Marriage and Property and "the place they occupy in a Christian Polity". Here the refrain is a familiar one—it is repeated in every generation:

*"There never was a time in which all these rights and institutions...were so widely challenged as they are challenged to-day.*

*In these circumstances, it is altogether appropriate that the attitude of our people should be made unmistakably clear."*

The relationship with Britain, de Valera continued, as a controversial

subject, should not be defined in the Constitution:

*"There are many injustices in the existing political situation which this Constitution cannot directly remove—*

*"the partition of our country, the occupation by Great Britain of positions on our ports, the exaction by Britain of money which we hold not to be due.*

*"Legitimate dissatisfaction with these injustices will remain, different parties will continue to propose different policies for dealing with them.*

*"But the aim in drafting this Constitution has been so to design it that all these controversies will be outside the Constitution so that the Constitution itself will not stand in the way of any remedies that may be proposed."* (I, 1.5.37.)

### A Slightly Rebellious Constitution

Constitutional law is a strange thing. On the one hand it has an august image and an air of existing under the aspect of eternity. It lays down legal minutiae which have to be strictly adhered to. It is dictatorial with regard to the legislature and the society. Judges' interpretations have an absolute status which must not be flouted. But on the other hand it stands on feet of clay. Constitutions are usually the product of revolt. States are arbitrarily overthrown, and the overthrowers make new political arrangements. Then they seek to sanctify their new arrangements with an aura of timeless majesty—of abstract majesty without a King.

A Constitutional State is a state founded on law. But law is established by revolution. In the history of Europe, Constitutions were sometimes 'granted' by the Emperor, King, Tsar or Kaiser. But none of these Constitutions took root. To be in earnest a Constitution must be established by force of revolution. If a Constitution is 'granted' the implication remains that there is a power superior to it, and which can withdraw it.

The problem about granted Constitutions is not confined to absolute states. France, though a Constitutional State, was as effectively prevented by its own Constitutional forms from granting free Constitutions to Vietnam and Algeria as the Tsar was prevented by his arbitrary power from granting a real Constitution to Poland.

Britain has been unique in its ability to grant free Constitutions: to relinquish

real political power to its dependencies. And this is connected with the fact that, though one of the first of the modern Constitutional States, it has taken care not to bind itself with a formal Constitution.

Whether Collins would at a certain point have discarded the Constitution negotiated with Britain, even after having deleted from it every specific item which was in any way objectionable, cannot be known. But his view of the Treaty suggests that he might well have done. The Treaty provided for the first form of the independent Irish State to be set up by agreement with Britain. In his book he treats this as scarcely more than a prelude to Irish statehood. If at a later point he had seen reason for a symbolic break with the Treaty, as a psychological measure in the transformation of Irish life, he would not have been inhibited from arranging it by the insuperable formal problems of Constitutional law. He would just have said: Let's do it.

The Fine Gael leaders had nothing of the Collins spirit left in them by 1937.

John A Costello, former Attorney General and future Taoiseach, had a legalistic mind which simply could not grasp what was happening. He wrote in *The Irish Independent*:

“This is the twenty-eighth amendment of the Constitution... The power to pass the proposals contained in the present Draft is derived, and derived solely, from the provisions of Article 50. No additional legal sanction is given to the law when enacted by the decision of the people by plebiscite or referendum” (6.5.37).

James Fitzgerald-Kenney (Mayo South, former Minister of Justice) asked in the Dail:

“I should like to know very much from anybody where it [the new Constitution] is going to get its legislative or operative power from. It can get its operative power, possibly, if you regard it as a Schedule of the Act of 1922, but otherwise that that, it has no operative power, because we have got a Constitution which is now in force, and the Act by which it is established is not attacked and could not be attacked, because this document here can only be conceived to be of binding force if it is regarded as a repeal of the Schedule to Act No. 1 of 1922, and the insertion of a new Schedule in it” (Dail Debates, 13.5.37, Col 353).

Patrick McGilligan (ex-Minister for External Affairs, and a UCD Law Professor who taught most of the Superior Court Judges of the late 1970s\_ said:

“this Constitution depends on the old Constitution. If it does not so depend on it, this Dail has no way of passing it and the proposal before the Dail is a farce” (Col 412).

Desmond Fitzgerald (an ex-Minister of Foreign Affairs and of Defence, and father of the future Taoiseach) said that law was made by parliament, not the people. Referring to de Valera's Preamble, he said

“if sovereignty belongs to the individual people of this country in their aggregation, and if it is inalienable, why has the Government here purported to make laws? It cannot do it...”.

It all flowed

“from the vanity of the President, who has desired to pretend that he is creating an entirely new State... You cannot attempt to pretend that, somehow or other, the scattered multitude of the Irish people are being drawn together in agreement of laws now. It is perfectly absurd to do so. We know perfectly well that, if that document is to be enacted and to become law, it is necessary that it should fulfil the conditions of positive law and what is considered the fundamental law of the land... You can submit it to the people of this country and try to get a majority of a section of this country, and it is not law by reason of that. If the requirements laid down by the laws of this country are not fulfilled, the question can be taken to the Supreme Court to decide whether or not it is law” (Col 374-5).

Costello challenged de Valera:

“would he consider—I would not for the world ask him to consult a lawyer—whether this Draft Constitution is a Constitution at all and whether as an ordinary Bill it can be repealed by an ordinary Bill by a subsequent Parliament here” (12.5.37, Col 307).

De Valera replied that the Constitution would be established by the brute force of the people, and he dared its opponents to take it to law:

“The only way you can get a Constitution is to get the people themselves to enact it or to get them to elect a Constituent Assembly to enact it... This Draft Constitution, if passed at all, is going to be passed by the sovereign people who are above the lawyers and above the Government all others... Therefore, it is that in this case we are not bothering very much about what lawyers think or say about this Constitution” (11.5.37, Cols 74,5).

For the purpose of considering the Constitution, the Dail was a committee. “When it has been considered by this committee... it is going to the Irish people to be enacted by them”. The procedure of a Bill has been adopted so that detailed consideration could be given to the Draft by men “with knowledge of the conditions of their own country over a long period of years”, and by “men who had experience of government for ten years” (Col 414,5).

But:

“It is not a Bill. This is not going to be enacted by this Parliament. This Parliament, I think, could not enact it. If Deputy Costello were here, I should like to put him this question. The courts here have expressed certain opinions in dealing with certain cases and made certain suggestions as to their views about the powers here to pass acts in relations to the terms of the Treaty [see note on Ryan's Case, p85]. We were not going to risk a Constitution like this, even though it was the right way to judge a Constitution like this, being enacted here and being operated with such possible views held by the courts. What we are doing is, were are going back to the sovereign authority, to the Irish people, or that section of the Irish people whom we can consult on the matter. We go back to them and ask them to enact it. It is they who will enact it and, ...any judge, or anybody else, who is not prepared to function under it can resign and get out” (13.5.37, Col 416).

“...it is not this Parliament that is to enact it. On the last stage here the motion will be, not ‘that this measure do now pass’, as if this body were enacting it; the proposal will be ‘that this Draft Constitution as amended... shall go to the people for them to enact it’ “ (Col 421).

De Valera was as good as his word. The Constitution does not appear as a Statute in the Volume of **Public Statutes Of The Oireachtas** for 1937. There is a **Constitution (Consequential Provisions) Act, 1937**, “to make divers provisions consequential on or incidental to the coming into operation of the Constitution of Ireland lately enacted by the people”. But it does not contain the new Constitution, even as a Schedule. It is normal for an Act to refer to legislation repealed by its passage, but this is not done with regard to the Constitution.

The 1922 Constitution is the first Schedule of the **Constitution Of The Irish Free State (Saorstát Éireann) Act**, which is No. 1 of 1922 (the First Act

to be passed by the new State). That Act disappears from the Statutes of the State, without that being directly mentioned in the Statutes. That Act is repealed *by the people* by Article 48 of the 1937 Constitution.

Fianna Fail, the “slightly Constitutional party”, brought in a new Constitution by slightly rebellious means.”

[pp88-96]

### The Dail Debate

Fine Gael was dominated by an absolute and consuming hatred of de Valera, and the feeling was reciprocated. Fine Gael had to oppose the Constitution, even though the initial response of the [Irish] Independent shows that it had no serious disagreement with it, simply because de Valera wrote it and introduced it. The Debate is therefore very long and very boring and completely inconsequential. It is an incoherent jumble of debating points, some of which are utterly stupid.

I intended including a summary of the Dail Debate in this Chapter. But having written a summary I discarded it. A summary of nonsense is still nonsense. I will therefore just indicate the main headings under which the debating points can be grouped.

### The Presidency

The Presidency is established under Articles 12 to 14 of the Constitution. It comes before the Dail in the sequence of the Constitution because its function is to establish a ceremonial Head of State, but it is comprehensively subject to the Dail in the provisions for the exercise of power.

It was not necessary for de Valera, having abolished the Governor-Generalship, to replace it with a Presidency. The Prime Minister and Speaker might have shared the functions of Head of State between them. The establishment of a distinct function of Headship of State is a sort of Republican mimicry of constitutional monarchy. Britain is governed by a sovereign Parliament which is nominally a monarchy because its political system developed through transfer of real executive power from the Crown to Parliament.

Britain has for a century and a half been a republic with regard to the substance of political power. (Tom Paine himself, who took heed of substance rather than ceremony, recognised that even in the 1790s Britain was very

largely a republic; and the republican United Irish were formal monarchists who wanted only a reform of Parliamentary representation.) The monarchy was retained by the will of Parliament as an adjunct of Parliamentary government. (The ways in which it facilitates Parliamentary government are clearly set out by Walter Bagehot in *The English Constitution*.)

The British monarchy is organically woven into the history of society. It provides the fascination of pedigree, along with a wealth of worthy and/or bizarre characters from Henry the Eighth to Edward the Seventh, and the occasion for trundling out golden coaches in spectacular public processions. (And for all its formal republicanism, Ireland never broke free of that fascination.)

The establishment of a formal Headship of State in a pure Parliamentary democracy, such as Ireland was in 1937, is problematic. The Office has no pedigree, and no prestige of its own. Prestige without power or tradition is impossible to establish. And the Presidency could only have been given power at the expense of Parliament.

Fine Gael’s criticisms of de Valera’s provisions for a Presidency are on a par with the earlier Fianna Fail criticism of the Governor-Generalship as a threat to liberty and independence.

The “powers” of the President are set out in Article 13. He would appoint the Taoiseach and appoint and dismiss the other members of the Government. But Taoiseach would be appointed “with the previous approval of Dail Eireann”, and Ministers would be appointed and dismissed on the advice of the Prime Minister. He would exercise supreme command of the army, “regulated by law”. He might address messages to the Oireachtas or the people “on any matter of national or public importance”, but only “after consultation with the Council of State”, and “Every such message or address must... have received the approval of the Government”.

Article 13.10 of the Constitution states that “Subject to this Constitution, additional powers and functions may be conferred on the President by law”. After a lot of beating about the bush, de Valera admitted that its primary function was to enable the Government to transfer the diplomatic functions performed by the King to the President, without further constitutional amendment. Despite Opposition objections to this Clause, it facilitated their declaration of the Repub-

lic eleven years alter.

Article 13.11 says: “No power or function {conferred on the President by law} shall be exercisable or performable by him save only on the advice of the Government”. De Valera agreed to the addition of the clause which I have put in curly brackets, and to the deletion of the following words, with which the Draft paragraph continued: “or after consultation with the Council of State, as may be determined by such law” (i.e., a law conferring additional powers and functions on the President).

The Council of State is an attempt to reproduce the British Privy Council. It consists of the Taoiseach, Tanaiste, Chief Justice, President of the High Court, Speakers of Dail and Senate, Attorney General, former Prime Ministers and Chief Justices, and seven appointees of the President. The provision of the Draft that the President might in certain cases act on the advice of the Council of State would not have given him freedom of action because his appointees would be a minority on the Council; and of course the Dail could always render the Council inoperative by law.

In any case, de Valera simply deleted that clause, and made the clear provision that the President might only exercise his functions on the advice of the Government.

The hullabaloo about de Valera’s plot to subvert the Dail by means of an elective Presidency was the resource of an Opposition which was desperate for something to say against the Constitution because it had no real disagreement with its machinery and was wholeheartedly in agreement with its real innovation: the religious Articles.

In the elective character of the Presidency lay the only possibility that it might achieve prestige as an institution. Fine Gael pretended that it was a danger to Parliamentary government, but it did not have the imagination to declare that the State was doing fine without a ceremonial head and should continue this. However, Professor O’Sullivan (N. Kerry, a former Minister of Education) almost made that proposal. He put in a nutshell the difficulty about the office of President: either it would have power or it would not, and either state of affairs was undesirable!

“We are taking a step; we are not establishing a dictatorship. Two developments are possible. It is quite

possible that in the course of years the following development may happen: when the political mentor of the President [de Valera], the Abbe Sieyes\*, whose type of mind is like his own, was drawing up one of his many perfect constitutions—because he was essentially a constitution-making machine—he did provide a position as head of State for the great Napoleon, who strongly objected. One of Napoleon’s phrases was that he did not want to be the big fat pig, and he struck him out of the constitution. The other phrase was that he did not want to be the ‘royal loungeur’. I quite admit it is possible that the head of State here may develop into the ‘royal loungeur’. But it is only one of two possible developments. The other development is much more serious. The other development is that he may either develop in his own person a dictatorship or he may help to create a dictatorship here” (Debates, 12.5.37, Col 229).

“\*Emmanuel Joseph Sieyes (1748-1836), a leader of the French Revolution who renounced the priesthood and helped to draw up a Constitution in 1795. Although he served in the Directory, he later plotted with Napoleon to overthrow it in the coup d’etat of Brumaire (Nov 9-10, 1799) and drafter a Constitution for Napoleon in 1799 which Napoleon completely revised.”

The new Constitution differed from the old in two fundamental respects: it was a Constitution for an all-Ireland State, though temporarily incapable of enforcement in the Six Counties because of the ‘imperialist occupation’; and it formally established Roman Catholic theology as the guiding purpose of the State.

Only two voices of dissent were heard in the Dail against these innovations. One was Professor Rowlette, representing Trinity College, who timidly suggested that the declaration in Article 44—“The State guarantees not to endow any religion, and shall not impose any disabilities or make any discrimination on the ground of religious profession, belief or status”—was less than a statement that the State took no account of religious distinctions, and “might read as if it were simply a declaration of toleration and not a declaration of rights” (4.6.37, Col 1894).

The Dail took no head of this hesitant voice, knowing that it was a voice from the past. Trinity representation in the Dail was scheduled for abolition at the next election.

The other voice of dissent was that of Frank MacDermot, who had taken part in the process of formation of Fine Gael but was now an Independent. He spoke against the paragraph of Article 44 which recognised the special position of the Catholic Church, though he had no disagreement with the reality of that special position. His argument was that the statement of recognition “appears to me to be entirely without meaning”, but “it would be better absent as far as Partition is concerned” (11.5.37 Col 82). MacDermot (who published an interesting life of Wolfe Tone in 1939) was as Catholic-nationalist as the next man, but he was a shade more realistic than most when it came to anti-Partitionism. He was prepared to manoeuvre a bit, at least in the realm of formalities, and to do a bit of fudging, where others saw no contradiction between flamboyant political Catholicism and flamboyant anti-Partitionist rhetoric. But his proposal that recognition of the special position of the Catholic Church should be deleted from Article 44, along with the list of other recognised Churches, received no support.

De Valera replied to MacDermot as follows:

“I do not agree with the Deputy. The recognition of an obvious fact is there, and that fact must have considerable influence in the life of the State. It is bound to have. There are 93 per cent. of the people in this part of Ireland and 75 per cent. of the people of Ireland as a whole who belong to the Catholic Church, who believe in its teachings, and whose whole philosophy of life is the philosophy that comes from its teachings. Consequently it is very important that in our Constitution that fact should be recognised. A short time ago Deputy Rowlette spoke about the question of divorce, apart altogether from the question of what views an individual might have an divorce from a social point of view. That is the point of view we approached it from here. There is no doubt one would have to bear in mind what were the views and feelings and the attitude of mind of the vast majority of the people. If we are going to have a democratic State, if we are going to be ruled by the representatives of the people, it is clear that their whole philosophy of life is going to affect that, and that has to be borne in mind and the recognition of it is important in that sense.

“The reason for the other paragraph is to indicate that these Churches are recognised too, that their existence in

our midst is recognised. The fact is that there has been no objection taken. It might be said that this does not go, from the Catholic point of view, the distance that would be desired by a number, but no objection has been taken by the Churches to this. The other parts are very important, because it is necessary to indicate that, notwithstanding that the vast majority of our people belong to one faith, nevertheless the State recognises the liberty of every citizen to practise his religion and to adore the Almighty in public and in private...” (4.6.37, 1890-1).

The only other discussion of the religious content of the Constitution concerned a conflict between two statements about the source of political power: the Trinity and the people. The Preamble begins: “In the Name of the Most Holy Trinity, from Whom is all authority and to Whom, as our final end, all actions both of men and States must be referred...” But Article 6 says: “All powers of government ...derive, under God, from the people”.

James Fitzgerald-Kenney (FG) said that Article 6

“comes very close to if it is not entirely and completely a heretical statement... That statement is not true... Every power that the people have got came to the people from God, and the power exercised by the rulers, designated by the people of the State, is power they had themselves derived from God. Whether they derived it immediately through the people, as was the view of Cardinal, now Saint Bellamy\*, or whether they held it as derived immediately from God, as was the view of Leo XIII, every school of Catholic thought holds that power is derived from God. Why do we start off with a statement in Article 6 of our Constitution, which as far as moral philosophy is concerned, is completely and entirely wrong?” (11.5.37, Col 340,1).

- In fact, the reference is to St. Robert Bellarmine (1542-1621), a Jesuit theologian and Professor at Louvain, who produced a synthesis of Protestant and Catholic theology directed against the reformers in a three volume book, which remained popular until Vatican 1. However, Bellarmine’s “theory of indirect papal power” nearly led to him being put on the Index: “Only the sudden death of Sixtus V prevented the Pope from putting the first volume of the **Controversies**, which contained this theory, on the Index” — New Catholic Encyclopaedia, 1967, Vol 2, p250/1.

Desmond Fitzgerald went one better than Fitzgerald-Kenney, and argued that the Preamble itself was blasphemous since, having invoked the Trinity as the source of all authority, it “then carefully lays itself out to be ambiguous” and “winds up by saying that ‘We, the people, do give ourselves this Constitution’.” (13.5.37, Col 376.)

Fitzgerald then embarked on a long theological discourse. The gist of it seemed to be that once the people had chosen their rulers they had no further part to play in law-making: that the Dail, once its members were selected by the people, then acted under divine authority.

In 1937-8 Fitzgerald delivered a series of lectures on political philosophy at Notre Dame University, Indiana, which were published by Sheed & Ward in 1939. In these, he attempts to summarise the Roman Catholic view of the State and the individual. He concludes in his final paragraph:

“Here in time we can only establish a truly human order in the light of the knowledge that its function is to aid man in his work of cooperation in the act of his own creation, that is to say in the creation of his eternal reality” (**Preface To Statecraft**).

Fitzgerald was influenced by the writings of the contemporary French Catholic writer, Jacques Maritain. But Maritain lived in very different circumstances. He strove to extend Catholic influence in a society which included a large and immovable body of atheists and anti-clericals. French anti-clerics sometimes governed the State and did battle with the Church. But the Catholic party had in fact never governed the French State in its own right. Under the ancient regime the Church had been strictly controlled by the monarchy, and after the revolution it sought influence in connection with movements of social reaction. An attempt by an influential group of French Catholic theologians to connect up with liberal values was broken by Papal decree in 1831.

A century later Maritain attempted to give Catholic doctrine a popular appeal while remaining within the parameters set by Rome. But, unlike Fitzgerald, he was never called upon to consider a Constitution for a democratic Catholic State as a practical measure. And that is what was undertaken in Ireland in 1937.

The scheme whereby the State acts under the authority of God though its personnel are selected by the people was an entirely speculative scheme under 1937. And there were strategic reasons (in the view of the Church) why it should not be put directly into effect even in 1937, so that much still remained in the realm of generalisation. The secular framework of Catholic theocracy was, therefore, never fully established.

In Russia, the people had a restricted right to elect the personnel of the State. But the elected personnel then acted as agencies of the unelected and authoritative Politburo. The hiccup of 1951 shows a similar kind of arrangement operating in Ireland, with the Bishops representing Fitzgerald’s “eternal reality” and striking down improper legislation by the Dail.]

But in 1937 de Valera declined to engage in public discussion of these things with the political theologians of Fine Gael. He had made private arrangements with the officially appointed representatives of the Trinity and he rode roughshod over the amateur theologians on the Opposition benches:

“Now, in connection with this going to the people, I believe that I have been accused of heresy. Blasphemy and heresy are the smallest things I understand that are in this Constitution. It is very interesting to think that, although this has been several days before the country and in the hands of ecclesiastical and other authorities, we should not have heard a word about this except from the theologians on the opposite benches. We had to wait for them to discover the blasphemy and the heresy... I want everybody to realise what this Constitution states about authority. In the Preamble, and in the Article that refers to that, there is a clear, unequivocal statement that authority comes from God. That is fundamental. It does not matter what view a group of Catholic theologians may take as to how it comes to the immediate rulers. What we have here is clear at any rate—that authority is from God. That is fundamental Catholic doctrine, and it is here. It is true doctrine” (13.5.37, Col 416).

Regarding Fitzgerald-Kenney’s point about Article 6, that it incorrectly derived all powers from the people, de Valera sneered:

“ Now, that is magnificent coming from a lawyer who has suddenly become a theologian. He read a docu-

ment, and although it is explicitly stated in the document “derived under God” the phrase “under God” is eliminated by him and you are to read it as if it were not there at all. The poor man must have got his information very quickly. He must have got muddled. He was possibly handed a document that he did not understand. Otherwise, I do not see why he went on in that line at all. The fact is that there is a difference of opinion amongst theologians. But all agree on one point, that authority comes from God. They all agree that the rulers are not immediately designated by God. The question on which they differ is how the authority does come to the rulers and the part the people play in it. If we want to discuss that in detail we can take up our theologians opposite when we come to the Committee Stage. But I want everybody to realise that what we have here is that authority comes from the author of Nature, from God” (Col 417).

It was “ the function of the people... to designate the rulers to decide questions in accordance with the common good. One of the things the people will decide is the form of government, and we are going back to the authority that is there for us, the people, to ask them to decide the form of government” (Col 417).

Fitzgerald-Kenney, despite this lashing, raised this point yet again at a later stage:

“The President put it quite correctly—and I suppose everybody knows what Catholic doctrine is—that disputed matter, as to how authority comes to the immediate rulers through the people, is not a matter that we need to go into... However, it is perfectly plain that this Article does not mean that the power is derived from God, but that it is derived from the people, and surely it is not beyond the President’s power to put this in a perfectly clear way’ (25.5.37, Col 976).

De Valera replied “this drafting has been very carefully done so as to leave the people of either school of thought to hold their views under it” (Col 977) — that is, either school of Catholic thought.

During this discussion, which was conducted entirely within the framework of Catholic theology, all pretence of framing a general ‘Christian’ Constitution fell aside” (pp101-110).

TO BE CONTINUED

VOX

PAT

History
Fermoy's Married Priest
Football Philosopher!
The Leinster House Of Enlightenment

HISTORY:

"Academic history is written much in the way that hot tea is slopped from one cup to another in order to cool it. The historians rehash a common stock of materials, and something is dropped with each rehashing.

"The history of Ireland from the 1790s to the 1820s remains unwritten. It is little more than a hiatus in most current history books. The reasonable inference from this is that nothing much happened in that period. In fact, it was a period of intense development through which the social entities in which we still live took shape.

"I have noticed that fashionable historians, behind academic camouflage, write history as a kind of wish-fulfilment. They misrepresent the past in the hope of thereby altering the present. But the actual present always remains the product of the actual past." (The Origin of Irish Catholic-Nationalism-Walter Cox's "Irish Magazine-1807-1815—

(SEE ADVERT. BELOW)

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THE TWISTS of History:

A Russian soldier who was home for break during World War II, was coming down the street where their apartment was and saw a huge pile of bodies being loaded onto a cart to be taken away.

The soldier looked at the pile and realised that a pair of shoes in the heap belonged to his wife. He demanded that they uncover her but the men told him that she was dead. His father said she was his wife. After an argument, they let him take the body. She was alive and the soldier took her back up stairs to their home and nursed her back to health. Eight years later in 1952, that woman gave birth to a son called Vladimir Putin.

President Putin shared this story with Hilary Clinton at a state dinner and she recorded the anecdote in her book, Hard Choices. (Irish Catholic, 24.3.2022)

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FERMOY'S MARRIED PRIEST—

"A Ukrainian priest, whose family has recently moved to Cork, has thanked the Irish people, saying they have kindness in their way of life." (The Echo, Cork, 15.4.2022)

Father Roman Biletskyy, a priest of the Byzantine Rite, which is also known as the Greek Catholic Church, arrived in Ireland two weeks ago with his wife Dahlia and their six children, and they have been given a home by the Roman Catholic parish in Fermoy.

Fr. Biletskyy spoke with The Echo before a Chrism Mass, which is a ceremony in which Catholic priests renew their vows, concelebrated by Bishop of Cloyne the Most Reverend William Crean in St. Colman's Cathedral in Cobh. The Byzantine Rite is in communion with Rome, and recognises Pope Francis as its supreme pontiff; and Fr. Biletskyy was welcomed to the Cloyne Diocese during the Mass, receiving a warm round of applause from the congregation.

"We enjoy having the chapel right at the building where we stay, and we can have liturgies in our Byzantine Rite, and we have three schools around us and one church", he said.

Unlike their Roman Catholic brethren, Greek Catholic priests are allowed to marry and to have families.

"Our oldest child is 15, and the youngest one year and two months," Fr. Biletskyy said. "We have six children, almost a football team."

Fr Biletskyy said that, although the Catholic Church in Ireland was not as strong as it had been, Christianity was engrained in Irish people.

Bishop Crean said that it was "most likely" that Fr Roman would be able to carry out priestly duties in Fermoy.

"When a priest comes to a diocese

they get faculties to celebrate the sacraments, and it is envisaged that he will get faculties to celebrate Mass in Fermoy," the bishop said. (The Echo, Cork, 15.4.2022)

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FOOTBALL PHILOSOPHER !

"The big democracies go to where there are thousands of years of traditions and cultures and they want them to live like they want," he says.

"They have their own vision. For me that is a kind of terrorism—an economic terrorism. And big democracies inside are, in a way, dictatorships because they want to impose their vision. It's just my own view but I think we are lucky to have different cultures, thousands of cultures."

(ERIC CANTONA, French International and Manchester United soccer player. 19.11.19)

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THE LEINSTER HOUSE of Enlightenment:

Green Party T.D. Patrick Costello was certainly being optimistic when he asked Justice Minister Helen McEntee, T.D., if she planned to "transition justice system terminology to a more modern English equivalent which would replace Latin terminology".

Ms. McEntee said the plan was "the introduction of a new standard form of claim notice to replace other originating documents and harmonising across jurisdictions the forms of originating documents, terminology and information requirements associated with the way in which proceedings are commenced" (Dail Eireann Question Time: 6.4.2022)

Whew! As an old Altar Boy, after hearing that gobbledygook, I think I'd stick to the Latin.

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The Origin of Irish Catholic-Nationalism

Selections from Walter Cox's "Irish Magazine" 1807-1815

Introduced and Edited by Brendan Clifford Price €20, post free with bonus copy of Walter Cox's Union Star—a reprint of his 1797 paper, including Biographical information on Cox.

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