

IRISH POLITICAL REVIEW

April 2007

Vol.22, No.4 ISSN 0790-7672

and **Northern Star** incorporating **Workers' Weekly** Vol.21 No.4 ISSN 954-5891

Bread And Butter Politics?

Garret FitzGerald hailed the agreement of the DUP to form a government with Sinn Fein as an Irish solution

It happened because the Whitehall Government engaged in a direct form of economic and cultural blackmail, directed at the Unionist voters, and the DUP did not dare to challenge it. It threatened that water charges would be imposed, and an Irish Language Act would be introduced, and the 11-plus examination would be abolished if the Unionists did not make a commitment by March 26th to join in Government with Sinn Fein. To lend credibility to the threat, draft water bills were sent out. All three items would be transferred to the devolved legislature once the Unionists met the March 26th deadline, and the Unionist majority could bury them, and there would in addition be a gift to the devolved Government of £1 billion.

Another threatened consequence of failing to toe the line on March 26th was the abolition of the Stormont apparatus. Not only would the salaries of the Assembly be cut off, but the extensive apparatus of government that was kept in being during the years when there was nothing for it to do would be dismantled, adding significantly to the unemployed in the Unionist middle class.

Further to this, there was threatened *Plan B*—joint British-Irish government being enhanced and regularised, with devolution taken off the agenda. The probability is that this was a complete bluff. Paisley called that bluff last year and it lost credibility.

Another matter which stimulated Unionism to pay the Sinn Fein price of restoring devolved government was the reorganisation of Local Government, which has been hanging in the air for close on 40 years. Whitehall indicated that it would implement something like the Mark Langhammer scheme for a small number of large Local Government areas, whereas the Unionists want a large number of small areas. The Nationalists would cope with either.

Nationalism is the growing and purposeful element in the North, and in its Sinn Fein development it is outgoing towards the Protestant community in a way that the SDLP never was, so large areas would be to its advantage. What Unionism desires is seclusion in small areas where contact with Nationalists would be minimised.

The choice for Unionists, carefully set up by Whitehall, was participation with Sinn Fein under a system of devolved government in which they could prevent legislation, or

continued on page 2

Paul Bew:

Thoughts On His Elevation

The laudatory feature by Dean Godson in *The Spectator* on Paul Bew's elevation to the House of Lords (24.2.07) told us some bits and pieces about him. One issue that was avoided was the Althusserianism that shaped his Marxist phase. This is only of significance because the mode of thought of that phase is still clearly evident in Mr. Bew's thinking. Althusserianism perfected Marxism to its ideological purity by very consciously discarding all extraneous elements such as humanity. Everything and anything that moved on earth was determined by the 'ideological state apparatus' of the mode of production. Man in any recognisable form was a rather pathetic creature, sometimes railing against this ideological apparatus, but to what avail?

Mr. Godson tells us that:

"One of the key themes of Bew's academic work—as expressed in *Land and the National Question in Ireland* (1978)—was that oppression in Irish history was as much the consequence of capitalistic class interests as of British malignancy. Thus the Famine would have taken place even if Ireland had been independent. Yes, there were

continued on page 4

Reflections On Palestine, Part 3

Israeli Defence Force

In discussions with Palestinians about the Israeli military I was constantly told that it was a vast powerful force—*"everyone is in the army"*. One can certainly get this impression by seeing armed soldiers everywhere in Israel. It was once like that and the soldiers were the most respected people in Israeli society.

There are constant attempts to portray what they call the Israeli Defence Force (IDF) as though this was still the case. Proud parents are portrayed in the media

watching their son or daughter passing out. The occasion is shown as a kind of secular Bar Mitzvah. Soldiers are given special privileges such as free transport.

The State still tries to surround the soldier with a kind of romantic aura. But reality gets more and more in the way. What I saw, and what Israeli civilians see every day, is a soldiery which is increasingly thuggish and undisciplined. A soldiery which treats its own civilians with extreme rudeness and sometimes with violence.

This is inevitable in an army which is primarily suppressing Arab civilians rather than fighting wars that it believes are wars of defence against "fifty million" blood-

thirsty Arabs surrounding its borders.

Previously I wrote about the siege of Jerusalem designed, unsuccessfully, to provoke the Palestinian Resistance, such as it is, of East Jerusalem into open rebellion on the issue of interfering with the Al Aqsa Mosque. Most of the forces visible on the ground were paramilitary police. But reliable army units were needed in the vicinity should the provocation succeed. The Palestinians mostly contented themselves with praying sessions on the streets and sit-downs outside other mosques.

On the last Friday of the siege I was in

continued on page 5

CONTENTS

	<i>Page</i>
Bread And Butter Politics. Editorial	1
Paul Bew. <i>Thoughts On His Elevation.</i> Jack Lane	1
Israeli Defence Force. Conor Lynch (Reflections On Palestine, Part 3)	1
Clash Of The Titans. Geraldine Kennedy vs Aengus Fanning (Report)	3
Shorts from <i>the Long Fellow</i>	6
Unionist Vote Share Falls By 3.7% to 48.8%. David Morrison	7
Republican Dissidents And The Election. Seán McGouran	10
Election Tit-Bits. Report	10
Editorial Commentary.	10
Michael Cusack & Jewry. Manus O'Riordan (report)	11
Correction. Andy, Not Kim Bielenberg	12
The Family And Children's Rights. Seamus Lantry	12
Cruise O'Brien On Yeats...And "Herr Hitler". Manus O'Riordan	14
Kilmichael Yet Again. Brendan Clifford	15
Molly Keane & The Critics. Julianne Herlihy	16
Closing Down Schools. Mark Langhammer (Speech to Irish Association)	18
A Cork Pogrom's Excluded Friday Night. Manus O'Riordan	20
The Jesuit Republic. <i>An Affront To Reason.</i> Pat Muldowney	22
Irish Bomb Expert Takes On The Taliban. David Morrison	25
 <i>Labour Comment</i> , edited by Pat Maloney : <u>The Law Is An Ass</u> back page <u>ICTU & Business Expansion Scheme</u> page 27 <u>ICTU: & Nuclear Issue</u> page 26 <u>Immigration: Forgotten Irish</u> by <i>Nick Nolan</i> page 26	

continuing government by the Government of the State with economic penalties, and legislative enactments favourable to the Nationalist community and aggravating to Unionists.

Whitehall's object is to put Northern Ireland back in the place designed for it in 1921—to keep it within the British State, but take it out of British politics—and to use it as a lever for easing the Irish State back towards the British State.

The Secretary of State (who doubles up as Secretary of State for Wales) says that he now looks forward to the emergence of "*bread and butter*" politics in Northern Ireland. And he made a pretence of having been surprised, when he came to Northern Ireland as Secretary of State, to find that the normal bread-and-butter politics of the state did not operate there.

The Campaign for Labour Representation made certain, by intensive lobbying over a period of twenty years, that every British MP and every Constituency Labour Party knew that Northern Ireland was excluded from the party-political structure of the UK. And it even addressed a meeting of Peter Hain's own Party Branch on the subject. Hain was in the building, but chose not to be present at the meeting. He knew only too well what the CLR case was, and he did not want to be asked awkward questions about it by his party workers in the presence of a CLR speaker.

Leaving that aside, he could not have failed to notice, as Secretary of State for both Wales and Northern Ireland, the

fundamental structural difference between politics in Wales and Northern Ireland. There is devolution in Wales, but he is a Minister in the UK Government and a representative in Parliament of a Welsh constituency as member of a British party.

As Minister in Belfast he has no representative connection, either personally or through his party, with the region that he governs. That region, when it was being set up, was deliberately put outside the sphere of the "*bread and butter*" politics of the state by the Labour Party acting in collusion with the Tory Party.

Hain knows all of this very well. And he has also known from the moment he started climbing the greasy pole of British politics that it was necessary to pretend not to know it.

The solution of March 26th, insofar as it is a solution, is an entirely British solution. It was organised by the British Government for a British purpose.

If Britain had ever wanted the Northern Ireland region of its state to have "*bread and butter*" politics as its norm, it would not have established Northern Ireland. When partitioning Ireland it would simply have let the Six Counties rest as part of the British state, governed as Scotland and Wales were, with the same system of party politics that subordinated sectarian divisions in Scotland and Wales to the "*bread and butter*" politics of the state. Northern Ireland was not set up in response to a demand for it in the Six Counties. Nor

was it set up because the great men of the Lloyd George Coalition took leave of their senses and thought a Northern Ireland pseudo-state, consisting of two national/religious communities in antagonism, would somehow give rise to peace and normality.

In the very act of making provision that Ulster should remain British, it cut British Ulster out of the political life of the British state. It partitioned Ireland in 1921; forcibly denied independence to the 26 Counties, which wanted it; and imposed a Home Rule system on the Six Counties, which did not want it and was essentially unsuitable for it.

In 1922 the Lloyd George Government split the independence movement in the 26 Counties by means of an offer of domestic self-government under the authority of the Crown. It dangled the prospect of Irish unity before the Free State by means of a Council of Ireland, while according the Unionist Government a veto, not only on unification, but on the functioning of the Council.

By these means it pushed the 'Irish question' out of the internal politics of Britain, while keeping it alive for the British state as a means of exerting pressure on the internal politics of the Irish state.

If the Six Counties had simply been governed as part of Britain, and if the Catholic community—excluded from the national life of the Irish state—had become an active component of the party politics of the British state (with Catholic workers finding common ground with Protestant workers in the Labour politics of the state), Britain would have lost a major means of influence on the internal politics of the independent Irish state.

Crisis is opportunity. And crisis in Northern Ireland has been Britain's opportunity for the ambitious attempt to re-Anglicise Ireland that has been in operation in recent decades.

Northern Ireland is a region of the British State, and Britain has no intention that it should ever be anything else. But it is also a hook with which Britain can go fishing in the Irish State.

No state would do to a region of itself what Britain did with the Six Counties if it did not have an ulterior purpose.

Northern Ireland is a region of the British state which Britain presents as somehow being Irish, and even as being an Irish state, so that the trouble in it can be presented as being caused by some trait in Irish nationality that is incomprehensible to normal sensible people. And this propaganda perversion of Constitutional reality has been immensely influential in its disabling effect on political thought in the Republic since the early 1970s.

That Northern Ireland is a state has been consistently bewgled about by Lord Bew for about thirty years, and it was taken up by the Godfather of revisionism in Trinity College, Professor Fitzpatrick.

The first major book on the system by which Northern Ireland was governed was written by Professor Nicholas Mansergh, an academic-cum-administrative servant of the British state, who has recently been hailed by Professor Joseph Lee as one of the greatest Irish historians. Professor Mansergh described the formalities of the devolved system in loving detail. He did not say it was a state. He knew very well that it wasn't. But he treated its strange mode of government—as a region of the state disconnected from the political processes by which the state was governed—as being within the norms of the democratic era, even though the political conduct to which it gave rise was not.

Lord Craigavon, who set up the devolved government and ran it for a generation, knew very well that Northern Ireland was a thoroughly abnormal concoction which could not bear very much political activity. He operated it because Whitehall insisted that it must be the way that a bit of Ulster remained connected with Britain. Britain had a purpose for the Six Counties, other than having them settle down as part of the democracy of the state. Being excluded from the democracy of the state, and not being themselves a state, and being required to operate a local party system which would return a majority for 'the British connection' at every election, Northern Ireland could have nothing but the form of politics that is now called "sectarian". It was only through the conflict of parties competing for power in the state that 'sectarianism' might have been eroded. That is how it was eroded in Britain in regions where the conflict of sectarian communities had often been intense.

The 'moral' demand that antagonistic religious/national communities should stand face to face with each other, without intermediary ground on which people from each might stand together without prejudice to their differences, and 'reconcile', is thoroughly unrealistic. It is not the kind of thing that happens in the democratic era. Democracy functions through party-political conflict. It intensifies conflict. And, if the parties which are the vital parts of the structure of the state are not present, it intensifies whatever conflict is to hand. In the North the conflict could only be between the two communities which were at war when Lord Bew's *Northern Ireland state* was slotted over them.

Lord Craigavon has been roundly denounced for saying that Stormont was "a Protestant Parliament for a Protestant people". But that is all it could be. The function of elections was not to provide

Clash Of The Titans

The following account of a dispute between Aengus Fanning, Editor of the *Sunday Independent* and Geraldine Kennedy, Editor of the *Irish Times*, appeared in the *Sunday Independent* (11.3.2007), but does not seem to have been carried in its British editions

"The Times they are a'changing those sales figures, folks

Madam Geraldine Kennedy, Editor of the *Irish Times*, has clearly read her Humpty Dumpty—"When I use a word, it means just what I choose it to mean."

When newspaper sales numbers were published recently the *Irish Times* report described the *Sunday Independent*'s circulation as "static". (In fact, our sales had risen by 1,137 to 287,750.)

A little miffed, our Editor Aengus Fanning, wrote a short letter which he hoped would set the record straight in the paper of record.

When the letter did not appear, Aengus rang the *Irish Times*, to be told that the Editor was dealing with the matter personally, that she would have to 'check the facts' in the letter, and that she could not talk to him at that moment because she was "very busy dealing with matters relating to the Mahon tribunal".

On Thursday Geraldine rang Aengus to say "I have checked it up, your figures are correct", but said that she had not realised the letter was meant for publication. She then went on to complain that the *Sunday Independent* has written "many wrong things" about her and had never contacted her.

Last year, she said, the *Sunday Independent* ran a story about a lawyer calling round to her house (our story said he delivered the 'Bertie file'), but nobody had contacted her to verify it. He apologised and assured her that in future if she was featured in any prospective *Sunday Independent* story, she would be given an opportunity to comment, whereupon Geraldine said, "Ah, you're all right", and gave Aengus her mobile number.

Whereupon, he was heard to mutter, somewhat naively, "Perhaps Geraldine isn't such a bad sort after all".

But on the following day, Friday, the letter again failed to make it. So Aengus rang Geraldine to be told that she did not intend to publish it at all. "I told you I wouldn't publish it until you put right all the wrong things you said about me in the *Sunday Independent*", she berated him.

Aengus, according to inside observers, was somewhat startled by Madam's chastisement, but nonetheless protested: "You are not always in the right, Geraldine. This is a two-way street."

He told her that if she would not publish the letter, he would publish it in the *Sunday Independent*, with a summary of their conversations.

"Go ahead", she said—at which point the negotiations ended abruptly.

Could the 'Battle of the Editor's Letter', and Madam's obduracy be anything to do with the *Irish Times*'s sales drop of 1,268 in the second half of last year from 117,370 to 116,102, at a time when the *Sunday Independent*'s sales went up?... *Daniel McConnell*"

for government but to provide for 'the British connection' to continue. The actual state, Britain, was always present in the life of the people in the pseudo-state, even though they were disconnected from its political life. What was decided by elections was whether the region would remain part of the British state. After Craigavon had set the thing functioning, what happened as a matter of routine was that the Protestant community returned a Unionist majority to Stormont, and the Stormont 'Legislature' then re-enacted Westminster legislation, regardless of which party was in power in London.

Craigavon had a long innings, and then Brookeborough had a long innings—notice how we keep up to date with the new Irish sport—and then Captain O'Neill said it was disgraceful that Brookeborough spent of his time on foreign holidays.

O'Neill decided to shake things up—and things fell apart a few years later.

Forty years on, it seems possible that things will settle down for a while. But, for all the shaking-up, the settling-down is into what was there at the start—the Protestant and Catholic communities as distinct, and antagonistic entities.

Of course a great change has happened within the Catholic community. It has fought a war and is full of purpose. And the condition of settlement is that all parties must be in government.

The Secretary of State announced that the era of normal bread-and-butter politics has now begun in Northern Ireland. As he said it, he was putting an extra billion pounds into the bread-and-butter kitty, and enabling the water charges to be called off.

Lord Bew

continued

victims—but the context of that 'victimhood' had to be properly understood if it was not to be employed to justify brutal sectarian retribution."

So the Famine was "*a consequence of capitalistic class interests*" and clearly this operated above and beyond the British state and its policies across centuries. This is totally in line with Lord Bew's Marxism. These things had to happen—it's capitalism, stupid.

Some facts. The potato blight was no surprise. In fact it was expected that it would inevitably strike in many countries after the outbreak began in America and it did break out in several countries during the 1840s. But there were no Irish-type Famine elsewhere because precautions were taken that prevented the blight turning into a Famine. For example, the Czar of Russia, of all people, prevented a disaster in Poland.

But the greatest Empire in the world, with unimaginable resources at its disposal from across the world, could not do such a thing in Ireland. Apparently, the Empire was helpless before the "*consequences of capitalistic class interests*". The Czar in his reactionary foolishness was oblivious to these *consequences*, defied them, and prevented a Famine—what a silly man! Not knowing his place in the scheme of things.

One thing would have prevented a Famine in Ireland. The progressive British Government might have acted like the reactionary Czar, and adopted the simple imperative of preventing starvation by whatever means possible and bringing the full resources of the state to bear on the starving section.

Another preventative—if we go in for time warp moralising, like Lord Bew's eulogist—is a functioning capitalist market in Ireland, on the basis of which capitalist class interest might operate. It is not really in the interest of the capitalist class to have its workers dying like flies—millions of them. Capitalist class interest requires the preervation of the capitalist workforce.

Capitalism was carefully prevented from developing in Ireland by the Glorious revolution system established after 1688, known in Ireland as the Penal Laws. Capitalist development was fostered in England by the English Parliament, and was stifled in Ireland by the same Parliament lest it become too strong a competitor with English capitalism.

Capitalism was not a Platonic Form

existing independently of the state, so that the state was not responsible for its effects. It was more like a creation of the state—certainly in those times, when Britain dominated the world and was organising the world to serve its interests.

Ireland, after centuries of totalitarian English rule, had neither a benevolent despotism motivated by human sympathy, nor a viable economy in a system of representative government.

There were no capitalist market relations operating for the vast majority of the society. There was plenty hunger but hunger in itself does not create a capitalist market unless the hungry have pockets as full as their bellies are empty. And this was true even though the country was up its gills in fine food of all sorts—some, such as Cork No. 1 Butter, the best product of its kind in the world actually increased its exports during the Famine.

But here we have a conundrum. A functioning capitalism would have prevented the Famine but Lord Bew says that the consequences of capitalism caused it? The solution was therefore the cause? Or was it a case of the cause being the solution? What a puzzle. (It is probably no accident that Althusser himself went mad and strangled his wife. He may have run into similar ideological conundrums and the cat was not to hand.)

An independent Ireland would have made no difference, we are told. Of course not. How could puny Ireland cope with the "*consequences of capitalistic class interests*" successfully when the greatest Empire in the world could not counter these consequences?

However, people who actually witnessed the Famine and thought about it believed otherwise. (We can assume that those who starved to death thought that, in the circumstances, any other alternative that might possibly provide food was worth considering).

The Famine convinced many that some form of independence was absolutely necessary. Were they all foolish fantasists? These were not the usual suspects, the nationalists. The most significant were upper class Tories and Unionists such as Isaac Butt and William Smith O'Brien who between them set in motion forces that led to Independence.

They looked and acted on the evidence of their eyes and ears and came to the conclusion that the Famine proved that there was no real Union, and a form of independence was absolutely necessary to avoid any more such a calamities.

A form of independence was only recognising the reality of the relationship between Ireland and England. .

Britain would never have tolerated its own population being decimated by Famine—by allowing mass starvation in Ireland, it showed that it did not regard the Irish population as being its own. The Famine showed that there was no union of hearts as far as Britain was concerned. And in fact the Famine, with its subsequent flight of population, served the British interest in Ireland by changing the population balance as between Catholics and Protestants.

Moreover, the Famine started a tradition of emigration which is only now being ended.

And what happened in an independent Ireland?

There was another major 'consequence of capitalistic class interests' that hit the world and was certainly more serious than a potato disease and that was the 'Great Depression' of the 1930s. Ireland escaped its consequences. We are often told by Marxists that the 'Great Depression' was the inevitable result of capitalism, that bred unemployment, that bred Fascism, and that in turn bred war—and it all seems a very nice and neat theory. But an independent Ireland defied all this. It avoided the 'Great Depression', it avoided Fascism, and it avoided war. How come it defied the inevitable? More conundrums.

*

How does one put the 'victimhood' of starvation in a proper context that avoids 'sectarian retribution'? What exactly is he talking about? Did the victims or survivors take it out on Protestants as the source of their misery? Any evidence for this?

In fact the most significant political outcome of the Famine was the reaction of some Protestant Tory Unionists, such as the above mentioned and of course many Young Irelanders. The Famine showed the Union to be a fraud and an illusion. Between them all these Protestants helped to lay the basis for Independence. So where is the 'sectarian retribution'? If Protestants played a leading role in the reaction and revulsion to the Famine, and got mass support, surely what occurred is the very opposite of sectarian retribution?

To get back to these transcendental forces that made the Famine apparently inevitable. Lord Bew is rather late in the day with such explanations. The man of the moment, Charles Edward Trevelyan (Assistant Secretary to the Treasury, in charge of administering relief in Ireland) was way ahead of him: It was God's blessing to cure the Irish problem. The Famine was

"...altogether beyond the power of man, the cure has been applied by the direct stroke of an all-wise Providence in a manner as unexpected and

unthought as it is likely to be effectual. God grant that we may rightly perform our part, and not turn into a curse what was intended for a blessing" (9.10.1846).

And: "The judgement of God sent the calamity to teach the Irish a lesson, that calamity must not be too much mitigated."

And in his book *The Irish Crisis*, published in 1848, Trevelyan described the famine as "a direct stroke of an all-wise and all-merciful Providence".

The words and the concepts may change, but the mindset of Lord Bew is as clear as that of Trevelyan. To Lord Bew the laws of capitalism are as immutable as the laws of Trevelyan's God and serve the same purpose of apologetics for the British Government. Trevelyan was also knighted for his services.

Which leaves the question of what title Lord Bew should take. Madawc Williams has suggested Lord Bew of Totpot. I like the sound of it.

Jack Lane

Israeli Defence Force continued

Nablus. All that night a picket of Israeli snipers, strung out over about a kilometre, fired from high ground into the Old City. There was no return fire—though there are plenty of weapons in Nablus. So the Israelis decided to attack. But in order to do so they had to lift the siege in Jerusalem to have enough reliable troops for Nablus.

Two "killer" battalions were sent in along with border police and Navy special forces. These were backed by two regular national service battalions which were rotated during the five days of the siege. (Palestinian Authority intelligence claimed it was really a training exercise as Nablus resembles Damascus. I couldn't see much resemblance and I've spent some time in both cities.)

The Israelis failed to capture the six leading Resistance members they'd named as wanted, but they rounded up a lot of Hamas members. Al Aqsa Brigade said that they had taken precautions but that the IDF didn't seem much interested in them or in Islamic Jihad.

One excuse for the raid was to prevent the organisation of suicide bombing—most of which seems to originate in Nablus. But ALL suicide bombings in the last two years have emanated from either the Al Aqsa Brigades (Fatahish) or Islamic Jihad, *None* from Hamas. The raid was clearly just to disrupt the Hamas organisation in Nablus.

During the siege civilians were used as hostages to lead troops into buildings. One man was killed for breaking the curfew and several youngsters were wounded. There is an Israeli rule of engagement which permits the shooting in the legs of children in possession of stones, or anyone using a mobile phone. But the penalty for "missing" the legs and killing these "terrible" people is 100 ILS (18 euros or 12 pounds) for the shooter and 200 ILS for his or her officer.

A lot cheaper than a day's pheasant shooting in England which can come to £500 a day. The penalty for a child throwing a stone at a moving vehicle, deemed attempted murder, is 20 years in prison.

One reason for the lack of success by the IDF in Nablus was its inability to move around the Old City in armoured cars or tanks. Even fast jeeps couldn't go in as the Resistance has placed very large concrete blocks in the narrow streets—some of them pinched from Israeli road blocks. So the operation had to be on foot—and the soldiers are not so keen on that sort of thing anymore.

(This blocking of streets by the Palestinians can be a risky business. In Jenin, when the tanks couldn't negotiate the narrow streets, they just drove through the buildings. Amid a lot of controversy, new buildings were sited so as to allow roads wide enough for tanks to pass. Then Jenin was a refugee camp and not an Old City. The Israelis may calculate that there would be outrage abroad over too much destruction in Nablus. People can get quite worked up in the West about ancient buildings—while killing Arab children doesn't bother them at all.)

The Resistance was remarkably restrained in not being provoked into a full-scale battle in the Casbah. They seem to be learning to choose their own time for battle or, at least, not letting the Israelis choose it. Still, such is their belief in the organised numerical strength of the IDF that opportunities to counterattack are lost.

In order to surround the Old City and occupy or cordon off important buildings, especially the hospitals, much of the high ground had to be abandoned. Nablus is situated in a Gorge. So their backs were exposed to sniper fire. But I expect that the Palestinians will catch on to that as soon as they begin to understand the real useable numerical strength of the IDF. Something the Hezbollah understood very well.

The Jewish holiday of Purim was coming up and the decision was made to seal off the West Bank entirely for the duration. So the siege of Nablus, though almost entirely unsuccessful, had to be

called off. The troops were needed elsewhere!

The state of the IDF is finally becoming a subject for public comment in Israel. Firstly there is the mutinous mood of the troops. While I was there the prestigious and privileged Golani Brigade experienced two mutinies and I believe they have been at it again since. These seem to have been sparked by the arrival of new officers trying to impose some discipline.

(There is another kind of mutiny going on which is the refusal of troops to serve in the West Bank. Some of this is motivated by humanitarian concerns. All of it seems to be acts by high-minded soldiers disgusted by the degeneration of the Army caused by its counter-insurgency role.)

Secondly there was a ham-fisted reorganisation carried out over the last few years. This was aimed at turning the IDF from being a primarily war-fighting force into a "low-intensity" force—an army for the suppression of insurgency—and, in the case of Palestine, for the suppression of any manifestation of dissent. Its role was to intimidate and police an entire population.

The reforms were carried out mainly under Chief of Staff, and former Airforce Commander, Dan Halutz. He believed that the war-fighting role of the IDF could be carried out by the Air Force.

I don't wish to take away from the victory of Hezbollah in Lebanon last year, but an Israeli Army which no longer knew how to fight on the ground, or even how to fight at all, definitely contributed to the outcome.

Halutz was fired in an atmosphere that resembled a mutiny of senior officers. He was daily in the media, being saluted by his colleagues who themselves felt that they faced the chop. His new army was top heavy with 25 Generals cluttering up the mess at Headquarters, and Corps Commanders untrained to operate at Corps level. Life-and-death decisions had devolved as far down as section leaders operating in the West Bank.

He was replaced by Gabi Ashenazi, and the pair of them continue to slag each other off in public. The Winograd Committee has been formed to reverse Halutz's reforms. But the old Army emerged psychologically from the Haganah and always assumed it was fighting a major war, even when it wasn't. Military tradition and mythology count hugely. The new Army is humpty dumpty and it is probably impossible to put it back together again.

Conor Lynch

Shorts

from
the Long Fellow

THE WORST IRISH HEALTH MINISTER EVER

In last month's column it was suggested that there was a contradiction in Mary Harney's "courageous" stance against the consultants, which has been praised by almost all media commentators.

On the one hand her policies have facilitated consultants in public hospitals treating private patients by allowing generous tax incentives for the building of private hospitals on public hospital land. On the other hand she wants to introduce a "public patient only" contract for some consultants.

It now looks as if the contradiction will be resolved in favour of the consultants. It seems that investors in these new private hospitals on public hospital grounds were under the impression that consultants in public hospitals would be free to pop out of the public hospitals at will and treat their private patients in the new private hospitals. Why else would you want to build these private hospitals beside public hospitals?

At present there are two categories of contracts for consultants. The Category One contract allows consultants to treat both public and private patients in public hospitals only. The Category Two contract allows consultants work in public hospitals, but does not restrict them to these hospitals.

According to the Sunday Independent (25.2.07) the 70% of consultants who are on the Category One contract were very upset when they were told that they couldn't practice in the new private hospitals.

But it now appears that the new contract negotiated by the 'courageous' Mary Harney will abolish this restriction. In short, she will have replaced the existing bad deal with a worse one.

The new private hospitals will exist in a parasitic relationship with the adjacent public hospitals. The private 'customers' will have the benefit of the resources of the public hospitals without having to convalesce in the same building as the public patients. That will be the legacy of the worst Minister for Health in the history of the State.

SUNDAY INDEPENDENT CAMPAIGN

The campaign by the *Sunday Independent* to abolish Stamp Duty is beginning to border on hysteria. The 25th February edition had a front page article by Jody Corcoran and Maeve Sheehan

bemoaning the plight of purchasers of 1 million euro properties. Alan Ruddock had a slightly more reasoned analysis against Stamp Duty on the editorial page and Eoghan Harris warned of dire consequences for Fianna Fail if it didn't listen to him.

Underpinning all the articles is the assumption that a slump in the property market would be bad. So much for their avowed concern for first-time buyers!

The problem with property taxes in the past was that the valuations were considered unfair. But the virtue of the Stamp Duty tax is that there is no argument. The tax is based on the price achieved in the market place. It could be said that the tax should not be borne at the beginning of the transaction rather than throughout the useful life of the property. But, given that most of these transactions are financed by loans, the burden of the tax is effectively borne over the period of the mortgage in the form of marginally higher monthly payments.

At present most economic observers believe that property prices in this country are too high. The only brake on further inflation has been the financial institutions' willingness to lend. If Stamp Duty were abolished most, if not all, of the savings would end up in the pockets of the property seller.

Fianna Fail is right to resist the political opportunism of the Progressive Democrats and the opposition parties.

IRISH TIMES "DEBATE"

The Irish Times decided to have a debate on the playing of "God Save the Queen" in Croke Park. Fintan O' Toole suggested that the opponents of such a proposition were suffering from a neurosis called "Anglophobia" and needed treatment.

It might be thought that the person opposing O' Toole would be arguing from a nationalist perspective, but if that happened it wouldn't be an *Irish Times* debate. So an English academic was wheeled out to propose that no national anthem should be played, either British or Irish. The implication being that we are not really separate countries. At present the Irish national anthem is not played when the Irish rugby team plays abroad. The insipid "*Ireland's Call*" is substituted in its place. So the English academic's proposal is not as big step as it first appears. The only reason the Irish National Anthem is played at all is because of the presence of the President of Ireland.

On the Monday following the match (26.2.07) the editorial in *The Irish Times* expressed pride at the respect shown to the playing of *God Save the Queen*, but then alluded to the real issue which is should rugby be played at all in a stadium built for Gaelic games by an institution which is sustained by voluntary effort. On this question the editorial's insulting

characterisation of the opposition leaves no doubt as to where *The Irish Times* stands:

"The respect shown to the singing of the British national anthem at Croke Park is a measure of how much Ireland has changed for the better. There was no sign of the petty begrudgery and narrow-minded republicanism witnessed at the time of the GAA's debate on changing Rule 42."

Will we now see middle class rugby playing schools opening their doors to Gaelic games?

But just in case anyone thought that the playing of the British national anthem in Croke Park has ushered in a new era, Fintan O' Toole was on hand to warn his readers against complacency:

"If it is true that one legacy of the colonial past, Anglophobia, died at Croke Park last Saturday, it is rather ironic that another—sleevevenism—had reasserted its place in Irish politics just a few days earlier" etc. etc. (*The Irish Times*, 27.2.07).

So much for "debate" *Irish Times* style!

SOCIALISM AND REPUBLICANISM

One of the most distinguished journalists in France has recently published a biography of President Jacques Chirac. Pierre Pean is probably most famous for his exposé of Mitterrand's collaboration during the Second World War. But he was also an admirer of Mitterrand.

He co-authored a book on the *Le Monde* newspaper showing how an alliance of Trotskyists and Right-wingers took control of the paper and proceeded to denigrate French culture and political life during the Mitterrand era in the interests of Anglo-Saxon values (see *Irish Political Review*, July 2005). The book continues to be influential and has led to a number of resignations at the newspaper.

In contrast to the French media portrayal of Chirac as a buffoon and liar ("*super-menteur*") Pean portrays him as a man of sophistication. The French President is fluent in Russian and has always been fascinated by Chinese culture. Pean praises Chirac for resisting American and British pressure to support the invasion of Iraq. Interestingly, Chirac often solicited the views of ex-Mitterrand advisors on foreign policy issues.

In a television interview recently, Pean was asked why a left winger wrote such a sympathetic biography of Chirac. He replied: "*I am a socialist, but I am also a republican*".

FRENCH PRESIDENTIAL ELECTION

It is difficult to call the result of the Presidential Election in France. But it seems events are conspiring in favour of Francois Bayrou the centrist (by French standards) candidate. The selection of the

pro-American Nicholas Sarkozy for the Government party (UMP) has alienated the Gaullist wing of that party and with good reason. Sarkozy represents a 'rupture' from Gaullist traditions. So much so that a journalist from the excellent Russian newspaper *Izvestiya* commented dolefully that Chirac might be the last Gaullist President.

As well as alienated Gaullists, Bayrou seems to be attracting support from disillusioned socialists. And the socialist candidate Segolene Royal has only herself to blame. She has developed policies on the hoof, independent of the Socialist Party. Her approach seems to be that the left/right division in French politics is outdated. So she can hardly complain if people are attracted to the centrist candidate.

The most coherent criticism of Bayrou has come from the left wing of the UMP, which along with the Fabius wing of the Socialist Party is the most political in France. The very competent Defence Minister Michele Alliot-Marie has criticised Bayrou's policy of a National Government along the lines of the current German government. Alliot-Marie's point is that the coalition in Germany was imposed on them by the results of the election it was not a conscious decision of the parties.

Jean-Pierre Raffarin the ex UMP Prime Minister has made the point that it is not easy to implement reform. Bayrou thinks that you can do it by bringing the parties together. Raffarin on the other hand believes that, aside from the different policies of the French political parties, reform can only be implemented through a dialogue with the elements of civil society such as the Trade Unions and the Employers organisations.

V.I. Lenin had a more succinct description of Bayrou's approach to politics: "*parliamentary cretinism*" was the term used.

THE NEXT FRENCH PRESIDENT

But Bayrou will not win. Months ago this column decided that the only possibility of an alternative to Sarkozy was a split in the UMP. That has not materialised. The left wing of the UMP has trooped in behind Sarkozy or would it be more accurate to say that Sarkozy has trooped in behind the left wing of the UMP?

In a masterful performance on TV5 (25.3.07) Sarkozy denounced the USA for not signing up to the Kyoto agreement. He praised Chirac for not supporting the US invasion of Iraq. Chirac's apparently lukewarm endorsement of him was all the more profound for not containing adjectives! He denounced Peter Mandelson for attempting to reform the Common Agricultural Policy. He even found time to praise a young seventeen year old communist who was killed by the

Nazis: his writings should be read by every French school child because he was a true French citizen. He said the USA was a democracy, but France was a Republic. France's friendship was with the American people and not with George Bush because there will be other US

Presidents. France was not a race but a nation, which only requires that its citizens love her.

It appears that the legacy of De Gaulle and Mitterrand is intact because in the end Sarkozy is French!

Northern Ireland Assembly Elections

Unionist Vote Share Falls By 3.7% To 48.8%

In the Northern Ireland Assembly elections, the DUP continued its dramatic advance against the UUP ending up with 36 seats to the UUP's 18 (see Table I) [1]. Together they hold exactly half of the 108 seats in the Assembly. The DUP easily saw off rivals who stood on a platform of outright opposition to power-sharing with Sinn Fein. Chief amongst these was Robert McCartney, who stood without success in 6 constituencies.

Sinn Fein also continued to advance against the SDLP winning 28 seats to the SDLP's 16. However, the SDLP held its own in a few constituencies, notably, Foyle, Belfast South and South Down. Sinn Fein easily saw off the dissident republicans, who were prompted to stand by its shift in stance on policing.

Overall, the Unionist share of the vote fell to 48.8%, that is, by around 3.7% compared with the 2003 Assembly elections (see Table III), resulting in a loss of 4 Assembly seats. With 55 seats (36 DUP, 18 UUP and 1 PUP) out of the 108 seats, Unionists now have only a bare majority in the Assembly. The fall in the Unionist vote share was balanced by a rise of about 1.9% in the Nationalist vote share to 42.6% (and a gain of 2 seats) and by a similar rise in vote share by "Others" (and a gain of 2 seats).

An Executive was never formed from the Assembly elected in 2003, but had one been formed, the operation of the d'Hondt system would have given the Unionist bloc 7 seats on it (4 DUP and 3 UUP) and the Nationalist bloc 5 seats (3 Sinn Fein and 2 SDLP). Despite the Unionist losses and the Nationalist gains in these elections, the operation of d'Hondt will still give the Unionist bloc 7 seats (5 DUP—the First Minister plus 4 departmental Ministers—and 2 UUP) and the Nationalist bloc 5 seats (4 Sinn Fein—the Deputy First Minister plus 3 departmental Ministers—and 1 SDLP).

DUP vs UUP

The DUP got over twice as many first preference votes as the UUP (30.1% compared with 14.9%) and twice as many MLAs (36 compared with 18). The turnout and the number of votes cast was

almost exactly the same as in 2003, but the DUP increased its vote by nearly 30,000 to 207,721 compared with 2003 (see Table III). Its vote share rose from 25.7% to 30.1%. At the same time, the UUP vote fell by over 53,000 to 103,145 and its vote share from 22.7% to 14.9%. The DUP gained 6 seats compared with 2003 and the UUP lost 9.

(It should be remembered that, shortly after the 2003 elections, 3 UUP MLAs defected to the DUP. Two of these, Jeffrey Donaldson in Lagan Valley, and Arlene Foster in Fermanagh & South Tyrone, stood for election this time for the DUP and retained their seats.)

The UUP lost votes primarily to the DUP, but it also lost votes to the Alliance Party at the other end of its political spectrum. The Alliance vote increased by nearly 11,000 votes. It is reasonable to assume that this was primarily at the expense of the UUP. Alliance votes, which were given to the UUP in a futile attempt to "save" David Trimble in 2003, have now gone back to the Alliance Party.

There was no silver lining for the UUP. Its vote share fell in all 18 constituencies and, in all but one of them (Newry & Armagh), it is now the minority Unionist party (see Table II). Since Westminster elections are fought in these constituencies using the first past the post method of election, the UUP has little or no chance of recovering from its disastrous performance in the 2005 Westminster elections, when it ended up with 1 MP (in North Down) compared with the DUP's 9. And since the DUP got 34.1% of the vote in North Down this time and the UUP only 23.7%, it will be difficult for it to hold on to that seat at the next Westminster elections. An aspiring Unionist politician would be foolish to join the UUP.

Sir Reg Empey, the UUP leader, did poorly at the polls. In Belfast East, where he was a sitting MLA, and has been a public representative for many years, the UUP's vote share fell from 33.1% in 2003 to 22.0% and it lost a seat to the DUP. It now has only 1 seat to the DUP's 3 (one of them held by the DUP deputy leader, Peter Robinson).

In Lagan Valley, where Jeffrey Donaldson and another MLA defected to the DUP after the 2003 election, the decline in the UUP vote was catastrophic—from 46.2% in 2003 to 18.6% in 2007—and it lost 2 of its 3 seats to the DUP. In Fermanagh & South Tyrone, where Arlene Foster defected to the DUP, the UUP vote fell from 28.7% to 19.7% and it lost 1 of its 2 seats to the DUP.

CHANGED RULES

After the event, the UUP leadership tried to blame the party's abject performance on the fact that the Government had changed the rules of the game, so that the largest party in the Assembly would nominate the First Minister, rather than the largest party in the largest bloc. This principle is enshrined in the Northern Ireland (St Andrews Agreement) Act 2006, which became law in November 2006, even though there is no mention of it in the St Andrews Agreement.

According to the UUP leadership, this was a factor in persuading Protestants to vote for the DUP, rather than the UUP, lest Sinn Fein be the largest party in the Assembly and therefore be in a position to nominate Martin McGuinness as First Minister. The change cannot have done the DUP's cause any harm. It would be interesting to know if the DUP itself requested the change to provide an instrument for consolidating the Protestant vote under the DUP umbrella—and eventually eliminating the UUP.

UNIONIST DISSIDENTS

This change in legislation may have been a factor in increasing the DUP vote. Another factor was the DUP's ambiguity about sharing power with Sinn Fein. Even though throughout the election campaign, like the other parties, the DUP portrayed devolution as essential to thwart the plans of the direct rule administration, it gave

the impression that it would not enter into power-sharing with Sinn Fein to bring about this essential objective, unless and until Sinn Fein jumped through numerous hoops of an indeterminate character. Since the elections, these hoops seem to have disappeared, but they were useful during the campaign for marginalising those candidates that stood on a platform of outright opposition to power sharing with Sinn Fein.

Nearly half of these were Robert Mc Cartney who was the standard bearer for his UK Unionist Party (UKUP) in 6 of the 13 constituencies in which it stood. (McCartney had threatened legal action against the Secretary of State if he personally was not allowed to cast 6 votes, if elected in six constituencies.)

Dogmatic opposition to power sharing with Sinn Fein gave the UKUP a reason for a separate existence from the DUP, and it nearly doubled its vote compared with 2003, but to only 10,452 votes, that is, a vote share of 1.5%. Other dissidents, for example, David Calvert in Upper Bann and Willie Frazer in Foyle and Newry & Armagh, may have raised this share to around to 2%, but that is less than 1 in 20 of the Protestant vote. The DUP have nothing to worry about from that quarter.

SINN FEIN VS SDLP

Sinn Fein increased its lead over the SDLP in votes and seats compared with 2003, with a vote share of 26.2% and 28 seats, compared with 15.2% and 16 seats for the SDLP (see Table III).

However, Sinn Fein is not as dominant in the Catholic community as the DUP is in the Protestant community. Whereas the UUP appears to be in free fall all over Northern Ireland, the SDLP held on in Foyle, Belfast South and South Down, where it has sitting Westminster MPs. In these 3 constituencies (and 3 others where the Catholic vote is small), the SDLP is

still the majority Catholic party (see Table II). In Foyle and Belfast South, the SDLP actually managed to increase its vote share compared with 2003.

In Foyle, Sinn Fein's vote share fell by 1.6% compared with 2003, possibly due to the candidature of Peggy O'Hara, mother of Patsy O'Hara, who died on hunger strike in 1981. She got 4.4% of the vote in Foyle. Another dissident, former Sinn Fein MLA, Davy Hyland, who was deselected by Sinn Fein and stood as an independent, got 4.4% of the vote in Newry & Armagh. Other dissident republicans fared much less well. In total, dissident republicans got around 8,000 votes, that is, around 1% of the total vote. Sinn Fein has nothing to fear from them electorally.

Sinn Fein increased its vote by nearly 18,000 to 180,573 compared with 2003 and its vote share rose from 23.5% to 26.2% (see Table III). Its vote share rose in every constituency apart from Foyle and Belfast East. At the same time, the SDLP vote fell by over 12,000 to 105,164, its share falling from 17.0% to 15.2%. Sinn Fein gained 4 seats compared with 2003 and the SDLP lost 2. The SDLP was rather unlucky in that, with more first preference votes than the UUP, it got 2 less seats and, as a result, will have only 1 seat on the Executive to the UUP's 2.

UNIONIST VOTE FALLS

One feature of the election that hasn't been commented on is the fall in the Unionist share of the vote by around 3.7% to 48.8%, from 52.5% in 2003 (see Table III). The bulk of this fall was in the combined DUP/UUP vote share, which declined by around 3.4% to 45.0%, from 48.4% in 2003. As a result, Unionists lost 4 seats and now have only 55 out of 108 Assembly seats, that is, a bare majority, compared with 59 in the previous Assembly.

The Nationalist share of the vote rose by around 1.9% to 42.6%, from 40.7% in 2003 and Nationalists gained 2 seats, one in West Belfast, where Sinn Fein gained a 5th seat, and the other in South Antrim, where Mitchell McLaughlin was elected, having moved from Foyle to stand.

(The "Other" share of the vote increased by a similar amount and the "Others" also gained 2 seats, one in Belfast South, where a Chinese woman, Anna Lo, gained a seat for the Alliance Party, and the other in North Down, where the Green Party displaced Robert McCartney and won an Assembly seat for the first time.)

The turnout in this election was almost the same as in 2003, and the number of valid votes cast fell by less than 2,000 in almost 700,000. Yet the votes cast for Unionist parties and individuals fell by around nearly 27,000 from 363,571 to 336,831, whereas the votes cast for

Table 1
Northern Ireland Elections 1997-2007
Percentage share & number of seats by party

	1997		1998		1999		2001		2001		2003		2004		2005		2005		2007			
	West	Loc	Ass	EU	West	Loc	Ass	EU	West	Loc	Ass	EU	West	Loc	Ass	EU	West	Loc	Ass			
DUP	13.6	15.8	18.1	28.4	22.5	21.4	25.7	32.0	33.7	29.6	30.1	2	91	20	1	5	131	30a	1	9	182	36
UUP	32.7	27.7	21.3	17.6	26.8	22.9	22.7	16.6	17.7	18.0	14.9	10	185	28	1	6	154	27a	1	1	115	18
OthU	4.4	5.4	11.4	6.3	4.0	3.0	4.2	-	0.4	1.2	3.9	1	33	10	0	0	8	2	-	0	4	1
All	8.0	6.6	6.5	2.1	3.6	5.1	3.7	-	3.9	5.0	5.2	0	41	6	0	0	28	6	-	0	30	7
Oth	1.1	6.9	3.2	0.2	0.4	7.5	3.3	9.1	2.4	5.6	3.2	0	38	2	0	0	36	1	0	0	24	2
SDLP	24.1	20.6	22.0	28.1	21.0	19.4	17.0	15.9	17.5	17.4	15.2	3	120	24	1	3	117	18	0	3	101	16
SF	16.1	16.9	17.6	17.3	21.7	20.7	23.5	26.3	24.3	23.2	26.2	2	74	18	0	4	108	24	1	5	126	28

Notes:

a 3 UUP MLAs defected to the DUP after the 2005 Assembly election, so at the time of the 2007 Assembly election the UUP had 24 MLAs. The DUP had 32, having gained 3 from the UUP and expelled one (Paul Berry).

Nationalist parties and individuals rose by over 12,000 from 281,426 to 293,867. It is reasonable to suppose that a significant proportion of the fall in the Unionist vote went to the Alliance Party, whose vote rose by nearly 11,000. But what about the other 16,000 or so? Was there a higher turnout in the Catholic community? Or, is this a sign of a significant demographic change? It's impossible to say.

BREAD AND BUTTER LEGACY

Listening to Tony Blair since the Assembly elections, one could be forgiven for thinking that electors in Northern Ireland chose between the parties on the basis of their policies on "*bread and butter*" issues. On 14th March 2007, for example, he told the House of Commons:

"What was fascinating, by all accounts, about the election in Northern Ireland was that the bread-and-butter issues—water charges, health, education and the local economy—were prominent on the doorstep. That in itself says a great deal about the modern face of Northern Ireland."

Is he so desperate to enhance his legacy that he has convinced himself that, not only has he brought peace to Northern Ireland, he has brought "normal" politics? Does he really believe that it was Sinn Fein's policies on "water charges, health, education and the local economy" that got it 70% of the vote in West Belfast but only 3% in Strangford? Or could it be because most of the electors in West Belfast are Catholic and Nationalist and most in Strangford are Protestant and Unionist?

"*Bread and butter*" issues played a part in the campaign in that all the parties presented devolution as the means of halting the plans of the direct rule administration, for instance, to introduce water charges. Since he became Secretary of State in June 2005, Peter Hain has set out to goad Northern Ireland politicians into devolution. His standard answer to opponents of his proposals for the water service or anything else has been: if you don't like what I'm doing, then take matters into your own hands by agreeing to devolution. As this is written, it looks as though he can claim that his goading has succeeded.

David Morrison
21 March 2007

References:

[1] The information in this article about the 2007 elections results is taken from the results given on the BBC website at news.bbc.co.uk/1/shared/vote2007/nielection/html/main.stm. For earlier elections, see my articles in Irish Political Review, January 2004 and June 2005 (which are also available at www.david-morrison.org.uk/northern-ireland/index.html).

Table II
Vote share, seats and seat gain/loss by party

-> Constituency ->	←-----Unionist----->				←-----Nationalist----->			
	←---DUP--->		←---UUP--->		←---SF--->		←---SDLP---	
Belfast East	37.6	3(+1)	22.0	1(-1)	3.6	0	2.8	0
Belfast North	37.4	2	8.4	1	30.6	2	13.7	1
Belfast South	22.4	1	18.4	1(-1)	13.2	1	26.8	2
Belfast West	10.8	0(-1)	1.7	0	69.9	5(+1)	12.2	1
East Antrim	45.5	3	21.9	2	3.9	0	5.9	0
East Londonderry	39.8	3(+1)	18.5	1(-1)	20.0	2	13.1	1
Ferm & S Tyrone	25.5	2(+1)	19.7	1(-1)	36.2	2	14.0	1
Foyle	17.0	1	4.3	0	30.8	2	37.0	3
Lagan Valley 1)	48.1	3(+2)	18.6	1(-2)	12.2	1(+1)	6.8	0(-)
Mid Ulster	19.5	1	10.8	1	47.6	3	17.5	1
Newry & Armagh	12.9	1	13.1	1	42.1	3	19.8	1
North Antrim	49.0	3	14.3	1	15.9	1	12.2	1
North Down	34.1	2	23.7	2	1.3	0	3.6	0
South Antrim	34.5	2	20.5	1(-1)	16.5	1(+1)	11.1	1
South Down	17.7	1	9.6	1	30.7	2	31.4	2
Strangford	50.1	4(+1)	18.1	1(-1)	3.0	0	8.5	0
Upper Bann	31.4	2	21.3	2	25.3	1	12.7	1
West Tyrone 1)	21.4	2(+1)	8.9	0(-1)	44.5	3(+1)	14.5	0(-)
Northern Ireland	30.1	36(+6)	14.9	18(-9)	26.2	28(+4)	15.2	16(-2)

Notes

Table II gives information about the 4 main parties. Note that the seat gain/loss is relative to the 2003 Assembly election results, ignoring subsequent defections.

Other parties:-

- (1) The PUP held its seat in Belfast East (giving the Unionist bloc a total of 55 seats).
- (2) The Alliance Party held its 6 seats (in Belfast East, East Antrim, Lagan Valley, North Down, South Antrim and Strangford) and gained a 7th in Belfast South.
- (3) The Green Party gained a seat from the UKUP in North Down, the seat held by Robert McCartney.
- (4) Independent Kieran Deeny held his seat in West Tyrone.
- (5) The Other bloc now has 9 seats (7 Alliance Party, 1 Green Party and Independent Kieran Deeny), an increase of 2.

Table III
Votes and seats by party and bloc (2003 & 2007)

	←-----2003----->			←-----2007----->		
	Votes	%	Seats	Votes	%	Seats
Unionist Bloc						
DUP	177,944	25.71	30	207,721	30.09	36
UUP	156,931	22.68	27	103,145	14.94	18
PUP	8,032	1.16	1	3,822	0.55	1
UKUP	5,700	0.82	1	10,452	1.51	
Con	1,604	0.23		3,457	0.50	
NIUP	1,350	0.20				
UKIP				1,229	0.18	
Ind Un	12,010	1.74		7,005	1.01	
Total	363,571	52.54	59	336,831	48.79	55
						(-3.75) (-4)
Nationalist Bloc						
SF	162,758	23.52	24	180,573	26.16	28
SDLP	117,547	16.99	18	105,164	15.23	16
Ind Nat	1,121	0.16		8,130	1.18	
Total	281,426	40.67	42	293,867	42.57	44
						(+1.90) (+2)
Other Bloc						
All	25,372	3.67	6	36,139	5.24	7
NIWC	5,785	0.84				
Green Party	2,688	0.39		11,985	1.74	1
SEA	2,394	0.35		2,045	0.30	
WP	1,407	0.20		975	0.14	
Soc	343	0.05		473	0.07	
Ind Other	9,042	1.31	1	7,998	1.16	1
Total	47,031	6.81	7	59,615	8.64	9
						(+1.83) (+2)
Valid poll	692,028			690,313		
Electorate	1,097,526			1,107,904		
% Valid Poll	63.05			62.31		

Republican Dissidents And The Election

The events on the sidelines of the election for the Northern Ireland Assembly were in many ways more interesting than the 'main event'. It was pretty obvious that Sinn Féin and the DUP were going to end up the biggest parties. The question of 'recognising' (or being the bosses of) the Police did not have a detrimental effect on Sinn Féin's vote. But policing did disturb a section of the Republican constituency, which was demonstrated by a full-page advertisement in the *Irish News* (Tues 06.03-07). It was headed *Irish Republican Ex-POWS Against the RUC/PSNI & MI5*, which is the name of a "recently formed" group. And was funded by the group—i. e. they put their money where their collective mouth was. (They may have paid for the design of the advert which was quite striking—the Fenian phoenix rising out of a burning GPO—against a light green background.)

The advert contains nearly two hundred names, and it is, to put it mildly, an eclectic selection of activists from the past near-forty years. There are a small number of women, including Dolours and Marion Price, who are connected to the Thirty-two County Sovereignty Committee, and were originally Provisional IRA.

They, and some other signatories, are keeping some very odd company. Johnny White, Derry is a signatory: in the early 1970s he was the OC of the Official IRA in Derry City.

Among his other activities, he arranged the killing of Ranger Best in 1972, mainly to demonstrate that he was as macho as Martin McGuinness. The latter was in charge of the Provisional IRA, which was considerably more active than the Officials, even though at the time it was considerably the smaller group. The Official IRA went over to the INLA, in 1974-75, but White appears to have joined the Provisionals at some point in the later 1970s. He seems to have, since the Ceasefires, adopted a position similar to another signatory, Anthony McIntyre. It is a 'hurler on the ditch' one: not saying what his own politics are, but not stinting himself in criticising other's activities. White, and a clique of Derry ex-'Stickies' have distinguished (if that is the proper word) themselves in slandering Captain James Kelly and giving aid and succour to his detractors.

Another signatory is John Kelly (ex-MLA), Derry (these 'addresses' clearly mean the Counties, and not towns). He is in a much stronger position than White or McIntyre, having done his duty up until

last year, when he could not stomach accepting the Northern police. He has also steadfastly defended the honour of Captain James Kelly (John Kelly worked with Captain Kelly in the 1969-70 period and was prosecuted in the Arms Conspiracy Trials of September-October 1970).

Other signatories are in various prisons, presumably they are members of the 'Continuity' IRA, or INLA. John Nixon, Armagh [City] is a former INLA prisoner, and is involved with *Fourthwrite* magazine. His 'social' politics haven't changed much, so he is diametrically opposed to those of Gerry McGeough, a fellow-signatory.

There are other interesting people here, like Dan Keating (last surviving War of Independence veteran), Kerry; and Fr. Pat Maloney, New York, who is of Operation Harvest (1956-62) vintage.

There is also Mickey Óg Devine, Derry, presumably the son of the Hunger Striker. This advertisement could be said to have had no real effect—it suggests, in the legend above the list, that people agreeing

Election Tit-Bits

Declan O'Loan MLA, SDLP, has claimed that his party got 96 transfers from Lyle Cubitt's 1,848 votes in North Antrim. Cubitt was one of the candidates standing for Robert McCartney's UKUP (letter, IN, 12.3.07).

Sinn Fein's Jim Gibney, in his *Irish News* column, has suggested that Catholics who were formerly even afraid to be seen voting in Lagan Valley constituency have now done "*what many people thought was impossible. They elected a Sinn Fein assembly member*", Paul Butler—who has campaigned against Lisburn Council's discriminatory policies for ten years. "*In rural Lagan Valley some nationalists also believe they are being squeezed out of the constituency by impact of decisions within the planning system. Application after application to build homes on family-owned land has been turned down in circumstances which have caused concern* (15.3.07 IN).

Decline: writing of the shrinkage of the UUP and SDLP, Brian Feeney said: "*The UUP's membership is tiny and mainly over 60... The SDLP is arguably in worse shape. In parts of north, east and west Belfast they have no members at all. The same is true in Fermanagh and Tyrone. For both parties canvassing means the candidates, their families and a couple of friends traipsing around houses every night of the week*" (14.3.07 IN). He adds that constituencies resist central direction. There are a couple of SDLP exceptions to this trend, notably Derry City and South Belfast.

with them should "*come out and vote for the Independent Republican Candidates of your choice*". The Independent (Republican) candidates did not get many votes—largely because the majority of them were RSF (Republican Sinn Féin) who were pledged not to take their seats. The others were largely IRSP (Irish Republican Socialist Party), along with Gerry McGeough, who is as near to a Green Fascist as anyone has actually got in the past four decades.

The list is described as "*not exhaustive*", and includes Ivan Morley, Armagh, who may be the former Official OC in Long Kesh in Gusto Spence's period there.

But Sinn Féin proper (so to speak) and Stormont Castle must be worried by the fact of the advert, and the assertion that: "*A broader strategy to rebuild and consolidate the Republican Movement has begun*". The dissidents wish to encourage "*open and free debate among Republicans*" and look forward to bringing about a united Ireland "*by peaceful means*". The latter presumably will be a relief to Stormont Castle.

This is not just a collection of disaffected ex-Provis. If they 'gel' into a 'movement'—no matter how loosely structured—they could constitute a formidable obstacle in the path of the current leadership of Sinn Féin. Particularly if their current strategy comes unstuck.

Seán McGouran

Editorial Commentary

Mahon Tribunal In the *Sunday Business Post* case, the Supreme Court has ruled that the Mahon Tribunal cannot designate information given to it by respondents and circulated privately as "*confidential*", and cannot obtain Court Orders preventing those who have illicitly obtained such personal information from publishing it. Justice Nial Fennely, giving the judgement of the Court, said: "*The right of a free press to communicate information without obstruction or restraint is intrinsic to a free society.*" Supporting this position were Chief Justice John Murray and Justice Susan Denham (daughter of a former Editor of the *Irish Times*, Douglas Gageby).

A dissenting judgement was given by Justice Hugh Geoghegan, supported by Justice Adrian Hardiman.

It is generally thought that the principle laid down in the *Sunday Business Post* case will be applied to the benefit of Geraldine Kennedy, Editor of the *Irish Times*, and journalist, Colm Keena, in a further case being brought by the Mahon Tribunal.

The *Sunday Business Post* ruling makes it impossible for the current Tribunals to go on functioning, as personal information, submitted in confidence, has no legal protection. It is wholly unreasonable to expect those innocent in law submit themselves to such public scrutiny. Surely the Chairmen of these Tribunals have no option now, but to resign?

The ‘corruption’ Tribunals were devised as an anti-Fianna Fail tactic by the Progressive Democrats. The basic flaw in their functioning has been that presiding Judges, and Tribunal agents, have brought adversarial attitudes to what should be an inquisitorial system, aiming to establish objective truth. Even worse, the lower standards of proof which prevails in civil cases is applied to criminal matters in the Tribunal process. It is time to put a stop to this travesty of justice.

Peter Mandelson revealed some of his internal conflicts with Blair in an interview with the *Guardian*. Mandelson said:

“In order to keep the process in motion [Tony] would be sort of dangling carrots and possibilities in front of the republicans which I thought could never be delivered...”

Talking about why he was forced to quit the Blair Cabinet a second time in 2001, he mused he had

“resisted Mr. Blair and refused to write a “secret” letter to Sinn Féin offering a form of amnesty for IRA fugitives... (OTRs) in October 1999...” (14.3.07 IT).

“One problem with Tony, Tony’s fundamental view of Northern Ireland, is that the process is the policy... In order to keep the process on track, ... [Tony] would... appear to, or in reality, accept... republican demands which in my view were excessive and unreasonable...”

“[Sinn Féin] were always operating psychological games on me—always. They are bloody hard people. There was very, very tough psychological game-playing—a lot of unspoken intimidation—and I played it back not by intimidating them but by not being fazed by it” (14.3.07 IN).

The full interview can be accessed on the *Guardian* website.

Northern Bank Raid Curiously, prosecution “*slippage*” had Crown lawyers saying that their case would not be ready until the middle of May (after the power-sharing Executive has come into existence). Only one defendant remains accused of the robbery of 20th December 2004, Christopher Ward. He has been remanded on continuing bail to 28th March (15.3.07 IN).

In the South, Don Bullman, a Cork chef, was given 4 years’ prison for IRA membership. He was widely reported as having money connected with the robbery in his possession in a Daz box.

Michael Cusack & Jewry

The following letter by **Manus O’Riordan** appeared in the *Irish Times*, 5 March 2007.

Kieran Fagan’s *Irishman’s Diary* pays well-deserved tribute to the sporting breadth of vision of GAA founder Michael Cusack (February 24). His column has only one small, but not unimportant, blemish. He writes: “James Joyce makes him (Cusack) a figure of fun as the ‘Citizen’ in *Ulysses* ... Bloom remarked that Christ was a Jew and this made the ‘Citizen’ apoplectic”.

In *Micheal Ciosog* (1982), Cusack’s Irish-language biographer Liam P. Ó Caithnia strongly argued that there was nothing anti-Semitic to be found in his make-up. Furthermore, in a most impressive scholarly article in the *Crane Bag*, written to mark the Joyce centenary in 1982, the late Gerald Y. Goldberg, Cork’s only Jewish Lord Mayor, had argued no less trenchantly:

“Those who regard Michael Cusack as the prototype of the character travel a road that leads to nowhere: the ‘Citizen’ is a composite re-construction by Joyce, of thoughts and sentiments expressed from time to time by Griffith and Gogarty, through their respective writings. The voice may be the voice of Cusack, but the hands and the heads and the thoughts are those of Griffith and Gogarty.”

If I may sum up in Joyce-speak: Citizen Cusack was no Blooming anti-Semite.

But there was not the evidence to link Bullman with the robbery. The judge pointed out that “*Bullman was not charged in relation to possession of the money and there was no evidence of the money’s origin or of any robbery*” (21.2.07 IT). Incidentally, no further action seems to be contemplated against Phil Flynn, who has had his reputation ruined by the media on police incitement, egged on by Minister for Justice McDowell.

Omagh Bomber With the only suspect for the 1998 Omagh Bombing, Sean Hoey, liable to be found Not Guilty within weeks, the PSNI has launched a new publicity campaign, appealing for public help. They would be better occupied asking Special Branch and the Spooks for help, as it seems very likely that the bombing was the action of an *agent provocateur*, acting on their behalf.

Community Policing It seems that homes in Poleglass, Twinbrook and Lagmore areas of West Belfast are to be supplied with the mobile phone numbers of the police officers responsible for patrolling their areas (under Sector Commander, Acting Inspector Peter Brannigan). (22.3.07 IN).

Fianna Fail Councillors have asked their party to open discussions with the SDLP about a merger, following motions passed in favour of organising in the North, and of maintaining “close links” with the SDLP, at recent Fianna Fail Ard Fheises and youth conferences. An SDLP spokesman responded: “*When we have embedded proper power-sharing and partnership in our political system and made progress towards an agreed Ireland and a united people, that may be the time for considering what benefits party realignments might bring*” (15.3.07 IN).

Loyalists associated with the UDA are to get “£1.2 million to stop committing crimes”, according to the *Irish News*. It comments editorially that this is intended to reduce “*violence, intimidation, drug dealing and extortion. The government says that if there is no noticeable reduction in these activities, the funding will be withdrawn*”. However, the Ulster Political Research Group says: “*Not one penny of this money will go to the UDA. The UDA have not asked for any money*” (Frankie Gallagher, 23.3.07 IN).

In a “*ground-breaking, historic and unprecedented*” move, the UDA, including the Ulster Freedom Fighters, “*has decided to accept the legitimacy of Sinn Féin’s electoral mandate*” at a meeting in Derry’s Guildhall (23.2.07 it).

Frankie Gallagher, in an interview on *This Week* (RTE radio, 4.3.07), was asked whether the War was over for Loyalists. He replied he had consulted with 4,000 people in two and a half months:

“what our people are saying is that they don’t think the war is over, but it’s changed. It’s no longer—

[Interviewer]—But the IRA has stood down, so why is there a need for Loyalism any more?

[Gallagher]—while the IRA and Sinn Féin have not given up their goal for a United Ireland, then they [UDA] can never give up their goal of defending Northern Ireland or defending Ulster and trying to maintain it as part of the UK.”

As for decommissioning, the UPRG has not been authorised to even speak about it.

Liam Kennedy will be remembered for the derisory two-figure vote he got at the last Westminster Election, when he stood against Gerry Adams to give the

Catholics of West Belfast a chance to protest at the 'oppressive control of the community by Sinn Fein'. Is he the same "Dr. L. Kennedy" who has appealed in the *Irish News* for descendants of soldiers executed for cowardice or desertion during the Great War to contact *Belfast Family And Community History* at Rugby Road? (12.3.07 IN).

Lynch & FitzGerald Garret FitzGerald boasted in his *Irish Times* column of 3rd February that Jack Lynch and himself had pleaded with James Callaghan to keep Northern Ireland under British rule and not return it to the Republic. He wrote:

"In... 1974/75, although no one outside government was aware of the danger of a British withdrawal, it is now public knowledge that our whole island came nearer to chaos following the return to power in Britain of Harold Wilson who, during his last two years in office, sought to persuade his ministers to support such a British withdrawal from Northern Ireland.

"At a dinner hosted by a holidaying Jim Callaghan in west Cork during August 1975, when Jack Lynch (then opposition leader) and I were also relaxing in nearby parts of west Cork, we discussed with the British foreign secretary our concern about what seemed to be the danger of such a British withdrawal. And—as we now know from British cabinet papers published last year, and from the published diary of Wilson's aide Bernard Donoghue—three months later Callaghan, backed by Denis Healey and Merlyn Rees, blocked Wilson's proposal.

The danger to our State at that time was aggravated by the fact that we in government felt unable to strengthen the Army to deal with such a possible emergency because we feared that a move of that kind would have been misinterpreted by unionists as a threat to them, rather than as a precaution against IRA violence following a British withdrawal. And that could have precipitated a pogrom of nationalists..." There is more in the same vein, and FitzGerald even goes so far as to say that "the IRA threat became apparent, in and after the Arms Crisis year of 1970"—a Jesuitical wording that implies, but does not actually say, that the Arms Crisis had to do with arming the IRA.

And, while washing their hands of responsibility for the North, the craven duo continued to interfere in the internal politics of Northern Ireland!

Kim Bielenberg

Brendan Clifford's article in the March *Irish Political Review* refers to Kim Bielenberg heckling on behalf of Hart at UCC. He was mixing him up with his brother, Andy.

The Family And Children's Rights

Article 8.1 of the Constitution of Ireland states: "The Irish language as the national language is the first official language".

Article 25.5.4 states: "In case of conflict between the texts of any copy of this Constitution enrolled under this section, the text in the national language shall prevail".

Therefore where we meet a conflict in Article 41, it is the text in the national language which prevails.

Whereas in the English version Article 41 says: "*family*", in the Gaelic version it says "*Teaghlach*", which means "household".

It is therefore improper to interpret "*family*" in the narrow sense of the nuclear family i.e. father and mother married to each other plus 2.1 children. Family in its historical/cultural sense includes all related people living under one roof or adjacent to each other including children, parents, grandparents, spinster aunts and bachelor uncles.

Article 41.3.1 referring to "Marriage" "on which the Family is founded" seems to suggest that a Marriage on which a Family is not founded e.g. a childless couple living alone will not be protected under Article 41.3.1. However, if we go to the Gaelic version the Article makes an untrue statement in fact. In the Gaelic text, it states (translated) "Because it is on Marriage that the Household is founded...."

This wording in the National language may suit 70% of households, but to form a household it is not necessary for people in it to be married to each other. It is a fact that many households are not based on Marriage.

Article 41.3.1 nevertheless is, in this writer's opinion, valid even if the adjectival clause "on which the Family is founded" is omitted or ignored.

It seems, with respect, that the Supreme Court has backed itself into a corner by, for example, denying that an unmarried mother and her child were a family (*G v An Bord Uchtála*). What would Walsh, J say nowadays to an unmarried mother with five or six children living in a household i.e. "*a Teaghlach*" as the Gaelic text says? How could a Court say they were not a household?

The Constitution of Ireland in Article 42 provides for the moral, intellectual and social education of children and the State guarantees the "inalienable right and duty of parents to provide for the religious and moral, intellectual, physical and social education of their children."

Article 42.5 states: "In exceptional cases, where the parents for physical or moral reasons fail in their duty towards their children, the State as guardian of the common good, by appropriate means shall endeavour to supply the place of the parents, but always with due regard for the natural and imprescriptible rights of the child".

This Article 42 gives ample scope for the State to develop statute law for the protection and wellbeing of children.

The Judges, on the other hand seem to have ignored the text in the national language contrary to Article 25.5.4. If the Judges had followed the Gaelic text of Articles 41 and 42, they would not have narrowed the definition of "*family*" as they did, to two parents married to each other and expressly excluding grand-parents, unmarried mothers and unmarried fathers from the Judges' definition of "*family*".

Article 25.5.4 is explicit in stating that the text in the Irish language has **priority** in case of conflict. There is certainly conflict in Articles 41 and 42. The word "*teaghlach*" (meaning household) is used in the Irish language text. That is not at all the same as "*family*".

With respect, the Judges should revisit all the leading cases based on "family".

In *McGee v. Attorney General*, Walsh, J said in the Supreme Court: "It is but natural that from time to time the prevailing ideas may be conditioned by the passage of time; no interpretation of the Constitution is intended to be final for all time".

And in the *State (Healy) v. O'Donoghue*, O Higgins, CJ, said that—

"the rights given by the Constitution must be considered in accordance with concepts of prudence, justice and charity which may gradually change or develop as society changes or develops and which fall to be interpreted from time to time in accordance with prevailing ideas... The Constitution did not seek to impose for all time the ideas prevalent or accepted with regard to these virtues at the time of its enactment."

The Judiciary has to ensure that it is not making new law. For example in *G. v. An Bord Uchtála* (1989) 1332 Walsh, J suggested that a distinction could be drawn between inalienable rights that were "absolutely inalienable" and those that were "relatively inalienable". This suggestion was not followed and one could comment that yes, of course these distinctions could be made, but these distinctions are not made in the Constitution nor are

they called for and it would be making law for a Judge to put these distinctions in.

As regards the protection of children: there is ample protection in the Constitution as it stands now. In *WO'R v EH*, Barrington, J noted that in Article 42, the rights of the child alone are described as being imprescriptible and that they are predominant in the parent-child relationship.

The wording of the Article 42.5 is repeated in the proposed new Article 42 A.1 and 2.1.

The new proposed Article 42A.2.2 provides for the adoption of children seized from parents where the parents are found to have failed in their duty towards their child.

Proposed New Article 42A.3 and 42A.4 refer to the adoption of "any child".

Article 42A.5.1 proposes that laws be made for "collection and exchange of information... relating to children or other persons of such a class or classes as may be prescribed by law".

Article 42A.5.2 quite clearly if this proposed Article is enacted could give rise to an erosion of civil liberties.

Proposed Article 42A.5.2 deals with laws providing absolute or strict liability for offences committed against or in connection with a child under 18 years of age.

Proposed Article 42.5.3 appears to allow the Oireachtas to provide by law for other offences of absolute or strict liability. This clause if enacted, would give rise to a nightmare scenario where civil liberties as we know them would be a thing of the past. It seemingly allows the Oireachtas to create all sorts of offences against which defences would be severely limited.

None of the new proposals has the "common good" in mind.

Seamus Lantry

Background to the emergence of the 'need' for this proposed legislation is that following the *Baby Ann case*, certain pressure groups/persons emerged who called for greater State powers over children. These were given high prominence in the media and particularly in the *Irish Times* and RTE.

Prominent amongst these were: **Judge Catherine McGuinness** who should have recused herself from the hearing of the Baby Ann case. After the case was over and decided by a panel of Judges including herself, Judge McGuinness announced that she had been campaigning with others (unnamed) for a change to the Constitution in regard to children. Amazingly, (or not) there was no media outcry about Judge McGuinness's startling claim of vested interest. This is all the more surprising in view of the media feeding-frenzy surrounding Judge Hugh O'Flaherty whose

career in Europe was destroyed over an arguably much lesser matter some years ago.

Barnardos and its Chief Executive, **Fergus Finlay** (former spinmeister for the Labour Party and again Press organizer for this year's Labour Party Conference) and media commentator in several newspapers and on RTE Radio and TV), both entered the debate in a very robust manner and were given generous media time to develop their arguments in favour of the proposed legislation. In fact, the Minister for Children, Mr. Brian Lenihan, TD, on a radio programme, when asked who was lobbying for the change in the Constitution, which seems to have come out of nowhere, hesitated and then stated "Judge Adrian Hardiman and Barnardos" and when pressed further by the interviewer, the Minister could not come up with any other name.

The Proposed Legislation

AN ACT TO AMEND THE CONSTITUTION

WHEREAS by virtue of Article 46 of the Constitution, any provision of the Constitution may be amended in the manner provided by that Article:

AND WHEREAS it is proposed to amend the Constitution:

BE IT THEREFORE ENACTED BY THE OIREACHTAS AS FOLLOWS:

Amendment of the Constitution. 1. The Constitution is hereby amended as follows:

- (a) section 5 of the Irish text of Article 42 shall be repealed,
- (b) section 5 of the English text of Article 42 shall be repealed,
- (c) the Article the text of which is set out in Part 1 of the Schedule shall be inserted after Article 42 of the Irish text,
- (d) the Article the text of which is set out in Part 2 of the Schedule shall be inserted after Article 42 of the English text.

Citation. 2.—(1) The **amendment** of the Constitution effected by this Act shall be called the Twenty-eighth **Amendment** of the Constitution.

(2) This Act may be cited as the Twenty-eighth **Amendment** of the Constitution Act 2007.

PART 2: CHILDREN

Article 42(A)

1. The State acknowledges and affirms the natural and imprescriptible **rights** of all children.

2.

* In exceptional cases, where the parents of any child for physical or moral reasons fail in their duty towards such child, the State as guardian of the common good, by appropriate means shall endeavour to supply the place of the parents, but always with due regard for the natural and imprescriptible **rights** of the child.

* Provision may be made by law for the adoption of a child where the parents have failed for such a period of time as may be prescribed by law in their duty towards the child, and where the best interests of the child so require.

3. Provision may be made by law for the voluntary placement for adoption and the adoption of any child.

4. Provision may be made by law that in proceedings before any court concerning the

On RTE TV, Barnardos began a campaign lobbying for change; they issued a paper framing their legal arguments (shown on RTE News). Fergus Finlay and Barnardos were openly supported by the *Irish Times* very extensively and almost daily. While all this has been proceeding, it was revealed by the *Irish Examiner* in March that the Barnardos advertisements were pulled at the request of the Broadcasting Commission on or about October 2006. Why this happened has not been explained but the reason is most likely to have been a breach of broadcasting standards such as interfering with the political process.

The situation as it now stands is that the Government has announced that, *if* it has all-party agreement, the proposed legislation will be put before the people in a Referendum "either before or after the election". **SL**

adoption, guardianship or custody of, or access to, any child, the court shall endeavour to secure the best interests of the child.

5.

* Provision may be made by law for the collection and exchange of information relating to the endangerment, sexual exploitation or sexual abuse, or risk thereof, of children, or other persons of such a class or classes as may be prescribed by law.

* No provision in this Constitution invalidates any law providing for offences of absolute or strict liability committed against or in connection with a child under 18 years of age.

* The provisions of this section of this Article do not, in any way, limit the powers of the Oireachtas to provide by law for other offences of absolute or strict liability.

Existing Wording In Constitution

Article 42

1. The State acknowledges that the primary and natural educator of the child is the Family and guarantees to respect the inalienable right and duty of parents to provide, according to their means, for the religious and moral, intellectual, physical and social education of their children.

2. Parents shall be free to provide this education in their homes or in private schools or in schools recognised or established by the State.

3. 1° The State shall not oblige parents in violation of their conscience and lawful preference to send their children to schools established by the State, or to any particular type of school designated by the State.

2° The State shall, however, as guardian of the common good, require in view of actual conditions that the children receive a certain minimum education, moral, intellectual and social.

4. The State shall provide for free primary education and shall endeavour to supplement and give reasonable aid to private and corporate educational initiative, and, when the public good requires it, provide other educational facilities or institutions with due regard, however, for the rights of parents, especially in the matter of religious and moral formation.

5. In exceptional cases, where the parents for physical or moral reasons fail in their duty towards their children, the State as guardian of the common good, by appropriate means shall endeavour to supply the place of the parents, but always with due regard for the natural and imprescriptible rights of the child.

Cruise O'Brien On Yeats, Ascendancy Fascism, The *Irish Times* and "Herr Hitler"

Some readers of February's *Irish Political Review* may have been surprised at the manner in which the patriotic Freemason George Hetherington had endeavoured, through recruiting Douglas Gageby, to re-route the *Irish Times* away from its West British roots onto a national path of development. Hetherington's second wife was Christine Foster, formerly first wife of Conor Cruise O'Brien. Those who for the past couple of decades have grown accustomed to Cruise O'Brien in his reinvented persona as UK Unionist may also be surprised to note how perceptively he had written four decades ago on the supposedly liberal tradition of *The Irish Times*.

This was in his essay *Passion and Cunning: An Essay on the Politics of W.B. Yeats*, published in 1965 in a centenary book of essays about Yeats, edited by A.N. Jeffares and K.G.W. Cross and entitled *In Excited Reverie*. Four decades ago Cruise O'Brien had indeed been prepared to highlight just how much an inspiration UK Unionism had provided for Nazi Germany:

"The Black-and-Tans were in fact an early manifestation of an outlook and methods which the Nazis were later to perfect. The *Freikorps* on the Polish-German border were at this time trying to do exactly what the Black-and-Tans were doing in Ireland and the *Freikorps* were the direct and proudly acknowledged predecessors of Hitler's Nazis. There is even a direct link between the Black-and-Tans and the Nazis in the person of 'Lord Haw Haw'—William Joyce—who fought for the British Government in the first movement and was hanged by it for his work in the second. Bruno Brehm, one of Hitler's novelists, made the assassination by Irish revolutionaries of Sir Henry Wilson—the principal exponent of intensified Black-and-Tan measures in Ireland—symbolic of the tragic confrontation of hero and submen. Wilson was seen in the same relation to the Irish as Hitler to Jews and Bolsheviks." (pp376-7).

Far from being a UK Unionist in 1965, Cruise O'Brien could not even be described as a Redmondite. He observed:

"'Violence', as William O'Brien so rightly said, 'is the only way of securing a hearing for moderation'." (p231).

Cruise O'Brien was no less plainspoken in telling it like it was about Anglo-Ireland:

"At the bottom of it all was the Anglo-Irish predicament. The Irish Protestant stock from which Yeats came was no longer a ruling class but still a

superior caste, and thought of itself in this way. Yeats belonged, not to the 'Ascendancy' in the strict sense of the word, but to the Protestant middle class of merchants and professional people... But, like many members of this class, he preferred, particularly in his later years, to think of himself as belonging to an aristocracy. When he wrote towards the end of his life of 'the caste system that has saved the intellect of India', he was almost certainly thinking not so much of India as of Ireland. His people were in the habit of looking down on their Catholic neighbours—the majority of those among whom they lived—and this habit Yeats never entirely lost." (p211).

O'Brien in fact held Yeats's famous 1925 Senate speech on the Banning of Divorce in the Irish Free State in the utmost contempt:

"The government party, which Yeats had supported on all major matters, carried out the wishes of the bishops. Irish Protestants generally did not care for the new trend but most of them now made their political choices, not as Protestants but as bourgeois. The Government was obnoxiously Papist, but it was sound on the essential; the rights of property. Nor did Protestants wish to say anything to confirm their fellow-countrymen in an opinion to which they were already too prone: that the distinguishing characteristic of Protestantism is a devotion to divorce, contraceptives and dirty books. The new legislation was, in practice, not much more than a minor irritant: Belfast is not far away." (pp250).

Indeed, for the globe-trotting O'Brien, New York was not too far away either. While taking his point that divorce was not a burning issue for Protestants as a community, and therefore not an example of the "persecution" that the Reform Society revisionists seek to conjure up, its absence was a painful issue for individuals of whatever background who were trapped in unhappy marriages. Few, after all, were in the happy position of the smugly complacent, and recently divorced and remarried, Conor Cruise O'Brien himself—of being able to have his cake and eat it. As his second wife Máire Mhac an tSaoi (MacEntee) recounts in her 2003 memoirs:

"Conor and Christine had originally been married in the registry office in Dublin, which meant that, although they could not legally be divorced in Ireland, their marriage was not recognised by the Catholic Church. This meant that if Conor got a divorce abroad, I could marry him legally in a church in any country that had civil divorce, but Irish

law, as distinct from the ecclesiastical authorities, would not recognise our marriage. All that has now changed with the introduction of divorce to Ireland. At the time it was fine by me, although my parents could never quite get over the feeling that we were wronging Christine, of whom they were very fond. They thought that there was something underhand about our 'exploiting the Sacrament', as they saw it... So Conor having obtained a divorce in Mexico... we were free to marry in New York. On 9 January 1962, Father Donal O'Callaghan, an old friend of Frank Aiken's, married us in the Carmelite Church on the Lower East Side" (Máire Cruise O'Brien, *The Same Age As The State*, pp262-3).

None of this however, detracts from the fact that Cruise O'Brien had thoroughly demolished the pretentious cant that seeks to present Yeats's speech as some canon of civil liberties:

"Most Irish Protestants therefore took a guarded line in the matter. But not Yeats. (*The Irish Times*, representative of Irish Protestant opinion, editorially regretted, on 12 June 1925, 'the manner of Senator Yeats's intervention' on this subject). Yeats's aristocratic feelings and his pride as a Senator, were hurt; the same oligarchy to which he had felt himself to belong, the 'fairly distinguished body' which 'should get much government into its hands', was now taking its orders from a bunch of peasants in mitres. The 'base' were dictating to their betters. The peroration of his speech on divorce was not a liberal one: it was the statement of the spokesman of a superior caste, denying the right of inferior castes to make laws for it: 'We against whom you have done this thing are no petty people. We are one of the great stocks of Europe. We are the people of Burke: we are the people of Grattan, we are the people of Swift, the people of Emmet, the people of Parnell. We have created most of the modern literature of this country. We have created the best of its political intelligence'." (pp251).

In 1988 Conor Cruise O'Brien re-published this essay and gave its title to the book as a whole: *Passion And Cunning And Other Essays*. Missing from this new edition, however, was a very telling footnote from the first edition, where O'Brien had expressed racial indignation at that same Senate speech. O'Brien had sought to hammer home—to Anglo-Irish and Norman-Irish (Vivion Mercier) alike—how his own racial pride as a self-styled Gaelic aborigine had been so grossly offended:

"My friend Dr. Mercier, like almost all scholars from Ireland who have written on Yeats, finds his aristocratism, as an Anglo-Irish attitude, more congenial than the aboriginal writer of the present essay can find it".

But to return to the political argument

of both editions, O'Brien had addressed the issue of Fascism as follows:

"My father used to poke gentle fun at Yeats's 'Fascism'... Yet his (WB's) politics had this much serious about them: that practice and theory tended to concur. The poet admired Mussolini and his colleagues from afar; the Senator admired, and worked with, Ireland's strong man, Kevin O'Higgins ... Minister of Justice in the Free State Government... (and) thought to stand for what was most ruthless and implacable in the party of property: seventy-seven executions and the famous words, 'if necessary seven hundred and seventy-seven'. This was not repugnant to Yeats; the 'right of the state to take life in its own defence' became dear to him. O'Higgins was 'their sole statesman'; Yeats did him the honour of including him along with Grattan, Parnell and Berkeley, in a list of great Irishmen—a list in which the sole Gaelic and Catholic name is that of O'Higgins." (pp246-7).

"From a window in Parnell Square—I was ten years old—I watched O'Higgins's funeral go by. I had not imagined there were so many top hats in the world; I was never to see so many again. [I was not alone in being impressed by the top hats... 'Rarely', noted the Dublin *Evening Mail* on 13 July 1927, 'has there been such a display of silk hats and frock coats'. The same paper recorded that: 'The Fascisti in Dublin were present with their flag and black shirts and they were given a place in the procession by the police'.] They were there to honour a man who had defended what they stood for, at the cost of many lives including his own. Senator Yeats must have been under one of the top hats." (p248).

"Post-War writers, touching with embarrassment on Yeats's pro-Fascist opinions, have tended to treat these as a curious aberration of an idealistic but ill-informed poet. In fact such opinions were quite usual in the Irish Protestant middle-class to which Yeats belonged (as well as in other middle-classes), in the twenties and thirties. The *Irish Times*, spokesman of that class, aroused no protest from its readers when it hailed Hitler (4 March 1933) as 'Europe's standard bearer against Muscovite terrorism' and its references to Mussolini were as consistently admiring as those to Soviet Russia were consistently damning. But the limiting factor on the pro-Fascist tendencies of the *Irish Times* and of the Irish Protestant middle-class generally was the pull of loyalty to Britain—a factor which did not apply, or applied only with great ambivalence—in the case of Yeats." (pp258-9).

"It is true that neither Yeats nor anyone else during Yeats's lifetime knew what horrors Fascism would be capable of. But the many who, like Yeats, were drawn to Fascism at this time knew, and seemed to have little difficulty in accepting, or at least making

allowances for, much of what had already been done and continued to be done. 'The Prussian police', wrote the *Irish Times* in an editorial of February 1933, 'have been authorised by Herr Hitler's Minister to shoot Communists—a term which in Germany has a wide political connotation—on sight'. The same editorial which contained this information ended with the words: 'Naturally the earlier phases of this renaissance are crude, but Germany is finding her feet after a long period of political ineptitude.'" (p262).

In 1965 Conor Cruise O'Brien had certainly performed a service in bringing to light the pro-Nazi record of Ireland's self-styled "*paper of national record*".

Manus O'Riordan

Kilmichael Yet Again

The Kilmichael Ambush has been in the news again.

BBC Radio Ulster has been broadcasting *A Short History Of Ireland* in brief daily instalments, written by a Belfast academic called Jonathan Bardon. On February 8th the radio public was told that, in the Kilmichael Ambush of 1920 "*17 of the 18 Auxiliaries were killed, almost certainly after the majority of them had surrendered*".

The Auxiliaries were a paramilitary force attached to the Royal Irish Constabulary. Their reason for existing was to terrorise the Irish electorate out of supporting the independent Sinn Fein Government which they had voted for in December 1918. During the latter part of 1920 they were particularly active in the West Cork region. The Kilmichael Ambush, in which a company of them was wiped out, had the purpose of demonstrating that their terrorist activity would not go unpunished.

During the ambush the Auxiliaries indicated that they wanted to surrender. The ambushers stopped shooting and stood up to take the surrender, whereupon the Auxiliaries brought out their weapons and started firing again. One of the ambushers was killed, but the others did not panic. The Republican commander, Tom Barry, who had served in the British Army during the Great War, blamed himself for not having warned his comrades of what he knew from experience to be a standard tactic in warfare. He then ordered that there should be a fight to the finish, with no quarter given, and any further surrender offer was ignored.

In many accounts of the Kilmichael Ambush published over the decades, this is always how it was described. It is how

it was described by General Crozier, who was in general command of the Auxiliaries, as well as by Republicans who took part in the ambush.

Then along came Oxford University with a series of books about Ireland of which the purpose was frankly declared in a publicity brochure to be "*Re-Writing Irish History*". In one of them, Canadian academic Peter Hart wrote that there had been no false surrender by the Auxiliaries at Kilmichael: that what happened was that the Auxiliaries stopped fighting and surrendered, and they were then murdered by the IRA.

This contradicted every account of the incident published over three-quarters of a century. But it was uncritically accepted by Irish academic—including particularly Cork University.

This journal had no preconceptions on the matter. But it looked to see what grounds Hart had for his new version of the ambush. And we found that he had none.

He claimed that he had interviewed survivors of the ambush and was told that there was no false surrender, but there was a genuine surrender, which the IRA accepted but did not honour.

But it was established that all survivors of the ambush were dead before the time that Hart said he did his interviewing.

So he had no grounds for his story. He just had a bright idea, and his publisher was confident that the Irish had been so completely demoralised, or disorientated, by developments since the 1970s that they would buy anything sent to them from Oxford. And, as far as the Irish Universities were concerned, that is how it was.

Now we turn to the account given in the Internet Encyclopaedia called *Wikipedia* in December 2006:

"The principle source for what happened at the Kilmichael ambush is Tom Barry's own account as detailed in his book, *Guerilla Days In Ireland* (1949). However Barry's version of events was disputed in *The IRA And Its Enemies* (1998) by Professor Peter Hart. Hart claims that Tom Barry's claim of a false surrender is an invention and that the surviving Auxiliary officers were exterminated after they had surrendered. This is what the British authorities stated publicly at the time..."

The "*official report*" makes no mention of a surrender, false or otherwise.

It is perhaps in the nature of *Wikipedia* that it should be very unreliable. However we find much the same thing in *The Burning Of Cork* by two Cork authors, Gerry Whyte and Brendan O'Shea, issued by the Mercier Press, a Cork publisher. After listing the numbers of dead and wounded, these authors say:

"These represent the undisputed facts of what happened and they would have a large impact on both sides as the war continued. However, the disputed facts also had impact—not least amongst which was the question of whether the Auxiliaries in the second lorry offered to surrender only to recommence firing or whether some Auxiliaries genuinely attempted to surrender but Barry ordered all of them killed including those already wounded. The reality of the situation is that some reports refer to a false surrender, and others not. This effectively made it impossible to determine the truth" (p84).

I could find no trace of a dispute on the question of false versus genuine surrender during three-quarters of a century following the ambush. The matter was first put into question by Hart and the Oxford University Press.

The official British report, "*prepared by a senior officer of police in the Cork neighbourhood from evidence available*" was published in *The Times* on 2nd December 1920. It runs as follows:

"It is surmised from an examination of the site and from inquiries that the attackers, who were all clad in khaki and trench coats, and wore steel helmets, had drawn their motor lorry across the road and were mistaken by the first car of cadets for military. The first car halted, and the cadets, unsuspecting, got out and approached the motor lorry. The second car, which had been travelling 100 yards behind, now came up. Something aroused the suspicion of the cadets who had got out of the first car. Shooting began and three were killed instantaneously. Others began to rush back to the first car. The cadets in the second car ran along the road to the help of their comrades. Then from a depression in the hillside behind the second car came a devastating fire at close range. The cadets were shot down by concealed men from the walls, and all around a direct fire from the ambushers' lorry also swept down the road. After firing had continued for sometime, and many men were wounded, overwhelming forces of the ambushers came out and forcibly disarmed the survivors.

"There followed a brutal massacre, the policy of the murder gang being apparently to allow no survivor to disclose their methods. The dead and wounded were hacked about the head with axes, shot guns were fired into their bodies, and they were savagely mutilated. The one survivor, who was wounded, was hit about the head and left for dead. He had also two bullet wounds. The bodies were rifled, and even the clothes were taken. The ambushing party departed in lorries. Terrible treachery is indicated by the fact that, although many people attending Mass on Sunday morning were diverted from their route by the murder gang, no word was sent to the police, and the ambush sat until dusk."

That's the official report. (The "*cadets*" were battle-hardened soldiers masquerading as police.) The accuracy of the report is not to the point here. The point is that it says nothing about a surrender of any kind. The surrender by the Auxiliaries that was first accepted and then dishonoured was never heard until Hart dreamed it up—or a dead survivor told him about it.

A letter was sent to the University historians last Summer, suggesting that they question the methods of their colleague. S.J. Connolly replied:

"The issue raised by Peter Hart's work on the war of independence continue to be debated by specialists. The debate will inevitably involve a careful re-examination of all disputes about bits of evidence. Out of that process there will eventually emerge a reasonably clear consensus as to what can and can not be concluded about the period. This is the normal process of historical debate and revision. It is not one that can in any way be advanced by

snide and offensive innuendo...

"Peter Hart established himself in his present position by challenging previously accepted interpretations. Now that his work is part of the standard literature, others will be looking critically at its conclusions and assumptions in the light of their own research. That is how the subject moves forward" (*Irish Political Review*, June 1920).

That's the voice from the ivory tower. Peter Hart disdained the occupants of the ivory tower, and rightly so. He was a forceful propagandist with a cause, and the History Departments of the Universities lay down before him.

"*Live horse and you'll get grass*" would need to be the maxim of anybody out there in the world who felt he should wait for the History Departments of the Universities to question the method of arriving at facts by interviewing the dead before daring to do so himself.

Brendan Clifford

Book Review

Molly Keane Centenary Essays. Eds. Eibhear Walshe and Gwenda Young. Four Courts Press, Dublin, 2006.

Molly Keane And The Critics

"Thomas Carlyle, who was passionately interested in biography—and whose own *Life*, by his friend the historian J.A. Froude, would be the biggest scandal of the century—used Croker's edition of Boswell's *Life* to air his own biographical convictions. The writing of a life, Carlyle said, should above all be an act of sympathy. 'To have an open loving heart' was the primary qualification for a biographer. With that comes the feeling for detail, the evocation of personality, and the commitment to truth-telling, which Carlyle (like Johnson and Boswell before him) thought were the marks of the best kind of life-writing" (*Body Parts, Essays in Life-Writing* by Hermione Lee. Chatto and Windus. London. 2005. Introduction).

Just over a year ago I wrote about the Molly Keane Centenary Conference in University College, Cork (*Irish Political Review*, February 2005, Vol. 20, No. 2) and the book under review is of the papers read at the Conference. In that article, I made a tongue-in-cheek remark that maybe the next Conference might be a homage to Spenser, "*that gentle and murderous poet*" as Sean Moylan called him. Well of course as some of us now know—that Conference did take place on 7th May 2005. It was called *The British and Irish Spenser Meeting* and had a very small attendance—if I remember rightly—about 14 including the academics. But that is not to diminish its importance as a much bigger Conference is held yearly in Cambridge University. The crowd at UCC made a pitch that it really should be held again in Cork and more than likely that will happen. Meanwhile as I said then, when will Canon Sheehan or Daniel Corkery get their Conferences?

The reviews of the book have had quite remarkable headings and ones which Molly Keane herself would have been deeply unhappy with. In the *Irish Times*,

29th July, 2006, Alan O'Riordan (a "literary correspondent with *Magill* magazine and a freelance journalist and theatre critic") has: "*Filth among the fairycakes*". For a self confessed "theatre critic" there were no questions about the absence of her drama—which yielded Keane many triumphs and helped to sustain a lifestyle for herself and her two daughters after their father had died. Instead O'Riordan looks at the academic papers and seeks to produce a picture of the writer Keane, which is at odds with who/what she really was. I am always annoyed at those who say she didn't write after the death of her husband when this was her most fertile dramatic period—she even had one play, *Treasure Hunt*, adapted into a film in 1952. Under the pseudonym M.J. Farrell (taken from a name of a pub while out riding to hounds she insisted) and between the years 1928 and 1961, Keane wrote eleven 'big house' novels and five plays. But as the conference left out her dramatic output, one can't really blame O'Riordan for just ignoring it too.

In the *Irish Independent*, 23rd

September, 2006, Mary Shine Thompson, reviewed the book under the heading: *Big Houses, Horses... And Lesbians*. She began by looking at the extraordinary success of Keane's novel, *Good Behaviour*, in 1993 when Keane was 79 years of age. Short-listed for the Booker, it was adapted by Hugh Leonard for TV and earned Keane a new audience. Thompson goes on erroneously to write of the 'Big House' that "*rumours of its demise are exaggerated*" when the likes of John Banville still write about it. Thompson found that one attraction of these essays was that a "*range of fascinating snippets of information emerged about a life that awaits a biographer*". One such snippet she suggests was that the mother of Keane was none other than Moira O'Neill, author of *The Songs of the Glens of Antrim*. Thompson doesn't seem to know that that name too was a pseudonym; her real name was Nesta Higginson and she was born on the remote island of Mauritius in 1864 in the Indian Ocean. But she spent her girlhood days in the Glens of Antrim, in Rockport Lodge, Cushendun. When she was 31 years old, she married Walter Clarmont Skrine, a native of Ferns, Co. Wexford. Both of them emigrated to Canada to farm, but came back to settle in the family home, Ballyrankin House which Walter had inherited. Molly (Mary Nesta Skrine) was born in 1904, into a family of four brothers and one sister. Oh and for the "*lesbian bit*"—this alluded to two characters in Keane's novel, *Devoted Ladies*, written in 1934. Some contend it was the first Irish novel with a lesbian theme and it was banned in Ireland.

Banville, William Trevor, and Jennifer Johnson all write of the 'big house' from the perspective of "*the-outside-looking-in*". Molly Keane was the last of the 'big house' writers and her use of the Gothic to betray the façade behind "good behaviour" was masterful and at times wonderfully funny. In an article, *Portrait of the Artist as a Young Girl*, she delineated the "*other traits instilled also—politeness, good manners, eating properly, table etiquette; and of course, religion was instilled from an early age too*". She was schooled at home by a number of governesses, many of them "*the daughters of badly financed secondary Anglo-Irish families and one or two of them English*". There was only the fiction of education; books like "*Mrs. Martin's 'History of England' Gills 'Geography' 'some terrible French grammar books'. And the novels of a 'marvelous writer of romances called Dornford Yates.*"

At the age of fourteen, Keane was sent to a French School in Bray, Co. Wicklow and, though "*the school had a very strict regime*", she loved "*Tennyson and Kipling especially*". She got some sickness and was sent home and, while confined to bed,

wrote a little romance titled *The Knight of the Cheerful Countenance*, which she submitted to Mills and Boon and they paid her the princely sum of seventy pounds to publish it. This encouraged her and she wrote stories for *Blackwood's Magazine* and her pseudonym helped to conceal her activities which would not have gone down well with her kind of people. She wrote:

"It would have been considered a rather anti-social thing to do in that hunting society—a society in which I wanted to get on jolly well. I know that sounds awful but it wasn't a snob thing at all. To belong and to be accepted in such a society mattered greatly in one's life."

In *Books Ireland*, December 2006, under the killer headline, *Lady writers*, Bridget O'Toole reviews the book. She immediately accepts that the essays have "*the character of a tribute*". But O'Toole finds that looking at a writer through the prism of "*current feminist and post-colonial theories*" makes it harder to "capture" the writer. I concur with this view, as any ideology, and these academics are zealous revisionist ideologues who serve therefore *not* to make us understand the writer or her work. All is masked under the thicket of cultural and historical theory. It forces Keane into shapes that would have infuriated her and quite obviously twists her writing to serve their specious objectives and agendas. O'Toole states that the two essays by Keane's daughters, Sally and Virginia "*recall the writer with a freshness and clarity that balances the academic content of the rest*".

In the *TLS*, 2nd March 2007, No. 5422, the Northern Ireland writer and critic, Patricia Craig, looks at the book and its themes "*in prose more or less turgid, and also liberally spattered with vomit, diarrhoea, and urine*", as one contributor after another cites these substances and their "signifying power". The academics conjectured that the use of these bodily functions by Keane had the effect of allowing us to look anew at the people who lived in the 'big house'. They even contended that, by showing us such "*bodily exudations*", Keane was "*aiming to reverse the old 'perception of the*

native Irish as dirty" and present her Ascendancy caste as "*abject*"—in the current catchword "*which seems to function here as a catch-all*". Craig goes on to say: "*One's objection to abjection, as a literary trope, is that it is liable to be applied indiscriminately*" as it is here. Craig sees the contributions of Keane's two daughters as exemplary. "*The most evocative and insightful of these essays are by Molly Keane's daughters, Sally Phipps and Virginia Brownlow, whose prose is uncluttered and whose recollections are to the point.*"

There is an addition to the book by way of a *Foreword* by Vera Kreilkamp who was not at the Conference. *Irish Political Review* readers will be familiar with Kreilkamp because of her review of the Hubert Butler Conference book. (See *Irish Political Review*, August 2003, Vol. 18, No. 8.) She does the work required of her, by looking at all the essays as examples of scholarship that ultimately help the reader to negotiate the terrain of Molly Keane's fiction.

Not for her the *kicks* of Craig.

Julianne Herlihy

Also by Julianne Herlihy:

Envoi: Taking Leave Of Roy Foster reviews of his made up IRISH STORY, by J. Herlihy, B. Clifford, D. Alvey, & B. Murphy *osb*. Index. 204pp. ISBN 1 903497 28 0. Aubane Historical Society. June 2006. Euro 15, £11.

EVENTS

sponsored by

Athol Books

PO Box 339, Belfast, BT12 4GQ
www.atholbooks.org
athol-st@atholbooks.org

Friday, 20 April 7.30 pm

Launch by John Martin (author)—

Marx's Das Kapital as seen by a modern businessman

Saturday, 21 April 7.30 pm

Talk by Brendan Clifford and discussion—

Fianna Fail and the Decline of the Free State

both events at

Teachers' Club

36 Parnell Square, Dublin

Closing Down Schools

Speech by Mark Langhammer to the Irish Association

3rd March 2007

I am very pleased to speak at this seminar today to discuss Sir George Bain's 240 page report and its relevance, not just to Northern Ireland, but island-wide and further afield. "*Schools for the Future*" addresses the effect of 50,000 empty desks within the school estate. Bain makes three broad points. First, that Northern Ireland has too many schools. Second, that the main driver for rationalization isn't cost savings, but creating "*educationally sustainable*" schools. Third, that school provision should be conceived and approved within an Area Planning framework. Also, he hinted obliquely, that 'sustainability' might be the best available tool to desegregate our 'balkanised' education system.

Wary that Assembly politicians would balk at a tough decision, the Northern Ireland Office Education Minister Maria Eagle rushed to accept 'Bain'. Future sustainable primary schools will typically require 140 pupils (105 in rural areas), with secondary level schools needing 500 pupils. Anything less and the school should be reviewed. Subsequently, the General Municipal & Boilerworkers Union, which represents many ancillary staff in schools, published a "hit list" of the 457 schools potentially "*under threat*". The GMB list was a crude press stunt, but it highlighted the scale of the proposed rationalism. Notably, it forced consideration of the balance between localism and educational sustainability.

I would like to make three quick points which may, at first glance, seem to have little to do with Bain.

First, we need to consider whether we **over-estimate the effect of schools**. The school choices parents make for their children are seen as a "high stakes" decision, fraught and competitive. This is not something restricted to the well heeled or middle class. I remember some years ago, parents from the Shankill area would camp outside Belfast Boys Model School to enrol, for fear that their kids would have to go to Mount Gilbert School down the road. So, I would caution against over-estimating the degree to which schools can affect performance.

There is strong academic consensus that variations in pupil performance are largely (85%) down to factors outside the school—such as culture, parental support, family income, but particularly social class. These are the key determinants of performance. So let's not over pressurize parents, pupils or schools. Schools matter, for sure—but only a bit. Their contribution is only part of a complex whole.*

Second, there is now significant **consensus for delaying critical educational decisions**. My union, for instance, has been concerned about supporting any detailed admissions criteria at 11, as we are convinced that this misses the point. For a range of reasons, I believe that 10 or 11 is too young to make career-shaping decisions. Parents face a very 'high stakes' choice too early in their children's educational journey. This is a sound general principle of not closing down options unnecessarily. The 2006 Education Order stressed that critical educational pathways should be at 14 or 16. Logically then, we need transfer mechanisms at 14 (or 16), as well as greater fluidity between schools, and with Colleges.

The 2006 BBC Northern Ireland poll, and successive Northern Ireland Life & Times surveys since 2003, have shown a range of between 63% to 68% in favour of delaying Transfer to 14—inclusive of both those who favour selection and those who don't. ATL strongly believes that delaying critical "pathways" decisions to 14 can create common ground in this debate.

Third, there is considerable evidence, and international academic consensus, that improvements in overall performance are best achieved in schools with **socially balanced intakes**. I have given a long list of references on this point as there are some groups and vested interests in Northern Ireland determined not to follow the considerable evidence on this.

In schools with mixed intakes pupils learn about each other; they see different dispositions to learning; they recognize each others' skills—and those pupils who suffer the most deprivation and exclusion see that education can provide them with the skills and knowledge to make a different life for themselves. For the most disadvantaged young people, the most important role model is someone who looks like them, who is their age, but who has different attitudes to learning and different aspirations for life. So, if we are really to make a difference, if standards really are to rise for all, we need schools which are **socially mixed**, in which peer group pressure can be used effectively to open minds, change outlooks and raise aspirations. The Shared Future is not just about communal division, it's about class too—and the development of a "shared" future within a society much more at ease with itself.

And so to Bain

Achieving balanced intakes, both in

terms of ability and in social class, is not easily achieved, particularly in Northern Ireland. Northern Ireland is a largely rural community with a high proportion of small, sectorally balkanised schools. It can only be achieved by having **larger schools**, with a more collegiate approach to inter school collaboration, and a "hands on" and interventionist Government policy. Crudely put, we need schools with catchment areas that take in middle class and working class areas. And we need social engineering schemes to incentivise schools to take quotas of kids entitled to Free School Meals. We don't like social engineering in Northern Ireland, but we do it in employment, so why not schools?

The difficulties are that the less popular schools—the schools likely to close—are in poorer areas. Working class communities will lose out on school facilities. The least mobile will travel more; the poorest will pay out more to access schooling.

Equally, delaying educational choices may mean more "Junior High" or "middle" schools. The three phase model that used to be New Labour policy, currently propagated by Catholic education—0-7, 7-14, and 14+ is interesting and may lead to Junior High, or "middle" schools—something common in many European countries. Seeking balanced intakes, and delaying educational choices to 14 and 16—both educationally sound—will have implications for the school estate.

Area Planning— Localism Vs Sustainability

One of the big areas in Bain is the concept of **area planning**. I know, from many years as an elected councillor, that area planning isn't a concept that can long hold people's imagination. So let me highlight the types of quandary we face with a real, live example.

In North Antrim, the Catholic Maintained sector has recommended closing St. Comgall's, Larne and St. Aloysius's, Cushendall, amalgamating these schools at St. McNissi's, Garron Tower, in Carnlough—a beautiful location some 18 miles from Larne.

Strategic planning and foresight within Catholic education (albeit concentrated within one sector) is significantly in advance of the thinking of any other sector at this stage. From the perspective of Catholic education, the North Antrim decision is entirely rational. **For community relations in Larne, however, the decision stinks**. The decision has caused real concerns amongst the Catholic community in Larne, which has withstood significant attack from sectarian paramilitarism. It has also raised concerns amongst all main Protestant political groupings, who can see the significant local community relations impacts.

Area-based planning, therefore, could

be a **future check on vested interests**. In Larne's case, an enhancement of existing, low-key, cross-sectoral, curriculum collaboration could be healthier for the town's social cohesion.

Equally, area-based planning needs to take account of more than educational interests. **It is a scandal that schools—sitting in the middle of communities—remain closed in the evenings, at weekends and at holiday time.** Valuable assets, far from being "sweated" to community benefit, lie determinedly shut. Area planning needs to involve local representatives and should tackle this, particularly in the disadvantaged areas that are likely to lose a secondary school, but retain a primary school. The new Councils will have responsibility for statutory area planning, and planning determination—as well as for community relations, sports, arts and play funding—all key to other Government initiatives such as Extended Schools.

As such, we should broadly support Bain—and in particular that **savings in over-provision should be redirected to the classroom.** In our drive for efficiency, however, we need to be careful to enhance the attachment of schools to neighbourhood, and locality.

Collaboration and the Economy

Another broad brush stroke within 'Bain' is the encouragement of more collaboration. This is a particular requirement in implementing a broad 24/27 curriculum envisaged under the 2006 Education Act. This aims not only for a broader curriculum inclusive of academic, technical and vocational balance, it also seeks to provide the skills and personal attributes that the employer organisations keep repeating that they need.

The Northern Ireland economy cannot any longer be described as productive. We produce, manufacture, grow, extract, and mine very little. Our economy is dependant on Treasury transfers and the public sector, fuelled by easy credit, vacuous consumerism, and by a housing market bubble. **We are not remotely productive.**

It is agreed generally that we should not try and compete on a low skill equilibrium of low wages, low costs, low value added. However, if we are to compete at the "value added" high skill end, we need an education system to help produce not just the knowledge, but the **attributes that will assist economic productivity**—the attributes of communication, working in teams, resourcefulness, creativity, and initiative. A broadened, vocationally-orientated curriculum does need schools of sufficient size, sufficient critical mass, to offer the range of options, particularly post 14. It also requires collaboration.

Bain has noted that the "bums on seats" funding formula presently in existence tend to blunt collaboration and exacerbate what I would call stupid competition. A funding mechanism that incentives sharing resources and collaboration is urgently needed. The concept of open enrolment makes this inter school competition more acute.

Collaboration, too, is difficult. Take another example—the projected new Irish medium *Gaelscoil Éanna* in the Hightown area of Glengormley. With a thriving nursery this new school met the official Government starting enrollment threshold. In the post-Bain environment, the Minister has rejected funding. The school is determined to open anyway and may legally challenge the decision. However, what is impressive about this school is the **collective** nature of the endeavour. The *Gaelscoil* was intimately associated with neighbourhood. It demonstrates all the enthusiasm, vigour and parental drive that best supports teachers' efforts.

Now, the mechanism hinted at within Bain is that Irish-medium schools could exist sustainably as units within larger English-medium schools. As a former member of the North Eastern Board, with a background in supporting Integrated schools, and with considerable local contacts as a long-serving local councillor in that area, I sought to test whether *Gaelscoil Éanna* could be "immersed" or "integrated" as a unit within 4 nearby schools—one Catholic, one Controlled Integrated (NEELB), one grant-maintained Integrated, and one Board school. For varying and genuine reasons none could or would accommodate an Irish-medium unit. None were going to be convinced otherwise. In short, sticks are needed, as well as carrots.

Markets in Education

The Bain agenda, and collaboration will also be undermined by continued moves to "marketise" education. Markets may be good for many things—but not for education. Markets always produce some winners and more losers.

The general movement towards what New Labour calls "contestability" will undermine the desired movement towards collaboration. "Contestability" is the ideological notion that public services work most efficiently when there is competition for contracts or services—where public services are "contested"

Northern Ireland has, to a degree, been sheltered from the worst excesses of contestability evident in Great Britain.

On one hand, a concerted collaboration, between schools and Colleges, is required to deliver the breadth of the pupil entitlement. On the other, the 'contestability' theme promotes damaging, time-

consuming, bidding scrambles for extended schools or specialist schools funding. Equally, in the re-organisation of the school estate, at a time of maximum institutional uncertainty, it is ludicrous to lock schools into facility management contracts of up to 30 years. In building and managing the school estate, the "contestability" agenda represents poor value for money and can only hinder collaboration.

The Strategic Investment Board's PFI/PPP style procurement diverts resources from the classroom and impinges significantly on the time of professional teaching staff and on their control over their environment. And it is interesting that in England, the parts of the education landscape that are free to reject the PFI approach (private schools and the business orientated Academies), reject it with great alacrity.

Market forces will also work against the interests of disadvantaged groups. Where "choice" is the driving force, we always see the disadvantaged lose out. The Government should stick to its original mantra which was, if you can remember back to 1997, D-Ream and "things can only get better", was **standards not structures.**

George Bain has synthesised the key issues well. It is a good road map, but the devil is in the detail. A shared future in education needs to have social sharing, social justice at its heart. The implementation will be a challenge to us all.

References on "Balanced Intakes"

- Coleman, JS (1966) *Equality of Educational Opportunity* (Washington D.C., Government Printing Office)
- Henderson, V., Mieszkowski, P. and Sauvageau, Y. (1978) Peer Group Effects and Education Production Functions, *Journal of Public Economics* 10, pp. 97-106
- Levacic, R. and Woods, P. A. (2002a) Raising School Performance in the League Tables (Part 1): disentangling the effects of social disadvantage, *British Educational Research Journal* 28, 2, pp. 207-26
- Levacic, R. and Woods, P. A. (2002b) Raising School Performance in the League Tables (Part 2): barriers to responsiveness in three disadvantaged schools, *British Educational Research Journal* 28, 2, pp. 227-47
- Mortimore, P., Sammons, P., Stoll, L., Lewis, D. and Ecob, R. (1988) *School Matters* (London., Open Books)
- Rutter, M., Maughan, B., Mortimore, P. and Janet, O. (1979) *Fifteen Thousand Hours* (London., Open Books)
- Smith, D. and Tomlinson, S (1989) *The School Effect: A Study of Multi-Racial Comprehensives* (London, Policy Studies Institute)
- Summers, A. A. and Wolfe, B.L. (1977) Do Schools Make a Difference?, *American Educational Review* 67, pp. 639-52
- Thrupp, M. (1995) The school mix effect: the history of an enduring problem in educational research, policy and practice, *British Journal of Sociology of Education* 16, pp. 183-203
- Willms, J. D. (1986) Social Class Segregation

and Its Relationship to Pupils' Examination Results in Scotland, *American Sociological Review* 51, pp. 223-41

On School Improvement: Schools Matter, but only a bit!

School improvement was as much a grass roots movement as a Government policy, but it provided support for two policy themes. First, that autonomous schools could produce better pupil performance. Second, it rejected the apparent determinism which explained pupil failure in terms of social factors, as summed up by the Labour Secretary of State for Education, David Blunkett—'poverty no excuse'. Whilst fatalism and low expectations were, and possibly remain, a feature of some schools, it seemed by the mid-nineties that the pendulum of rhetoric had swung excessively, leading to the title Schools making a difference: let's be realistic (Thrupp, 1999), and '... improvement methods would make a difference. A little difference.' (Johnson, 1999, p.166) Limitations

on the utility of the school improvement model became clear (Mortimore, 1998, MacGilchrist this vol.).

One was the reliance on high quality leadership and management, when there was continuing concern about that quality which led to the establishment of a National College for School Leadership. The second was the recognition that school improvement placed heavy demands on a workforce already feeling overstretched. Thirdly, improvement research corroborated earlier findings (Coleman et al 1966, Hanushek 1992) and showed that 85% of the variation in pupil performance is due to factors external to the school (Teddlie and Reynolds 2000).

Of the remaining 15%, the classroom effect was shown to be the most substantial. This finding coincided with the determination of the Labour Government elected in 1997 to move to the third phase of reform, a programme to develop the teaching force and the quality of pedagogy".

for survival—it was in fact a civil war where the stakes could not have been higher". (p27).

And when it comes to the fight against the Tans themselves, the authors veer dangerously close to categorising their response as a "war against terror", with a corresponding enlargement of the concept of "legitimate targets" to encompass most Irish civilians:

"Cork city and county were now at boiling point, with the Volunteers and those who opposed them operating in a very murky world where one man's freedom fighter was the other man's terrorist. If this pattern continued... then those who harboured the enemy were certain to become the focus of military operations. By now that group comprised the majority of the nationalist population, which made the strategy employed by the Volunteers very high risk" (p14).

A Cork Pogrom's Excluded Friday Night

I owe it to the memory of David Medalie to correct a misinterpretation on my part of the registration of the death of his wife Sarah, which was caused by the Black-and-Tans rampaging through their Cork home in December 1920. In *A Jewish Victim Named*, in the March issue of the *Irish Political Review*, I wrote: "He incorrectly remembered her date of death as 10 December, but we now know.... that it was in fact 11 December, in the midst of the burning of Cork". Thanks to the fact that *Labour Comment* editor Pat Maloney has checked out and sent me the *Cork Examiner* for Monday, 13th December 1920, I now recognise that there was a purpose to David Marcus having his *Buried Memories* fictitious character Aaron Cohen—"the last Jew in Cork"—suggest that it might indeed be worthwhile to research the original *Cork Examiner* files concerning her death.

It is clear that when Alan Ellis wrote **The Burning Of Cork: An Eyewitness Account**, republished by the Aubane Historical Society, he did not have those files in front of him. His was a vivid contemporary recall of all that he had directly experienced on the night of Saturday, 11th December 1920. However, without the actual newspaper account in front of him, while he did indeed recall that a Jewish woman had been the victim of a Black-and-Tan raid in Turkey Street, he had forgotten both her name and the fact that it was actually on the night before that she had met her death. When we come to realise that Sarah Medalie's death was no isolated incident for Friday, 10th December, Ellis's telescoping of the two successive nights is perfectly understandable.

But the neglect of that Friday night by

historians Gerry White and Brendan O'Shea in their current book, *The Burning Of Cork*, becomes even more incomprehensible. In my previous article I had criticised them for not researching, as I had been able to do in the space of half an hour, the Registry of Deaths in respect of Sarah Medalie. But it was only when Pat Maloney sent me the *Cork Examiner* for 13th December 1920, that I realised that they had no need to undertake any extra research at all. For that self-same issue of the paper, which the historians drew upon for their account of the burning of Cork on 11th and 12th December, had also fully recorded the events of 10th December, including the death of a named Sarah Medalie.

Failure to make any mention whatsoever of her death now turns out to be even more bizarre, on top of some other quirky features of the White and O'Shea book. That this book is almost cinematic in its powerful evocation of the burning of Cork is to the credit of the authors' descriptive powers. Also to the book's credit is its account of the daily incidents of Black-and-Tan wrecking, pillage and arson that had already proceeded without interruption in Cork city from the night of 21st November until the morning of 2nd December. But there is a thread running right through their book that regularly suggests that the IRA itself was to blame for subsequent reprisals. Even when the authors deal with the period prior to the arrival of the Black-and-Tans, we get a bizarre statement that portrays the War of Independence as a Civil War! They write:

"The Volunteers might well be fighting for a republic but the RIC were fighting now to preserve their own way of life. Both sides were actually fighting

I have referred to the fact that White and O'Shea gave an excellent account of the fortnight of daily arson attacks by the Black-and-Tans that persisted until 2nd December. Why, then, was there a pause? The authors proceed to give a rational explanation for both that pause and the subsequent return to state violence:

"The British Labour Party remained determined to investigate the situation in Ireland and the members of their commission departed England in 30 November.... (They) arrived in Cork to enquire into the situation and conditions in the city. On 6 December the commission met with the Lord Mayor, Dónal O'Callaghan, and a number of Sinn Féin councillors... The commission remained in the city on 7 December and visited a number of the buildings that had been burned as well as houses and shops where furniture fittings and other properties had been removed during searches. The members also interviewed some witnesses to the attacks that had occurred during the past month. The members of the Labour Commission left Cork for Tralee on the morning of 8 December but there was no let-up in either military or police activity. Then at 9.10 p.m. a young man, Francis Murphy from 18 Tower Street, was shot dead outside SS Peter and Paul's church... As the congregation was leaving the church a number of shots rang out from the direction of St. Patrick's Street. In addition to killing Murphy, a number of other people were wounded and taken to hospital for treatment" (pp91, 93-99).

But then White and O'Shea give the impression of a lull in activities on Friday, 10th December, with only verbal threats, warnings and declarations being employed by the British State on that day. Any return to violence is portrayed as being initiated by an IRA ambush at Dillon's Cross at 8.00 p.m. on Saturday, 11th

December, unleashing the conflagration that followed:

"The most significant development that Friday was the introduction of Martial Law in the southern part of Ireland... But neither the introduction of Martial Law nor the ongoing warnings published in the press had any influence on the Volunteers of Cork No. 1 Brigade. As far as they were concerned, the situation had long passed the point of no return..." (pp100-103).

Indeed, in the very introduction of their book the authors give the impression that, in the wake of all the violent warfare of the previous month, an oasis of peace and normality had momentarily materialised until shattered by that Saturday evening IRA ambush:

"It was bitterly cold that Saturday morning, 11 December 1920, as the citizens of Cork made their way into town with varying degrees of urgency. Those who had sufficient money in their pockets could be seen walking down St. Patrick's Street visiting Roche's Stores, Cash's, the Munster Arcade, Egan's Jewellers and the Saxone Shoe Shop to start their Christmas shopping. Others with lesser means made their purchases on the Coal Quay and then sought out the relative comfort of the English Market where, protected from the elements, they could marvel at the meat and vegetable stalls in anticipation of some small treat two weeks hence. For the more educated, there was the prospect of a quiet hour or two in the solitude of the Carnegie Free Library on Anglesea Street, while the affluent could wander down to Emmet Place and book their seats for the last performance of the *Gondoliers* which was playing at the Opera House that night. And at several locations along the streets, the paper boys were selling the *Holly Bough*. Yes, it was Christmas time in Cork, but this was deceptive because that morning Ireland was also a country at war... Little did anybody realise that morning as they went about their business that before a new day dawned another ambush would be launched and a reprisal on a scale hitherto unseen in the conflict would take place—and the physical geography of the centre of Cork city would be transformed forever" (pp13-14).

But it is this account itself that is deceptive. Little is the reader given to realise that the previous day's proclamation of Martial Law had given the green light for a pogromist campaign to re-commence in Cork city centre that very same Friday night, of which the overwhelming majority, if not all, of Saturday's shoppers would have been only too well aware, if only from the window-breaking and plundering of the Munster Arcade early on Saturday morning itself. The IRA ambush later that evening escalated into

full-scale conflagration a pogrom that had already been well underway.

White and O'Shea quoted from the *Cork Examiner* of 13th December 1920 in order to provide vivid accounts of the burning of Cork on Saturday and Sunday, 11th and 12th December. But they studiously ignored the fact that the leading news item of that issue—headlined "*Central Cork in Flames*"—also ended with the following sentence: "*Mrs. Medalie, a Jewess, died suddenly in her house in Tuckey Street, Cork, during a search of her house*". They also chose to ignore the more detailed report in the same issue that catalogued the whole Black-and-Tan pogromist campaign of the night of Friday, 10th December, carried on in both uniform and civilian disguise. Headlined "*Tragic Sequel to Cork Raid*", the report reads:

"Mrs. Medalie, of Tuckey Street, died suddenly on Friday night [the Jewish Sabbath—MOR] as military entered her bedroom. 'We are Jews', she said, when she saw the soldiers, 'and have nothing to do with the political movement'. Then she exclaimed, 'Oh, my heart!', and asked for a drink of water. Her husband rushed to get some, but when he returned she had collapsed. The military drove her son for the doctor, but when he arrived she was dead. Mr. Medalie told an *Examiner* reporter on Saturday that the military party got into his house, not from the street, but through a door leading from Mr. Seán Jennings' furniture store. 'We didn't hear them', he said, 'until the soldiers were in the bedrooms. They came upstairs in the dark and give us all a fright, but my wife collapsed almost at once. She was in good health on Friday, and was all right going to bed. She was about 53 years of age. They asked for a certain man, and they searched the whole house. When leaving they expressed regret for what had occurred'."

"Mr. Jennings' furniture shop, 53 Grand Parade, was entered shortly after 11 o'clock on Friday night and the search lasted until 1 o'clock. About a dozen pictures were broken. It is stated that the Masonic Lodge, Tuckey Street, was also searched. The Drapers' Club, Tuckey Street, was broken into about 11.20. The glass panels of the front door were broken and both doors leading to the bar were smashed. The caretaker states that articles from the club stock were taken. The shutters were removed from the Munster Arcade window Saturday morning, the window was broken, and the goods within reach were taken away. The looting party contented themselves with what they got in the window. Mr. J.T. O'Connell's drapery establishment was also entered during Saturday morning. The gate was forced and the glass panel of the door broken, the till rifled, and scarfs, overcoats and gloves etc. removed. There was only a small sum in the till..."

"MacCurtain Street Post Office was

broken into about 2 o'clock on Saturday morning. Mrs. O'Sullivan who is the postmistress, also carries on a large greengrocery business, and she states that a considerable quantity of stock must have been taken, though she is unable to estimate the amount as she had got in special supplies for the Xmas trade. There were two cash tills, and the visitors succeeded in opening one of these—the one which was empty; but they failed to open the other—the one in which the cash was kept. In entering the shop they not only broke the glass panels. They got no money, but they took away insurance stamps. The shutters were removed from the Cuban House, MacCurtain Street, and the window was broken, but as the boxes in the window contained only dummy cigars and cigarettes, the proprietor, Mr. Spiro, suffered no greater loss than is represented by the smashing of the glass. The burglars were unable to force the door and failed to gain access to the shop."

Catholic O'Sullivans and Jewish Spiros were no more spared the "neighbourly" attentions of the marauding Tans of MacCurtain Street Barracks [formerly King Street—MOR], than were Catholics and Jews—and indeed Freemasons as well—spared the rampaging raids of the Tans from Tuckey Street Barracks. I have no doubt that one or more of them might have had the humanity to regret bringing about the death of Sarah Medalie. Nonetheless what was already in train on the night of Friday, 10th December, was the commencement of a Tan pogrom against the citizenry of Cork as a whole. So much for the "scene setting" by White and O'Shea of the "deceptive" normality with which Saturday's Christmas shopping had supposedly commenced.

Notwithstanding Sarah Medalie's total non-involvement in politics, as David Marcus's "Aaron Cohen" says of the Tans: "*Little did they know that the Jews in Ireland were all again' them.*" This bitter hostility, shared with Catholic neighbours, has also been expressed in the memoirs of a now 92 year-old member of Dublin's Jewish community, Nick Harris:

"There were fifty-eight houses in Greenville Terrace (opposite the army barracks on the South Circular Road) and in the 1920s there were seventeen Jewish families living in that street... I remember the Black and Tans in 1921... I remember them walking up our street when there was a curfew, and people had to remain indoors from early evening until dawn. Most people waited outside their houses until the Tans came near, and then went inside. But there was one lady who did not go in when they approached. I remember her well. Her name was Nelly Kelly and her younger brother John was one of my best friends. Nelly was jeering the Tans and did not go inside until one of them threatened her with his rifle. When we went back into our house we heard

loud bangs coming from the house next door. From the noise that was going on, it sounded as though they were playing football. In fact they were kicking around a football that they found in one of the rooms... When I first saw the Black and Tans I was only six years of age. I knew that they were a rough crowd and that everyone seemed to be afraid of them, but I had no idea why they were in Dublin and why they came down our street sometimes. Years later I heard people using very strong language about them. They would describe them as a murderous lot of criminals that were sent over by the British Government... to deal with the Irish Republican Army and other factions opposed to British occupation... By the time they left Ireland in 1922 they were detested by everybody, including many of the British soldiers. The Irish have long memories and they have not forgotten the raids, burnings and torture suffered by so many at the hands of the Black-and-Tans. Greenville Terrace faced Wellington (now Griffith) Barracks... and people could see the comings and goings of the soldiers and the Black-and-Tans. I remember one morning seeing some Republicans who had been rounded up. I counted ten of them. They were walking up our street with their hands up in the air, and there was an armoured car behind them with three soldiers on either side. They were being marched up to the barracks, but I don't know what happened to them. I can also remember watching a man in a kneeling position at the end of Washington Street, shooting at the barracks. After firing a number of shots he got up and walked away, unperturbed that he was being watched by several of us boys. He just put the gun in his coat pocket and went away" (*Dublin's Little Jerusalem*, 2002, pp12-15).

David Neligan, key intelligence officer for Michael Collins, rather jocosely recalled one particular incident in Longwood Avenue, off the same South Circular Road:

"The Chief-of-Staff of the Volunteers at this time was Dick Mulcahy. The British wanted him badly but he managed always to be a jump ahead of them. On the night of 10 November 1920, he had a narrow escape at the home of Professor Hayes, an ardent supporter, Mulcahy, who earlier in the night had fallen off his old bicycle, and had his teeth smashed, heard the ominous ratatat at the door in the wee hours. He shot out through a skylight and ran along the roofs, in imminent danger of breaking his neck. A few doors away he dived through another skylight, frightening the lives out of a poor Jew and his wife who had been peacefully sleeping. They begged for mercy but Mulcahy soon pacified them" (*The Spy In The Castle*, 1968, pp118-9).

Mulcahy's own rather more sober account, as related to his son Ristead, was as follows:

"Like Collins, Mulcahy was on the run from the British authorities from January 1920 to the truce in July 1921. He had several narrow escapes from capture while staying in his various hideouts and he describes a few of these escapes in his annotation. He gives a list of his hosts and the 25 places where he did his office work, or where he slept at night during his eighteen months on the run. He received food, hospitality and shelter from many courageous people during this difficult time, some of whom had no connection with the national movement, but all of whom showed intense loyalty to their fugitive guest: 'Sleeping accommodation was always to be an uncertainty; October—November 1920 was a bad time'... On one occasion he eluded capture by escaping on to the roof of Michael Hayes's terrace house on the South Circular Road and clambering from there into the house of a Jewish couple, who provided him with an early breakfast and advised him when it was safe to leave" (*Richard Mulcahy—A Family Memoir*, 1999, pp54-55).

Would it have so much spoiled the narrative of White and O'Shea if they had made even the briefest of mentions of the name of Sarah Medalie? Apparently so; for to allow the rampages of Friday night, 10th December, to enter the frame of their book would have complicated the neat cause/effect picture of ambush/retaliation that they wish to present in respect of Saturday night, 11th December 1920.

Yet they also proved incapable of sustaining that gross over-simplification when, in their final chapter, they were confronted with the need to quote what Major Florrie O'Donoghue, the IRA's Cork No.1 Brigade Intelligence Officer, had written in his 1961 book *Rebel Cork's Fighting Story*:

"It is difficult to say with certainty whether or not Cork would have been burned on that night if there had not been an ambush. What appears more probable

is that the ambush provided the excuse for an act which was long premeditated and for which all arrangements had been made. The rapidity with which the supplies of petrol and Verey lights were brought from Cork barracks to the centre of the city, and the deliberate manner in which the work of firing the premises was divided amongst groups under the control of officers, gives evidence of organisation and pre-arrangement. Moreover, the selection of certain premises for destruction, and the attempt made by an Auxiliary officer to prevent the looting of one shop by Black-and-Tans (when he said): 'You are in the wrong shop; that man is a loyalist', and the reply, 'We don't give a damn, this is the shop that was pointed out to us', is additional proof that the matter had been carefully planned beforehand." (O'Donoghue, p120; White and O'Shea, pp192-33).

The authors of *The Burning Of Cork* go on to comment:

"O'Donoghue's assessment is correct, The evidence suggests that the burning of the city was planned by elements within the RIC long before the night of 11/12 December 1920—possibly a short time after the Kilmichael ambush—and that the Dillon's Cross ambush was simply the spark which ignited the flame. The forces of law and order had reached the point of no return when the decision was taken to burn the city of Cork. This was their attempt to regain control—and it failed miserably. Instead five acres of property were destroyed, the damage was assessed at several million pounds and around 2,000 people were put out of work."

If ultimately forced by O'Donoghue to such a conclusion, what then was the whole point of the attempt by White and O'Shea to exclude the name and death of Sarah Medalie—and all of the events of Friday night, 10th December 1920—from the historical narrative?

Manus O'Riordan

Use Value 5

The Jesuit Republic: An Affront To Reason

The 17th-18th century Jesuit Republic in South America flies in the face of the general understanding of human history. It overturns one preconception after another.

What preconceptions? Here are a few. Modern rational thought liberated the human mind from the shackles of mediaeval superstition. Economic liberty, as understood by the Enlightenment, delivers not just wealth and well-being: it produces political, legal and intellectual liberation and is the basis of the humanist

and humanitarian view of life, as opposed to the traditionalist, mediaeval and dogmatic view. In the New World, radical national movements broke the bonds of subjugation to the antique, decrepit European Empires, introducing a new era of liberty for their peoples.

What was the Jesuit Republic, and what role did it play in the European conquest and colonisation of South America?

The expeditions of Christopher Columbus led quickly to Spanish settlement of

the islands off South America, soon followed by further expeditions along the coast and rivers of the continent, including Pizarro's successful raid into the Peruvian mountain strongholds of the Inca Empire. The motivation of the Spaniards was pillage and quick enrichment. Their ideological justification was the conferring of Christian civilisation on the natives. The more developed, metal-working peoples such as the Incas remained a force to be reckoned with for several centuries after the Conquest, and were never completely subjugated. But the less developed peoples of the islands, river valleys, forests and jungles either retreated further into the wilderness to live in their traditional manner of hunting, gathering and nomadic cultivation; or were exterminated under the near-slavery conditions imposed on them by the settlers who, when their fantasies of El Dorado were disappointed, were chronically short of human labour to operate their monoculture ranches, and quickly used up all the human resources that they could press into service.

The Pope had allocated the Western and Eastern Worlds to the Spanish and Portuguese Empires respectively. The Portuguese ships en route to their possessions in Asia broke their journey from North to South Atlantic at ports on the Eastern tip of South America. After beating off the Dutch and French from these resources, the Portuguese Empire began to extend, almost by accident, into the territory covered by present day Brazil, and the Pope was called upon again to establish a division of the continent between the two Catholic Empires. Perhaps because the South American territory of Portugal was acquired by virtual oversight, unlike the deliberate Imperial policy of Spain, the ensuing Portuguese conquest, enslavement and extermination were particularly bloody and brutal.

At some official level the Spanish Empire abhorred the atrocities of the first Conquistadors and subscribed to the official Catholic doctrine that the Indians were human beings and therefore must not be murdered or enslaved—though the plundering continued, of course. And its colonists had no authority to act on their own initiative against the Emperor's Indian subjects—nor indeed against his Indian enemies. (The colonists were of course a very long way from the Emperor.)

The Portuguese Empire, on the other hand, expanded out of its Papal allotment, and its boundaries were pushed westward by private enterprise: by popular private forces called *bandeirantes*. (This name is a reference to the banners under which they marched. They were also known as *mamelucos* or *Paulistas*.) These were particularly brutal slavers and killers who

eliminated the indigenous population in the vast areas in which they operated; and they determined the boundaries of the Brazilian part of the Portuguese Empire. In North America this role was performed for the British Empire, in a similar manner, by the backwoodsmen. Likewise in Australia, ordinary decent citizens routinely killed off the natives for business and sport, even though, unlike some of the Indian tribes, these people had practically no warlike qualities. During the colonial period Portugal and Britain were often in alliance against their mutual competitor Spain. When the supply of Indian slaves was exhausted Britain provided Brazil with supplies of African slaves in accordance with the *Asiento* section of the Treaty of Utrecht. Today Northern Brazil is mostly Black African and Southern Brazil is mostly White European, with little trace of the original populations in either part.

The Spanish Empire in South America gave powers of *encomienda* to the settlers. This means that, with a very small Spanish population available to operate farms, transport and other industry, the settlers had the right to exact a number of days labour per week from the more numerous Indian populations under Spanish control, in return for conferring on the Indians various benefits of civilisation such as religious indoctrination. This was slavery in all but name, if not in original intent, and it took a heavy toll of the Indians, leading to resistance and armed clashes which jeopardised the very survival of the Spanish settlements.

Enter: the Jesuits. The Jesuit Order (Society of Jesus) was the cutting edge of the Catholic Counter-Reformation. Answerable only to the Pope, the Jesuits were notable for their high level of education and for engaging with the world on its own terms in order to win it back more fully to the Catholic sphere. The Order attracted the most capable people from every section of society, and soon achieved great prestige and power especially through its influence in education; power which was opposed by liberal capitalist modernising elements in the Catholic countries, including the Jansenist reform movement; with the result that the Order was suppressed by the weakened papacy in 1773.

The role of the Jesuits in the North American colonies is illustrated in Brian Moore's book, *The Robe*, now also a film. They took in earnest the papal doctrine of the humanity of the Indians and accordingly exerted themselves seriously in missionary activity. Their efforts had the effect of developing those aspects of Indian life which would enable them to deal with the new order as equals—literacy both in their native Indian languages (which had

to be given written form by Jesuit linguistic experts) and in the Imperial language (French, Spanish), settlement of the nomads in towns, economic self-sufficiency (of course they already had this in the forests, but if they lost it in the towns they would be easy meat for the colonists), and the basic means of self-defence (access to firearms and training in their use, which ex-soldiers among the Jesuits could provide). In return for these means of survival the Indians, in addition to accepting the true faith, had to give up polygamy and their propensity to alcohol.

The Jesuit policy towards the indigenous peoples was, in effect, an apartheid policy of separate development. It was opposed by the Spanish settlers because, they said, it denied the Indians full equality—in reality because it made *encomienda* impossible (as well as denying them access to the Indian women and all sorts of other abuses). It was tolerated by the Imperial power because the settled, Christian Indians in their towns provided a military buffer which shielded the Spanish settlements from destruction by the savage Indians, and tended by their attractive way of life to draw the latter into settlement and Christianity, thereby expanding the Empire by an entirely different process than the methods of the Brazilian *bandeirantes* and the North American pioneers, frontiersmen and backwoodsmen. Across South America the ruins of the Indian towns mark present-day state boundaries.

The words apartheid and separate development have a negative connotation nowadays. And 18th century progressives, such as Voltaire, attached similar connotations to the policy of the Jesuits who, as every sophisticated person knew, were power-mad Machiavellian peddlers of superstition to exploit the simple-minded.

But the Jesuit system had the opposite purpose to that of the white settlers of Southern Africa. The Indians in their towns did not use money, no more than their forest-dwelling predecessors. But in comparison with the common people in the colonial settlements and in Europe itself they enjoyed better housing, better food, better education, better hospitals and medical services, social services for widows, orphans and the disabled, absence of death penalty, better conditions of life, and a higher level of culture and industry—including libraries, orchestras, manufactures, animal husbandry and horticulture. More than that, they enjoyed a life which seemed idyllic to the few outsiders who were allowed into the towns. At least that is how it seems from observing the present-day ruins of the towns, and from contemporary accounts. And remember, the recent ancestors of the township Indians were naked, forest-dwelling

nomads who had followed the same uncomplicated way of life for countless millennia.

We also know about the towns from the minutely detailed inventory lists made by the colonial authorities when, on the expulsion of the Jesuits in 1768, they sought, as staunch believers in the driving-force of economic motivation, to prove the progressive case against the Jesuits by chronicling the untold wealth that these ruthless exploiters had secretly extracted from their primitive, guileless Indian subjects in order to advance their reactionary world-wide ambitions of papal power. But the authorities found no gold, no silver, no money. The Jesuits (two of them in each town of up to 20,000 Indian inhabitants skilled in the use of arms) possessed a change of clothing, some books and devotional items, and little else. But the towns themselves, though penniless, were found to be supremely well-endowed, or wealthy in the sense of well-being.

What mysterious gifts enabled these Jesuits to draw the Indians out of the forests to build for themselves whole cities of stone houses with tiled roofs and paved streets, to create their systems of production for use, their communist paradise in the wilderness? Was it the attraction of the true faith and the possibility of eternal salvation?

The short answer is, firstly, music; and secondly, the empowerment and protection from the Portuguese and Spanish settlers that the Jesuits facilitated under Imperial guarantee. (A third possibility is the rather gruesome crucifixes that the Jesuits displayed. Some Indians thought that this was what the Jesuits would do to them if they did not sign up.)

The keys to the Indian soul—their psychology and personality—were discovered by the Limerick Jesuit Thomas Fields and a couple of companions who went to live and preach among the South American Indians along the Paraná river in the late 1500's and early 1600's. If a single factor has to be selected it must be their inordinate love of music and dance. The linguistic and other discoveries of Fields and his companions were studied and consolidated in Jesuit missionary policy and administration, leading to the foundation of the first towns by the 1620's. Earlier efforts by Franciscan missionaries had not been so successful. Typically, the life of any missionary was nasty, brutal and short. Essentially they were in competition with native shamans who possessed many advantages.

The fact that the ideology and driving motivation of the Jesuits were other-worldly religious ones meant that they were not side-tracked by contemporary or fashionable social and economic dogmas

such as equality, economic liberalism and the like. So the economic and social systems they constructed were practical solutions to practical problems, and were therefore not completely alien to Indian experience and psychology. For instance the traditional tribal chieftains retained their civil powers, subject to the Empire, with concomitant status and prestige. The forest Indians had not developed trade or commerce or money. But they were familiar with production for use. So each Indian household was given its own allotment of land, animals and tools, sufficient to sustain the household's basic needs of food, shelter and clothing, on which they worked for several days per week. Any surplus produced by the household was its own to do as it pleased with. For the remainder of the week they worked on community land, manufacture and workshops. This provided community produce which enriched the community as a whole and which could also be allocated to individuals on the basis of need. A portion was available for barter with other Indian towns and for trade with the Spanish settlements. The community operated this system in accordance with their traditional social hierarchies and under the oversight of the two Jesuit priests who ensured conformity with Catholic ideology. Each town's pair of Jesuits was present at the will and pleasure of the Indians—which is not to deny their moral and political power over the towns. Some Indians set up towns by themselves without conforming to monogamy. These were not provided with Jesuit supervision and the concomitant Imperial status, and they fell to the depredations of the settlers.

The Indians evidently derived satisfaction from Catholic devotions and rituals. Their chief pleasures were music and dance, and displays and processions with pomp and circumstance. They devoted a lot of energy to military training. Their only inherited notion of strategy was the tribal charge. So without the officers that the Spanish army occasionally provided they were initially ineffective against European opponents such as the Portuguese. But fighting on horseback in open country they were practically invincible.

To supplement their own manufactures, their churches occasionally needed European artefacts, their orchestras sometimes needed imported instruments. (The Indians were phenomenally expert copyists, and quickly learned to exactly reproduce such items.) Actual cash was needed to pay for these things, or for the materials to produce them. So the towns traded hides and yerba maté with the Spanish settlements. The latter is a tea produced from a relatively rare forest shrub. But unlike the settlers, the Jesuits, by dint of study and experiment, mastered the art of cultivating the extremely valuable

yerba tree.

The Jesuits possessed great scholarship and modern scientific knowledge. (And they had the advantage, in Indian eyes, of generally not being Spanish.) Like any kind of advanced use value economy, the laws and logistics of use value production, allocation and distribution require sophistication and experience in advanced scientific knowledge and practice. These laws, requirements or practices are used to the full in capitalist production, but are subjected to market constraints—that is, the laws of exchange value otherwise known as financial accounting. (The laws of use value encompass practically all human knowledge. The laws of the market or exchange value are relatively simple in comparison, but are shrouded in mystery by the finance priesthood. These financial mysteries are exposed to the full light of day in Marx's *Capital*.)

So if the Jesuits had been modern, progressive and capitalist, they would have exploited to the full their strategic sectoral advantage in the lucrative yerba market, poured their human and other resources into this industry like any modern South American monoculture, and become fabulously rich in the process. The Indians would of course have lost their household allotments and their social economy, and would have become impoverished, degraded favela-dwellers.

But neither the Jesuits nor the Indians had any regard for money, and the laws of use value continued to operate, unconstrained by markets, in the Jesuit Republic.

The Jesuits were expelled from South America in 1768. The Imperial authorities tried to maintain the towns by providing them with Franciscans. But when the Spanish Empire fell apart under the impact of Napoleon, the settlers struck for independence and finally overthrew the remnants of the Jesuit Republic. This was a grave setback for the Indians, but two hundred years of Jesuit influence had not only physically preserved them from extermination, but had provided them with some means of survival in the new order. In Paraguay, where the Republic was strongest, the Tupi-Guaraní language of the Indians became an official language alongside Spanish. But such advances for the indigenous people are only now beginning to happen in places like Venezuela and Bolivia. In effect, South America was set back by about two hundred years.

What if the Jesuit system had remained in place for another hundred years or so? In that case it is hard to believe that the Indians would not have carved out a place for themselves against the colonials in the new continental order as Spain retreated. And South America would surely have had a better, happier history.

In North America Imperial France and its non-genocidal policy towards the indigenous people came to an end when Quebec fell to General Wolfe in year 1759 of World War 1, the most momentous of the World Wars. (1914-18 was the Third World War.) An incident of that war illustrates the point. Earlier in 1759 a militia of backwoodsmen called Rogers' Rangers was despatched by General Amherst against the Christian Indian town of St. Francis near the St. Lawrence river. The town was destroyed and the innocent townspeople wiped out. Amherst University is now a prestigious establishment in Massachusetts. Until fairly recently its official, formal dinnerware sported a picture of a sabre-wielding cavalryman attacking an Indian fleeing on foot.

Returning to the theme in the title of this article, the Jesuit Republic puts a big question mark on another preconception—that in the contest between society and capital, the way in which the social interest is advanced is by state ownership of the means of production and the structuring and regulation of economic activity by means of central planning of production by the state. And the degree to which the social interest is advanced is in direct proportion to the degree to which this ideal of central control is realised. The Indian experiment in production for use, in a relatively advanced, modern, decentralised context, provides an interesting counter-example to this preconception.

The Jesuits were in cahoots with the Spanish Empire. Who gave the Jesuits or anyone else the right to interfere with inoffensive people on the other side of the world? The late mediaeval Chinese, for instance, had sailed out and viewed these lands, and then sailed home again. (Though the modern Chinese have apparently learned the lesson of the past 500 years and are now beginning to play the great game as well as the best.) Unfortunately, what was in store for the Indians was adaptation or extinction. And the Jesuits provided the means of adaptation.

Pat Muldowney

Irish Bomb Expert Takes On The Taliban

An article in the *Irish Examiner* on 2nd March 2007, entitled *Irish Bomb Expert Takes On The Taliban*, reported:

"The army has sent its top explosives expert to battle the Taliban in war-torn Afghanistan. The senior officer will head a contingent of seven Irish soldiers to serve with ISAF, the International Security Assistance Force, in the country.

"The technician is Ireland's top bomb disposal expert and routinely attends bomb alerts with Defence Forces Explosives Ordinance Disposal (EOD) unit."

Ireland has had 7 military personnel serving with ISAF since 5 July 2002 - this is merely the latest deployment of 7 personnel.

A decision to commit military personnel to a mission abroad is supposed to be subject to a Triple Lock requirement, that is, the mission has to be authorised by the UN Security Council, and the commitment of troops has to be approved both by the Government and by the Dáil.

As we will see, the creation of ISAF was authorised by the Security Council. According to a written answer by the Minister of Defence, Willie O'Dea, in the Dáil on 26th October 2006, the Government took a decision on 2nd July 2002 "authorising the provision of seven members of the Permanent Defence Force for service with the force". Presumably, this decision was also approved by the Dáil (though I haven't been able to find a record of it in the proceedings of the Dáil).

No doubt the proper approval procedure was gone through in 2002. But, since then, ISAF's mission has changed utterly. In 2002, ISAF was a peacekeeping force in and around Kabul; today, it is engaged in offensive military operations against the Taliban in southern Afghanistan. What was approved in 2002 was the provision of military personnel to a peacekeeping force as ISAF then was, not to the "warfighting" force led by the US/UK that ISAF has since become.

RESOLUTION 1386

ISAF was established, initially for 6 months, by Security Council Resolution 1386, passed on 20 December 2001 [1], shortly after the US/UK military intervention in Afghanistan that led to the overthrow of the Taliban. Resolution 1386 authorised it

"to assist the Afghan Interim Authority in the maintenance of security in Kabul and its surrounding areas, so that the Afghan Interim Authority as well as the personnel of the United Nations can operate in a secure environment".

The Afghan Interim Authority, headed by Hamid Karzai, had just been put together by the US at a conference in Bonn.

Resolution 1386 was passed under Chapter VII of the UN Charter and authorised ISAF to use armed force, if necessary, to fulfil its mission. Paragraph 3 gives it the authority to "take all necessary measures to fulfil its mandate", which is UN-speak for authority to use armed force, if necessary.

When ISAF was established, it could reasonably be said to have a peacekeeping role. At the same time, forces under separate US command were engaged in offensive military operations in the southern Afghanistan (as part of Operation Enduring Freedom). Then, ISAF was not engaged in "warfighting".

However, in the intervening 5 years, ISAF's role, and area of operation, has been gradually changed by the Security Council. It has now taken over the "warfighting" role in southern Afghanistan, which was formerly the business of US forces under separate command. Most of the latter have been transferred to ISAF.

RESOLUTION 1510

In October 2003, resolution 1510 [2] authorised ISAF to operate

"in areas of Afghanistan outside of Kabul and its environs, so that the Afghan Authorities as well as the personnel of the United Nations and other international civilian personnel engaged, in particular, in reconstruction and humanitarian efforts, can operate in a secure environment"

In addition, resolution 1510 required ISAF to "work in close consultation" with "the Operation Enduring Freedom Coalition", which was certainly not engaged in peacekeeping.

Under this new mandate, ISAF set up bases first in northern Afghanistan (for instance, at Konduz and Mazar-e-Sharif) and later in the west (for instance, at Chaghcharan and Herat), ostensibly to provide security for Provincial Reconstruction Teams (PRTs).

These actions met with little resistance, since these areas are home to the groups that made up the Northern Alliance, which helped the US overthrow the Taliban regime in late 2001.

However, in 2006, over 10,000 US troops were transferred to ISAF command and it extended its operations to the Pashtun areas of southern Afghanistan, from which the Taliban arose. By so doing, ISAF essentially took over the ongoing US Operation Enduring Freedom and it understandably met with fierce resistance.

UNDER NATO COMMAND

ISAF came under NATO command in 2003. As of February 2007 [2], it had 35,460 troops from 37 states, the largest contributors being the US with 14,000 and the UK with 5,200. (The US has a further 8,000 troops in Afghanistan under its own command).

There are also substantial contributions from Germany (3,000), Canada (2,500), The Netherlands (2,200), Italy (1,950) and France (1,000). However, some states apply 'caveats' to what their troops are allowed to do: Germany, for instance, whose troops are in the north, restricts them to firing in self-defence, which is appropriate to a "peacekeeping" role, but not to ISAF's "warfighting" in the south.

Throughout ISAF's evolution from peacekeeping to "warfighting", Ireland has continued to provide 7 military personnel.

Of late, Bush and Blair have been trying to browbeat other NATO states into providing more troops for ISAF operations in the South and into lifting 'caveats' on troops already serving in other parts of Afghanistan, so that they can be used in the South. Happily, so far, they have had little or no success, so they are having to put in more troops of their own.

O'DEA TAKES ON THE ARMY

If *Phoenix* is to be believed, Ireland would be answering the Bush/Blair call for more troops for Afghanistan, if senior officers in the Defence Forces had their way. In its issue of 9th March 2007, an article entitled Corporal O'Dea takes on the Army told of ongoing rows between Minister of Defence, Willie O'Dea, and senior officers "usually in reaction to the gung-ho posturing of officers anxious to get into the global war theatre as main players". The article continued:

"Thus, he has had to dampen down expectations of massive investments in the EU battle groups and has also clashed with officers over his refusal to offer unqualified support for the US war in Iraq and his attachment to that old shibboleth, Irish neutrality".

More specifically, on 24th February 2007, the *Irish Times* reported that Willie O'Dea had sent Defence Forces Chief of Staff, Lieutenant General Jim Sreenan, a strongly-worded letter in early January reminding him that "any public comment on national, international or political issues represented a breach of Defence Forces rules" [3]. The occasion for this rebuke was an interview given by Sreenan without the Minister's permission to the *Irish Times*, extracts of which were published in two articles on 27th December 2006 [4].

IRISH TIMES INTERVIEW

In the interview, the General spoke about Ireland's participation in one of the 13 EU Battlegroups (which are battalion size units, around 1,500 strong, that are supposed to be capable of rapid deployment around the world). Willie O'Dea announced Ireland's intention to participate in a speech on 9th February 2006 [5]. Sreenan told the *Irish Times* that it had now been agreed that Ireland will contribute 80 troops to the Nordic Battlegroup, led by Sweden, alongside troops from Sweden, Finland, Norway and Estonia. This battle group is scheduled to be available

BES continued

Department of Finance found that 21% of firms had raised between 100,000 and 250,000 euros.

A spokesman for Enterprise, Trade and Employment Minister Micheál Martin, who proposed the changes to the BES schemes, said the measures were there to support small and medium size firms.

ICTU: Face 'hard facts' of Nuclear Issue!

THE Irish Congress of Trade Unions (ICTU) on 22nd March 2007 called for a debate on whether Ireland should resort to nuclear power.

Launching an ICTU briefing paper on energy, General Secretary David Begg said the country had to face "hard facts" on the issue.

"Over the next 20 years, our population is forecast to grow to 5.5 million. That has huge implications for energy supply," he said.

"In that context we should not foreclose, or rule out, one serious possible option, namely nuclear power, especially given our high dependency on fossil fuels."

The Government has consistently ruled out using **nuclear power**. But Mr. Begg said it would have to be considered if there was not major societal and economic change:

"We need a grown-up **national debate** on this issue. Either we discover wholly new sources of energy, dramatically change our lifestyles and how we manage the economy, or we consider nuclear. We cannot sleepwalk into the future."

His statements are in line with the Oireachtas Committee on Communications, Marine and Natural Resources, which in a report last year said the question of using nuclear power in Ireland could no

longer be ignored. The committee warned that, with just three months of oil reserves and only enough gas in storage to last two days, the country was potentially facing a crippling fuel crisis.

Immigration

Forgotten Irish: tell the real story
by *Nick Nolan*

WRITING as one of Fergus Finlay's "*people without an education*" who emigrated to the UK in the early '60s, I found his well-meaning but rather smug column on immigration (Irish Examiner, February 15, 2007) lacking in any real understanding of what life was like then, and still is, for many driven by economic circumstances to leave home to seek employment elsewhere.

He implies that, not only were Irish emigrants of a certain era uneducated, but somehow their currency as human beings was of less value than those "*graduates*" who joined the brain-drain to, for example, Silicone Valley.

And so, while it was sad to see them leave home, they were in fact no great loss to the country!

Irish emigrants can get over this kind of insult; after all we suffered much worse in the long years of our reluctant exile, but it really is time for proper respect and recognition to be paid to those men and women who lived, worked and survived the alienation of rejection by their native country.

Mr. Finlay cites Boston and Coventry as two of the cities where Irish people settled and, according to him, it would seem they inevitably suffered either from loneliness, booze or detachment.

I can't speak for Boston, but I do know something about Coventry, one of Cork's

twinned cities, and my home for more than 40 years.

Of course many Irish emigrants did not find the kind of life they had hoped for and the loss of the reassuring certainties of family, home and church took their toll. And yet for all that, the Irish in Coventry, as elsewhere, made their way, made their mark and, in many cases, made their name. Those of us who had a tenuous foot on the political ladder used to call Coventry our adopted city, and its enlightened polity almost made that true.

But the fact was, we were not adopted by Coventry or anywhere else: we were abandoned by our own country. The myth of the uneducated Irish is a good example of this. Some of the brightest and best Irish people I had the privilege of knowing in Coventry were not uneducated in the sense that they chose not to pursue the education available to them as youngsters.

For them, education past the age of 14 was simply not an option. Their circumstances and those of their families, and the utter disinterest of government and religious educational authorities, mitigated against them ever having any prospect of realising their full potential. It is to their enormous credit that so many of them overcame those obstacles and, ironically, as a result of the money they sent home, helped to support the country that regarded them as little more than an embarrassment.

When Mr. Finlay tells us that immigration has given Ireland "*palpable and visible benefits*", perhaps he should ask the immigrants themselves where, in an ideal world, would they rather be earning their living. The answer might surprise him.

Nick Nolan,
(Former Lord Mayor of Coventry and leader of Coventry City Council)
Ballinalacken, Ballylanders, Co Limerick — February 17, 2007

for deployment for the first six months of 2008 (but, after that, not until 2011 at the earliest). This is a small commitment compared with the present Irish deployments of 330 troops in Liberia, 200 in Kosovo and 160 in Lebanon.

(It is worth noting that, in his speech on 9th February 2006, O'Dea stated unambiguously that any deployment of Irish troops as part of an EU Battlegroup would be subject to the same Triple Lock requirement as other troop deployments overseas. He said:

"Any decision to participate in any mission, irrespective of our commitment or participation in a Battlegroup, will be a national sovereign decision. ... The Triple Lock requirement of UN, Government and Dáil approval will continue."

Perhaps, the Minister was annoyed that the General had stolen his thunder by announcing Ireland's participation in the Nordic Battlegroup. More likely, it was some of the following remarks (as reported by the *Irish Times* on 27 December 2006) that annoyed him, since they are manifestly concerned with policy questions:

"Gen Sreenan said the nature of all overseas

missions in which Irish troops would be involved in the future was becoming more difficult."

"Gen Sreenan described as 'misleading' the use of the terms 'peace keeping' or 'peace enforcement' to describe the nature of the Defence Forces' work overseas. Irish troops were now playing a vital 'crisis management' role. They were helping to bring security in the developing world. In doing so they were paving the way for NGOs, security sector reform and other development work."

"Gen Sreenan said he believed reservists would help to alleviate pressure on the 10,500 full-time soldiers, as the Defence Forces became more involved in increasingly 'complex and robust' missions overseas."

(The *Defence Act* allows the deployment of members of the Permanent Defence Forces under specified circumstances. It's not clear that it would be legal to deploy members of the Reserve Defence Forces overseas without amending it.)

MINISTER'S LETTER

Small wonder then that the Minister felt the need to write a letter of rebuke to the General. The *Irish Times*

report of 24th February 2007 on the letter said:

"On matters of policy, [O'Dea] wrote, 'there can and must be only one position defined either by Government, by me as Minister for Defence (or through my officials). No official spokesman can have any legitimate role beyond the articulation of this position.' ... 'Where there is any doubt, it is essential to establish the official position in advance of commenting publicly'.

"Mr O'Dea reminded Lieut Gen Sreenan about sections of the Defence Forces regulations that prohibit any public comment on policies by a senior officer. 'No discretionary power is mentioned', he said. ... 'The airing of individual or controversial views is simply prohibited and any departure from the prohibition is a breach of regulation.'"

The Minister's rebuke was fully justified. You can't have military men sounding off about policy in a democracy.

David Morrison 23 March 2007
www.david-morrison.org.uk

References:

[1] www.un.org/Depts/dhl/resguide/scact.htm. [2] www2.hq.nato.int/ISAF/media/pdf/placemat_isaf.pdf. [3] See www.ireland.com. [4] See www.ireland.com. [5] See www.defence.ie

ARCHAIC LAW

Minister of State Tom Kitt, who introduced the Statute Law Revision Bill in the Dail on 28th February 2007, said that some of the retained Acts "*may be of ongoing relevance*", but these would ultimately be repealed or re-enacted in modern form. The list of Acts in the schedule or appendix to the legislation is longer than the Bill itself.

Mr. Kitt said the Attorney General's office had to date identified—

"60,000 examples of pre-independence primary legislation, of which about 26,700 are public and general statutes and about 33,300 are private statutes or local and personal statutes".

"...removing such archaic, obsolete legislation provides greater clarity to citizens on the legislation that remains in force and removes a significant legislative burden from the economy and society as a whole".

The Bill was the second part of a process to remove all unnecessary legislation from before 6th December 1922.

The complexities of the system were highlighted by Labour's Emmet Stagg, who told the Dail that members of the public seeking a copy of the law on cruelty to animals have to contact Her Majesty's Stationery Office (HMSO) in Belfast. There, people must pay £2.85 (4.23 euros) to obtain a copy of the Act.

"It is surely unacceptable that legislation which is enforced on a daily basis should be so difficult to track down for so many of those affected by it," said Deputy Stagg.

The difficulties in obtaining a copy of the Protection of Animals Act 1911 came to light when his colleague was informed by the Department of Agriculture that they do not provide copies of the legislation.

And indeed HMSO in Belfast confirm that paper copies of the 1911 Act can be ordered by credit card or sterling draft at £2.85.

Deputy Stagg further claimed that the online Statute Book will inform readers of whether and where a pre-1922 Act was amended, but will not disclose what the original Act looked like before it was amended or, therefore, what it looks like now.

"The conclusion is that, unless you belong to a law library or have access to online electronic resources, you will not see a copy of the original, 1911, legislation", he said.

"And what's worse, even if you do have a copy of that Act, you will then need a scrapbook, scissors and paste to assemble together a facsimile of what

the law looks like now by including one by one all the amendments subsequently made to that law."

Deputy Stagg also highlighted:

"The fact that we are retaining an Act to give effect to the peace treaty with Hungary signed at Trianon in 1921 raises a question as to whether this treaty remains in force, whether this State is bound by it, and how many other pre-independence treaties might remain in force," he added.

Fine Gael chief whip Deputy Paul Kehoe described as "*extraordinary*" the Acts deemed necessary for retention including the Dublin Fair Act of 1252 to the Constabulary and Police (Ireland) Act 1919.

"What could possibly be contained in those Acts that is not in legislation enacted since 1922?" he asked.

Green Party finance spokesman Deputy Dan Boyle suggested it might be "*sinister*" to retain the Parliamentary Privilege Act of 1471 "*which concerns freedom from arrest of Members of the House of Lords coming to Parliament and their servants*".

That is bad enough, but the position can be almost as bad with legislation passed since the foundation of the State.

For example, there are time limits for taking legal proceedings. In 1957, there was passed a Statute of Limitations, which seemed to set down those time limits. In 1990, this was amended and the two acts are together cited as the Statutes of Limitations 1957-90. So, a citizen would be forgiven for thinking that to ascertain the time limit, one could refer to those Acts for the answer, right?

Wrong. In their wisdom, legislators have chosen to amend the Statutes of Limitation—as just one example—in other legislation. For example, a child not provided for in the will of a parent can challenge the will within 6 months of the grant of probate, but not after those 6 months have expired. This limit is not mentioned in the Statutes of Limitation 1957-1990. It was first enacted in the Succession Act 1964, and then amended in a Family Law Act 1996.

Another example is the International Arbitration Act of 1998. Huge portions of this statute refer not only to international arbitration but to all arbitrations. Even the lawyers are confused.

There is a crying need for codification of our laws. This a continental idea, not generally something that commends itself to English or Irish lawyers. But the Americans have done it.

Put the law in writing, so that the ordinary man or woman can read it. *Codification*, the lawyers call it. For instance the Criminal Law should be in

one book of simple English. The lawyers prefer it to be in a hundred thousand Acts and legal decisions.

Yet no modern state would dream of stating its criminal law except in clear, codified form.

The list of all legislation affected by the Bill is accessible on www.attorneygeneral.ie

ICTU And

Business Employment Scheme (BES)

THE Irish Congress of Trade Unions (ICTU) is set to drop its complaint to the European Commission against the extension of Business Expansion Schemes (BES).

Labour Comment has learned that the Europe Union Competition Commission wrote to ICTU in early March, 2007, rejecting their initial complaint. The Commission offered ICTU the chance to consider a new objection but it is understood that the Congress is highly unlikely to proceed with the complaint.

It is understood that congress had several discussions at ministerial level about the use of the BES and was assured that there will be greater monitoring of the use of the scheme in the future.

ICTU was concerned that the BES was simply a tax loophole being exploited by wealthy individuals and provided little benefit to the economy.

In last December's year's budget, Finance Minister Brian Cowen announced a significant extension and upgrade for BES investors. Not only has seven years been added to the lifespan of the scheme, the limit on individual investments has been increased from 31,750 to 150,000 euros. Investors can claim tax relief at the higher rate of 41% if they invest in an approved BES scheme.

Mr. Cowen also increased the amount firms can raise through a BES. This has been increased from 1 million to 2m euros.

The moves were widely supported by the main business organisations, some of which wanted the limit companies can raise to move to 25m.

ICTU had claimed that there was little monitoring of BES schemes—with the Government not naming the companies who have benefited from the scheme—and the actual benefits to the economy were not known.

The European Commission's *Competition Directorate* is now expected to approve the extension of the BES scheme. It required the EC go-ahead as it constitutes State aid.

A survey of 1,400 firms who had participated in BES schemes by the

continued on page 26



To
 That long-suffering individual
 The ordinary Litigant;
 with this advice to all
 men and women tempted to go to
 law:
DON'T

The Law is an Ass

i.e. A Beast of Burden

OVER 1,000 archaic laws will remain in the statute books even though they were never processed by the Dáil, the Labour Party claimed in the Dail on February 28, 2007.

Under the Government's move to tidy up the statute book, 3,188 laws will be repealed under the Statute Law Revision Bill, while 1,348 unpublished laws which were not passed by the Oireachtas will remain.

This follows a process of examining 26,000 Acts, which found that 9,000 laws had already been wholly repealed and another 12,500 Acts had never applied to Ireland.

Laws dating back to William the Conqueror are among 3,188 Acts from 1204 to 1922 to be repealed in legislation introduced in the Dáil on February 28, 2007.

However, a further 1,348 ancient Acts will be retained including the 1471 Parliamentary Privilege Act, which prevents the arrest of members of the House of Lords on their way to parliament. Other retained legislation includes a law "providing free hostelry for the Knights of St John".

IRISH law is based partly on **common law** and partly on **statute law**.

COMMON LAW: Originally the ancient unwritten law of England, so called because it became common to the whole of England and Wales after the Norman Conquest in 1066. In time it came to mean judge-made law as opposed to statute law. (*A Dictionary of Irish Law*, Henry Murdoch, 1990).

STATUTE LAW: The body of law enacted by the parliamentary process. A statute includes, in addition to Acts of the Oireachtas, acts of the Oireachtas of Saorstát Éireann, Acts of the Parliament of the former United Kingdom of Great Britain and Ireland, and Acts of Parliament sitting in Ireland at any time before the coming into force of the Union with Ireland Act 1800. (ibid.).

Law is at once mercenary and ideal, commonplace and transcendental, native and exotic.

And in Ireland it is **imported**.

Irish law is colonial. It has no connection with the Brehon law by which Celtic society was ordered for two thousand years. Irish law is the particular variant of Romano-German law that was forged in England. And when a movement was set afoot in the 1940s to displace English law, it was proposed to substitute, not a development of Gaelic law, but Roman law as developed in the Canon Law of the Catholic church.

The Irish State was established because of a revolution, but established with the legal connivance of the departing imperial power. The old body of law was retained, even though the new State was informally committed to a philosophy of life which was incompatible with the philosophy which inspired the old laws and guided the old judiciary. (Article 73 of the Free State Constitution, which appears unaltered as Article 50 of the 1937 Constitution, continued inherited law in "full force and effect until the same or any

of them shall have been repealed or amended by enactment of the Oireachtas", with the proviso that they were "Subject to this Constitution and to the extent to which they are not inconsistent therewith". The Courts held this to apply to judicial precedent as well as Statute Law.)

The system of Republican Courts established during the War of Independence was discontinued when the Free State was established, and the Republican judges were put on half-pay, though the rights of litigants in those Courts were protected by Acts in 1923 and 1924 (Dail Eireann Courts (Winding-Up) Act 1923 and Dail Eireann Courts (Winding-Up) Amendment Act, 1924).

"The inherited system of Courts was reorganised and the 1924 Courts of Justice Act reconstituted the legal structures. The new Government replaced most of the pre-independence judges, but the new judiciary were, for the most part, British in their legal orientation" (*The Constitutional History of Eire/Ireland*, Angela Clifford, Athol Books, 1987).

In a state calling itself a democratic republic, there should be no secret laws.

Legal theory says that a law is not binding upon a people unless promulgated to them, that is, communicated in advance to those whom it is meant to bind. In this Republic, every law passed by the Oireachtas is deemed to be promulgated by being formally published in *An Iris Oifigiúil*, which is of course regularly delivered to and eagerly perused in every household in Ireland.

It is bad enough for domestic legislation; what about the larger volume of EU material?

But what of the laws that were enacted before the present population were born, or even before the State itself came into existence?

Subscribers to the magazine are regularly offered special rates on other publications

Irish Political Review is published by the IPR Group: write to—

14 New Comen Court, North Strand,
 Dublin 3, or
 PO Box 339, Belfast BT12 4GQ or
 PO Box 6589, London, N7 6SG, or

Labour Comment,
 C/O Shandon St. P.O., Cork City.

Subscription by Post:

12 issues: £17.50, UK;
 Euro 25, Ireland; Euro 30, Europe.

Electronic Subscription:

Euro 15 / £12 for 12 issues
 (or Euro 1.30 / £1.10 per issue)

You can also order both postal and electronic subscriptions from:

www.atholbooks.org

continued on page 27