

## PARALLEL IRELANDS: THE DISENCHANTMENT AND RE-ENCHANTMENT OF IONA

Seán Ó Nualláin et al

(Gearóid O' Colmáin, Joe McCarthy, Gerald Gillespie, Frank Lillis, Glynn Custred,  
Cathal Brugha II, Hassan Ahmad, Eoin de Bhaldraithe, Mary Elizabeth Steiner)

**ABSTRACT:** This book length work by Seán Ó Nualláin and other authors (Gearóid O' Colmáin, Joe McCarthy, Gerald Gillespie, Frank Lillis, Glynn Custred, Cathal Brugha II, Hassan Ahmad, Eoin de Bhaldraithe, Mary Elizabeth Steiner), the proceedings of a conference, explores the geopolitics of the islands of the north Atlantic (IONA) in the wake of Brexit and the new dispensation governing Ireland's place in the EU following the EC's Apple tax decision. This is juxtaposed with deep analysis of how the Irish state works, and fails to work. Moreover, the conference on which this is based featured trenchant discussion on immigration to the EU.

It is proposed that a Celtic confederation should co-exist with the UK in IONA. The high resource, low population density countries of Ireland and Scotland should reach out to their peers in Wales and England with an offer of belonging. An immense and beautiful new possibility is proposed to replace the current illegal congeries.

**KEYWORDS:** Ireland; Brexit; North Atlantic Islands; Celtic confederation

## Contents

Prologue: Parallel Irelands, reality and necessity - Sean O Nuallain

Introduction: From a terrible beauty to a fatal and dismal inevitability - Sean O Nuallain

### PART 1: DISENCHANTMENT

Power, sludge and voting: three punitive expeditions into the Irish deep state - Joe McCarthy

From corporatism to the deep state; a new Hibernian form of Euro-fascism - Sean O Nuallain

One Bad Apple? - why Ireland will finish a distant second to an independent Scotland - Frank Lillis

Irish folklore, literature and national identity - Glynn Custred

Reflections of an expatriate son - Gerald Gillespie

### PART 2: RE-ENCHANTMENT

IP in Ireland - Sean O Nuallain

Celtic metaphysics and consciousness - Sean O Nuallain

Cathal Brugha, Minister for Defence and Chairman of Army Council during War of Independence – Cathal Brugha II

International Human Rights after the Good Friday Agreement: The Citizenship Conversation in the Republic of Ireland – Hassan Ahmad

Dividing Ireland: From an Eirenic State to an Iron Gate - Eoin de Bhaldraithe

The United Nations and Ireland: Blood lines and the right to language - Mary Elizabeth Steiner

*Appendix*

## PROLOGUE: PARALLEL IRELANDS, REALITY AND NECESSITY

Sean Ó Nuallain

“The new lordship of Ireland developed rapidly. Dublin became its capital, home of an exchequer, chancery and civil service which was to provide a central administration controlling a system of local government...The common law of England was introduced” (From C. Haight (ed) “The Cambridge historical encyclopedia of Great Britain and Ireland, CUP, 1985 P 116)

While this describes the quickening pace of colonization in the 13th century, it can just as well be used for the Free State from 1922 or indeed the neo-colonial 21st century. The ultimate Parallel Ireland is and has been - for close to a millennium - the square mile around Dublin Castle housing the state administration. This administration is recognized internationally as the Irish state; in particular, it has agreed to massive levels of debt levied on the Irish people in order to maintain its existence. When, in 2016, the European commission offered it the possibility of exacting over \$12 billion from Apple in back tax, it chose to renounce that opportunity.

One may ask “Why?”. In fact, one may ask what the Irish state actually does, apart from continuing the myriad scams in the square mile described in this book, taking credit for a Pax Britannica in “Ulster”, and looking for ever more munificent colonial masters to serve. Arguably, the 2011-2016 government switched masters from the EU to silicon Valley.

Its incursions into Irish civil society and community would on occasion make Stalin – let alone Mussolini – cringe in embarrassment. In Haight (ibid) it is commented that the later years of Henry VIII witnessed the state deciding on transubstantiation and the price of beef – so it was time for state retreat. In our contemporary Ireland, the Newspeak is beyond Orwell’s most paranoiac fears, particularly as the Gaelic forms take precedence. In attempting to levy water charges, its legislation redefined the world “occupant” (qua householder) as “customer”. OK, people quickly caught on and began assaulting politicians – but what of gay marriage?

As it happens, the initial legislation prohibited heterosexual marriage; it was replaced by a document, now a constitutional amendment that allows two sheep or indeed two thumbs to get married. When it was pointed out that the word used – “beirt” – is not restricted to humans, the riposte came sharply; an official version of the Irish language was promulgated in 1958. Those who learned that linguistics changed from a prescriptive to a descriptive discipline long before 1958 will recoil in horror; the rest of the world will laugh; those of us subject to the whim of the Irish state will fear.

When privatization looks possible, institutions like universities have been removed totally from the rule of law (see the other 2 ICIS books). Conversely (ibid) “private” institutions like IMRO are given a Bell-like regulated monopoly status without the regulation, let alone the brilliance of Bell labs.

The removal of institutions from the rule of law is toxic to any state. The harbinger was the Free state’s treatment of the Roman catholic church, dissected in Martin Sixsmith’s “Philomena” (2013 – London: Penguin). The rather saccharine movie version glosses over a system in which children were sold to wealthy Americans, while their mothers performed slave labour in what were effectively concentration camps. The “Lost child of Philomena Lee” (to cite the original title) became Michael Hess, the US Republican party’s chief counsel and the architect behind redistricting. His great influence did not allow him glean a single relevant fact from his mother’s erstwhile jailors on his trips to Ireland.

In the 2016 Euro soccer championship, two Irish teams appeared, both in green. One sang “God save the Queen”, an anthem it shared with the English team. Most of the team joined in; the same could not be said for the members of the “Republic of Ireland” team, whose members in general have since the 1980’s not been from the island of Ireland. A parallel Ireland; northern Protestants who were critical in the formation of Irish identity in the USA, enlisting in Washington’s army and indeed starting the March 17 parties.

The next most famous Parallel Ireland is the IRA. Its provisional wing traded away its arms, Ireland’s national territory and arguably our self-respect to free its comrades. Irish culture has reached a new nadir since that agreement in 1998. Another Parallel Ireland is of course the EU, whose laws take precedence in Ireland. While the EC has repeatedly seemed to stand up to the Americans, this should be the job of nation states who have renounced their ability to do so through increasingly suffocating accession treaties (Nice, Lisbon, etc)

An insidious Parallel Ireland is the American companies that claim to be based in Ireland for tax purposes. Apple’s IP is lodged with its Irish counterpart. Since this state of affairs came to be, we have not launched a single company in the Nasdaq.

Franchise is another way to create a Parallel Ireland. The Irish rugby team does not play the national anthem in away matches, including the world cup, and has perhaps 5 players with Irish surnames on the team (eg vs the All blacks Nov 2016). Indeed, the coach has taken to importing foreign players and developing them for 3 years until they can replace their Irish counterparts. The Irish get trashed in the world cup every time – most recently by Argentina whose players wept while their national anthem was played.

Franchise was taken a stage further by the creators of Riverdance, who eschewed the perfectly good version of Grace O’Malley’s life by Irishman Shaun Davey to bomb on

Broadway with one composed by the *Les Miserables* team. A new twist on all of this was supplied by one of the incidents which presaged the lawsuit described in the appendix.

We launched the 2016 conference with a concert. After our announcement, the Irish consul in SF, Philip Grant used perhaps \$250k of taxpayer's money to create an alternative concert at the Episcopalian Cathedral (even the Irish-Americans balked at this non-Roman Catholic venue and later ran their own event at one) on the same night with a foreign composer. Our project persists; as with all state-created ephemera, theirs will never be performed again. However, the consul took another step.

Let us remember the SF consulate has a revolving door into the private sector. Deputy consuls end up in places like Silicon Valley Bank (true story), making the recent Barroso Goldman Sachs affair look kosher. Hearing of our conference, Grant intervened to have it declared illegal (see appendix) and ran – a rival seminar with Irish taxpayers' money! Worse, he did so at a time there was no elected government in Ireland. It was as if Berkeley invited Gulen to give a talk during the July Turkish coup attempt.

Irish-Americans also have a leprechaun-muddled, Trumped-up Parallel Ireland to which no (native) Irish need apply. In areas like San Francisco – with the moral and financial support of the Irish state – they have run “Irish” festivals with no Irish performers (for example, 2011). Perhaps what one would expect from a country rooted in the genocide of the autochthones; yet the violence with which the ladder is pulled up gives pause. Readers are invited to peruse artifacts like “Happiness is 70 Irish songs” (1978; CPP/Belwin, Miami Fl) and spot the 10 or so that actually are Irish.

The power of Irish/Gaelic/Celtic culture is best attested by those, the wannabes. The western world is about to enter a period of nationalist fervour, protectionism, and geopolitical instability. What this book pleads for is that it be resolved with an Ireland with a national territory and where law is again the intersection of justice and logic.

Irish people have been punished since 2008 by austerity, and levels of emigration not seen since the Great Famine. It is our Great Extinction; even the 1980's wave of emigration was premised on levels of fecundity that ensured the Irish population of Ireland would rise. Tim Pat Coogan in his “1916; the mornings after”(2015; Head of Zeus. London) points out that the number of suicides by Irish people in the “republic “ since the crash of 2008 is now greater than the number of deaths in “the troubles”. It is fair to say that Mr Coogan's insistence that the Irish apparat is not corrupt is based less on fact than his family's honorable involvement therein.

In the meantime, the Parallel Ireland that is the state continues its insulated existence, using the law as instrument to get its way – or, in extremis, rather more direct methods like clearly illegal evictions done at the behest of American culture funds, at least one of which

has led to a very public suicide.

The operation of this bubble is fascinating in a horrible way, particularly when it meets the real world. In 2014, in order to satisfy their political masters that the many \$ billions spent on importing foreign scientists to replace Irish ones were well-spent, the self-appointed elite (SFI) took out one-page ads in both *Nature* and *Science* announcing Ireland was in the top 4 internationally in several areas like computer science and immunology. Two minutes spent by a layperson on the web would establish it was in the 30's at best; a further 5 minutes, and she would find that Ireland's rating in science had descended two places from 38 to 40 since SFI was created. The attempt to replace Irish scientists with foreigners has failed.

What would pass as a dodgy claim in the Dublin media – if anyone bothered to check – made Ireland a laughing-stock internationally. The 2016 Olympic performance, wherein Ireland “won” more arrest warrants for a ticket scam than medals, is another case in point. It is pointed out that the arrest of Pat Hickey in Rio would never have happened in that shameful way in Dublin; that is indeed true. It would never have happened at all. That ticket scam was now part of the Deep state, corruption that would be politically protected irrespective of who was in power.

In short, the Irish state knows only how to project itself within Ireland, on the Irish people, and is ruthless in its exaction of tax from them as it looks for ever more munificent colonial masters. There is no attempt to check the logical consistency, let alone constitutionality of its burgeoning apparatus.

For example, Irish water was a quantum project, true god and true man, wave and particle, a public project for the Irish people who were to pay for it as a public good, but to be sold to the EU as private. The state almost collapsed as the Irish people, smelling a rodent, took to the streets and physically attacked the deputy PM. In the legislation it was explained that the occupier of a dwelling was a “customer”; yet Irish water climbed down from this and posted that if “you do not return a completed application pack you are not their customer”.

A similar trick was tried on this writer. As part of its attempt to destroy academic freedom, the state university DCU asked me to “arrange and attend” a meeting, thus giving it jurisdiction on the basis of fanciful allegations it had made against me. At no point, more than 14 years later, has it attempted to rectify the situation. Of course; the ability to interfere with the lives of citizens has become part of the political spoils of office – like violating copyright, stealing personal possessions and IP of state employees, violating company law, and much else.

So in order to further its incursions into civil society, the state uses a variety of means,

from law as instrument to suspension of criminal investigations. That could have gone on for a further century, absent the political pressure that will be generated by the UK's attempt to coerce the historically independent country of Scotland, the NI statelet, west Wales and indeed much of England (especially London) out of the EU.

Finally, there is no sense of how to project Ireland, one of the world's cultural treasures, in any kind of positive light. It will be argued that this is because music and the arts in general were assimilated by the deep state after 2000 as one of their prizes of power, to be used by politicians and bureaucrats for self-aggrandizement. As I've argued in my 2012 book, that happened simultaneously for software; see my IP paper here.

The previous books in this series have proposed general solutions; balance the books by getting rid of the utterly unnecessary parasites of the Irish bureaucracy, get rid both of the odious part of the 2010 debt and tax breaks for corporations, allow the talent of the Irish free reign with IP legislation, rewrite the first part of the constitution about the nation and the state, In general, new directives from the state like those arising Irish Water should be ignored; "guilty until proved innocent". This book proposes an alternative with the following prongs of attack;

1. Accepting the Republican narrative that this is an illegitimate state, usurped from the heroes of 1916 and 1919. (Hassan Ahmed's paper here argues cogently the current nationality and citizenship laws are in any case illegal by international law). Given that many of Ireland's finest have fallen in asserting 1919 and the whole-island narrative, we can be proud of this assertion. Cathal Brugha's paper celebrates his paternal grandfather, one of the greatest of these irredentists.
2. Minimising one's contact with the Irish state. This involves paying as few taxes as possible, refusing all contact except the passport that even Cathal Brugha's maternal aunts, sisters of Terence MacSwiney, had to accept.
3. Creating alternatives. The university of Ireland was established in the USA in 2011 as a response to the contemporary insane Free state plan to abolish the national university of Ireland. Most of Ireland's greatest musicians do not trust copyright enforcement in Ireland, and have entrusted their work to US agencies
4. Pursue territorial expansion in the age of Brexit, at a time of heightened nationalism when it is abundantly clear that the May cabinet does not have any direction, and a clown is "leader of the free world". Yet, as Koestler famously pointed out, a clown's face is terrifying when pushed close to one's own. The public rebukes to the outgoing Obama administration on Israel/Palestine and Russia, and the cabinet chosen, indicate that it will be a rocky 4 years for a country that is not self-aware. We need to renegotiate our relation – especially debt – with the EU in a context that frees us from

the toxic US corporatist embrace we currently endure and indeed encourage.

5. Arguably, the Celtic people of the islands of the north Atlantic (IONA) have not had a better chance since Iwain Glyndwr (Shakespeare's Owen Glendower) in 1404. It is surely fair to allow people whose land was conquered by force, and who do not want to remain in the UK, to leave the UK?

To repeat; the Irish state as it currently exists is the most pressing and clear danger to Celtic culture in general as to the rights of Irish people. There exists, as of 2017, a 2-year window of opportunity to dismantle the UK in favour of a Celtic confederation; and then, perhaps to extend this confederation not just to Brittany, but to Galicia, that area of Iberia occupied once by the Lusitanians, under the political and economic aegis of the EU. Clearly, the odious debt imposed on Ireland by the ECB will have to be renegotiated to make the EU attractive to Scotland.

A political party – perhaps called saoirse, one that attempts to negotiate between libertarian, Republican, socialist and environmental impulses in a new cosmopolitan comity – might be set up. It must understand and confront the methods used by the current colonists in Ireland. Law as instrument; silicon valley (or whoever are the new “bog lads”); sheer criminality with absence of prosecution debauching everyone as the blame is socialized through “tribunals”; invocation of the “peace process”.

A resolution of NI is possible by simply pointing out that Ireland can militarily hold 30 counties and Belfast. Better, of course, to invoke the 1998 agreement and, pour les encourager, point out only electoral areas that vote to join with us will get EU passports and those with origins in other areas will need to pass attest of “Irishness” in the French model. Specifically, Orange marches should be slowed – but without the union Jack – in the new Ireland with rights guaranteed to Orangemen through Scotland.

The intensity of activism in the party should emulate the freedom fighters of the 1970's like Joe McCann and Bobby Sands. Our relationship to the current Irish state should be like that with a thief you have caught after breaking into your house. Luckily for us, most of the facilities supplied by that state can be emulated at very low cost. When real talent comes its way – like the Collinson brothers of Stripe – it sends them away to be \$ billionaires elsewhere. Likewise for the deliberate infantilization of our culture under Ahern.

It is also clear that the state cannot do health care or universities. Best to allow the market supply competition there. Conversely, clearly the functions currently done by IMRO and the IOC (Olympics) needs to be nationalized.



This book chooses a different dichotomization of Ireland to those proposed above; that between a disenchanted and re-enchanted country.. We first enjoy a memoir from Stanford's Gerald Gillespie about growing up Irish-Scottish in America, a memoir that ends with an admonition that continued massive forced immigration will destroy all the community and civil society structures that made this experience so enriching for him. My account of the corporatism and corruption that took over the country from the 1990's continues the section.

Glynn Custred, the author of the proposition that successfully banned affirmative action in California, gives a charming account of Irish literature followed by another admonition about massive forced immigration. Grammy award winner Frank Lillis then explains precisely what is anomalous geopolitically about Ireland, and why an independent Scotland would eat our lunch if it so chose. Finally, the disenchantment is anatomized by Joe McCarthy, hero of several campaigns.

Reenchantment begins with a radical thought by the Trappist monk brother Eoin De Bhaldraithe; why not rejoin the UK if it renounces Brexit? We continue with the opposite point of view; Cathal Brugha's account of the tragic life of his paternal grandfather, a life that should have been long and happy and instead was great, brutish and short. His maternal grandfather Terence MacSwiney also exemplified the sacrifices we are prepared to make to rescue our country. More recent historians like Foster (1987) have suggested that MacSwiney essentially deserved his hunger strike to death; the same collection proposes that the dispossessed was essentially limited to priests and poets, and their protest was simply a coincidence of literacy. The same publisher (Connolly, ed, 1998) remarks that the Fenians got it right in insisting that a violent minority could prevail. The reader can make up her own mind.

My papers on IP and Celtic metaphysics show what we can do; in fact, what we have continued to do even with active state opposition. Mary Steiner of the UN pleads for ethnic self-assertion in language. Finally, human rights lawyer Hassan Ahmed argues for a re-enchanted country in which everyone is invited to celebrate their nationality in this magnificent country.

## REFERENCES

- Connolly, S. (ed) (1998) *The Oxford companion to Irish history*. Oxford: OUP.  
Foster, R. (ed) (1987) *The Oxford illustrated history of Ireland*. Oxford: OUP.

---

## INTRODUCTION: FROM A TERRIBLE BEAUTY TO A FATAL AND DISMAL INEVITABILITY

Sean Ó Nuallain

### CONSPIRACY OR MURPHY'S LAW?

This book claims that Irish society in the 21st century is little more than a set of reactions to an attempted and failed coup from 1997 to 2008. As of 2017, vast swathes of the state are outside governmental control. Police caught planting evidence against whistleblowers are not prosecuted; they are given star billing at a tribunal. The universities were placed outside the monitoring of any statutory body in 2002, the result of a fanciful reading of the 1997 act. Copyright and corporate law protection extends only to multinationals, and Irish software and music is pursued successfully only outside Ireland.

What is being claimed is that what was attempted was close to what Stein Ringen described in China; a “perfect fascist state”. Unions and business had been united under the aegis of government since the mid-1980’s, with Ahern the responsible minister. That is of course the classical definition of fascism; to add impetus, no assertion of individual rights is feasible in a society where legal costs are so high, the legal system so opaque, and - in violent contravention of European law – no provision is made for equality of representation by individuals taking cases against the state.

On becoming PM in 1997, Ahern quickened the pace. An Enron-type scam was implemented through the banks, with his cronies becoming “property developers”; massive immigration was encouraged to justify the building projects; after 2002, he had no intention of fighting another election, and attempted to introduce the bizarre e-voting system described in this book.

More subtlety was shown with the evisceration of civil society; here Putnam’s “Bowling alone” was used as a “how to” book in such destruction, contrary to its authors stated wish. Ahern inherited what Ed Moloney (“A secret history of the IRA”, NY 2002) has called a rewriting of republican theology from his mentor Charles Haughey. It allowed the unconditional surrender of the 1998 agreement, with its decommissioning of arms, its giving up of any land claim on the island of Ireland, and much else to be interpreted as consistent with Republican historical imperative.

Worse was attempted. Common law notions of ownership going back millennia were rolled back, first in the universities as described here, and more recently in housing, resulting in tens of thousands of Irish citizens being evicted at the whim of Wall street

vulture funds. In fact, while we will never know this, it is plausible that there was a secret protocol between the Irish state and whoever bought the massive and hitherto illegal Irish bank bond issue of 2007 onward that yes, if things went south, the citizenry would pay.

It is at this point of violation of common law that this book takes a stand. Ahmed's paper here argues that, even before Brexit, the 1998 agreement was illegal by the standards of international human rights law. In fact, we are going to argue that the Irish state is an illegal entity. It is fair to fight against it, particularly if it attempts to steal from you. However, despite this allusion to traditional republican thought, proposals are made that will avoid violence. We end up either with a 26-30 county state with a firm border or a whole island expansionary republic, with tentacles extending to the beautiful old Celtic countries in IONA and mainland Europe. In either case, the nonsense that Sinn Fein currently represents, exemplified by Ahern's fellow-sociopath Gerry Adams (see below) must stop,

A variety of Occam's razor is recommended when dealing with any conspiracy theory. Essentially, if the events can be explained as a foul-up, or accident, go with that instead of the conspiracy theory. In the case of the unquestionable decline of Irish economic, social and artistic status since the late 1990's, we have an unusually large variety of sources of evidence that an attempted wholesale re-engineering of Irish society went awry with disastrous consequences. The sources are the public record, with an unquestionable collapse of the economy leading the way; private research, often the result of litigation and/or repeated FOI requests; and the increasingly indiscreet Mr Bertie Ahern.

Let us start with the last. The hypothesis is that many of the true policies of the Ahern governments were never put to the electorate, and perhaps never put in writing. We claim that they were known to him; notoriously, he refused to come to parliament for questions on Thursdays, and his interaction with journalists was often simply "See you later". In his retirement, he has let the cat out of the bag more than once.

Even while in office, in the run-up to the 2002 election, he did say a propos his ex-colleague Bobby Molloy's interference with a criminal prosecution of a constituent for raping his daughter that he (Ahern) had done the same. He later defended his engineered exoneration of his mentor Charles Haughey. More interestingly, perhaps, while in retirement he has commented that he did expect massive immigration to continue, and so made no attempt to slow the building mania on which most of his power was built. As his frontal lobes further deteriorate, we can expect more of the same.

From the public record and private research, many nuggets emerge. Massive immigration was proposed by DCU's president at a commencement address as a panacea to keep the Irish, who were to become an ethnic minority in their own country, wealthy.

The same person argued in the Irish supreme court for his right to sack professors without cause. This attack on academic freedom by means of law as an instrument was carried on also by UCC, who argued that professors served “at the pleasure” of the university president. In the meantime, parliamentary records show that any questions about these issues were met with the answer that the universities were not subject to statutory regulation.

It is also unquestionable that, when the tide ebbed in 2008 and we found who was swimming naked, only 25% of the massive loans issued by the Irish banks were “performing” ie paying even interest. A new oligarchy had been engineered on credit alone. The debt was transferred to the taxpayer and Wall Street became a major Irish landlord, following in the footsteps of a thousand years of absentee landlords in Ireland and – in a further twist that rather gilds the lily - given dispensation even to demand debt repayment post eviction.

Yet this also had been presaged in an unguarded Ahern moment in the 2002 election campaign. There was little point in voting for his opponents, he explained, because “We have de money”. He did not mean only tax revenue; it is clear that first Anglo Irish, then the other banks became private piggy banks for his cronies. That perhaps explains the odd refusal to turn the bondholders of these banks into shareholders after 2008, instead transferring “junior” debt on to the sovereign (ie you and me). It looks possible that the Irish bonds were bought – particularly after the Ahern intervention in 2005/2006 – by agencies that knew the country would be sacrificed if things went south.

The arts reached great heights in the 1990’s, with popular music being buoyed by a resurgence in folk music. The latter was privatized in 1998. While the license was not renewed after the initial 3-year period ended in 2001, neither has it been revoked. The chairman of IMRO, the issuer of the license (Ireland’s PRS/Ascap). Shay Hennessy, was also engaged in massive theft of the copyrights he was duty-bound to protect. He was in a position to sell off the output of many of the 1990’s crop on Irish independent artists is state-sponsored stands at fairs like Midem in France. The musicians were given no protection by the state either through copyright law, or corporation law. Indeed, with the head of corporate enforcement Appleby intimately aware of every detail and refusing to act, the issue had to be resolved through the British and American courts. A criminal investigation was flagrantly interfered with in Ireland.

It is more controversial to suggest that the arts in Ireland were deliberately dumbed down, the better to be subjected to state control. However, it is a fact that Ahern’s daughters were both possessed by artistic genius as soon as he entered office in 1997. While Georgina’s singing career lasted only until her surprise appearance at the Irish Eurovision qualifier in

1998, at which point she was married off with indecent haste to a member of one of the many evanescent pop bands connected to property development, her sister Cecilia had a successful decade as a screenwriter, novelist and had the most expensive Irish movie in history paid for by the Irish taxpayer. She now, in the wake of her Dad's demission, is suffering from writer's block.

Remarkably, IMRO insisted that bars play pop music instead of quality music by directing them to play from the "associated amusements" list. This in parallel with the taking over of research by SFI, who imported labs wholesale instead of developing Irish talent. On a personal level, this writer had developed a world-class bachelor's program that was mismanaged and scrapped; his successful attempts to work out a student paid internship deal with Stanford was viciously attacked by DCU management, with the students being victimized (both were Pakistani-Irish). 14 years later, it is clear that all this work was worldclass, and the state lost billions by not cultivating it.

At a more serious level, the brazen theft of Irish passports by the US embassy in Dublin is now on the record. The Obama administration's refusal to appoint an ambassador for two years, with a charge d'affaires in place instead, is likewise on the record. The fact that Ireland lacks the major signature of statehood by the Montevideo convention – a piece of land – came about as a result of the US-sponsored 1998 GFA.

On this geopolitical level, while immigration continued, young Irish people were refused standard social welfare and were encouraged to emigrate. In the words of Noonan, minister for finance, "We took one for the team". Which team is of course a moot point; suffice to say that while a hiring freeze in the health services caused massive emigration of highly skilled personnel, the health bureaucracy was allowed to burgeon. It is perhaps the eschatology of managerial neoliberalism; more drones to control less work.

Current fears about the neo-fascist overtones of the Trump presidency focus correctly on his contempt for democracy; he made it clear that he was not going to accept a defeat. Yet in Ireland, there are indications that Ahern did not intend to have another election after 2004. The sheer incompetence of the e-voting proposal is documented here. It coincided with the 2004 agreement – along with the UK and Sweden – to allow unparalleled immigration from the EU.

The Irish were, as proposed by Engels, becoming strangers in their own country. The very peculiar story of the unnecessary M3 motorway in its passage through the Tara/Skryne valley is an exemplification of this. Coupled with that was a firesale of natural resources, including fossil fuels that were kept carefully hidden from the public until the sell-off was complete, a fact covered by the German and Norwegian media after a debate in the Norwegian parliament about their country's ownership of Irish resources.

It all ended with certain key events, like the attempt to impose water charges. Our elites could not resist it; a householder (indeed, renter) was to be redefined as a “customer” of the private company Irish water. It is fair to say that all hell broke loose, with assaults on the deputy PM, arson of trucks, and much else. The state then backed down, and this unprecedented attempt to rewrite the social contract as the creation of a coerced customer base bit the dust, as many other tenets of neoliberalism also are falling.

So what are we to make of all this? First of all, it is this writer’s opinion that the one thing that has not been tried very often is to allow the Irish run their own state, in accordance with justice and in a way that exploits the talent of our own people. When this has happened – as in the mid 1990s – a cultural and economic renaissance seems to follow as night follows day. The state is now so weak that we can take power from it in a bloodless coup, one that can start from our own daily efforts of make sense of this mess and rectify it.

Secondly, it is tempting to look on everything that happened in Ireland from 1997 onward as almost a “by the numbers” think-tank destruction of a country and its native population’s community and civil society structures. It is also tempting to see the mass immigration spearheaded by Germany in 2015 as another ideologically-driven such initiative. The blowback has been severe with Berlin, Nice, and so on; it is difficult to imagine Schengen, and perhaps even the EU surviving in its current form after 2020.

There are very uncertain times ahead. Those attempting to see the hidden knight in shining armor in the white House need to look more closely at the cabinet he picked. A “union” like the EU with a restive minority and little military is not in good shape for the challenge ahead. We may end up in Ireland with a border in Armagh (as before) or one at Hadrian’s wall as we confederate with Scotland. “The new Penguin History of Scotland” (London: Allen Lane 2001, ed R. Houston and W. Knox) is emphatic about the Gaelic kingdom’s causal role in Scottish unity. This is rebutted by Neil Oliver’s BBC series of 2008, wherein the Gaels are bitplayers in a Pictish state that became Scotland. Neil is also the author of the idea that Newgrange is Stalinist.

In either case, we should insist on a territory and institutions that either reflect our sensibility or we will, in the new trumped up dynamic with small nations in trouble, cease to exist. The author’s preference is that we renegotiate the terms of our affiliation with the EU, not because it is expedient (which it is) but because the current scenario whereby we whore ourselves out to Silicon Valley and agree to pay over E 100 billion that we don’t owe is wrong. Obviously, it is simply inconsistent to appeal the Apple tax judgement while also helping Apple and others access the EU market. The solution here is in the IP paper; allow the Irish program again!

## THE YEAR OF TRANSITION; 2017

As these lines are being written in the final week of March, 2017, a new and magnificent possibility has entered the world – a Celtic confederation reflecting all the peoples of IONA. Nicola Sturgeon’s magnificent vision as she announced the second Scottish independence referendum was for parity of esteem for all the peoples of the archipelago.

What nobody saw was a simultaneous crisis in the Irish, “Northern Irish” and British bodies politic. There is every chance that none of the three will have an elected PM by summer 2017 (please note that “First minister” correctly translates as PM in French). The compromise that we Irish have had to accept of a thoroughly criminal and increasingly out of control statelet, with much of the apparatus of state – from the police to the universities – no longer subject to democratic control, may soon be over. In fact, the major obstacle to the full self-expression of the Celtic peoples – be they English, Welsh, Galician, Scottish, Breton, Cornish or Irish – is the Irish state.

So what can be done? Many of the state crimes in Ireland are due to the government’s inability and unwillingness to restrain a fetid bureaucracy. Should we rescind standing order no 8 and allow assassination of Irish free state apparatchiks? Perhaps – but there is a better way.

In 2017, an Irish civil servant called Kevin O’Connell was caught shredding documents after he gave key evidence at a banker’s trial. Of course no action has been taken against him – this is Ireland, I thought you knew – but more importantly, the video evidence was made public. Here is my modest proposal; instead of debauching ourselves by assassinating these scum, why not simply make every moment they spend at work publicly available via youtube? Most in the cosmically overstuffed Irish bureaucracy will scream for early retirement.

They cannot be allowed get in the way of a magnificent and terrible new entity about to emerge on earth. It is possibly going to have a new, rationally palatable, “religion”, several new art forms, a continuation of the tremendous scientific contribution we have made, and be open to all. We are not talking about a ghetto; we are talking, like Gotama originally intended, of the creation of a new, tremendous civilization. On seeing its success, even the shire English will forego their infantile monarchy to join us as a confederation of republics. And yes- we will stay play rugby (and hopefully Gaelic sports) against each other!

It is not controversial to suggest that the worm has turned, and that politics in the Western world has entered a new and unstable phase. The new dispensation variously known as globalization (or more specifically globalized corporatism) and neoliberalism has failed at the ballot box in the USA and the UK; its predecessor, neoconservatism met a rather bloodier end in Iraq, It will do us no harm to recap what neoliberalism has been

trying to do as it meets the electoral end that one suspects e-voting was meant to prevent in Ireland.

First of all, the social contract was to be replaced by Hobbesian use of force by the state. In extremis violence could indeed be used as in Dublin on mayday 2002; more frequent was the use of law as an instrument. Legal costs are so high in Ireland that a simple high court case costs about \$1 million to pursue, with a further 250k at least if the state appeals to the supreme court. If one loses, costs are likely to be \$4 million as the state tends to use very expensive firms like Arthur Cox.

The use of law as an instrument is combined with a refusal to regulate white collar crime, resulting in a situation in which much criminal behaviour goes unpunished. The most simple method is letting the statute of limitations expire after refusing to act on a criminal complaint. On the other hand, the Occupy movement was destroyed by liberal use of arrests of peaceful protestors by the Obama administration.

Massive spying was a leitmotif of the same administration, one that raises questions about the “success” of garbage technology like Facebook’s. It is this writer’s opinion that Obama was duty-bound to resign following the Snowden revelations of 2013. His major technique was evisceration of real civic engagement aka political activity by invoking “rights”. The Republicans began to point out that many of these “rights” like gay marriage are not in the constitution.

In Ireland, our rather more ancient civil society and community structures came under aggressive attack. For example, folk music sessions were - for the first time – taxed by IMRO, a move its British predecessors had not dared. IMRO then claimed to own all of traditional music from IONA, and actually issued a license.

Obama is typical of the type of duplicitous politician created by Wall Street in this century. Those who blame the Republicans should look at what he did while he had a super-majority in the Senate 2008-2010. the doctrine of “too big to fail” was consecrated; the rather stuffy little man that he is staffed his economics units with those recommended by his campaign confidante Hank Paulson.

Wikileaks revealed that Hillary Clinton actually enunciated the difference between her public statements and what she was actually going to do as a principle of political action. What is remarkable about her, Obama and their European correlates like Kenny and Merkel is that they claim to be rational and telling the truth.

The abuse of the internet should not be ignored. This book asserts that it needs to be regulated and perhaps nationalized as it is a rogue media outlet, copyright violator and – most recently – usurper of transport and accommodation structures. It is a carrier; what has happened is rather like as if type-setters became a dominant force in society post



Gutenberg.

Rage emerged when taxpayers found that they had sponsored the export of jobs at the cost of losing their own; in a savage twist, they sometimes had to train their replacements. The accompanying massive immigration destroys national cultures; the *reductio ad absurdum* is of course refugees murdering citizens of their host nations, as happened in Berlin and Nice. Ireland is pleading for post-Brexit restoration of its common travel area with Britain; what is for sure is that the Schengen zone will contain thousands of unemployed jihadis for the rest of our lives

Farage, Trump, Johnson; so far, incompetent and irresponsible demagogues have filled the void. We can and must do much better. As these lines are being written, a fatal and grim inevitability hangs over the geopolitics of the islands of the north Atlantic (IONA).

Once article 50 is invoked, all the EU has to do is sit back as it requires a unanimous vote of the 27 to re-admit Britain and the negotiations are hopelessly biased in the EU's favour. The French Gaullists, whose Michel Barnier is the head negotiator on the EU side of Brexit, are recalling that the English started Fontenoy with a barrage and are warning their European colleagues to get their retaliation in first:

“Don't conduct the battle of Brexit like that of Fontenoy, allowing the British the first shots” (Le Figaro, 29 September 2016, P. 4 – all translations by editor)

Of course, Fontenoy was won against the English with Irish gracing the victor's side!

The Scottish foreign minister Fiona Hyslop is warning that of course it must be a hard, acrimonious Brexit that the British executive is planning because neither she nor her Scottish, Irish and Welsh colleagues are being consulted;

“As of today, I think the UK is planning a hard Brexit. Those internal discussions with Scotland, Wales and Northern Ireland never started, and we must modify their position.” (ibid.)

In the meantime, Ireland truly had a cruel summer. At the Rio Olympics, she famously “won” more arrest warrants than medals. (Incidentally, our British cousins, with first names like Siobhan and surnames like Ennis, finished second overall, ahead of China). To universal acclaim, the EC competition commissioner, Margrethe Vestager (the model for the impressive “Borgen”), ruled that perhaps Ireland's policy of allowing Apple to pay \$50 tax per \$1 million profits was too much latitude? In fact, there is every likelihood that this ruling is the thin end of the wedge, as we discuss below.

While academics generally eschew prediction in favour of analysis, Ireland has been so predictable this century that I will probably not have to alter a word as I go through the galleys. First, Britain will announce the activation of article 50 by April 1 2017 without any

consultation with the others who consider themselves geopolitical stakeholders in IONA. In short, Scotland and Ireland will be reminded of their place. The fact that Theresa May's announcement of the date was followed by reminders by her foreign minister, Boris Johnson, of the vastness of the British compared to the Roman and other empires gives pause?

In fact, the redoubtable Boris reminded us that "his" empire, to be run from his foreign office, was fully seven times the size of the Roman one at its apogee. Indeed, the world needed a global "great Britain". This was followed, far more seriously, by an announcement that British soldiers were to be made exempt from Euro human rights rulings; the policy of frustrating the creation of a euro defense program was to be continued by the British.

The Irish will initially as ever roll over and allow their capacious bellies to be tickled. Not so Nicola Sturgeon and her country; the very fact of not being consulted will allow her call another referendum on Scottish independence. Given the dread scenario, in that memorable phrase, of being "left on an island with a bunch of Tories" – not to mention paying for a visa to go to the EU – the Scots will vote for independence. In particular, the very argument used against independence by the redoubtable Prof. Ronald Macdonald (I could not have made up that name!) and other "economists" – that Scotland is depriving itself of access to the EU – now is an argument for independence.

Now comes the endgame for the UK. It will conduct acrimonious divorce negotiations with two partners. The fact of the failed IRA campaign of 1969-1997 will allow it get its way in Ireland, unless we have a radical change of political dispensation there. In short, the kind of scenario outlined by Eoin de Bhaldraithe in this collection of gradual reabsorption into the UK is very sympathetic to Enda Kenny and those others who allowed the queen wear her crown in Dublin castle in 2011.

This will free Scotland to become not just the quintessential Gaelic country, but also the quintessential Celtic country. It is Frank Lillii's view, expressed here, that Ireland has fulfilled whatever historical role it was meant to play, and will be utterly outclassed by Scotland for the remainder of this century in all those aspects of technology and culture which have been found to matter in the digital age. With some justification; much of the IP used by Ireland to project itself internationally (the reel, bagpipe bands) was generated by the Scots in the first instance.

#### THE INTERNATIONAL CONGRESS OF IRISH STUDIES 2012-2017

The international congress of Irish studies was established in 2012 and has run three conferences at UC Berkeley with another in Dublin, Ireland. It promotes the kind of free

expression of ideas that might have prevented Ireland's recent meltdown. We have never accepted either state or corporate funding - and yes, it was offered! Stateside, we have had eminent speakers like Profs Dan Melia of UC Berkeley, Chris O'Sullivan of USF, and luminaries like Ishmael Reed. In Ireland, we had several of that country's most important thinkers, including Des Fennell, Dr Des O'Neill, Prof Cathal Brugha, and the actor and playwright Arthur Riordan.

Our first volume "Ireland in crisis" (CSP, 2013) was based on the 2012 conference at UC Berkeley. This volume features papers from the conventions at "The re-enchantment of Ireland" (Dublin, 2013) and "Parallel Irelands; Ireland as Republic, deep state, Utopian and actual colony" (UC Berkeley, 2016).

In 2016 we proposed a focus on:

1. Ireland's "deep state"; a historical duopoly of political parties in power, unelected powerful bureaucrats, and an impenetrable legal system
2. Alternative Irelands; the Diaspora; utopian communities; virtual Irelands; the "fighting Irish" of Notre Dame; the "new Irish" in Ireland and their assimilation

We motivated these themes thus;

"While it is common knowledge that, until two decades ago, Gerry Adams sat on a council claiming to be the true government of all Ireland, with powers of summary execution, that state of affairs has a long history. Fianna fail arose from a "government in exile" which, like the real one, was headquartered in the Dublin of the 1920's. For a long time, the republic of Ireland had two athletic associations, the NACA and BLE, and the former forbade its often superb athletes from participating in Olympic competition (editor's note; the Rio debacle may be traced to the BLE Olympics monopoly). In the 1970's, in the cash crisis occasioned by the marathon bank strikes of the period, Irish civil society created a parallel currency, with cheques being probabilistically discounted.

The debacle of the state's commemoration of the centenary of 1916, involving the *reductio ad absurdum* of using Google translate to render the central text into Irish, has already resulted in a parallel commemoration of O'Donovan Rossa's interral. On Easter Monday, 2016, Robert Ballagh will lead an alternative celebration. Yet that is only the beginning.

The refusal of the Irish state to implement even minimal copyright and corporation law has led to musicians - including the greats Donal Lunny, Melanie O'Reilly and Nuala ni Dhomhnaill- registering their priceless works with US rights agencies. The Byzantine Irish legal system with its unaccountable delays led the Facebook/NSA plaintiff to throw up his hands in horror at what he called insanity and successfully take the case elsewhere than Facebook's EU HQ in Ireland The illegal selling of the work of independent Irish artists at

Walmart, work originally licensed by and to criminals at an Irish government trade stand in 1998, was stopped only through a US Federal court case after the Ahern administration – as they promised it would in 2002 – interfered with a criminal prosecution in Ireland.

Yet the issue is deeper still. The IRA unsuccessfully challenged the British and Irish states' monopolies on violence; from 1919 the provisional government successfully challenged the civil and criminal law promulgated since the tanistry decision of 1608. In fact, Ireland's current chief justice is open to a Brehon law argument in her court. English common law was imposed by fiat in the 13th century.

It is arguable that Hobbes with his bloody-minded use of force by the state is more current than Rousseau with his social contract. One of the innovations of 21st century political thought, particularly following Lofgren's magisterial essay (editor; and book on the topic (Penguin, 2016)), is the assertion of the "deep state" in Western democracy.

This is essentially a locus of power not answerable to the democratic process. While Lofgren points out that the CIA/NSA complex plays such a role in the USA, this conference explores its correlate in Ireland. It also asks whether Irish citizens can beat the new colonial establishment at its own game, as in the past.

Much of this new infrastructure has not been reported in the press. The doctrine of "autonomous statutory responsibility" was repeatedly invoked in the Dáil to free the universities from statutory control, perhaps in a prelude to the privatizations planned since their announcement in 2004. Industrial relations fora have been precisely to delay processes to facilitate a killer punch by management, as in the Cahill vs DCU case. The latitude allowed the state in legal processes against its citizens, who got no funds for their legal team, is contrary to EU guidelines.

Conversely, certain "private" organizations, (like IMRO) masquerade on their websites as state such are given illegal monopolies and state protection. In the newly celebrated topography it is as if the links of responsibility are optional, and new islands added at the whim of the Irish establishment. In a state where the recent Allergan deal is the magnitude of GDP, it does not comfort one to discover that SFI has the same objectives as In-q-tel, CIA's VC outgrowth.

In this conference, we discuss the Irish Utopian community once planned for the San Joaquin valley; the Irish deep state; the "fighting Irish" (often, none are ethnically Irish) of Notre dame, who live outside the rule of law and whose rape of Lizzy Seeberg led directly to her suicide; the "Irish" festivals like Milwaukee often featuring rock bands in kilts; and these less obvious claimants;

1. The Bertiestate. Arguably, 1997-2008 was a prolonged coup attempt. While we will

never know for sure about the coup, it is clear that there was a sustained attempt to introduce a fraudulent e-voting system, massive transfer of money to a group around Ahern – both the holders of the title “richest man in Ireland” during that period are now bankrupt – a sustained assault at academic freedom by court actions, closing of many venues that performed live music, and the Taoiseach’s own family, in turn, being possessed by artistic genius which went into exponential decay on his forced demission in 2008.

2. On a positive note, the emigrants to England in the 1950’s Diaspora produced bands like the Smiths and Oasis, much of the successful soccer teams of the Charlton era, a pre-Riverdance parody dance troupe called the “Hairy Marys” and their children considered themselves – like, say, Johnny Marr of the Smiths – Mancunian Irish rather than English. Why stop at the island itself? This is particularly the case as Sinn Fein’s view is a united “multicultural” Ireland within the Commonwealth. Where does that leave Scotland’s aspirations?

The 2012 theft of Irish passports while in the custody of the US embassy in Dublin was first revealed as an industrial-scale planned activity in the 2013 ICIS proceedings. Nothing was done until Tim Pat Coogan was refused a visa and Tim himself, without any Irish state help, brought the situation to the boil. In the wake of these and numerous other incidents in which the Irish state has been revealed as little other than facilitator of a tax haven with suppression of the bogger natives, we invite papers on the following themes;

1. An independent currency. Varoufakis was checkmated by the ECB after failing to introduce an electronic currency. The result is that Syriza and Greece are a cautionary tale. While Irish civil society and community could not perhaps achieve the network of pubs and cheques of the 1970’s, can we leave the EU/ECB yoke through use of Bitcoin? (editor: Alternatively, is there a case for staying in while the British writhe as Brexit continues its tortuous course?)
2. Brehon law is fully as sophisticated as what passes for justice in Ireland’s civil courts. Is there a case for its re-introduction, perhaps modernized by Scottish law, particularly in our new society in which smartphones give the citizen near-perfect information?
3. Irish people no longer can travel freely to the USA, which has been complicit in theft of Irish passports. Is it patriotic to accept a British passport on the same basis that Dev took the Oath?
4. The proposed abolition of the NUI led to the creation of a university of Ireland in the USA, with regular seminars and conferences at Stanford and Berkeley. Is there any need, given Irish excellence at Scholarship, for these boondoggles like Medialab and SFI with fully 5 billion euro now allocated to the latter?”

The event itself was a triumph.

#### Schedule

##### Fri 22

Reading of the proclamation in English ; SFPD officer Che Heron who will talk about his great-grandfather, James Connolly and the effects his execution had on the family

We're premiering a musical piece "The Land of Ireland - Amergin to adzed-head and beyond" by Melanie O'Reilly and Frank Martin after a reception in the women's faculty club at UC Berkeley 22 April 5 to 8pm

##### Sat 23

10 am Dan Melia will open the academic part of the conference  
Sovereignty and the law

Chair/facilitator and opening paper Hassan Yousef (UC Berkeley)

11 am Keynote; Dan Melia on Brehon Law

12 Seán ó Nualláin; a New constitution, same old Republic ?

1pm Lunch

2pm Immigration and nationality

Chair/facilitator Glynn Custred

Glynn Custred, Greald Gillespie, Gearóid Ó Colmáin

5-30pm Adjourn

Sunday, 24 April

1916 anniversary

9-30 Reading of the proclamation in Irish Cathal MacSwimey-Brugha who will talk about his grandfathers Cathal Brugha and Terrence Macswiney. Incidentally, Cathal Brugha read the proclamation in Irish at the first Dail sitting in 1919

10-30 Keynote "Recalling a Trio of O'Neills in 2016" Dr Malachy Ó Néill

11-30 1916: 'The Last Jacobite Rebellion' Eamon O Ciardha

1pm Lunch

2pm Language and Culture

Chair and Keynote Mary Steiner (UN, SF)

3pm Keynote by Chris O' Sullivan on the Irish Utopian community in the San Joaquin Valley in California

While as ever some of the participants did not have time to prepare a full paper, for these proceedings, we include a description of some highlights – with thanks to CSL.

## IMMIGRATION AND NATIONALITY

Gearóid O' Colmáin, journalist:

Pentagon's map for 21st century: will be 3 major global power— U.S., India, China. Need to use EU to get Russia out of the picture. Europe will go through decline, stagnation and violence. Ukrainian crisis could spread; we're in a period of low-intensity war.

There are over 56 examples since WWII using migrants as weapons, e.g. Burundi since April 2015 for geopolitical reasons, caused massive refugee crisis, turned to soldiers and forced them to fight, similar in Syria where men are blackmailed into fighting because. example of man whose baby was kidnapped by the Free Syrian Army, the baby's head was cut off and the body thrown in front of the house.

Labor laws abrogated, turns everybody into a refugee. e.g. Marseille. This is why no Labor Party exists in the U.S., because of mass immigration. Bosses import new cheap labor whenever unions try to organize for worker's rights. Including the Irish. In the 90s organized labor was Black workers. They were supplanted by Mexican immigrants. Blacks couldn't compete. Migration is used by the ruling elite.

Germany is having population replacement, the problem is migrants don't have skills the economy needs to grow, this is a form of sabotage against Germany. Hans Kuntz, director of the European Council on Foreign Relations. His book. on German Economic theory. Germany's market is China. Russians are constructing infrastructure. Europe is being used against Russia. But if Europe refuses to follow the US plan then it falls apart.

Angela Merkel has no idea what she's doing.

Czech Republic is in negotiation with Syria. cooperation on anti-terrorism means cooperation with Russia. Rand Corporation studies about Czech Republic— they're worried. The Czech's are not happy with NATO bombing Yugoslavia. See them (Czechs) as new members, unreliable. Brussels is talking to Russians, there is lost credibility as hegemon of Europe.

Sean: What should Ireland do? We have no leaders, we should be proud we aren't in NATO. We have no backbone, we should stand up, and we have an obsequious craven political ruling class. We do a dance for the US president on St. Patrick's Day. Lack statesmen. e.g. water charges, obscenely corrupt. Michael Higgins has not done much since he spoke out against the Iraq War. Oligarchs don't need a government, the power is taken over from politics. corporations and banks have supplanted democracy, government is on autopilot. Global institutions are not elected, not accountable to anyone, we live in think-tank-land. assault on values replaced by commodity fetishism.

Eamon: Essentially Fianna Fail wants to have its cake and eat it, won't join coalition, rebuilding themselves, don't want to concede to Sinn Fein, non-establishment parties won a majority, a ragtag group. Sinn Fein won't be different. Republican Party is in bed with the government. Evangelical tea party style, imposing Tory agenda on a fragile post-crisis economy.

Gearoid: Khadafy admired Sinn Fein, they could've used the resources to at least speak in favor of peace in Libya. it was a terrible betrayal of Khadaffy, the Irish Republicans who died in the Hunger Strike would've been ashamed. They have clout, everybody knows Gerry Adams, but most people see cynics.

Gearoid: Engineered that German banks would look for money in Greece and Ireland. Ireland done more for EU than opp., we sold massive amounts of water rights to EU, look at Iceland. In France people love Irish salmon. Why don't we have a huge fishing industry?

Sunday, 24 April  
1916 anniversary

Cathal MacSwiney-Brugha read the 1916 Irish proclamation and talked about his grandfathers, Cathal Brugha and Terence Macswiney. Cathal Brugha read the proclamation in Irish at the first Dail sitting in 1919. Cathal described how his grandfathers and many of those executed following the 1916 Rising, such as Thomas Kent were poets



and artists interested in social and cultural concerns. Kent was the Boston editor at a publishing house, who became aware of the British Empire's economic and linguistic dominance over the Irish, as well as their involvement with a triangle of corruption. Terence MacSwiney's character can be seen in the books on his shelves, including a book he authored, "Principles of Freedom," Longfellow's poems, and "Leabhar Chlainne Suibhne." In addition to using Irish people as canon fodder at a time when Ireland lost some 50% of its population from the 1800's to the 1900's, slave trading and opium deals weakened the British Empire's perceived moral authority. Terence MacSwiney battled for the soul of Ireland, asking guiding questions such as, "What would you do if you were free?" Terence battled for the soul of Ireland by attacking the British Empire's presumed moral authority and credibility, to show people had been unaware of immoral activities being carried out without the knowledge of most Irish or English people.

Dr. Malachy Ó Néill gave a presentation, "Recalling a Trio of O'Neills in 2016," that reviewed the lives of three O'Neills from different centuries: Earl of Tyrone Aodh Mór Ó Néill (1550-1616), Irish Harper Arthur O'Neill (1734-1816), and one of the "Children of the Rising," William O'Neill (1900-1916). Reviewing details from the lives of these three Irish men provides us with insights regarding the Irish culture 400 years ago, 200 years ago, and 100 years ago. A letter intercepted during the nine year war, dated 20 May 1555 shares insights about the linguistic struggle at that time to preserve the Irish language. Two centuries ago, Irish harper, Art O'Neill, blind since childhood, won prizes for his harp playing, trained James McDonnell to play the harp, and influenced harpists and harp music for generations. With a playful nod recognizing the significance of O'Neill contributions to Irish culture and history, Art O'Neill famously once commented, "it's no matter where an O'Neill sits, and let it be at what part of the table I am." A century ago, young William O'Neill was just sixteen years old when he was killed at Constitution Hill when he'd gone to look for his father, hearing he may have been injured there. William was one of 11 children, whose mother had died when he was just 13. He was buried with two of his siblings, though five of his siblings had already died at that time (some may have died very young or in childbirth).

Éamonn Ó Ciardha presented thoughts about 1916 as 'The Last Jacobite Rebellion.' Many Irish were Jacobites, yet during the 1600's when there was a succession of King James, the Irish faced military loss, but kept their Catholic faith. The pope recognized the Catholic Stuart king as the King of Three Kingdoms, and Jacobitism was viewed by the Irish in the late 1600s as being a means by which Irish language, history, and culture could be promoted in ways that could restore Irish lands and Catholic heritage. There had been quite a bit of amnesia in Ireland about Irish history and Jacobitism, which has continued.

By the mid 19th century, Jacobitism had been largely successfully removed from the Irish political and literary works. Jacobitism has crossed over to English literature, and now is enjoying some resurgence thanks to the revival of the Irish National Theater. Lyrics of the song, "Óró, sé do bheatha 'bhaile" were described, and the song sung.

Melanie O'Reilly talked about her experiences growing up in a family devoted to Irish culture and the arts, with an uncle who founded the Dublin Theater Academy, and a mother who was an actress with the Abbey, and who later worked as an RTE broadcaster in the 1960's. Melanie learned after her mother passed away that she had performed in a Lady Gregory piece in the Youth Theater, dressed wearing cultural revival hair and clothes. Cultural revival is important for feeling a sense of Irish culture; as Melanie's father once said, "You can only truly be welcoming to other people when you know who you are," emphasizing the importance of respecting one's own culture for the way it provides us with foundation and bearings. Melanie described how she became interested in jazz for its internationally recognized language, and how she lived and worked in Scotland for fifteen years, cowriting with a Scottish musician, and putting melody to Gaelic poems. Her music sold well following Riverdance, with strong album sales and many gigs. Without Melanie's knowledge or permission, her Irish record label took songs off her album and put them on musical compilation albums with some 250,000 illegal occurrences found in 1998 when an internet search was run. Melanie was one of many Irish artists whose music was stolen, with a change of just one letter sometimes made in song titles. Melanie came to the United States of America in 2003, and subsequently won legal action against those who had stolen her music.

Mary Steiner talked about the United Nations and Indigenous Peoples of Ireland, describing a right of language as a possible path to peace. Mary Steiner's Irish ancestry on her mother's side (McDonnell, Murphy, Fitzpatrick) helped inspire her interest in preservation of language as the bloodline to culture through songs and stories. Mary Steiner's shared the UN's "Universal Declaration of Human Rights," pointing out how this document is the most translated document in the world, translated into some 463 of the world's 6,000 or so current languages. The United Nations Association founded in 1943 is dedicated to preserve language, along with human rights. The 1916 Proclamation includes the right to keeping the Irish language--and there may be some advantage for the Irish people to investigate whether they can be defined as Indigenous, defined by territory (not sovereignty). There may be a strong case for this, as Seán Ó Nualláin pointed out that recently an Irish man with only Irish ancestral names was found to have 13% unique DNA strands. There is a European Court of Justice with a human rights convention that mirrors the UN declaration of Human Rights-- and if the Irish explain that keeping their language

is a cultural right, there is a chance this approach could be successful--with the UN recognizing Ireland with Indigenous representation in addition to as a Nation State, with additional cultural heritage protections ensured as cultural rights.

#### AFTER BREXIT: IDENTITY AND CULTURE

It is not an exaggeration to say that the debate about multiculturalism and its sociopolitical wing, “communitarianisme” (we will use these words interchangeably here; all translations by the editor) is raging in France in 2016 and will continue to do so after the outrages there starting with Charlie Hebdo in 2015. The periodical *Marianne* (No. 1018) dedicated a special issue to it in October 2016 which opens the lid on why the French do not find the Anglo-Saxon model useful. Indeed one of the pieces is titled “America, stop giving us lessons!”.

The editorial by Renaud Dely (“Valls and the miracle of secularism” P.4) comments;

“Yes, it is a fact that secularism, the daughter of the Enlightenment and the revolution, this treasure that brings us together and allows our society to stay together while respecting individual convictions, distresses the left.....The big idea of the secular state is to impose an impermeable barrier between the spiritual and the temporal.”

The issue features pre-publication extracts from Caroline Fourest’s “The genius of secularism”(France: Grasset, 2016) which Dely previews;

“In an upcoming book, Caroline Fourest dissects the assaults from these hypocritical bigots and other, often transatlantic, moral policemen. These “useful idiots” of Islamism drape themselves in a third world self-justification in order to smear those who assert the miracle of secularism with “Islamophobia” .....They prefer to promote an Anglo-Saxon multicultural model, the importation of which will compromise the French exception.”

Dely refers to the centuries-old assault against the Catholic Church by French anti-clerical forces with approval. He then alludes to the presidential debate between the two rising stars of the French left, Macron and Valls;

“So when Macron says to *Marianne* that ‘the Republic is not fighting against transcendence’ which is a matter of individual conscience, but ‘fights against disrespecting laws’ he remains within the framework of the 1905 law.”

The passionate tenor is continued in Guy Konopnicki’s piece “Secularism: a French struggle” (Pp 10-11);

“Secularism once more finds itself at the heart of the political debate as attested by the controversy around Valls vs. Macron....it’s a French conception of secularism that the NY times and others accuse of being intolerant, if not downright racist”

Konopnicki will have none of it;

“Secularism was and remains a war against obscurantist and repressive forces.....and how can one speak of ‘persecution’ of Muslims in France? The only people recently assassinated for their religion were Jews in Toulouse and Paris, Porte de Vincennes, and a Catholic priest at Saint-Etienne-du-Rouvray.”

Indeed, secularism is essential to the Republic;

“It’s true that few countries treat religions like France, which guarantees freedom of worship for all religions, without establishing any and holding them separate from the state. This practice emerges naturally from the Republic, constitutes equal citizens....The Republic is not tolerance extended to minority religions, but each individual’s right.”

Konopnicki comments that it is therefore piquant that critics of secularism often use a human rights argument. He is clear on classic American “moral” issues;

”It is Parliament that accredits marriage performed in the mayoralties, and also the right of women to contraception and voluntary termination of pregnancy”

Fourest’s book is introduced with this foreboding comment;

“After the attacks of January 2015, Obama crowed about the superiority of American integrationism” (P. 12).

The attack quickens (P, 13);

“Daech claimed the attack of 13 November against the Bataclan speaking of ‘hundreds of idolators.’ “

France is of course America’s oldest ally; it is arguable that the Revolutionary war was mainly a French-British grudge match;

“On Sept 12, 2001, Chirac was the first head of state to fly over the remains at Ground Zero.....Obama did not find the time to come to Paris for the March of 11. Jan 2015.”

In an interview in the same issue (P. 18), the philosopher Alan Finkelkraut, recipient of many threats to his person, comments that the likes of “the NY Times and its French equivalents recruit human rights in the service of their destruction”. Following is an analysis of the “Coexist movement” (Pp. 20-21) which ends with a dread observation;

“Coexist has actually done a project and a vision of secularism open to religions in thrall to the Anglo-Saxon model, American or Canadian. And that’s not even close to changing.”

Yet the final and most powerful comment is left to Gödel, quoted in an interview with Nicholas Taleb (P. 23) entitled “At the end, it’s the intolerant minority who wins”;

“If we extend unlimited tolerance, even to the intolerant.....then the tolerant will be destroyed and tolerance with them” (translation corrects a mistake in original).

Taleb comments that:

“One remarks that in the fact that 70% of the meat exported from New Zealand to Britain is Halal, although (GB) has only a small Muslim minority”

The passionate tone is continued in *Le Figaro*'s feature on Eric Zemmour, author of “The suicide of France” (“When Cassandra warned the French”: 2-3 Sept 2016 Pp. 36-45 in the magazine section). For Zemmour, one invited immigrant is a guest; an uninvited immigrant is clandestine; a million immigrants, such as arrived in Germany in 2015, is an invasion, one that must be repulsed. His book “5 years for nothing” (France: Michel, 2016) eviscerates the Hollande presidency; yet he is after bigger game. In particular, he pleads for a “moral state of emergency”. For him, Daech's attacks in France are not in any way at odds with Islam; mainstream Muslims condemn them only because they are premature, betraying Islam's plan to take over France.

In this context, it is interesting that “The story of Ireland “ (NY: St Martin's Press, 2011) and accompanying TV series presented by Fergal Keane apotheosizes with non-Irish kids in a schoolroom in Ireland reciting a Gaelic rhyme (poorly). “Ireland is open” announces Keane portentously.

Secularism forced Jews from their ghettos to become citizens of France; in short, they were not given rights as Jews, but as individual citizens. Perhaps a response along these lines could be tried? Yet, one wonders. It is noticeable that Catholic churches in France are often in effect desecrated by the state. Many of them have been declared national monuments; that has the paradoxical result of allowing anyone enter the sacred area around the altar. The church at Saint-Etienne-du-Rouvray was actually desecrated by Kemiche and his new ally, who violated a crucifix, a candle, and a shrine. A formal act of reconsecration was performed. Yet Kemiche did no more than revolutionary France did at Notre Dame, or indeed the Vikings at Clonmacnoise in Ireland.

Nor can Canada, arguably the mother country of multiculturalism, brag as it is wont to do about assimilation (*Le Monde*, 19 Oct 2016 P. 21 “In Canada, his contradictions confront Justin Trudeau” by Marc-Olivier Beherer). In the first place, immigrants in the past have benefited from a fostering scheme that alleviates use of state resources. So while “Ottawa congratulates itself for having welcomed 30,000 refugees since November 2015....The state does not have the means necessary for the realization of the ideals professed by Mr Trudeau”.

The contradictions run deep; “Mr Trudeau has made reaching out to Islam a central issue.,,In September, he praised the diversity in a mosque. However, the place chosen for

this oratory did not practice mingling of the sexes”.

It is remarkable to witness the contrasting treatments Le monde afforded Marwan Mohammed, director of Islamophobia action in France, for whom polygamy is morally equivalent to the sacred liberal cow of gay marriage, and Marine Le Pen. French suicide has well and truly begun when a white French woman is vilified for appeals to culture and sense of place while a formidable fundamentalist is allowed free rein.

Mohammed (profile by Cecile Chamraud, *Le monde* 1-2 nov 2016, P. 11; “Marwan Mohammed, combative spokesman”) is “director of the collective against Islamophobia in France”. He knows every trick, invoking identity politics and the refusal to be “othered” in a way that will gladden the hearts of US liberals;

“We are not defined by what is said about us. We are worth more than that. Let us dare to remove ourselves from that context.”

Secularism as enshrined by law is to be ignored” Marwan Mohammed has been criticized for holding a political meeting in Tremblay-en-France (in a mosque-ed.), forbidden under article 26 of the 1905 law”. His response? “Islamophobia is not just a legal issue, but one of political participation.”

Let us not forget that Christianity is basically outlawed in Saudi Arabia – not to mention ISIL – as we consider the elite education France afforded him as he was “educated in Paris and Clichy, initially in public schools and then in a (private) Catholic school”

It is not unfair to suggest that rap has attracted a criminal element in north Africans like Rachid Kassim and the Koaichi brothers; like him were “from 17 to 25, basically into rap”. Unlike them, his math skills led him to becoming a quant for *societe Generale*, and he explains “Stats analyze output. Probability deals with uncertainty”.

One’s conclusion may be that like many other tech people, from Mario Savio on the good side to the Unabomber on the bad, we have somebody here who has traded his technical skills for new certainties in politics, and is almost certainly being used. In Savio’s case, we have a period of dissociation documented; for the Unabomber, there was clearly clinical insanity including a wish for a sex change, later abandoned after he had found a violent outlet.

At no point is there a critique along the lines of a 4-page special section on 25/11/2016 entitled “decrypting the ideology of the national front” dedicated to Marine le Pen’s plenary speech to her party. One is left with the impression that cultural nationalism has now been deemed politically incorrect and dangerous, while religious fundamentalism is fine. For example, the notion that there are “millions of men and women united by invisible but irreducible links and immersion in a language and its culture” is vilified as “an

organic nation hypothesis”.

The 2017 election, she asserts, “will put into play an implacable choice; either France in its sovereignty, identity, values and prosperity or a country we will not recognize”. This is of course “sovereignty in the search of identity”, something terrifying?

About 70% of laws are now generated by the EU; “we, French citizens, no longer decide our destiny. Our laws are no longer ours” but of course this is invoking an “internal enemy”. Likewise, the lack of explicit reference to Islam is perceived as accentuating its presence.

Economic nationalism and Keynesian state participation ie “economic patriotism” is now suspect; “Marine le Pen has always defended state intervention in the economy”. Finally, the notion that the “Immigration credo is an insult to humanity, whose integrity is always linked to a national community” is the moment she becomes “not implicit”.

The result of critique’s like this, which assume the truth and virtue of globalized corporatism, is the inarticulate rage that gave rise to Donald Trump’s presidential run. The assumption by the US Democrats that they were better, smarter people – especially in the wake of the lies Obama told to win office – surely must have their origin in links with cornfed domesticated academics? Because, frankly, they make no sense whatsoever, and Obama had no compunction in illegally foreclosing on and evicting millions of householders before that “loophole” was closed. We can take it those millions attended many Trump rallies, as will their peers in every Western countries as new demagogues arise. Intellectually, we MUST do better!

In fact, the current “business” model of carrier companies like Facebook, Google and so can similarly be thought of as desecration of western culture. Youtube pays an utterly derisory sum for views; likewise, spotify and our other new heroes. The dismal spectre of having to pay to link to a website (which was one scare story about the EC’s assertion of copyright) can be avoided if we find ways of asserting a hierarchy of value. Many of us real computer programmers are horrified at what the web turned into; essentially, desecration of symbolic culture through the likes of YouTube, followed by desecration of communities by Airbnb and its competitors.

France has begun to hit back; le monde’s economics supplement on 13 Oct 2016 (P. 4) has a lead article called “collaborative economy targeted by the government” followed by an interview with hotelier Philippe Villin titled “Easy to be competitive when you don’t respect anything” (like fire escapes, handicap access etc.). He makes cogent arguments;

“How can – after investing – a hotelier paying VAT, corporation charges, salaries for his employees (who also pay tax) compete with someone who rents his apartment “in the black” through Airbnb without having to invest?.....the fact that a transaction is

implemented through a smartphone doesn't indemnify these businesses from rules that are imposed on others"

At some point, western culture lost its roots in the sacred, and must reconstruct it. America has turned out to be nothing more than an eschatology of European themes, with its 2016 election a disgraceful parade of mendacity and vulgarity. Can we in Ireland, and the EU in general, do better?

So far we have succeeded in surpassing the tone of the famous Trump video, mysteriously leaked from NBC to other media (liberation 10 Oct 2016, P.4) that crashed the Washington post servers with an unprecedented 100k simultaneous user requests. Yet that pales in comparison with a simultaneously released set of documents from Wikileaks; the text of the speeches, requested repeatedly by sanders in his half-hearted campaign, that Hillary Clinton gave to Wall Street (ibid., P. 5). She is absolutely clear; on "'the necessity of having a public and private position' on th most controversial subjects; lauded her privileged relations with the world of finance....and adjudged that regulation of the financial sector ' must come from that sector itself'".

She was a cosmopolitan prostitute; speaking to the Brazilian bank Itau, she dreams of "a a universal market throughout the (western)world.....with free business across all national borders". She excoriated "protectionism".

We in the western world invented much of the positive parts of the 21st century; I write as a native of a western country that never invaded another, and never had a colony. What we failed to do was invent a world religion; alternatively, the freedoms we created remain unacknowledged as sacred, including by ex-colonies who greedily assimilate them. In the other project I run, Bionoetics, we examine the extent to which western social science is informed by moral and aesthetic relativism.

The dismal failure of psychology and neuroscience has led to a situation in which Frege's "fallacy of "psychologism" is the MO of social science programs everywhere. We tentatively use cutting-edge phenomenology, neuroscience and quantum mechanics to produce an alternative. It will take decades and at least a 7-figure sum before we can compete with the propaganda machine of western social science. In the meantime, in the face of vicious attacks by the free state, Ireland has managed to sustain an authentic folk culture and revolutionary republic.

The centennial commemoration of 1916 at UC Berkeley includes papers by Cathal Brugha on the legacy of his namesake, , international human rights lawyer Hassan Ahmed on the current anomalous status of Irish nationality and citizenship laws, and exploration of Irish indignity by Mary Steiner of the UN, and much else we have already mentioned in the prologue.



While we did mention the possibility of Brexit, as the recordings of the conference demonstrate, nobody predicted that momentum generated by reactions in the financial markets, particularly the value of sterling, will make irrelevant negotiations post invocation of article 50. Topics here thus included but are not limited to what we have just discussed in the introduction and in the rest of this book;

- The effects on the 1998 agreement of the Taoiseach's insistence that a referendum on Irish unification should be rolled into negotiations;
- Norman Davies has posited Europe is essentially a response to Islam, and that the UK's 300 years is longevity indeed, with an imminent departure by Scotland by no means premature
- Currently, loyalist terrorism has been exacerbated by murders like that of Boreland over control of "peace" funds. Which unionist group will wean their followers over what Michael Ignatieff described as an "infantile" royalist fixation?
- The future of Scotland will determine whether the "Iona" islands are "British" or "Celtic" in a generation. After all, Scotland, the land of the Irish/Scoti, was early patented as "Ath Fhodhla", Atoll, another Fodhla/Ireland. Its separation would be achieved sans violence; the SRA will remain dormant following Canary Wharf's lessons learned by the British. Gillespie's paper here alludes to a period of Scottish nationalist violence.
- Iona's culture would be up for grabs; while 2014 advocated a civic nationalism, it is easy to discern patterns resembling the Irish Celtic revival taking hold. Its legal system is vastly superior to Ireland's, and survived 1707. Finally, its role model, *faute de mieux*, will be Ireland, and the warm relations between Sturgeon and the EU/EC are clear.

What could Gaelic culture become?

Identity politics is of course one of the most pronounced features of the past 50 years, and is normally appropriated by the (neoliberal) left. Astute politicians have managed to bootstrap an entrée into political power on homosexual preference, race, the "rights" of a new recipient of rights who happen to have XX gametes – neglecting the fact that men have had women around them since the dawn of humanity and vice versa – "love", and much else. In the wake of the Nice, the Bataclan and Charlie Hebdo attacks, it was inevitable that at least one politician from the right would attempt to regain control of this topic. The fact that it was France's Sarkozy, himself of immigrant and Jewish stock, who appealed to France's identity in the ancient Gauls in their rising from the subaltern Status imposed on them by the Franks, gave rise to various jokes of which Sarkozix is the most printable.

Le Monde's Sunday edition (3-4 October 2016 Pp. 24-25) featured a very lively debate (all translations by editor). Jullien Francois' programmatic "There does not exist any cultural identity" (L'Herne, 2016) was reviewed by Le Monde's Nicholas Truong. Francois is no Polyanna; "the lack of integration has given rise to integrationism". Indeed, if a defense is not organized, "one day Moliere and Pascal will be outlawed at school, for fear of giving offence to people of faith".

Francois insists that indeed "there is no cultural identity.....the appropriate task for culture is to mutate and transform". That said, he insists that Latin, Greek and indeed the French subjunctive need to be taught once more in schools.

Guy Sorman (P. 23) contests this view; "The moral imperative demands that we accompany the humble, the wretched of the earth, who are more often called Aicha and Said than Paul or Kevin, they have changed France exactly as the Romans transformed the Gauls". Indeed; and of course Kevin is a Gaelic name. Unlike the French, we held on to our Celtic language, preserving indeed Caomh-an (Kevin), the lad of nice aspect. For Amiech (ibid.) it is rather sensibly, simply an issue of regulating hate speech on the internet.

It has been forgotten that at one time McPherson, the editor and occasional forger of Ossian, was bigger than Shakespeare. Two centuries after his work, even Schoenberg was moved enough by Darthula (Deirdre of the sorrows) to write an opus. There is no reason why we can't achieve this pre-eminence again.

Identity will emerge organically in Iona. Arguably, what has occurred is the result of a game of chicken; who would find the Polish invasion intolerable first? The major project of the Irish state since 2004 has been settling an immigrant population approaching 20%. Bertie Ahern let it slip; the main reason he allowed this was they would need housing, which his cronies would build, further fastening his grip on power. Yet it was Britain, with a fair lower % of immigrants, who blinked first.

Is Gaelic culture in danger? Yes, from the Irish state. Massive immigration has weakened some aspects of Irish community and civil society, and it unlikely Irish bitcoin would work now, but nowhere near as much as the generation- long assault by the state against informal music sessions, native Irish who excel in science and the arts, academic freedom, and indeed (a step approved by human rights heroine Mary Robinson) right to assemble. In short, now that Gaelic culture and civil society has survived the free state, it is well able to take on the Brits, many of whom in any case identify with it.

## TWO DEATHS

Two deaths of prominent Irishmen took place over the 2016-17 holiday season. The more

prominent figure, TK Whitaker, was judged to merit a 4-page section in the Irish Times of 11 Jan 2017. (pages unnumbered). Facing it was a frightening article on P 16 by Ciaran Hancock: “Vulture funds saga shows weakness of low-tax policy”.

Hancock argued that the current negligible tax bill (eg the €1.9k paid on a €77 million by Cerberus) has encouraged US property funds to buy up massively “distressed” loans from Nama, “sweat” the original owners and thus the tenants, and then withdraw with huge profit. (readers will note the close resemblance of the rate paid by Apple to Cerberus). The result has been evictions at a rate not seen since the foundation of the state.

TK Whitaker is correctly regarded as the father of Irish globalized corporatism. He was emboldened – how, we have never been told – as senior bureaucrat in finance to issue a document under his own name called “Economic development”. In the late 1950’s he managed to persuade the hitherto protectionists Minister for Industry and commerce, former IRA gunman and future Taoiseach Sean Lemass that a neoliberal ethos with membership of the WTO and IMF was Ireland’s future. In the same vein, in his halting French he negotiated entry into the EEC. The rest, as we say, is history. The Hancock revelations are a direct consequence.

Lemass’s son-in-law, Charles Haughey, seems to have despised Whitaker. The latter proposed that globalization was the only way to stop the mass emigration of the 1950’s; yet globalization was precisely the cause of the mass emigration from 2008. It is fair to posit Haughey’s protégé Ahern as the true successor to Lemass.

Anthony Cronin was honoured with 3 pages in the less salubrious Sunday independent of 1 Jan 2017. He eschewed life as a lawyer to scramble as a writer with his fellow broke artists in Dublin’s underworld. In 1982 he persuaded then Taoiseach Charles Haughey that artists should be placed under a body named after the troupes that ensured the cultural unity of Gaelic Ireland, the Aos Dana. While the body has been at times controversial – Cronin’s ignorance of jazz was staggering – the fact remains that Ireland enjoyed a renaissance in the 1990’s, largely because of the respect that it was clear artists had from the state. Of course, that lasted only until Ahern.

## GIGANTISM AND MAGICAL THINKING

As the recession deepened in the late aughts, the government announced an 8.2 billion plan for science and spin-offs. The Irish head of SFI was replaced by a Belfast dentist called Mark Ferguson, who left 200 redundancies in his wake at the failed Renovo in Manchester. An article at [http://www.finfacts.ie/irishfinancenews/article\\_1025039.shtml](http://www.finfacts.ie/irishfinancenews/article_1025039.shtml) by Michael Hennigan “Irish Innovation: Ireland’s faith-based goal to create world-class

knowledge economy by 2013 -- Success or failure?" summarizes what actually took place.

He puts it very simply and correctly; "The likelihood is that any spinout from university research with potential would be sold to a bigger overseas firm before it scales up" He gives an example; "BiancaMed, with a staff of 29, was acquired by ResMed, a US firm, in July 2011. It had raised €11m in venture funding in the period 2003-2011.

The sale price was not disclosed but Seventure, the French venture capital company, which led a €6m Series B round in June 2009, said it would make an IRR (internal rate of return) of approximately 50% on completion of the deal.

In April 2012, IDA Ireland, the inward investment promotion agency, announced that it would financially support the addition of 50 new jobs at ResMed over the succeeding 3 years."

One is tempted to the conclusion that the gigantism and magical thinking – not the mention sheer criminality of the Irish apparat – is always toward an end of an eventual privatization with huge pay-offs for the bureaucrats. While this requires cynicism and coldness even to countenance, it is paradoxically the most innocent explanation. Others have to do with the destruction wrought by these functionaries as they sought to replace us and effect genocide as Irish functionaries have done on their fellow-nationals for all of recorded history.

The appropriate response might be thought to be a return to the republican narrative that refuses to acknowledge the existence of the Irish state until the promise of the 1919 Dáil is fulfilled. From the 1950's, this thread of republicanism, while continuing to refuse to acknowledge the courts of the "free state", stopped physical attacks against its institutions. It was left to Martin McGuinness to legitimize the NI state; Martin giveth, and taketh away in Jan 2017 with his demission, and this adds another piquant flavor to the geopolitics of IONA.

In his address to Anglo-American studies at UC Berkeley in the aftermath of what has turned out to be the Cameron swansong general election, Chris Patten remarked that Northern Ireland pays very dearly in bad government for peace. The collapse of the Northern Ireland executive had a salutary tang of corrupt politics-as-usual; an energy scheme had been imported from the "mainland" without caveats as to limits on payment of state money to consumers. The responsible minister, Arlene Foster, refused to resign from her new job as first minister. However, the geopolitics have become very tricky, with some customs posts between the two Irelands a distinct possibility. In the meantime, Trump is about to appoint a secretary of state whose Senate hearing alluded to a war between Northern and Southern Ireland now, fortunately, in the past. Between Brexit and government for twits by twitter, things are not looking well,

In any case, assaults on Irish politicians began during the austerity programs and have not ceased. In the Sunday Independent of Jan 1 2017 a homeless man uttered a physical threat against Coveney, the responsible minister. In the same paper, Alan Kelly spoke of his Kampf as people shouted at him on the streets during his espousal of water charges as minister. Indeed, not to so charge was “environmental treason”.

Coveney is of course a patsy for vulture funds like Cerberus. Kelly is even more compromised; his brother Declan, a Clinton insider, heads a conglomerate called Teneo which now has an intelligence wing with many of the rogues’ gallery of US military involved. The response from what has again become an engaged citizenry is Ireland is rage as they see water being owned by private US companies, exactly what spurred Bolivians to vote for Morales.

## STAKEHOLDERS IN IONA

As things stand, various stakeholders are pressing their claims;

1. The UK claims territorial sovereignty and legal jurisdiction over the island of Britain and its dependencies like the Isle of Man (not given a vote in Brexit), and the NE corner of the island of Ireland. The UK does not have a written constitution, and is being forced into executive fiat to impose Brexit. Militarily, it can undoubtedly keep the island of Britain and its dependencies; with help from the Irish free state, it has maintained possession of the NE corner of the island of Ireland over a 50+ years’ guerilla struggle from the mid 1950’s
2. The Irish republic claims the island of Ireland on the basis of the 1916 proclamation and the 1919 Dáil. Its irredentists reject even the 1937 constitution. Whatever about that, the fact is that Ahmed paper here argues that the current dispensation is illegal by international law. Militarily, the Irish republic is not able to hold any territory.
3. The Irish free state (for want of a better word) claims legal jurisdiction but not territorial sovereignty over part of the island of Ireland. Militarily, it simply complies with the British will and the 1921 deal limited the size of its army in relation to the ratios of the Irish and British populations. As the McCarthy paper here points out, the Irish free state is hopelessly corrupt; as my “corporatism” paper argues, it is perhaps best thought of as series of think tank experiments into how far state incursions into civil society can go. Once the Free State puts its claws into an area like music, in however criminal a fashion, it never retracts them. Ironically, the dramatis personae of the McCarthy “sludge” section includes John Tierney,

who almost caused the state to collapse in 2014 with his mismanagement of the imposition of water charges

4. The EU insists that its law is pre-eminent in the Irish free state. It is concerned about the new land border it may experience between the two Irelands.

The Free state has become a golem that arbitrarily acts on whatever sectors of Irish society it wishes, in a manner that does not allow for self-correction, and mends its ways only when tens of thousands take to the streets in protest as happened for the water charges. Its reports to itself, exemplified by the deranged SFI 2014 ads in *Nature and Science*, are often wholly inaccurate.

It gave up long ago on the task of reflecting the totality of society, including wisely refusing to get involved in sectors best handled by civil society and community structures. Projecting itself in a manner that makes the country look meaningful and attractive was given up on a long time ago. It limps along with a tax scam for US corporations, arbitrary imposition of British and EU law, in the absence of a national territory.

The issue of which parts of IONA are Celtic and British has re-emerged in a way perhaps not seen since the 15th century. It is regrettable that the Irish republic lies submerged in paramilitary groups and the wrecked aspirations of those of us who insisted in our youth that Ireland should be a venue for greatness in humanity as much as anywhere else. This book is an attempt to reclaim the naïve but pure aspirations of our youth.

This book features many revelations that should normally have been unearthed by investigative journalists. We were concerned to maintain the authenticity of Dublin English, so two of the papers (McCarthy's and my "corporatist" one) are precise transcripts of what was said in Dublin.

Underlying everything written here is that Ireland is a revolutionary republic. Its current government supports every revolution up to and including the 1916-1921 war that put them in place. It is argued with some credibility by the irredentist republicans that the dissolution of the second Dáil was incomplete and it still exists. Of more import is the perversion of the justice system which is the lifeblood of the Free State. Using a smorgasbord of sheer criminality with state-funded mafia law firms like Arthur Cox, delay of process (often to allow statute of limitations expiry), disproportionate use of tax money to pay lawyers, and judicial illogic, the state continues to appoint judges it finds congenial.

Moreover, there now are in existence 4 mutually inconsistent constitutional referenda of the state's territory and citizenship, with 1937, 1998, and 2004 utterly incompatible. Returning to the days of violence is not an option; however, pointing out that we are likely to end there given current policies is wise counsel. Let us conclude.

It is not in anyone's interest, including that of the 10+ million English people with Celtic affiliations, to allow the UK ride roughshod over Iona as it has done for close on a millennium. Internally, as our 2013 book outlines, there is much we can do in Ireland. Geopolitically, the 1998 agreement does insist on a referendum in NI in the event of Brexit. Restricting Irish passports to areas that vote for union with Ireland will ensure victory. As for the rest, both my IP paper here and Steiner's explain that compelling other applicants to qualify for Irish passports, for which many Brits are already applying, a la the French, will do the applicants no harm whatsoever as they explore the depths of our wonderful culture.

The solutions proposed by the contributors here are various. I would like to finish this section by alluding to some of them. Not only is the classical republican argument that only 1916 and 1919 stand accruing new validity, but (post Irish Water) there is every reason to suspect every demand that issues from the Irish state. In short, assume the state is guilty until proved innocent.

Secondly, not only should we abandon our support of Apple's frivolous appeal; we should be at the forefront of insisting that the internet is a public good. The current wave of internet billionaires (Thiel, Cook etc) contains hardly a single coder. With state support, they have debauched this resource. Aggressive action against their violation of copyright, press/media law and finally even accommodation and transport law is imperative. Ireland should also create a US-proof internet backbone.

The coup of 1997-2010 failed. We competent Irish can run our own country. The various ruses used against us –like saying the universities were put outside the law in the 1997 act – now seem laughable. This is particularly the case as MOOC technology advanced to the point that we have a better online university of Ireland than anything on the island.

Brexit and the mad Trump administration will weaken the EU. It will allow us negotiate a new deal for Ireland (as Le Pen plans for France) with withdrawal as a gun to their head. It will allow us also push for the liberation of those parts of IONA that were conquered and no longer want to be in Britain. Thos of us for whom belonging to these regions is a matter of deep sensibility will be able to re-engage with our peers around the world who wish the same for their own countries.

As the curtain falls on the UK, a few addenda are worthwhile. First, while the unilateral declaration of the unleashing of article 50 and the Scottish response in voting 69-59 for a new referendum were predictable, other seismic geopolitical events were not. It was by no means clear that the aptly named NI secretary Brokenshire would desperately be scrambling for - well, for his shire to get back together, This is now in the hands of Gerry Adams.

No less consistent person can perhaps be found in modern politics. He has at times been an uncompromising militarist, a dual (war and politics) strategist, and is now wedded to peaceful means. His economics- such have they are- have veered left and right. His consistent stances on a “united Ireland”, “British withdrawal” and the “unionist veto” have depended on re-definition of all three terms to the point of absurdity.

Briefly, a “united Ireland” is now Sinn Fein in government in both sides of the border with the Republic claiming no territory – ie no Oreland at all. “British withdrawal”, a ne plus ultra for the IRA, he redefined as a statement that the British have no “selfish” interest in NI, which they promptly disproved by building a new spook building in Belfast. The “unionist veto” became their not being consulted on British (not Irish) intentions.

Adams would make Talleyrand blush. His consistency has been complete in two matters ; his insistence that he should never be in the front line, and that nevertheless he should be in charge. His incompetence as a military commander is legendary; for him, the essential advantage of a guerilla army in its lack of a central command was to be trumped by his need to control everything. Thus, operation after operation was compromised as the British infiltrated his inner circle. His loss of good men for his egotrip is equaled only by GW bush in 21st century military history.

In the shakeup about to happen in IONA, it is likely that Adams will survive. After all, as mentioned by GW Bush’s NI emissary at UC Berkeley in March 2012, the British kept him alive and helped loyalist gunmen kill his rivals in the IRA. On such dark paths will the next decade unfold.

I wish to thank all the other participants in ICIS32 over the years.

Sean O Nuallain Ph.D.



## **PART 1**

### **DISENCHANTMENT**

Power, sludge and voting: three punitive expeditions into the Irish deep state - Joe McCarthy

From corporatism to the deep state; a new Hibernian form of Euro-fascism - Sean O Nuallain

One Bad Apple? - why Ireland will finish a distant second to an independent Scotland - Frank Lillis

Irish folklore, literature and national identity - Glynn Custred

Reflections of an expatriate son - Gerald Gillespie

---

## POWER, SLUDGE AND VOTING: THREE PUNITIVE EXPEDITIONS INTO THE IRISH DEEP STATE

Joe McCarthy

My name is Joe McCarthy. My background is in Computing. I was a teacher briefly but then I fell into Computing by accident in 1971 and I haven't returned. I worked for IBM for 20 years and I've been running my own consulting business for about 20 years as well. I have been active in politics in the past. I was a founding member of the PDs in 1985 when Des stood up by the republic. I resigned in high dudgeon in the year 2000 due to the cynicism that goes on inside politics. And I've been jealously independent since until the last election when I decided to prostitute myself again by joining Fine Gael precisely and only to get rid of Fianna Fail.

So that's my cards on the table. That latter decision was influenced by some of these things I'm going to talk about now ... power and voting. I live in Sandy Mount myself and Valerie Jenning's my partner we're very active in public matters and there are 3 of them here. The Poolbeg incinerator took quite a bit of our time from 2004 and after that. Before that and after that other matters that arise. Electronic voting was something we looked at in 2002. Perfectly innocently I was a tally man for 20 years and I've been a computer programmer for 30 years so I knew all about computers and I'll tell you a little bit about what happened in electronic voting which was a catastrophe ... almost a catastrophe for Irish democracy and when we finished with the electronic voting having buried it we looked around to see what else was happening in our vicinity and Sandymount.

The Poolbeg incinerator was worrying... it was already 7 years old at that time and we took to it and it still running in fact it's so curtains that I'll be on this week tomorrow on RTE at 1 o'clock talking about the complaints we've made to Europe about the incinerator... in the middle of it there was the disastrous attempt by the Dublin docklands authorities to develop a whole new town in quite a small plot in Poolbeg on the peninsula, These are aspects of developments in Ireland where the state or its manifestations are attempting to do things and they're not doing them properly and we just ask questions. So I would say, I probably have a reputation for being a pedant or a cynic and that's how we got to dig into these issues as they arose.

The incinerator is an enormous project. The plan was straightforward to want to burn waste of this region in an incinerator which they choose to place in Poolbeg. The project is so big and unwieldy it's my belief that they built it this way in order to confuse us the public and to confuse the authorities to some extent ... the people who suggested this are devious and clever and dishonest and they were extravagant in the expenditure of money.

And all of these things are documented in different fora.... the Environmental Protection Agency or in Europe and they're still running.

It started in 1997 when waste strategy study was conducted by a team from Ireland and Denmark as to what we should do with waste in Ireland and particularly what to do with waste in Dublin and they said we should burn it. And then they got employed by Dublin City Council to do just at... to select a builder for it. The actual process of selecting a contractor to build it itself was seriously flawed. We have raised that with Europe. Europe has agreed with some parts of our complaint and they're still examining other parts. The project itself was split in many ways. To get a major project like this through the permissions you have to go to several different agencies and Board Pleanala is not integrated with the EPA.

So are they are different pieces of approval that is needed and the chaps who applied for approval chose to ask certain agencies one thing and not the other agencies. Most specifically, the request to burn sludge which is the serious part of any incinerator was not made upon on Board Pleanala. Having noticed that sludge might be coming in the inspector said that they didn't ask to burn sludge so we're not making a decision on that. And then the application at the EPA was yes we want to burn 80000 tons of sludge and the EPA said yes.

So now we have a split decision. They have not planning permission to burn sludge but they have a waste license to burn sludge and of course the only reason to put the incinerator in Poolbeg was to burn the sludge from the sewage factory. So if you dig down deep into it you're quite clear that if you apply a rationale onto the cover that they want to put a particular incinerator in a particular place and then they suggest to us but they are genuine reasons where the economy needs it or where we have so much waste we have to burn it and we shouldn't.

They manipulated one or two other things that were interesting. When they came to run the project having decided that they would award the project to ELSAM and then there was a saga of change from Elsam to Dong. The auditors last year went in to see how are you managing this and they discovered that the project management committee, three people, had never met formally... They only met in the corridors and they kept no minutes. They had no cost analysis for their invoices. No means of tracking their expenditure.

At that stage they'd come to a level of expenditure of 92 million with no management systems. That money was seriously overspent and that was one of the elements of our

complaint. The reality of the economics of an incinerator in Dublin are weak. It can only really be supported if it's paid for by the state, paid for by Dublin city Council, by subvention. They guaranteed that that they would supply at least 120,000 tons of waste at a fee of about €80 a ton... About 25 million year... And that's enough for someone to build a big plant and then sell the extra capacity as merchant capacity at whatever low price you like, destroying the opportunity for other waste disposal within the Irish marketplace.

Elsam the Dutch company got reorganized in Denmark as the Danish energy marketplace was reorganized by the Danish government and Dong the Danish oil and gas company took over and said what are we doing in Dublin?, that's not a good idea, and decided to leave at the end of 2005. Dublin city Council were aghast and they asked what will we do and they ran around looking for somebody to substitute for Dong and got Covance from New Jersey to come in.

The manner in which that was done was illegal and we complained to Europe about the breach of procurement rules in the matter in which they did that. Obviously they bought and sold shares in the holding company rather than the contract itself so they were trying to slide around elements of the complaint itself. I should say I have an awful lot to say, probably too much to say that I may not address the things that are interesting to you so please ask me questions at any stage about some point that you'd like to hear more about.

Question from audience: Joe can you please repeat the point about the anomaly about the license for the sludge?

The plant was to be originally a 400,000 ton plant and that was what was approved by the authorities in the year 2000 and they went to tender looking for a 400,000 ton plant and they said you could build between 400,000 and 500,000 tons. Within that they had promised 320,000 tons to the provider at that... Dublin city Council would provide 320,000 tons as a guaranteed fee. The permissions sought was for 600,000 tons and the reason was between the time they awarded the contract for 400,000 and actually applying for permission in 2007 Dong/Elsam came and went.

They noticed that they were likely to fall into state aid troubles by subventing 320,000 tons of actual pay for waste so they had to increase the capacity to make the 320,000 tons look a bit less so they increased it to 550 which wasn't needed in the original study. Then when Elsam left and Covanta came in they cranked it up to 600,000 tons. Of the 80,000 tons a very interesting precise difference between 320,000 tons and 400,000 tons capacity.

There are approximately 80,000 tons of sludge coming out of the sewage treatment

works in the Poolbeg. And it's extremely difficult dispose of that sludge because they used to spread it on the fields of Lancaster but it has too much nitrate these days and is contravening the directive. So the 80,000 tons of sludge was a problem for Dublin city Council.

They chose to apply for planning permission but not to burn sludge so the planning commission said you can burn waste but not sludge. A year later in 2008 they applied to the EPA for permission for a waste license to manage the stuff that they were doing and included 80,000 tons of industrial and sewage sludge.

Question from audience: What is sludge?

Sludge is the debris that's left after you processed all the stuff in the sewage plant. It is the remaining hard solids. It's a good question. It's liquid obviously when it is going through the works. It's fertilizer essentially, very high in nitrates. It's sterile, its been processed and cleaned and treated with ultraviolet.

Is it dry or wet?

It is as dry or wet as you needed to be. It should be if they're distributing. If they're distributing it out it should be 92% dry matter. But if you want to pump it in a pipe it's maybe 20% dry matter. But now you're pouring water into the incinerator, your burning water which is a complete contradiction. It takes an awful lot of other energy to get rid of the water that's in the sludge. That element of the calculations required to show the efficiency and otherwise were left out. They destroyed the equation for electrical efficiency. They destroyed the green notions of credentials you would wish have for an incinerator. The arithmetic that underlies the whole model of incinerator is severely destroyed if you burn sludge. If you are burning 80,000 tons of sludge need another 60,000 tons of waste so that's 140,000 tons gone producing no energy for you which is what you want to sell. The arithmetic that underlies the whole model of an incinerator is severely distorted if you burn sludge.

Question from the audience: is that just a failure for them as well are do they get more money for having the contract for the sludge... Why would they want that?

Who needs an incinerator? The only person who needs an incinerator is someone who wants to get rid of waste and they haven't got a landfill or recycling center to take out the good stuff. There is an initial debate that should be had of what should we do with our waste? It isn't actually waste. It's a very fine resource for other people to use. It's very high in fossil based fuels, plastics, and other things it would burn beautifully. It's a fine source of heat they could use in the cement plants and there's all sorts of paper and plastic itself that

could be recycled, the aluminum, not to mention all the biological components. The biological component waste should be recycled.

That analysis was done in 1997... What to do with waste in Dublin? It was done by PJ Rudding and MC Sullivan and Covey the crowd from Denmark. And they came to the conclusion that 59% of Dublin waste should be recycled, 16% should be landfilled, and 25% should be incinerated. In those percentages haven't changed since 1997 notwithstanding the huge change in processing availability in notwithstanding the changes in the economy. They are sticking to the original figures because they have to – it's the original platform in which they decided what to do.

The powers that be wanted it includes the fact that the state has 80,000 tons of sludge that it would like to burn because it has nowhere else to put it. That's a hidden deal. It's not publicized very much. But it's evident so if you look at the difference between what went into the board and what went into the EPA. It's manipulation.

Question from the audience: What should we be doing with the 80,000 tons of sludge?

It's biological. We should be processing it to the extent that it no longer has heavy metals which it still does. And their processing techniques for doing that that cost a bit of money... More chemicals have to be added. And were then left with the 80,000 tons of sludge plus the other whatever the current horizons of waste are which are a topic that I can't fully answer because I haven't studied where they go. I do know that the other operators in the waste market are willing to take all those things and use them. Handa and Greenstar have built recycling plants and they're already running.

Question from Audience: For sludge?

No not for sludge. The sludge could be satisfactorily burned in a proper incinerator or kiln for example up in Duleek or Platten... Platten is where they make useful use out of the fuel by making cement. Duleek which is right next door is an incinerator that just sends it up into the air. So I don't have a good answer for that. I don't want to get stuck in the details for what was inside the project except to know the major things that occurred over the 17 – 18 years of its existence. It started in 1997... Were now here in 2013 and it still hasn't happened.

In our studies, this is the text of an element of our submission to the European commission last April. We complained to Europe last year in March saying that the contract should not of been awarded to Covanta. It was in Chapter 11 when the contract was let. They weren't eligible to bid or to be a candidate.

The size of the contract was changed from 400,000 to 600,000 tons when they signed it

and that should've required a retender. The client representative which is the consulting company helping Dublin city Council run the whole project, they were given a contract in the year 2000 to do the job for about 7 million. They got paid 33 million by the end of 2011 and we said look, that's wrong, that's overspending by a factor of four. You should've gone to tender again and done it right.

It has been accepted by both European investigators and by Dublin city management who have apologized and the local auditor who issued a report last year aid it should've been returned in 2005. The client representative is still there, is still incumbent. There is a remarkable Danish connection in this entire project from the very beginning. It started with the way this pension plan was written my MC O'Sullivan and PJ Rudin and Covey.

Covey is a very fine engineering firm in Denmark... very substantial. A partnership with MCKK and one of the universities and it might've been KPMG came to write a waste plan for Dublin in 1997. They chose to not put in the cost of disposing of ash which is a huge cost. They cooked it in favor of the incinerator. It was only 19% better for incineration over recycling back then so they really should've gone for recycling. The same companies were appointed as the client representative. They were acting as Dublin city Council in going out to the marketplace to look for bidders. It was a combination of MC O'Sullivan, Colby... MC O'Sullivan is now called RCS but it's the same company. In Denmark the people working on it included Gunner Share who came to Dublin and his colleague Juergen Grunsing acted as the principal. In 2002 the bid was put together and sent out to the marketplace. 14 people put their hand up and were invited. Four people actually bid. Three tenders came in the door. One was eliminated and two were left. The evaluation team here in Dublin decided that they would award the contract in 2005 to Elsam, a Danish company. It is almost exactly equivalent to the ESB. It is the electric company of Western Denmark it is not really a private company. It's a public utility.

This wasn't really a public-private partnership which is a fundamental requirement. The conflict of interest we noticed last year and it had not been apparent before... someone in Colby was working now for Elsam... Darren Jennings Henson a senior manager in Colby and he became the managing director of Elsam Ireland and he made the bid and won the contract.

Never mentioned the fact that Juergen Grunsing was the director of industry at Colby and his successor in the same post was Darren Jennings Henson. He had the same job at Colby for two years before the project started. Then Darren Jennings Henson left Colby to join Elsam... Juergen Grunsing came to Dublin and sat inside the Chinese wall as the evaluator. We have Darren Jennings Henson presenting his proposal to his friend and colleagues Juergen Grunsing for evaluation. A clear conflict of interest. This is not public

knowledge. This is my first forum where I've spoken about it.

Elsam decided to leave the marketplace. Dublin city Council... brought in Covanta. That's all I want to say about the incinerator. It's running, it's active. Our complaint is continuing... we are complaining about the process itself... Complaining about the propriety of the matter in which they spent the money... They said 92 million down on the Poolbeg... they spent 33 million on their friend. Thirty one million to 'move' Hiberian molasses company with no controls, no engineering, no signoff...

Never applied for and don't have planning permission to remove the ash. Said they would ship it and sell it but it has negative value... You have to pay people to take it away.

(Skipping rest of incinerator story)

#### Docklands Development

Planned 11-12 story buildings. Very little provision for schools, open space.

CEO of Dublin Docklands authority complained to Joe and Valerie about emails pointing out conflict of interest.

What they had been doing was not open and transparent in keeping with the rules for consultation with the public.

He said that myself and Valerie ought not to have been making complaints about him.

Audience: it was a generic threat vs. a threat in his specific capacity as CEO

We knew the trouble was coming. Without we're going down for a chat about the matters we had raised. He called us into a meeting it was his agenda, we couldn't say anything. Just before the end I said to Matt asked to document that Mr. Maloney has spoken entirely and has made suggestions none of which we've agreed two and I'd like you to document that we still have our original objections.

It was browbeating. He made a huge mistake of allowing us on the committee. We kept asking questions. You must be designing this was something sensible like auto CAD? They said no no we don't do that. Then they gave us printouts of the layout of the plot. If you look at the document properly, the directory, it will tell you where it came from. Autocad/Dublin/Plan 1. We knew it was autocad.

#### Electronic Voting

I think it is an established fiasco. These are all fiascoes. This material on it at fiasco.ie

Elections in Ireland are for the people and by the people. Governed by the Constitution. The electorate act has a whole statute of rules. Here's how you run an election, here's how you count the votes. The guy who does it is a medieval officer. He is a Sheriff, the returning officer on behalf of the people. He doesn't run it on behalf of the



government. He is not an employee. He is an officer. We know how this works.

They proposed to bring in machinery which was a voting machine with software and a counting machine with software and an interpretation of the count rules written by a civil servant in the customs house who would update and update while they were trying to figure out how to move statutory rules into the computer. They didn't succeed. The owners of these various bits of interference with the democratic process are now scattered all over the place. Nedap is a company in Holland, PCs are manufactured by Compaq and the software came from Microsoft.

It's the software company, two people only in Holland, who wrote the the IES software and a few testing agencies. There was no place for the returning officer who is the statutory officer responsible for these things. They turned it upside down. In fact our Constitution says, the minister should direct his returning officer to go and run an election. Now we have all these people involved and we didn't like that.

This is just a mechanized version of what happens with the vote. I'll go through it quickly. AN Election is called and candidates are proposed. They are put into the machine. Then you cast your vote. Then the votes are collected. That's the same process that always happens with any vote anywhere. They are brought to the tallymen and counted; the tallymen confirm what's going on and the returning officer certifies that so-and-so and so-and-so have been elected. Now we have a whole bunch of other stuff here. We have control and costs that have been introduced in the equation. We know it cost us 58 million and got us nowhere.

This is a real vote and it's worth turning the light on it. You choose your vote in privacy. This is a secret part of voting that produces a piece of tangible paper. And you turn around and cast that vote. Casting votes is a public act. You can't do it secretly because it needs to be reliable. You do publicly in front of all your neighbors and friends and in particular in front of the presiding officer. They collect the votes at the end of the day, generally the guards (police) are involved bringing it to the count center. In the count center, these people count and these (other) people tally. So we've got the public involved on both sides of the practice. When the paper hits the desk as it's tipped out of the box, the physical piece of paper never leaves the eyes of the public, ever, right through until the results are declared. They are always in stacks. They're always facing you. They never go behind a barrier. They never go to a back room. When they're examining recounts, they are examined in public. They are tallied by good people.

And then the returning officer gets up and declares. That's the way we should do it and now do it again. Tangible. Something you can physically touch. You can't trust a computer.

The testing of the computers was hilarious. The standard agencies in Germany were

lauded. Mark Collins said they were tested by 6 international agencies. They explicitly did not test whether the machine could run an election according to Irish rules which we found out we got the FOI copy of the test.

They issued a new release of the software every couple of days trying to fix something. It never worked. The commission on electronic voting found that it never worked. The costs were enormous. The returning officer was the one officer who made an estimate of what it was going to cost him to run an electronic election. You need an extra person to turn the machine on once someone arrives to vote. You still need a presiding officer and a polling clerk at the booth. You need a key operator to switch it on to allow you to vote and to switch it off in case somebody voted twice. The personal control of an individual switching it on and off (is highly vulnerable) there's a whole bunch of silly things there if it didn't work you got another vote. If you multiply that up it completely obliterated the efficiency of electronic voting.

We found all these technical things because we are computer scientists. We asked the obvious things. Show us the spec. Show us the testing. We wrote a freedom of information request in 2002. Please send us the test results. And after two years and about 6 FOI requests they (showed they) had neither a spec nor have they tested it. Yet they forced it on the people of Dublin North and Dublin West. And elected TD's (members of parliament) For this equipment which was utterly dangerous.

Physicists are aware of high-energy particles. As we sit here high-energy particles are passing through us all the time. We have got resilient bodies, the body just throws it out and carries on. But if it passes through a memory chip and hits the individual bit which is the piece of silicon where the bit is stored that bit flips from 0 to 1. That's a single event upset. It's widely understood in the computer industry. It wasn't understood in Dublin.

It wasn't understood in Belgium. In one voting station one guy had an enormous majority over everyone else. They did the analysis. He won by 5000 votes or something ridiculous. In Belgium you choose your candidate and it records on a plastic card. So they were able to count again the next day and the candidate had 700 votes. The difference between polling day vote and the next day vote was 4096 votes. One bit in position 12 of the memory had flipped on so it caused (a recording of) 4096 votes.

What are the lessons learned? Ie what defines our rules for voting. Interference by the executive shouldn't be permitted..

Bertie Ahern became Taoiseach. Despite extensive digging I haven't found his fingerprints on electronic voting. Fianna Fail was applying every single element American politics to Irish politics and they did so very successfully in 1997 and 2002 and 2007. You have to ask why would anybody want to change the way we vote?

Audience: I think were almost into the discussion anyway... Des is chair?

The real problem is that there was no trust. You must have trust in the manner in which you vote which is what the Chartists discovered in the 19th century as the previous matter of voting was influenced by your boss or factory owner or whoever. The physical mechanics a voting are intricate and have been designed to allow you to cast your vote in public but not be held to account for your particular vote by somebody who might suborn you or beat you or otherwise vote.

We couldn't have trust in computers. We have no idea what goes on inside. We should not have any trust for any member of the executive who has an interest in being reelected. They got the machine wrong. It's not a box it's a voting booth. A serious amount of money got spent on these machines. They cost 35 million. And we reckon they should've cost about 10 million to make. 25 million in profit.

5 million was declared. 20 million disappeared somewhere between Ireland and Holland. These are only two owners of the company. They liquidated the company the following January. They came in and sold a pup to the Irish Authorities and had us pay for them and disappeared with the money. The machinery was useless.

Then there's the discoveries. In Poolbeg those buildings have a plot ratio limit in the Dublin development plan of 3 to 1. It's the most dense that you can develop a plot. As a matter of calculation you don't count the basement of the building or carpark. They (the owners) re-profiled the land by two stores. The first two stories became basement. They built a hill of about 30 feet and put two stores in there which didn't count. The lesson is be ever vigilant.

Audience/Discussion: From your perspective Joe you're showing lot of bad things that happened but I'm also seeing a lot of good things. Electronic voting – whatever it was, checks, balances and largely due to people like yourself was stopped. You might say while you're being generous about blunders, but the economist in the last two weeks did a review of a book about blunders elsewhere I suppose I'm just a little bit concerned sometimes, some exceptionalism here. The new airport in Berlin went from 800 million to 3 billion. I've got a few links to DTU. My colleagues give me insight into questionable blunders in Danish life. Would you think in your view of the international conflicts that there are elements of exceptionalism here or is this something that is a regrettable fad and we just have to be vigilant. Can you put it in the context of Western European countries?

Electronic voting is an interesting one in that regard because it was advocated in the late 90's and early 2000 in several countries including Germany. They had a very successful implementation electronic voting in Holland for 20/30 years, but in a different manner with trust. The machine was used in the school hall and at the end of the day the machine

itself printed out the result. There was no challenge of managing a proportional representation system or cascading distribution of votes. It was Dutch machinery programmed by Dutch people used by Dutch people and they trusted it.

They used it in France. They trialed it in England and threw it out and tried to introduce it in New York State.

Once having asked the questions about trust, who do you trust when they give you machines ... it turned out to be the key question. It was subsequently thrown out in Germany, thrown out in France. Never got traction in England or New York. Then remarkably when they began to examine its efficacy and its trustworthiness in Holland they discovered you could sit outside the poll both with an electronic device that could tell you which buttons were being pushed. They have thrown out the machines and gone back to paper and pencil.

Audience question: There is an assumed dichotomy of public and private. With electronic voting how do you see the interested parties... What reasons do they have for going to electronic? The providers are all private companies.

The public has an interest in the machinery of democracy being fair. It's remarkably not so in states that use machines all the time and trustworthiness is in doubt. They're widely used. To introduce profit into the equation, profit from the people who make the machines... while they could be altruistic if they were just technology providers, in practice they are not because they have to implement statutory rules that are given to them by the politicians or the administrators. The politicians here in Ireland decided they would use electronic voting because it would be "more efficient." There was no improvement in efficiency at all, in fact quite the opposite. They never asked sensible people what they think of using computers for voting. That question was never asked. I was aware of it 1999 and 2000 and I had made representations to the customs house. I know both ends of the equations, why don't you ask me.

Next thing I heard they had launched the blessed thing. Who is administering it? Why are they administering it? Who is remunerating that administration and is someone making money out of it, maybe to the detriment of the objectives of the person who wanted it in the first place. In electronic voting it is interesting because the objective is presumably to have a fair election.

But if you're the incumbent and you want to get reelected, fair administration is not necessarily your objective. You might want to manipulate matters. There is a minor rationale in this country that favours Fianna Fail because of proportional voting. De Valera said vote 1-2-3 for Fianna Fail and no other preferences. In tallying you see these all the time. You

see ballots that are 1-1-1. In effect, I don't care which Fianna Fail person gets it you can choose which one. In fact three 1 votes is a spoiled vote (and won't count). The introduction of electronic voting machine introduces a discipline. So if the votes that used to be marked 1-1-1 were recovered in one constituency Fianna Fail would gain 50 votes and that would make the difference in a seat. That was enough for Fianna Fail to spend 60 million. That's the only rationale I could find.

Audience comment: I am less certain (about this than) whether Bertie's friends were buying land around the M50. Absolutely they were. But on this I have to say I have watched procurement projects... Also as I look at the international landscape... Sophisticated countries have made major blunders. It wasn't just us in the banking bubble. Go back to Sweden in the early 90s. Failure and fallibility of humans. A private business man is often described as someone who can make a profit out of the public system. Certainly when there's monopolistic issues...

One of the things that struck me listening to you... there is a young Irishman we can be proud of in successful in Silicon Valley... The social web has been a big thing for 10 years... Mark Zuckerberg's idea of the Internet is that there's no privacy. (One's life) is an open book for the world to see. With the NSA scandals it wasn't that we were being spied upon and that it was government and public representatives in collusion but actually that we were spied upon and politicians knew nothing of it.

To what extent would the public reject electronic voting or do they see it (and the loss of privacy) as inevitable? Who should we trust...

We do trust the banking machine but that's an open transaction. You and the provider have a record. They developed procedures to say yes this is genuine then here's your 50 Euro. The question of trust is at the heart. With the Dutch machines it's as if you went to vote and a Dutchman said call out your vote and he says I'll be accurate and write it down. The amount of trust you have given him to be accurate is exactly the same as pushing buttons on the machine. You clearly would (not agree) to have a person anonymously on the other side of the curtain accepting what you say. You could do it. But voting is an unusual act in a democracy where our Constitution guarantees secrecy of the ballot. The High Court has decided. Secrecy to whom? Secret to the voter and nobody else. Introducing any level of machinery where somebody else's involved in his programming or administration or setup and counting dilutes that trust that you have to preserve.

Audience comment: There are very fundamental issues here.

---

## FROM CORPORATISM TO THE DEEP STATE; A NEW HIBERNIAN FORM OF EURO-FASCISM

Sean Ó Nuallain

European-style corporatism is exemplified by the Mussolini regime. It is the union of business and labor under the aegis of politics. It's corporatist. It doesn't focus on individuals. Any rights that one has, one has as a member of one of these types of corporate bodies. In the case of Mussolini, he wanted a society that was coextensive with the state. His motto was everything in the state, nothing outside the state. It's worth noting that both Yeats and Gandhi were admirers of his.

I'm going to very briefly give an outline of the academic part of what I've been doing. I published a book called *Ireland a Colony Once Again*. It started off as a book on the phenomenology of colonization, what it felt like to be in a newly recolonized state.

Audience question: do you mean colonization in relation to the EU?

Yes but I actually believe colonization began well before that. I tend to agree with Joe McCarthy it's about 1997. After that things changed absolutely radically. Ironically I started writing a book when the economy seemed to be booming and I was giving lectures in the States about how I believed the economy was going to collapse. Nobody believed a word of it. I gave talks at Princeton and many at Berkeley and Stanford. This was in 2004 to 2007.

So the next thing is social partnership and corporatism and that's as far as were going to go. I'm actually working in neuroscience right now. Very briefly I am going to allude to recently published neuroscience work indicates that selfhood can be looked at as a cognitive immune reaction. When I first wrote this stuff, I considered that I might just be being paranoid. Then along came Naomi Klein and her book *The Shock Doctrine*. It starts with those experiments run by the CIA using people like neuroscientist Donald Hebb that were actually attempting to recondition people... Attempting to brainwash them.

Naomi Klein actually interviewed some of these people who had gone through these techniques including electroshock. Now she concludes that this is exactly what happened in Chile. I'm going to try to be very careful with my words.

First of all there's the shock of the violence with which they take over the state. Then there's the economic shock administered. Ironically what I found was that her narrative fit disturbingly well. Does the CIA know how to change people's minds like that? They clearly do not. They are a very crude organization that does very stupid things. They certainly were not by any means up to this level of sophistication. Nevertheless, one could make the argument that they did try.

I want to just take up a theme that Joe alluded to. In 1997 that version of Fianna Fail were using a whole bunch of techniques that came out of America, political mechanisms. I also believe they were using and experimenting with ideas from think tanks in America. I think this redefinition of Irish nationality that Des's (Fennell ed.) panel is going to allude to, I think that's a classic example.

The book was published with an academic publisher vs. a more popular publisher. While the classic view (of identity) is to identify with the body, the more nuanced view would refer to identification with one's physical/cultural and social environment.

I think a lot of us Irish people are being told that we no longer belong here. To put it in other terms, I think we're being told that the people that they're importing particularly from Eastern Europe are growing up with a more rigorous and pure form of capitalism and deserve to be here more than we do.

So I saw these kids, people in her 20s outside Leinster house the other day. They were saying that they refused to emigrate and they're going to be on a €100 a week dole. I was given a chance in my 20s to work. I was given a chance to be a university lecturer. I wasn't able to do it in terms of my qualifications. There were thousands of people who were more deserving of that job worldwide than me and there was no way that I would get it had we had the current tendency to import foreigners for these jobs.

But I was able to do it, and I was able to perform an extremely high level in academia outside Ireland. I would like this generation of Irish people to have that chance. They should be given some privilege in the sense that they belong here. National Irish and civil structures tend to be a great help here.

Social partnerships is perhaps a response to the Thatcherite victory over the national union of miners. People were told look what's happening in Britain in the 80s. You want that to happen here? Didn't think so. Let's all get together.

It was initially pushed through as an initiative by Bertie Ahern in response to the wave of strikes in the 70s and 80s. The resulting system allows single dismissals and prohibits strikes in this context; it is not made clear what a "single dismissal" is. The system of industrial relations allowed individuals to be fired summarily in both senses with no notice and for no reason. Your union body cannot go on strike. This is put in the industrial relations act of 1990. I can guarantee you that this has been used. It was used in my case. Your colleagues cannot go on strike if you are sacked as an individual.

The only other time in Irish history when this was brought in was during the war of independence when the train drivers refused to carry British soldiers and ammunition. A gun was put to their heads and they still refused so they were fired. The unions allowed single dismissal. In 1990 this was brought in. It is still on the books. It prohibits secondary

picketing. If you got a group of people who agree that you've been treated badly, not just you. Let's say the dockworkers agree with you. They can't go on strike out of sympathy.

The alternative to this kind of corporatist system that we had in Ireland was Republican citizenship. This is arguably culminates in Thomas Jefferson's ideal, with an emphasis on privacy, reason, and civic engagement. So it's well worth noting the extent to which the United States has departed from the Jeffersonian ideal, in particular privacy. There is no privacy. The system of cryptography imposed by the United States on the rest of the world is totally permeable. It has an ineffective generator of random numbers. So there is no effective security on the Internet of any sort.

In Ireland, there was an attempt at a Republic and that was eroded initially by a theocratic attack by the Catholic Church and later by the neocons, the neoliberal takeover. I want to actually unpack that. There has been an attenuation of individual rights unless they are coincident with corporate stakeholders. There is (only) a minor concept of individual rights here.

The new narrative: Up to the 1970s there is a degree of consensus that the state should reflect structures and Irish civil society and community. I have been talking to Des this morning about a book about Brendan O Heithir. How could they write a book of 700 pages about Brendan O Heithir, they really don't, it's about the society at that time. The crosscurrents, the Gaelic revival, the social movements, the sacred role with the old Gaelic culture was given. From the late 90s onward I argue that the attack on these entities, the old structures of Irish civil society and community quickened. The state's narrative said that Ireland should defer to globalized corporatism in every respect, including demographics, and that would bring peace, prosperity and progress.

The president of one of the Universities here said in a speech that it was inevitable that the Irish become a minority in Ireland. They would have to become a minority in order for economic development to proceed. In 2008, that neoliberal pure version of Ireland failed. There is considerable evidence that what Bertie Ahern had in mind was at least classical European corporatism and possibly went even further. I hope to convince you that by the end of this talk.

Anyone who dissented was encouraged to commit suicide (He actually said this in a speech...at a union meeting). This was just before the economy collapsed. The E- voting proposal was never seriously completed. Joe has discussed that.

Audience: There was a single programmer, Jan Jansen, he was programming in his own dining room

Audience comment: article in the paper about how the Irish would be an ethnic minority in Ireland. This way of reporting is creating history.



As Warren Buffet said, the tide went out in 2008 we found out who was swimming naked. We found there was a there was a group of Billionaires who were not paying back any of their loans. The main function of the government in 2011 has been to normalize these relations. Sean Quinn has been made an example.

The other excesses of the Ahern years include the destruction of Irish economic independence so hard won . Anglo Irish Bank remains unprosecuted John Bowe said that he went to the central bank deliberately to lie to them and that took down Irish economic independence. He is still at large. . (editor; in 2016, some successful prosecutions did occur and Bowe is in jail )

Similarly a situation in copyright enforcement that led to EMI suing the state. We had a copyright commission report two weeks ago did you see it? Was done by people who are quite respected academically There is a new proposal for copyright reform. There's going to be a new set of courts.. In 2010-2011 EMI sued the state because there was effectively no copyright legislation that worked.

There was a huge act in 2000 and was meant to solve all this. It was trumpeted as solving all this. In a nutshell, copyright protection means that you can afford to hire big and expensive law firms as cops. Then you have protection.

The introduction of “autonomous statutory responsibilities “at the University was particularly corrosive. There were 20 or 30 Dail questions of lack of accounts, intimidation of students by faculty. If you google this, “autonomous statutory responsibilities “, the only place it will come up In connection with Irish universities and a Bradford murder trial!. It was an attempt to create entities that were within the state but outside the state at the same time. Funded by the state but allowed to do whatever they want.

The state as increasingly seen itself as administering globalized corporatism, if necessary through force. State violence against the demonstrators at Tara has been echoed by police acting as proxies for Shell in Mayo. This is totally new to people in the states. If you go to America and say did you know that the state in Ireland used eminent domain( that is compulsory purchase orders) in favor of a private company and then had the police out enforcing this they will tell you that this is fascism pure and simple. That is exactly what happened in Mayo.

Beatings of anti-globalization demonstrators in Dublin in 2002 didn't go too well because there were so many media photographers there. And the enforcement of the draconian 1994 public order act Another trick is the creation fostering of entities like Imro that are allowed a monopoly on the lucrative area and in fact do not have to obey the law the land. Imro has been able to close down thousands of gigs throughout Ireland.

We can tell you for sure a gig that Imro closed down here, Louis Stewart's gig in

Sheehan's on Clarendon St. they then told a Dáil committee about his Ronnie Scott's residency as a feather in their cap. (note; we regret to say that the great Louis Stewart passed away in 2016). If you take out a guitar and play a note that will be 600 Euro. Imro was illegally granted an monopoly. The vinters are up in arms about it now because many of their pubs are closed.

Audience comment: 93% of royalties collected by them are going abroad.

Conversely state entities is like DCU are given a free pass with autonomous statutory responsibility to law of the land and freedom from day-to-day supervision. They can do whatever they want, spend money anyway they want. The 1997 University Act doesn't say anything like that. It says if the law of the land is being broken, the minister appoints a High Court judge. The result is the destruction of individual rights.

Attempts to assert rights are met with opposition from enormous law firms funded by taxpayers and state granted monopolies. In 2009 Ireland had three of the top 20 biggest law firms in the EU: Arthur Cox, MOPS, McCann Fitzgerald In this tiny little country.

It's precisely because we don't have the enforcement of criminal law here. Instead of white-collar crime, everything becomes a civil issue and therefore germane to use very big law firms to bully their way in. I argue that we don't have a justice system in Ireland. We have the use of law as an instrument to buttress the privileges the people who are already the establishment.

There are various concepts of law out there. There is the concept of common law which is pure precedent. You could argue in the British tradition that there are these kind of judgements that have built up over years, as Britain does not have a constitution. There is the notion of natural law which is one the Catholic Church has used over the years. There is now a sophisticated version of natural law that was being alluded to in Des O'Neil's talk. A view that there are certain attributes inherent in human beings and certain ways of optimally organizing society. You can incorporate those in laws and make these laws normative. They should apply to all and are in some sense objective.

The Nazis used the notion of law as instrument. So when the Nuremberg trials happened a lot of lawyers said we were just doing our job and the court said no you weren't, you were using law as an instrument. This is not a bad way to think about the way Ireland works or Ireland fails to work.

The Jeffersonian ideal is that natural law somehow facilitates citizenship and eventually this society will come back to Republican citizenship because I actually believe the coup has failed. We are in a position to rectify all these matters. It's very important that we recognize the seriousness of what they were trying to do. It was a coup attempt with a complete restructuring of the society. It was an attempt that was profoundly dismissive of

the rights of Irish people to have a place to call their own and to have structures in the body politic that reflected who they were as a society prior to the imposition by the state.

So in my view we learn a lot about the state when it breaks or fails to enforce the law. Three examples. We learn a lot about the state when it uses the law as instrument. This is the Cahill case which for a variety of reasons does not get reported in the paper in 2009. We learn even more when it nuances the law of industrial relations to move social partnerships into corporatism.

All the stuff that happens in the labor court, labor relations commission, all these bodies with their highly paid civil servants... its a load of bull. It's basically a bunch of handshake agreements. All this mechanism, the industrial relations mechanism, can actually be totally ignored by a suitably aggressive employer.

Once the unions are so neutralized, law as instrument, nominalism, which in my view is that there is no objective way of arranging things, can take the nation on a very dark path. This was what was planned. I believe that there was a coup attempt. It's very clear that it had a massive transfer of wealth to a very few. Had the world crash not happen in 2008, these billionaires would continue to essentially have these fantastic resources. I believe that the ethos on which the Republic was based was deeply under threat.

The unions allowed themselves to be domesticated and subverted in social partnerships. It didn't get reported in the papers. It did get reported eventually by the Irish Times. We had to get the Irish Times to issue three retractions. I actually have some of the documents here with me.

In 1989, there was a controversial creation of DCU by dint of a committee report. The DCU was created from the ashes of the old NIHE Dublin. Mike Gleason appointed himself as the first secretary of the University, well before the report was actually considered by the Oireachtas. you can't make this stuff up.

DCU Ltd. was incorporated in 1989. . In 1995 new contracts were fraudulently issued. They issued a new comprehensive agreement with the union but they never brought the union along. It was an agreement without an agreement. The documents are still out there. They copied the page with signatures on it from their 1985 genuine agreement with the union. The problem was in 1995 when they showed the new comprehensive agreement, some of these guys were out of office. In particular, one of them was no longer in the country. The human resources head of DCU was actually in Australia. He had not worked at DCU for five years. His signature appears on this new comprehensive agreement.

The contracts got rid of academic tenure. They got rid of freedom of expression. Just watch this space, watch what's going to happen here. The 1997 universities act explicitly proposed that new contracts would not need to be agreed with the union, they just need to

be consulted. DCU management chose to believe that meant “informed”.

The first state university to introduce summary dismissal would have a massive competitive advantage. Some of the others did likewise. This was the plan. Introduce a regime through which academics could be summarily dismissed - meaning without reason and without any appeal to the verdict. If you have a state university and you can just sack people wholesale and bring others in from outside under preferential terms, maybe they teach one class every six months and get paid a quarter of 1 million a year, your university will go up in the ranking systems. In fairness, for a very brief period DCU did.

This was not lost on DCU management. In 1997 a new University act enshrined academic freedom and tenure but refused to say what the latter was. In 2000 DCU governing authority refused to pass a disciplinary procedure presented to it, condemning it as draconian.

In 2000, Ferdinand Von Prondynski's 3rd choice for the job, head of the law department, was made president of DCU. He had an Irish connection similar to Otto Skorzeny, Hitler's special ops man who lived in Kildare until the IRA kicked him out (according to Ferriter, that was IRA practice – ed.) Prondynski's family ran a forced labor factory in World War II. You can check all this on the web.

In 2001 DCU's disciplinary procedures were made even more draconian with the new clause condemned later by Judge Frank Clarke allowing summary dismissal of all staff. That's actually what happened by governing authority. They brought in a barrister Tom Mallon to declare it kosher and Tom effusively championed the genius and beauty of this, which was soon to be kicked out of every court in the country.

When they did this, the industrial relations discussions were suspended. Up to then they were willing to talk to the union. Once they passed this they stopped talking to the union. They got what they wanted, the capacity to summarily dismiss. If they got away with this it would have spread to every university in Ireland.

We didn't know was that Jack O'Connor had forbidden strikes at DCU. We didn't find out until 2003. He has not really allowed that he had. Mine was the first case. It's discussed in my books I wrote. DCU chose to ignore the labor court recommendation in 2002 and appealed the rights commission. This means if you have a job in the Irish public service, they can sack you at any time and they can just keep appealing. The union will not give you money for legal team and in fact they won't represent you past the Circuit Court. You can be sacked summarily. You have no chance whatsoever of getting a job back.

The only thing you can do if you have any sense is to go straight to the High Court and try your luck there. In my case I wasn't allowed to bring in a high court action. Paul Cahill

was sacked in 2006. He approached me in 2006 just before he was dismissed. I recommended the barrister enjoin the dismissal at the High Court. He did manage to get the dismissal suspended. We blogged about this.

Here's the critical point. In 2007, the high court found the DCU statute incompatible with the 1997 act specifications of tenure, orders against DCU... They've now gone up to at least 2 million. At that point DCU brought the industrial relations back. The point I'm making is this. This was the apotheosis of handing power to the executive. They use the industrial relations process when it suited them. They ignored the labor court recommendations that the statute should be revised to give more rights to staff. You can ignore the labor court as an employer.

But whenever they need it to actually get a cover for what they are doing they would phone up the union. "Would you mind coming back to another meeting about that statute because we understand you're a bit upset about it". They were actually planning something at least as thoroughgoing a restructuring of society as corporatism.

I'm not important in the whole scheme of things. The whole university thing is not important. What is important about this is that essentially the unions have been turned into patsies for what the state was really trying to do here.

Industrial relations was used as a fig leaf. When the court cases were going badly they were reintroduced. Its fair to say that if DCU had won any court cases, the university environment in which young guys here would've gone through would have been horrible beyond belief. The stakes in this were very high.

Much of what DCU did was illegal. Even after Dail questions nothing was done, just like the other case we get to this afternoon. This is a fix on a massive scale. Tenure is perhaps not as important relative to corporatism in this dispensation.

We had one case in Ireland where the state decided to use the considerable latitude offered to it by social partnerships. Social partnerships basically means that the unions do not matter. You can co-opt the unions to pretend that there is something procedural going on whereas what you're basically doing is still getting more and more power to the executive. It's an absolute elision of individual rights. There is no job security in Ireland, no matter what you do, you can all be sacked. You can take an injunction to the High Court, you're gone anyway. It doesn't actually matter.

I believe what I have to say fits it pretty much with Joe's rather dark scenario about what they were doing with electronic voting.

## ONE BAD APPLE? - WHY IRELAND WILL FINISH A DISTANT SECOND TO AN INDEPENDENT SCOTLAND

Frank Lillis (Mistletoe Music LLC (Grammy award winner))

ABSTRACT: In late summer 2016, the world learned a little about the criminality that passes for state administration in Ireland. First of all, after its disastrous 1996 Olympics, the British focused on excellence in sport; and finished a creditable 2nd in 2016. By contrast, the Irish establishment focused on refinement of a ticket scam after Ireland's successful 1996 Olympics and finished 62nd in 2016. Indeed, the Irish delegation “won” more arrest warrants than medals.

The Apple scam exemplifies this. Why run a country at all? Why not just use sovereignty to create a tissue of “legal” lies and - as Joe Stiglitz puts it – say here's \$1 billion if you create a few jobs?

### INTRODUCTION : REASSERTING THE RIGHT OF THE IRISH PEOPLE TO OWN THEIR COUNTRY

Here the objectives are less abstract; simply to outline current absurdities and to propose a course of action to resolve them:

#### *I. The nation and its territory*

It would seem reasonable to assume;

- That there is a national territory
- That there be no ambiguity about sovereignty
- That there be a clear ownership of the island's natural resources by the Irish people for their own benefit
- That we Irish be accorded the status of a sovereign nation by the USA rather than have a charge d'affaires
- That the US embassy in Dublin properly safeguard the Irish passports entrusted to it for visa approval

None of the above is true as of the early 21st century; after the 1998 referendum there is no territory and none of the island is ours. After the 2004 referendum, the alternative pre-1998 definition is also gone. Therefore these are the policies;

- 1 The territory of the Irish state is the island of Ireland
2. A referendum is to take place in “northern Ireland” allowing areas to secede. Those that do secede will lose immediate access to Irish passports
3. If the USA continues to treat us abusively, we should recall our ambassador and expel theirs

## *II Macroeconomic policy*

It would seem reasonable to assume;

- That we should have control over a currency
- That we should not set a world first in having junior private bank debt transferred to the sovereign
- That we should get a deal at least as good as Iceland, post 2008, whose private banks defaulted on British account holders

None of the above is true as of the early 21st century. We therefore propose;

1. We should refuse to repay all odious debt imposed by the IMF/ECB
2. As a quid pro quo, we should offer to bring our corporation tax regime in line with the rest of the EU;
3. If this offer is not accepted, we should reboot our “punt” currency and exploit the carrying capacity of a land currently exporting over \$13 billion worth of food every year

## *III Civil and corporate law enforcement*

It would seem reasonable to assume;

- That our corporate law enforcement body has taken at least one successful prosecution since its formation in 2001;
- That there be no ambiguity about whether civil or common law exists in Ireland, and whether its basis is natural law or not;
- That judges should be properly trained, and refrain from gratuitous comments;
- That 100% of the new law should come from Ireland, not 25%

None of the above is true as of the early 21st century. We therefore propose , in a land whose revolution was exemplified by the creation of a new court system;

1. The civil and corporate law systems be stripped down to basics about property;
2. That criminal law rely on the common law;
3. that properly trained judges interpret the law vis a vis justice and civil society precedent and in so doing create the basis for new fundamentals

## *IV Culture and ethnicity*

It would seem reasonable to assume;

- That Ireland is the land of the Irish, as France is of the French, and that the public statements of university presidents should not demand that the Irish be a minority ethnicity in Ireland as Prondzynski did;
- That the highest cultural resources of the state be reserved for the ethnically Irish;
- That the state behave to its citizens with decency and with a sense of the benefits to

the world of a fully-realized Irish state;

- That the goal be the Irish fully alive, rather than neoliberalism exemplified
- None of the above is true as of the early 21st century. We therefore propose that;
- A definition of Irish ethnicity, one that recognizes our vast Diaspora, be included in the constitution;
  - That any immigrants should be assimilated;
  - That we cease projects like those in science that replace native enterprise with extravagantly-funded and foreign-staffed nonsense

#### *V Right to life*

It would seem reasonable to assume;

- That life in all its manifestations be honoured, including through a well-provisioned health service
  - That, given scientific ignorance of the relation between impulse and action, suicide not be grounds for full-term abortion with its Gothic mechanism
- Neither of the above is true as of the early 21st century. We therefore propose that;
- The state refrain from having power over life and death

#### *VI Property*

It would seem reasonable to assume;

- That those losing their homes to foreclosure would not have to pay the debt for which their inability to pay is the reason for their eviction;
  - That those who make massive property investments and lose them through incompetence should not be able to hold onto them at the taxpayers' expense;
- Neither of the above is true as of the early 21st century. We therefore propose that;;
1. NAMA be scrapped and the property be sold at market price, or alternatively used to woo the recent Diaspora back with cheap home deals;
  2. That, given that homelessness is more expensive to the state than building cheap housing for the indigent, we should do the latter;
  3. That the current scams involving NAMA to promote scarcity in various prestige areas of Dublin to pump up the property values of the Irish establishment be scrapped

#### *VII Industrial relations*

It would seem reasonable to assume;

- That since unions are legal, so are strikes for illegal dismissal



- That the state should ensure equality of representation at illegal dismissal tribunals
- Neither of the above is true as of the early 21st century. We therefore propose that;
1. The current “social partnership” model be abandoned and real unions be allowed to emerge
  2. Equality of representation should be enshrined in law as the ECHR required in *Morris and Steele vs UK* (2005)

#### VIII State media

It would seem reasonable to assume;

- That the national broadcaster should stress quality material, from all over the world;
- That it should either pay for itself through ads or attenuate to a bare-bones quality service

Neither of the above is true as of the early 21st century. We therefore propose that;

1. RTE should cast off its “pop” wing and be subsidized as a quality service, as distinct from consuming hundreds of millions annually in the production of trash
2. Producers and presenters currently with RTE and having to leave should be subsidized to create independent media companies

#### *IX Culture*

It would seem reasonable to assume, particularly in a country with as ancient and attractive an attested and living culture as Ireland;

- That state export boards would not collude with criminals in selling the quality expression of its greatest artists for Walmart to market at cut-price;
- That the national “music rights body” should not be involved in copyright theft at an industrial scale;
- That the entire corpus of traditional should not be privatized, but be in the public domain;
- That criminals in this area should be brought to justice once caught in Ireland by the Gardai, and exposed both in British litigation and US federal court proceedings

None of the above is true as of the early 21st century. We therefore propose that;

1. The statute of limitations be lifted for these crimes as for others;
2. Civil “servants” involved should be prosecuted, and lose their pensions if convicted

We can't fix Ireland without working out what went wrong. It seems self-evident that, as of 1999, this was the best-placed country in the west. Economically, it was growing at unprecedented rates; politically, it was entering a period of peace, with stability now being threatened only in the south; and culturally, as Tim Pat Coogan puts it;

“Culturally, almost every form of activity one chooses to look at is undergoing a period

of growth and development. In poetry, prose, rock music, film, cuisine and sport, the republic is playing a role in the international stage out of all proportion to its size”(P 402 “The troubles”, 1996, Co: Rinehart). We'll look at many of these.

This section is about how to get back there. We first need to be clear about what went wrong. In “The new rulers of the world” John Pilger paints a picture of the carve-up of Indonesia prior to the 1960's massacres. The argument here is that Ireland underwent a similar, “peaceful” carve-up in the late 1990's.

We have some concrete evidence; Wikileaks demonstrates that in 2004 Ireland's finance minister boasted to the then US ambassador Kenny that management now controlled the universities (historically the role of faculty); we do know that Irish traditional music was claimed by a private company, who issued a license; we do know that IMRO (Ireland's ASCAP/BMI) had a chair involved in industrial-scale copyright theft of the musicians he was supposed to protect. Bang went the native tech and music industries respectively. Yet that is just the tip of the iceberg.

The players are the then “permanent” Fianna Fail (FF) government, free to enter coalition with anyone (left, right, green) to make up the numbers. Having retracted the claim on the whole island, they had to find another source of electoral/political capital. One method was simply to abandon elections; a very crude e-voting system was tried, and failed. Another was to actually beneficially own large parts of Ireland and other countries; FF cronies were the main beneficiaries of the banking bonds issue of 2005-2008 that brought down the sovereign.

Culturally, other players entered. Anglo-American music companies wanted to destroy the nascent music superpower, the British in particular have had a recidivist interest in ethnocide of the Irish. FF wanted to dominate this aspect of Irish culture. IMO there were two stages; FF first destroyed any independent artists and substituted their own; then they got (if briefly) wealthy and decided to launch creatures like Mumba on the Americans, beating the yanks at their own game while ignoring Irish roots completely. They indeed beat the yanks for the brief 2 months or so the borrowed money lasted.

Film was the same; all grant money was swallowed up by the dreadful “PS I love you”, “written” by the PM's daughter. Prose? As luck would have it, Murdoch also made her a successful novelist.....the other daughter attempted a singing career.

Rock music; as TPC wrote we had the Corrs, Cranberries etc peaking. Then, as Dave Marsh has documented, U2 got carte blanche from the state to set up bogus “recording” and “distribution” companies to steal from the bands who would have been their competition. Now we have nothing apart from U2, who are based in Holland.

Sport is interesting. Hype aside, the now professional Irish rugby team has had World

cup results identical to what it had in the amateur era in which TPC wrote. Club teams no longer put out 200 players at all levels of ability to play competitive matches at weekends, as club resources have been sucked up by professionalism. Our soccer ranking has plummeted. In the 1990's we were a top-ranked women's squash nation; around the same time, under Matt Doyle, the tennis team did heroics. Investment in tennis is so poorly-targeted that Castleknock community put up money for us to have a competitor in the 2014 US open. Granted, cuisine is improving in Ireland as elsewhere

It is worth noting also that law acquired a new role. Ideally, it redresses injustice in society; close to its worst, it becomes an instrument of repression. That is indeed the case in our contemporary Ireland, with horrendous legal costs and massive case backlogs. Yet the Irish added an extra twist; ignore the verdict. For example, in DCU vs Cahill, DCU made it clear they would sack Cahill again if the case went against them, So the law is used first as instrument, then as a delaying instrument. At this point, the “new” IRA are of higher moral ground than the Irish state in their claims on sovereignty.

None of this could have been done without a criminalization of the Irish state bureaucracy. So overstuffed was this that many justifiably came to believe that their sole role was to commit crimes for their political masters; as they still do; but the people are rising. Others simply obstructed projects; an example is the fact that bureaucrats to administer the health service were being hired at the time there was a massive emigration of qualified nurses and doctors due to a hiring freeze. Recently, the then minister for health, James Reilly, put his antique cars including many jaguars for sale.....

To repeat; Ireland is lumbered with bureaucrats, many of whom were put in place during the Ahern years to ensure compliance with Ahern's desires. They had no skills relevant to their area. What they could do is destroy proposals coming from competent people; this bottom-up approach had been used successfully for building Ireland's native software industry and is described in Sean O Riain's book

The Irish state is losing its grip because established political parties are fronting for an order that no-one ever articulated as a political program. While claiming to get Ireland back on its feet, they perpetuate scams that cause mass emigration of the Irish; that destroy native talent in tech and music; and much else. The scams - and here I speak from experience - are often implemented through bureaucrats placed in key positions. the only qualification for their jobs these miscreants have is their willingness to commit crimes.

In a country with a brutally attenuated cultural history, these scum caused havoc. I name names; Paul Appleby, head of corporate "enforcement", who, while delaying an inquiry into the banksters also attempted (and failed) to plead in US federal court that it has perfectly ok for Irish companies to trade after being dissolved. Ronnie Ryan, principal

secretary of the department of education. The DPP's office is so clearly corrupt that all of them need to be thrown out.

So instead of our own google we have a bureaucrat in place at the IDA (Pat Howlin) who destroyed our link as equals with Stanford in 2006; we have, instead of the greatest music industry in the world, an ex- bureaucrat (P Lyons) who corruptly gave IMRO a monopoly and then joined the private sector; instead of being a dominant force in US radio, we have an ex-bureaucrat (Clare Duignan) who turned down an offer to franchise Irish programmes in the USA. In all cases, these proposals cost the taxpayers nothing and would have brought in \$ millions; in all cases, the bureaucrats kept their jobs and pensions. There has to be a massive involuntary redundancy programme here and loss of pensions, starting with Neary, the “financial controller”

I want to outline how I see the way things should develop in Ireland .For the record, I have spent as much time in the “real world” (music and media) as universities and have considerable skepticism about academic ideas. If what one says cannot be understood by an intelligent layperson, forget it.

The first main point I would propose is that the role of the state in Ireland needs to be cut back to essential activities which it does well and thoroughly. This would in practise result in many front-line civil servants (Gardai on the beat, nurses, teachers) getting a pay increase and many quangoes being abolished (SFI, and much else).

To reduce the role of the state also allows a way out of the abortion/gay marriage dilemmas. Briefly, simply to declare that the state does NOT have the right to take life is very powerful; similarly, insisting that the state must in its institutions and practices reflect centuries of community and civil society practise puts the onus on those who would scramble to find a single gay marriage community ritual in history (Nero comes to mind; sin sceal eile). The same argument works for private property; what was bizarre about NAMA was the clear infringement on the constitutional protection of private property.

The state has no business in adult people's bedrooms, as Pierre Trudeau famously said; it has proven also incompetent in its “picking of winners” in sophisticated areas like software. What we have instead is the grotesque SFI, which followed the failed Medialab. Likewise, the unwitting Irish taxpayer pays for weird projects in California like Deri (NUIG/Stanford), the San Jose innovation center, and god knows what else.

What the state can do is very firm corporate and criminal law enforcement. The Irish music business - huge in the 1990's – was effectively ruined by Enterprise Ireland hosting criminals at its international trade fairs who sold off the work of the many independent artists then in Ireland for bargain-basement sale at Walmart. Nobody got a penny apart from the criminals, and the Gardai investigation was treated so inappropriately at the DPP

level that the Gardai chose to give us many of the documents they had collected. We were then able to take cases successfully in the UK and US. It turns out that B Ahern's boyo, the chair of IMRO from 1998 (Shay Hennessy) was stealing copyrights at an industrial scale.

We can confidently say that the Irish music biz can be put back together; similarly, the software. The central idea; return the state to an appropriate role and allow the energy and initiative of the Irish do the rest. This transcends left/right issues I hope you find what I have to say sympathetic.

### RE-IMAGINING IRELAND, RE-ENGINEERING IRELAND

Every decade or so, the Irish state puts on a show of what French call “L'Imaginaire”; the myths and cultural ethos of the country. Our Victorian-era predecessors made such a good job of imagining the culture of a sovereign Ireland that their struggles with themselves achieved worldwide resonance. Books like Kiberd's cut-and-pasted book of essays packaged as “re-inventing Ireland” are little more than a report of the impassioned mental gymnastics of Joyce, Wilde, , Yeats and (more interestingly) ascendancy writers like Elizabeth Bowen Even in the 21st century, Irish studies has essentially focused on re-rehearsing these issues.

The results have included an abhorrent intellectual vacuum as Ireland was comprehensively re-engineered. America was very involved as it sought a Trojan horse in the EU. see the 61k+ records in

[https://search.wikileaks.org/advanced?q=+ireland&exclude\\_words=&words\\_title\\_only=&words\\_content\\_only=&sort=o#results](https://search.wikileaks.org/advanced?q=+ireland&exclude_words=&words_title_only=&words_content_only=&sort=o#results)

These rarely feature the mysterious Bertie Ahern, whose meetings with the Americans may have taken place in camera- or at least in Drumcondra. Let us not forget that he had Thursdays off and used to bring a file of reports from the principal secretaries of every govt dept home to Drumcondra - to whom? About this more anon; there are uncontroversial reforms we can propose.

In the first place, much of what passes for state policy in Ireland is flagrantly criminal. Ethnic and other independent musicians still do not get paid and their royalties go to criminals; the universities reserve their right to seize personal possessions and intimidate students; companies favored by the establishment are allowed to trade post-dissolution and continue to steal; penalty points are vitiated for those on whom the state's favor rests. All this can be halted with a new political party

This is GIFIC (“good” old-fashioned Irish corruption), the result of two Tweedle parties alternating in power using Labor as a shared catamite. Since the 1990's, and

probably due to the unhealthy American interest in Ireland, experiments were done concerning how to give private companies the imperviousness to prosecution normally enjoyed by the state (eg IMRO) and how to give state bodies discretion to act outside the law as private companies (DCU). The *reductio ad absurdum* of this, of course, is Irish Water. True god and true man, both wave and particle, it is represented within Ireland as a state organization, and externally as private when bonds have to be issued.

The unhealthy American interest in Ireland, resulted – in chronological order – in a 1998 “agreement”, promulgated as a set of unilateral impositions on Ireland, that gave up ALL of Ireland's territory, a 2010 insistence by Tim Geithner in the face of opposition by the IMF that Ireland should repay ALL bondholders, industrial – scale theft of passports and refusal of recognition to Irish diplomats at the US embassy in Dublin and Obama's periodic rants against his “ancestors”. The country was to be de-recognized and reduced to beggarly status.

The current institutional set-up in Ireland is described above; corporatist-style fusion of state, business and unions and yet no binding labor court, nor any protection from summary dismissal; massive mafia law firms training those in power to break the law; an incessant drone that the Irish are to become an ethnic minority in Ireland; and so on.

What then can be done? Well, Scotland showed us the way; a low-population high-resource country will win the 21st century. Of course the Scots baulked at first; had they not, they could have invited Snowden and Assange; revealed America's gargantuan software companies as the garbage they are, ready to be taken down by a single smart country; and used the internet to remove the myriad parasites in modern bureaucracies blocking the progress of humanity.

Readers may not know that the Irish and British/NI states granted formal recognition to each other only through the good Friday agreement of 1998. Up to then both had claimed the NE corner of Ireland as part of the national territory. Let us note that, in the resource-starved century we live, France has held on to its colonial claims which comprise 97% of its national territory.

A dashed convenient deal for the Brits, that 1998 business; Ireland surrendered ALL its national territory, defining the nation instead solely in terms of people born there. About 1.4 million people ratified this recission in a referendum. Then, in a further referendum in 2004, about 1.4 million people decided this was not such a good idea after all, and the 1998 agreement is now surely null and void in its territorial retraction.

In 2011, in earshot of riots nearby, the Queen laid a wreath to the heroes of Irish independence at the garden of remembrance in Dublin's Parnell Square. 100 meters away, the statue of Parnell proudly proclaimed that no-one has the right to set bounds on the

march of a nation. Behind the queen, representing the Irish state, were two non-Irish people; “President” Macaleese, who true to her petit-bourgeois Belfast origins learned Spanish, rather than Irish at school; and the truly sinister then Minister for Defence (and Justice!) Alan Shatter.

In the latter's brief and corrupt tenure, Shatter declaimed the Irish for not participating in WW2; swore in tens of thousands of immigrants as Irish “citizens”; and repeatedly interfered with the legal system until he was caught and forced to resign. Here is the truth; WW2 was not our business as a state; many Irish fought heroically for the allies, and well over 50% of all congressional medals of honour have been won by Irish-Americans with over 10% going to men BORN in Ireland. In particular, both of Shatter's parents were English Jews; as Louise London has documented, the scale of the Shoah was due precisely to English Jews refusing to admit their continental co-religionists;

[http://www.amazon.com/Whitehall-Jews-1933-1948-Immigration-Holocaust/dp/0521534496/ref=sr\\_1\\_1?s=books&ie=UTF8&qid=1416243428&sr=1-1](http://www.amazon.com/Whitehall-Jews-1933-1948-Immigration-Holocaust/dp/0521534496/ref=sr_1_1?s=books&ie=UTF8&qid=1416243428&sr=1-1)

Now to the matter at hand; we have no evidence that either Enda Kenny, or Michael Noonan have enriched themselves illegally. (It is possible that all like apparently Reilly have secretly squirreled away millions ) All are retirement age; none have anything greater than the most minimal undergraduate education. Currently, their well-being is at risk when they venture out in public. For foreign readers, I must point out that, until the Ahern years, one spoke to the Irish PM as person to person in true republican mode at public events,

Noonan and Kenny boast of Ireland's recovery, evidenced by low bond yields; they neglect to mention that serial defaulter Argentina has had the most successful stock market in the world in 2014. Bad girl Iceland, whose refusal to pay back even deposit holders in Icesave provoked British use of terrorist laws and threats of gunboats ( a la the 19th century remedy for bond default) recovered superbly. The bank bail-out has cost Ireland fully 60 times more per person than it did Britain

There is something of the ancient Irish monks going on Imram in Kenny and Noonan; indeed, finding Ireland too cosy, these monks went to Iceland. I suggest a new corner of the garden of remembrance for these heroes of the new world order, one in which a la Rupert Brooke and Katherine Mansfield, they will have Brussels/DC pockmarked on their hearts in a country which does not have a territory. If, entering government in 2030 at latest, Sinn Fein have not learned from them, we may need a whole new garden.

## 2016; IRELAND'S LEAP INTO THE ABYSS YEAR

In the summer of 2016, Ireland disgraced itself internationally at the Rio Olympics and -

even more seriously – by appealing an EC decisions about Apple’s tax affairs. Indeed, Google heard the message loud and clear just over a decade ago and announced they would prefer not to hire any Irish people, given the higher comp sci standard in the Baltic states. No, silly, you can't find this on the web!

Given that Pat Hickey had been targeted in 2012 by no less a figure than Romario, hero of one of Brazil's soccer world cup wins and now a politician, it may be puzzling that Hickey did not emulate his anointed successor Delaney and flee to Ireland. The reason is almost certainly that Hickey felt he had protection at the highest level; apart from being swooned over in Dail committee, there is FOI correspondence between the current Taoiseach and his constituency running-mate inquiring about the availability of Olympic tickets for a teenager!

And so it goes; debauching of all that is good and fine about the Irish people so that a self-appointed elite can run with their correlates in other countries. Hickey's arrest and humiliation was no surprise; indeed, a few days before he was viewed naked on Brazilian TV, he had essentially told the Irish minister for sport where to go. Our Olympic presence was his business and nobody else's; the fact we look pathetic in the world's eyes is a slightly regrettable byproduct.

Try also to “Google” (and “Bing”) “Cahill – v – DCU, (2009), IESC 80 (2009)”. Remarkably, no results for the critical decision in Anglo-Saxon jurisprudence about academic tenure until 2014. Remove a few characters and yes; this was a good if inflexible hack. As for Prondzynski, he disappeared completely from Ireland, and is trying to privatize a Scottish university with a “softly, softly” approach; we kicked him out. Now we come to the point; Ireland is infested with the kind of spooks who have a SWAT team visit if you accidentally leave the new iPhone in a bar. Indeed, until Tim Pat Coogan (not the state) intervened, the US was openly stealing Irish passports at its Dublin embassy.

The sheer brazen criminality of the Irish establishment is extraordinary. In 2016, a cop whistle blower called McCabe found he had “confessed” to being motivated by bitterness at a disposition. He revealed he had secretly taped it, and the two deponents were lying. No action was taken. If you go to the cops about anything the deep state wishes to continue, forget it; moreover, writing to politicians with the details will occasion nothing other than a polite reply. It will be used against you, and during the next horse-trading to form a coalition.

Nor did any of the unspeakable from the neocon era ever get resolved in Ireland. The universities are still said to have “autonomous statutory responsibilities” ie no responsibilities at all to the state. Tenure is still, rant as Supreme court justice Clarke may in his 2007 judgment, whatever academic tenure is on the contract (ie none). These contracts,



in turn, are wholly illegal, in 1995 including the signature of a personnel officer who had left 5 years before. Music copyrights are still in limbo. Nobody can live as a full human being in this dystopia passing s a state.

However, even that is not the point. In MacSwiney and others' writings, Ireland is for the self-realization of the Irish people, to help them better contribute to humanity. What the establishment wants instead is for the dressings and rituals of a sovereign nation be used to continue their criminal pre-eminence over the rest of us. What matter if the boxing authorities become so pissed off that our brave fighters are cheated of wins? What matter if Google says we Irish are stupid? Obviously the smart guys are getting their photos taken with the Skibereen lads.....

So what did the establishment want? Now it gets really sinister – or would if it were less pathetic. Gearoid O Colmain claims that the German establishment wants the population replaced; thus the influx from 2015. That had been tried in Ireland; disincentives on young Irish staying during the recession produced emigration levels not seen since the famine. The problem; the eastern EU people they were replaced by in general integrated well, and went back home regularly. Ireland did a better job with a much higher percentage of immigrants than Britain. But what of culture?

#### THE DELIBERATE DESTRUCTION OF THE NATIVE IRISH MUSIC AND SOFTWARE INDUSTRIES

The Irish establishment decided that they themselves-talentless politicians and functionaries and their families – would produce and control it. This was exemplified by the seizure with artistic genius of Bertie Ahern's two daughters in 1997;one, however, made the mistake of singing in public as Bertie did what Mrs Worthington was advised not to do. The other, more wisely, became a writer for Murdoch; several “books”, a TV series and a film costing the Irish taxpayer perhaps \$50 million + later, she got writer's block after the demission of her Dad.

It goes on. Irish music abroad is ill-represented by Sharon “the robot” Shannon, who gets all the gigs and is apparently is a front for property development done by her manager Dunford – or so the high court in Ireland effectively ruled in 2015. 500K was produced to fund an opera; it is unlikely to play La Scala soon. This 500k could fund the activities of 50 bands for a year. The minister for the arts and the Gaeltacht does not know Irish – or the arts.

There are solutions in the IP article in this book. However, even that does not come close to the sovereignty issue. In 1998, Ireland accepted the GFA; in 2010 it accepted an

invidious deal from the troika. Sovereignty over all our 32 counties was ceded in 1998; it looks as though sovereignty is now limited to using the law as an instrument to give American corporations like vulture funds free rein over us, including pursuing Irish people for a mortgage AFTER they have been evicted.

So let us cut to the chase. Brexit could yet be our salvation; for once, our Daddy is bigger than the Daddy of the loyalist vermin RUC men (yes, cops!) who attacked peaceful Catholic homes and pubs with submachine guns and bombs in the 1970's, in general being let off scotfree (pun intended) by such as "Judge Lord" Lowry. (Cadwallader, 2013) We should simply resolve to agree with the EC ruling, and develop native industry. We then can use the EU to create a United Ireland, continuing perhaps to a Gaelic confederation with Scotland, and a Celtic one with West Wales which also voted remain.

As things stand, the existence of an Irish state adds nothing but disgrace to all Irish, and the creative class are particularly targeted. Yet our Daddy (the EU) is bigger than theirs (the detritus of corporate America). Expect nothing from these scum; survive, continue to create, and try and find a market. Work toward a new Ireland really in the EU, with the odious debt of 2010 being balanced against proper corporate taxation.

In 2010, Ireland lost her economic independence. Briefly, if one considers the present "government" as essentially a colonial administration, everything falls into place. It is a fact that the state is on the hook for E100 + billion in debt that was passed on to the sovereign from private banks, including (in an unprecedented move) junior such debt. It is a fact that the state sponsored criminals to sell off the oeuvre of Ireland's leading musicians of the 1990's to fellow-criminals at international trade shows for cut-price sale at Walmart. It is a fact that there has not been a single prosecution for this, despite successful legal actions taken in the USA and England. It is a fact that the latitude allowed these criminals in the legal anti-matter in which we dwelt involved also enormous pressure on musicians to sign "indemnifications" which would retrospectively clothe the scams in legality.

It is a fact that repeated question in the Dail about criminal activity in the universities – including bribery and intimidation of students – were met with the response that the universities are allowed act outside the law. It is a fact that there were repeated attempts to impose an utterly inadequate e-voting system on the nation. It is a fact that when the tide went out in 2008 and we found out who was naked, several "businessmen" had loans in the \$ billions that were - in that beautiful phrase - "non-performing" ie they had no intention of ever repaying them. It is a fact that the 1998 GFA deprived Ireland of a national territory and is best regarded as not just a surrender by the Provos, but is a classical Anglo-Saxon imposition of what they wanted in 1921 ie unconditional surrender to the Anglo-american alliance. It is also a fact that, while the GFA was adopted by referendum, it was voted out by

referendum in 2004 wherein the definition of the nation reverts back to the 1937 “whole island”.

Suspension of the action of criminal investigation was a major technique. That means that the DPP actually advised people to take civil actions, fully knowing how ruinously expensive they are. The creaky civil system could actually be abolished in Ireland at no risk to justice. For those not familiar with this area, it is nonsense to continue this demarcation in a country where “contempt of court” is a criminal verdict arising from civil proceedings. Another major technique was refusal to stop trading after dissolution companies owned by wealthy individuals like U2.

Remarkable resources have been invested to curtail the natural fecundity of the Irish while forcing them to accept hordes from Eastern Europe. Soon, of course, we will be told to vote to accept an abortion regime that ensures the Kermit Gosnell of Ireland will be honored. The division of job agencies into one dealing with domestic companies and the IDA, dealing with foreign such, resulted in corporate takeover of hitherto superb Irish software education by American imbeciles working through Irish criminals.

So what to do? Well, the colonial system is remarkably fragile, and our current PM has announced he no longer has the stomach for the job and will retire soon. That is not surprising, as he is no longer safe walking down the street.

Like Scotland, Ireland has a venerable culture, massive natural resources that are being stolen from us by the day, and a gifted native population. We can turn everything around in a year once we get rid of the gangsters currently in power.

Here is the plan;

1. Agree to put corporate tax up to 35% as a quid pro quo for a debt writedown. As this should apply only to services, it is likely that Intel will stay
2. Being Irish is still the no. 1 ethnicity in the world. We have given it away too cheaply to Americans, who reciprocate by falsely accusing and then deporting our women on at least two occasions. Let Americans work for Irish credentials by passing a culture exam and paying 1% of their income to us
3. Reassert the claim on the whole island, and allow a referendum take place that will allow parts of the NE corner to secede. Irish credentials can be gained by people in these seceded areas. For the rest of the NE corner, a vote of over 60% in electoral areas will allow them access to Irish passports without passing a culture exam. If there are riots as a result of this, send in the army
4. Reinstate the 1916 document as the founding document of the state, and insist as all Irish patriots have done that even 1921 was a forced compromise too many, Accept also 1919 (first Dáil), 1937, and rescind 1608 (the evil "Tanistry" decision that resulted in recission of the Brehon law regime).

## WHY ACTIVE CIVIL DISOBEDIENCE IN IRELAND IS BOTH INCREASING AND MORALLY JUSTIFIABLE

The Irish constitution defines treason narrowly as the attempt to destroy the state by violence. Thus, the criminals who accepted over \$100 billion debt to international bankers are not by this definition traitors; nor are the Irish bankers who deliberately lied to the Irish authorities to get \$10 billion to keep their Anglo scam going for a while; nor are the scum who destroyed our music industry, putting in its place the U2 Muppet show; <http://davemarsh.us/?p=951>

Taking the law into one's own hands is exactly how revolutionary public like Ireland began. For the first time, we have seen Irish people going "postal" at higher rates than the USA and – a la the Dolce Vita – killing their children. There is a massive increase in suicide, alcoholism, and every other index. The Irish state is responding by exporting its talented and young people and replacing them with worker drones for corporate interests.

This is not a stable state of affairs Please note that I am not advocating a return to 1969-1994. The current situation wherein politicians are being confronted in public is fine with me. In that sense I advocate "civil disobedience". And yes, the threat of a centenary rerun on 1916 - very unlikely and probably even more of a military debacle - should be there and I am not willing to condemn groups like Eirigi

We are coming to the end of the neoliberal dispensation. Economization of life; financialization of the economy; bail-outs of the bankers when, as frequently must happen, the bubble bursts. The methods of control envisaged since 2000; spying, torture, preventive war – morphed into simple illegal dispossessions/evictions and putting the expansion burden on China.

China, in turn, grew a real-estate bubble from 2009 and then coerced its populace into the stock "market" in Shanghai. Both bubbles are now pricked. In Ireland, the establishment saw its main chance to survive; destroy fiscal and general economic independence, and ask scum like Blackstone in to buy property portfolios at a discount and with a guarantee of coercive help to evict Irish people.

In Mayo, the state colluded with Shell to destroy the infinitely courageous protesters; the student fees protesters were bought off. The water charges has proven to be the tipping point. Criminal prosecutions against these protesters while the criminals who destroyed a generation's work in building up the economy remain scot-free is the end of this state. I will not mention the numerous occasions wherein the state has actively colluded with criminals in the music industry and elsewhere as the details are published.

It is as if, because the coup in all its philistinism, criminality and incursions by the corrupt state apparatus was never actually officially declared, what we are experiencing is a

simple (and dangerous) weakening of the state itself rather than the normal political process of replacement of one set of ideas by another through elections

## RETURNING GAELIC CULTURE TO SCOTLAND

I was invited to a private luncheon/discussion/Q+A with Chris Patten at UC Berkeley on Fri 8th May 2015, in the wake of the Tories' success. He was indiscreet and very smart; he correctly pointed out that the physics/comp sci graduates being employed by the bookmakers were always more likely to provide more accurate predictions than the official pollsters (including Nate Silver ) and so the result had been less of a surprise to him.

He added that he would of course travel England's green and pleasant land boosting whatever deal Cameron gets from the EU before the referendum. And NI, he continued, pays dearly for peace in the shape of bad government; the unionist "cultural" expression is a tribal perversion of Britishness with which he is uncomfortable. Finally, yes, the UK may split up.

Scotland will look within after secession and all indications are that it will use its Gaelic past as a key pillar of its identity. Indeed, it can look to Ireland's successful playing up of the sophistication of the Neolithic culture, the Gaelic language, Scottish reels and bagpipe bands as usurpations of Scotland's own culture. It will do the necessary DNA analysis and conclude that there was no massive Irish invasion of Scotland, but a shared culture and people over North-Eastern Ireland and western Scotland. Finally, it may make Ireland irrelevant by using its superior intellectual and legal traditions.

Unlike Ireland, which simply adopted the most arcane traditions of English jurisprudence, Scotland has its own legal system. It is of course a fantasy to imagine that legal and moral standards are immeasurably higher in any other country to one's own; yet what passes for "law" in Ireland beggars belief. After a brief period of republican courts, the Irish free state re-instated the British system, labeled "insane" by the plaintiff in the recent Facebook case who realized that he could get neither a speedy nor a fair trial in Ireland.

What Ireland uniquely possessed was tortured, exiled writers and a political absolutism that led briefly (1921-1998) to independence of part of the island. This absolutism may indeed stem from the perception that a whole alternative civilization was locked up in texts and music that the British had not got around to suppressing for precisely the same reason as that in India; it just seemed too childish and pathetic. By the 1990's that "infantile" culture had achieved such worldwide currency that Liam Neeson, prior to accepting an OBE in 1999, spoke of how universal consciousness was manifesting in Ireland....

It was just about then, Neeson's Deepak Chopra moment, that things were falling apart there, But what had held them together up to then? There is no equivalent of Edinburgh's "Athens of the North"; Ireland's writers were in general banned and exiled; the music was sustained more by barowners' steadfast refusal to take money from musicians drinking and playing there than any state initiative.

In my opinion, the answer is complex; it was a sense of the numinous in Irish society, one that protected clerical pedophiles but also asserted a hierarchy of value in the elite arts like theater; a nexus of impresarios, theater-managers and actors who sensed (in a system that Neeson himself benefitted from) that while there was very little money, free rehearsal space in a modern city center is a gift. There also existed an Irish twist on Roman Catholicism that allowed organizations like Opus dei occasionally actually to make a positive contribution; and a political system where even an undoubtedly venal person like Charles Haughey would assert not just the territorial integrity of the country, but the greatness of a past that could – and, briefly, did - yet shape the future. Haughey's appointment of Tony Cronin as arts czar was a key decision in our 1990's renaissance.

In fact, the only truly egregious thing that Haughey inflicted on us was Bertie Ahern. Within a year of the latter's taking office, and the unionists' brutal murder of Sean Brown that led to what they must have seen as the IRA's surrender, all the pillars of the old Irish society were gone. Neoliberalism replaced Catholicism as the state dogma; the folk music was privatized in a contract that only the Irish legal system could assert as valid; a series of bubbles was generated that led to the surrender of the country's economic autonomy. We are now facing at least a decade of political instability, with political parties being birthed and dying in a fragmented political landscape.

The country that Ireland has become is not a fit locus for the remnants of Celtic/Gaelic culture that it preserved with such persistence and courage. The book of Kells could with justification just as easily be termed the book of Iona; the bagpipe bands so beloved of Irish-Americans are Scottish; the Fiannaiochta exist as strongly in Scotland as Ireland. It is possible that the Irish state has served its historical purpose. The fact that the British ensured, by repeatedly frustrating the democratic will of the people, that it was birthed in violence, resulted in a pathological state. They will not make the same error with the Scottish, who will thrive in a resource-starved 21st century, hopefully as our close partners.

Indeed, there is a case for a Scots-Irish confederation, with the rights of Protestants protected by the demographic reality of their being almost 50% of the population in that confederation.

What we Irish should learn from the Scottish independence referendum

Ireland's colonial history and the genocide repeatedly visited on the country are well-known facts. Less well-known is that Ireland became the donkey on which the tail was pinned in 2010, the international debtor of last resort;

<http://www.independent.ie/business/irish/ireland-must-play-hardball-to-get-deal-on-bank-bailouts-29954697.html>

Since this indenture was imposed on Ireland, approximately 250k of the brightest and best have left the country. It is clear that we were never meant to recover from the famine and Cromwellian genocides; it is equally clear that this is the Endlösung, the final solution with a debt that cannot be repaid forever burdening Ireland.

In 1998 the Irish people were conned into giving up their national territory (all of it, not just the NE corner) in the name of "peace". They were told that there would be a referendum in that corner to determine its status; there is no sign of it. However, in 2004 there WAS a referendum in the rest of the island in which the people decided 80:20 that the 1998 definition of the nation was wrong and Hassan Ahmed's paper in this volume explores the subsequent absurdities.

Now we know what will await us if the NI referendum comes to pass. The US president may weigh in for a "No" vote;

<http://www.telegraph.co.uk/news/uknews/scottish-independence/11103256/Barack-Obama-tells-Scotland-stay-united.html>

This is particularly the case as the Obama administration persistently uses Ireland as a whipping-boy be it for his obsession with gender "rights" or tax (that is, until the EC did a quid pro quo for BNP/Paribas with the apple ruling);

<http://www.irishcentral.com/opinion/others/Obama-needs-to-stop-bad-mouthing-Ireland-right-away.html>

From the ramparts of international neoliberal establishment we will experience fire;

<http://www.independent.co.uk/news/business/news/scottish-independence-blow-to-yes-campaign-as-bp-and-standard-life-claim-breakaway-will-harm-business-9724874.html>

## SO WHAT CAN BE DONE?

As companies like BP came out for "no" in Scotland we are getting a sense of what the years 1916-1924 must have been like in Ireland. The added complication of having to defeat the British militarily after repeatedly voting "yes" in Ireland will not have to be faced by the Scots. Anything other than "yes" is a national disgrace from which they will not recover, particularly after we showed them the way and took the brunt of British violence.

It is my belief that we are undergoing yet another genocide. I do not believe that we are still meant to be producing the level of high culture we are doing, just as the success of the

Irish in America was not foreseen. The “Ireland in crisis” book is full of solutions, at the political, administrative, technological and state narrative levels. The way things are deteriorating in Ireland, they may even be implemented.

First of all, unlucky indeed is the land that needs heroes; but non-existent is the nation that doesn't have them. Scotland's shame from 1979 lasted a generation; it has been 37 years since the 1979 referendum and by 2049 North Sea oil will be gone. In 1960 JFK won less than 50% of the vote; by 1962 surveys showed 64% claimed they voted for him. We have a lot of yes voters in 2016's Scotland

What this campaign showed was the limits of the purely civic nationalism the SNP espouses. The Scots could be scared by rebuttal of Salmond's economic arguments; what was needed was a narrative tying them to their land. Yet his central thesis, that a low population density, resource-rich country can thrive in the 21st century is one we Irish need to pay attention to. Paradoxically, the Welsh-speaking areas voted against Brexit in much larger numbers than Scots Gaelic speaking areas. A rebalancing in terms of cultural nationalism may help assuage the fears of Gaelic speakers.

We always had the ability to do without Google, Facebook and other US garbage. Then again, so has Scotland. Instead we created garbage like Deri in SFI and imported criminals who continue to assert (in publications written with Botox's manufacturer) against attested lab work that Botox cannot reach the brain;

<http://www.timeshighereducation.co.uk/news/whistleblowers-lab-probe-scientist-to-take-up-irish-post/188052.article>

There has recently been controversy about censorship of poets in the Maldives. Are we in Ireland really in a position to throw stones here? We do not allow musicians to make a living – it is documented that the chair of IMRO, FF's Shay Hennessy, was stealing copyrights in the 1990's at an industrial scale. The state then colluded with him via Enterprise Ireland to sell off the songs at a cut rate via Walmart. So we celebrate Dolores Keane's return, we should be aware of the factors that caused her depression and drug abuse. Specifically, not getting paid for her work

Secondly, our “legal” system has nothing to do with justice. The Gardai rarely investigate white-collar crime; when they do, as with the Hennessy music scam, the prosecution is interfered with at the DPP level and the musicians had to go to Federal court in the USA, where they won. The alternative is grinding through a system whose legal costs that has spawned three of the top 20 biggest legal firms in the EU from a population of 1% or so of the total

Thirdly, we do not have academic freedom in Ireland. The 1990 act prohibits strikes for “single” dismissals of everybody, including uni profs. Only Paul Cahill's willingness to



declare bankruptcy in the event of his losing prevented mass sackings at DCU.

The Irish State has a classic corporatist structure, with evisceration of civil society. By all means invite poets from anywhere to speak here; but it should not turn into another excuse for not investigating the institutionalized criminality and brutalization of artists and thinkers rampant in Ireland. Our country did not fail for lack of talent and hard work

Next time we Irish should explicitly support outright independence for Scotland.

#### REFERENCES

- Cadwallader, A (2013) *Lethal allies* Cork: Mercier  
Greenwald, G. (2014) *No place to hide* NY: Henry Holt

## IRISH FOLKLORE, LITERATURE AND NATIONAL IDENTITY

Glynn Custred

California State University East Bay

Fourth Conference of the International Congress of Irish Studies

University of California Berkeley, April 22-24, 2016

Tales, proverbs, popular sayings, songs and legends are some of the features that comprise the category we call folklore, along with the sounds and the phrases of the simple language in which they are expressed. Long before such a category was imagined, those features were simply part of the fabric of the everyday life of common people, so ordinary and so intertwined with other elements of daily life, that there was nothing seen in them worthy of scholarly attention. It was only toward the end of the eighteenth century that folklore as a separate category began to develop. It came from the vision of Johan Gottfried Herder (1744-1803) who argued that each nation has its own spirit, its own *Volksgeist* emerging in its own environment, and developing in its own unique way, and transmitted by the simplest of all means; the word of mouth and customary example. It was on such a humble level, said Herder, that the foundation of national uniqueness rests, not in the high culture of formal art and literature that to a large extent are comprised of the accretions and the combinations of elements from other cultures. In 1812 the Grimm Brothers brought that vision to the realm of recognized scholarship with the publication of their well-known collection of folktales, followed by their scholarly studies of German legends and sagas.

That was also a time when advancing modernity, with its rapidly increasing technology and evolving social forms, was transforming traditional agrarian society - which rested on a folk foundation - into what would soon become modern industrial societies. The Romantics of the time lamented the passing of traditional society for they saw in the traditional way of life an essence of human reality that was worthy of preservation and of celebration. That was also the time when new collective identities were being forged based not on dynastic realms but rather on the ethnic nation which became politically organized in the form of the modern nation state.

Those cultural and political responses to modernization, however, did not extinguish tradition, but instead transformed it into new forms with their own dynamics in a pattern both of continuity and creativity. In music this involved the transition from folk to commercial songs, and in the realm of storytelling from word of mouth to the written word, and with it the rise of new genres and the reworking of old motifs and recurrent themes in modern literary forms. Ireland was only one country which participated in those modernizing processes of continuity, transformation and creativity, not just in Europe but

around the world.

Ireland can boast the longest vernacular literature in Europe, with perhaps the exception of Greek, which, as one scholar puts it, was one of the greatest in Europe. This literature was written in Gaelic which was still producing some lively prose until the middle of the seventeenth century. After that, however, it went into decline and soon disappeared, not to be revived until the end of the nineteenth century. The Irish language also began to give way to the advance of English even on the folk level, surviving only as the vernacular of rural communities in the west of Ireland, a region known as the Gaeltracht. This retreat was initiated by the political and religious turmoil that roiled England and Ireland at that time. Yet progressive language shift did not mean the loss of the rich folk culture which both languages continued to convey well into the mid twentieth century.

The first English spoken in Ireland was in the English outpost established in Dublin in 1169. English rule eventually extended along the coast of the Irish Sea in what was known as the Pale, the zone where English law was in force and where the English language was spoken. There was no united government beyond the Pale but Celtic culture and speech exerted an influence on the population to the point where in 1366 steps were taken by law, in the Statutes of Kilkenny, to protect the English language and the English cultural presence. English expansion began in the sixteenth century when Henry VIII proclaimed himself king of Ireland and attempted to bring the Reformation to the island and between 1534 and 1603 with a series of military campaigns against the hereditary Gaelic rulers. This was followed in 1606 and 1609 by the Ulster Plantation an organized campaign of colonization, initiated by James I, in which settlers from England and Scotland were brought to Northern Ireland, and in 1607 with the Flight of the Earls, the voluntary exile of the Gaelic rulers of Ulster to the continent.

In the seventeenth century a new hierarchy arose throughout Ireland consisting of English traders, soldiers and landowners known as the Protestant or the Anglo-Irish Ascendancy with its close ties to England, yet eventually with its roots in Irish soil. In the eighteenth century a new English literary tradition took shape in Ireland boasting such illustrious writers as Jonathan Swift, William Congreve, Oliver Goldsmith, Richard Brinsley Sheridan, Edmund Burke and others. There was however nothing particularly Irish in their work and their audiences were English, in fact they all resided and worked in England, at least for a time, and their work belongs to the general body of English literature and is studied today as such. Yet Irish topics appeared in their prose and poetry such as Swift's *A Modest Proposal* (1729) in which he ironically proposed, in what on the surface appears to be serious prose, that Irish infants be used for food to alleviate famine, and in Oliver Goldsmith's poem "The Deserted Village" which describes the depopulation

of a village due to social and economic changes, where “wealth accumulates and men decay.” Those and other Anglo-Irish writers were caught between the two cultures, and to a certain extent felt out of place in both. This gave rise to a particular Anglo-Irish style characterized by irony, satire and nostalgia, in the latter case a style that has been described as proto-Romantic. It is at that point that the Irish reality, as those writers knew it, surfaced in their work.

Maria Edgeworth (1767-1849) was another Anglo-Irish writer. She was born and raised in England but since 1782 had lived on her family’s estate in Ireland where she acquired a feeling for the country and for its people. In 1800 she wrote a novel titled *Castle Rackrent*, the story of a land owning family, like hers, which was in decline. The narrator is a faithful family servant Thady Quirk who tells his story in the accents and with the figures of speech of his local dialect. Regionalisms were used sparingly in the novel and the text was aided by a glossary for the benefit of readers in England, thus Thady’s narrative was a literary adaptation of the dialect of that social class and place. This honest, but sometimes strained use of Irish speech was intended to let the Irish people speak for themselves in their own way, and to confer a sense of reality on them and what they have to say.

This use of Hiberno-English dialect, begun by Maria Edgeworth, became a part of Anglo-Irish literature and contrasted with the use of Irish pronunciation and idiomatic forms as a means of highlighting popular English stereotypes of the Irish, depicting them as boastful, shallow, bellicose but also quick to back down, a form of speech later known in the late nineteenth century as stage Irish but which goes back long before that. It was partially to counter this prejudice and partially to vindicate the use of dialect in literature, that Maria and her father Robert Lowell Edgeworth published in 1802 their *Essay on Irish Bulls* as a sequel to *Castle Rackrent* in which they described the various figures of folk speech in terms of classical rhetoric, noting that the everyday language of the common people in Ireland was more vivid and alive than among ordinary people in England.

*Castle Rankrent* was the first novel in Anglo-Irish literature that dealt specifically with Ireland. It was also the first regional novel in English, later acknowledged as such by Sir Walter Scott who praised the author in the preface in the first of his *Waverly* books, which are also regional novels which popularized Scottish cultural identity. Other novels and short fiction in that tradition followed.

William Carleton (1794-1869) was one of those writers, yet not one from the Big House tradition of Anglo-English landowners, but rather the Gaelic-speaking son of Gaelic-speaking parents from County Tyrone. Carleton later renounced Catholicism, a basic feature of native Irish identity, and joined the Church of Ireland, but he remained true to his folk roots which he described in his autobiography in terms of a pastoral idyll. His

writing was in the form of short stories and novellas. His most notable work was *Traits and Stories of the Irish Peasantry* 1830 which tells of dances, weddings, wakes and other aspects of life in rural Ireland. He too used local patterns of speech for stylistic effect and in a convincing manner. His writing also represents within the Irish story telling tradition the transition from the oral to the print medium, stories which met with immediate popular success.

Two other writers of that period were John Banim (1708-1842) and his brother Michael (1796-1874) whose work marks the emergence into Anglo-Irish fiction of the Catholic middle class. John Banim saw in the novel a means of expressing the authentic Irish way of life and as a way of changing the image of stage Irish. He also intended his writing as a vindication of Catholics in Ireland at the time when they were dominated by the Protestant Ascendancy, and in so doing he revealed the world of beliefs among the Irish peasantry, until then unheeded in literature. Michael Banim worked with his brother in contributing to a keener sense of Irish folklore and to the way of life of the Irish peasant as it had had appeared before the devastation of the famine which struck in the 1840s. Chief among their work was a series titled *Tales of the O'Hara Family*.

Talk lies at the heart of folk culture, yet talk is dealt with differently in different cultures. In that regard anthropologist Dell Hymes has proposed a continuum from taciturn, where talk is used sparingly, to loquacious where it is used more freely. The Irish belong unquestionably in the latter category. In that regard another anthropologist, Conrad Arensberg, in his study *The Irish Countryman*, carried out in the 1930s, described the Irish as a “talkative, mercurial, witty people whose language rings to us of simple old-world poetry long ago passed from our own tongue”, not only in the countryside but also in the cities, particularly in Dublin which he describes as “the last stronghold of the art of conversation.”

A part of the centrality of talk in folk culture is narrative, from the simple narrative of personal experience that plays a role in ordinary conversation everywhere, to the art of story-telling which had a flavor all its own within the Irish oral tradition. This is seen most specially in the *celidh* which folklorist Henry Glassie, in 1979, described as a tradition of evening entertainment when people come out at night to meet in someone's home to sit together and talk and tell stories. In 1954 author Padraig Colum describes such evenings as he knew them from his childhood in County Cavar. The evening begins with visitors assembling at some one's home around a peat fire to talk and listen, people who “relished conversation and had some pride in the ability to express themselves and to recall interesting personages, interesting episodes in local history.” Among the guests remembered by Colum was the *shanachie* of the district, the last in a long line of story-tellers and local

historians who told their stories in the traditional manner. Glassie describes shanachies as “old men, rarely gifted in story-telling, exceptional but not marginal people” whose stories, said Colum, are told “in the professional way with the timing, the gestures, the stresses that belong to an ancient popular art”, stories told in a “tumbled down cabin lighted only by a candle but more often just the peat on the hearth.”

Such an evening’s event was used by William Carleton as the frame for one of his stories, “Larry McFarlan’s Wake”, which appears in *Traits and Stories of the Irish Peasantry*. The story teller relates events leading up to McFarlane’s death. He builds dramatic effect as he describes McFarlane’s wife Sally’s increasing anxiety as she awaits his return home. As she waits, she hears a voice “crying and wailing in the greatest distress”, and wonders who that might be “sobbing and sighing in the greatest grief.” Finally one of the guests says, “T’was the banshee.” Another guest said “Indeed it was nothing else than the same”, and a third added “I wonder Sally didn’t think of that.” The story-teller says that no banshee had followed her family and she didn’t think of it in relation to her husband. She later heard that his brother and his wife also heard its wailing on the night of McFarlane’s death. In this way the narrative and the conversation, of which it is a part, alternate with one another, revealing old folk beliefs in the telling and in the manner in which they were so often related in the *celidh* by the light of a candle or around the peat fire in a simple rural dwelling.

It was within that stream of Anglo-Irish literature that the new interest in folk traditions had a major impact. In the nineteenth century Ireland was still an isolated outpost of Western Europe where folk traditions were perhaps best preserved and where the long history, and the prehistory, of the Celtic past still survived with its rich on-going body of folklore. The collecting of that material began in the early nineteenth century and gained prominence as the century advanced. Hundreds of versions of folktales were collected and told in the Irish style along with legends, ghost stories, fairy lore, humorous stories, anecdotes and personal accounts. In that regard, folklorist Richard Dorson says that no other nation has gathered its folktales with such fullness, with such loving care and with such dazzling rewards. The Irish Folklore Commission in Dublin, he says, has collected and archived a million and a half pages of traditions taken directly from the lips of their tellers.

Writers were among those most active in that pursuit, in a further phase of Anglo-Irish literature, whose foundations had been laid by Edgewood, Carlton and the Banim Brother, a phase known as the Irish Literary Revival. This movement lasted from the 1890s to 1922 when the Irish Free State came into existence, and when James Joyce’s *Ulysses* was published which, together with his other writings introduced a new stage not only in Irish,

and in English literature, but also in the Western literary tradition. All the streams of interest in that folk tradition, says Dorson, converged in the figure of Douglas Hyde who was not only a folklorist but also a poet and dramatist. Hyde was also a friend of Lady Gregory and William Butler Yeats who were not only writers but also collectors of folklore, especially the rich fairy tradition of the countryside.

One of the principle writers in that tradition was John Millington Synge (1871-1909). Synge's literary scope was European and his first interest was French literature which he had studied in Paris. He was also interested in Gaelic and in the Irish tradition and had attended lectures in the Sorbonne on Old Irish and Celtic civilization. He was also an enthusiastic member of the Gaelic League founded in 1893. Synge had translated Gaelic texts and was thus cognizant of the native Irish strain in the Hiberno-English of the rural population. Such an influence is known as a substratum - syntactic, lexical and phonetic features of an earlier language which has been replaced by a new and different one, in this case a Gaelic substratum in Hiberno-English. From that form of everyday language he forged a distinctly Irish literary idiom different from the standard language and thus more authentically Irish, which gave to the stage a language with both aesthetic intensity and authenticity and which solved the problem of depicting Irish life in English without the use of neutral Standard English.

Synge spent some time in the in the Gaeltracht doing research for his plays. In 1898 he published in the *New Ireland Review* an account of his life there titled *The Aran Islands*. His plays depict, with the ethnographer's eye, not only the traditional way of life in the islands and the west of Ireland, but also the life of people living close to nature. His plays were performed in the Abbey Theater in Dublin; in 1902 *In the Shadow of the Glen*, 1904 *Riders to the Sea*, 1909 *The Tinker's Wedding* and before that in 1907 *The Playboy of the Western World* which has been described as, in many ways, the master work of the Abbey Theater. At first that play did not sit well with the audience since it depicted an aspect of reality which did not conform to the simple romantic images of the West Country which had come to be expected of Irish literature.

Other writers had used Hiberno-English for literary effect among them Sheridan Le Fanu (1814-1873). Le Fanu was the son of a Church of Ireland clergyman related to R. B. Sheridan but of Huguenot extraction. He was the author of several novels most of them appearing in serial form in the *Dublin University Magazine* along with his short stories. His use of Hiberno-English dialect was, like that of other writers in that tradition, only for reporting the speech of the Irish peasant, and in this way bringing authenticity to his characters and what they say. Over time he refined that form of speech as a stylistic device thus making it more effective in his prose. Le Fanu gave full voice to his admiration for the

manner and the poetic resonance of Irish folk speech when in one short story, “Billy Malone’s Taste of Love and Glory”, he says, in the person of one of the characters, Father Purcell:

His words I can give, but your own fancy must supply the advantages of an intelligent, expressive countenance, and what is perhaps harder still, the harmony of his glorious brogue, that like the melodies of our own dear country, will have a burden of mirth or of sorrow with nearly equal property, tickling the diaphragm as easily as it plays with the heartstrings, and is itself a national music, I trust may never, never – scouted and despised though it may be – never cease, like the lost tones of our harp, to be heard in the fields of my country, in welcome or endearment, in fun or in sorrow, stirring the hearts of Irish men and Irish women.

Le Fanu’s stories depict states of consciousness induced by stress where the evidence of the senses and the powers of reasoning are called into question, a genre that Tzvetan Todorov would later call the literature of the fantastic. His shorter fiction tended to emphasize eerie atmospheres, as for example in “The Boy who Went with the Fairies” where he sets the stage for the events to follow by describing those lonely precincts where the solitary home of a widow and her three small children and her older daughter is located. “Poor was the widow in a land of poverty” says the narrator, in a “little thatched cabin” where “the thatch had acquired the grey tint and sunken outlines, that show how the alternations of rain and sun have told upon that perishable shelter.”

And if you were to venture inside when your eyes grew sufficiently accustomed to that dim light, you might see, hanging at the head of the widow’s wooden-roofed bed, her beads and a phial of holy water, defenses and bulwarks against the intrusion of that unearthly and evil power, of whose vicinity this solitary family were constantly reminded by the outline of Lisnavoura that lonely hill-haunt of the “Good people,” as the fairies are called euphemistically, whose strangely dome-like summit rose not half a mile away, looking like an outwork of the long line of mountain that sweeps by it.

Le Fanu has been described as “the premier mid-Victorian master of terror tales” by M. R. James who was himself a master of that genre, and as “one of the best story-tellers of the nineteenth century” who “stands absolutely in the first rank as a writer of ghost stories”, a genre that evokes the same belief, the same sense of dread and terror evoked by the sudden shock of an encounter with the otherworldly, as do the many legends of the folk tradition.

His stories, however, can be shorn of their otherworldly nature and still carry an



emotional import in terms of real life occurrences. “The Boy Who Went with the Fairies” is one such story. It is based on the widely held belief at that time throughout the Irish countryside that fairies live among us and sometimes abduct people. The pain of the loss told in this story is no different than that which is felt today when children are abducted by human agents. The sense of unease mounts as the mother awaits the return of her child, then develops into the sorrow among all when it is realized that the child is irrevocably lost.

Another example is the novella *Carmilla* published in serial form in 1871-72. This is the story of a vampire’s seduction of an innocent young woman in which the seduction alone with the lingering effects of abuse makes an arresting story as seen in the final passage.

The following Spring my father took me a tour through Italy. We remained away for more than a year. It was long before the terror of recent events subsided; and to this hour the image of *Carmilla* returns to memory with ambiguous alternations – sometimes the playful, languid, beautiful girl; sometimes the writhing fiend I saw in the ruined church; and often from a reverie I have started, fancying I heard the light step of *Carmilla* at the drawing-room door.

In this case, however, the other worldly figure, the vampire, is not taken from Irish folklore but rather from a belief that was quite current less than a century before in Eastern Europe. In fact the setting for the story is located far away in a remote corner of Austria. The novella is important in Irish literature since it was influential in the writing of a highly popular novel of the fantastic which was published in 1897 by another Irish writer, Bram Stoker - the ever popular *Dracula*. This was followed by an outtake of an earlier version of the novel published separately as a short story titled “*Dracula’s Guest*” which shows even more of Le Fanu’s influence.

The daily life of rural Ireland depicted by the writers of the Literary Revival was also a major theme in the revival of modern Gaelic literature. The period of Anglicization that began in the seventeenth century created a hiatus between the ancient and the modern traditions of native Irish writing, thus the novel came late to Gaelic literature. A best seller of that genre, and what is considered a classic by Gaelic speakers, is the 1949 novel *Cré na Cille* ‘*Dirty Ashes*’ by Máirtín Ó Cadhain (1906-1970). The author was born in a completely Gaelic-speaking district and first heard English when he was six years old. He taught school in the Gaeltracht in Galway from 1926-1936, he became active in the IRA and was an advocate for the Gaelic language, proclaiming that “The Irish language is my Irishness, my essence”. He eventually lectured at Trinity College in Dublin where he held the chair of Irish the year before his death.

O’Cadhain was also a prodigious writer with what has been described as an almost unsurpassed knowledge of Gaelic as well as a deep knowledge of literature. *Dirty Ashes*

combined that knowledge with a keen understanding and appreciation of the rural people whose stories it tells and in their own way of speaking, which O'Cadhain believed was the best way to get into people's minds. The action takes place in Connemara in the West of Ireland during the 1940s, a time that was still very much as rural Ireland had been before the tide of modernization finally reached and overwhelmed it. At that time, says Alan Titley, in the introduction to the English translation, the only radios were those in the priest's house and in the homes of the teachers. There were no movie theaters and only a few shops. The only forms of entertainment were songs, music and some dancing. The center piece of creativity, says Titley was talk which is also the centerpiece of the novel, in this sense of "never ending chatter" that reflects the concerns of humanity over thousands of years "replete with references to Irish story telling tradition" with the mythology, sagas and songs which are a part of the common discourse of traditional Ireland.

Titley, who translated the novel into English, says that it, like all great literature, is a "feast of language", in this case the kind of language "you might hear outside a door when everybody inside is tearing themselves apart; or in a country graveyard" where the talk in this novel takes place, among the dead "in the dark light of day." The dead continue the chatter they engaged in while alive, cognizant of the living but with no communication with them. Much of the content of that talk is satire on the everyday pieties of rural life, but as Titley observes, also on the snobbery, pretense and charlatry which are a part of life, not only of that time but now as well. The fact that the written text was true to the spoken word is seen by the fact that it was widely read out loud in the Gaeltracht.

It was the kind of people, depicted in this novel and in the novels and the fiction of the Anglo-Irish tradition, that appear in a painting which I saw in an art museum in Dublin; simple people in a humble low ceiling room looking up in awe to a priest in full vestments, too young one might think to warrant the respect shown in the faces of the people gathered before him; the image of traditional rural Ireland which had become the focus of scholarly and literary attention. Sean, however, who had taken me there, saw something different. He said with admiration, "but think of what they did when they left those conditions." And he was right, although it was not an easy transition for the first generations.

In the 1840s a blight destroyed the potato crop in Ireland, the staple on which people depended. They died by the thousands and many more left their homelands in the interest of survival in what, if not the greatest out migration in history, was at least the greatest in the last two hundred years. Many came to the United States under harsh conditions. The vessels in which they crossed the Atlantic were known as "coffin ships" since many died during the passage. Once they had arrived they did not move inland to take up the farm lands available in the interior as did German and Scandinavian immigrants, for as Frank

McCourt, author of *Angela's Ashes* (a story of Irish immigrants) puts it, "Our forefathers, landing on the eastern seaboard of the United States hesitated to move inland, where they could have farmed to their heart's content. Oh, no, they weren't going to be caught again. Look at what the land had down to them in Ireland. They stayed in the big cities, never again to become victims of the treacherous spud."

They did the hard work there, and on the land, digging ditches, building roads and new constructions and working in the mines. Many were also linguistically isolated, since many spoke only Gaelic and others little English. They were also religiously isolated as Catholics in a Protestant country at a time when the Catholic/Protestant divide fed anti-immigrant sentiments. They also carried with them pre-modern ideas and patterns of behavior that were in opposition to the culture of the receiving society and which was concentrated in Irish urban neighborhoods. As a rural people they were unused to the hygienic requirements of urban life and cholera was rife in Irish wards. Also, young males no longer subject to the restrictions of custom and under adverse conditions resorted to violence, drove up the homicide rate and strengthened the stereotype of the Irish as drunken brawlers. Those factors led to discrimination, even in the work place. Signs were sometimes seen announcing "No Negroes and Irish need apply." A joke further indicates the status of those first migrants to America when a black woman in Boston calls down to her little boy, "You put'ya shoes on. People's gonna think we's Irish." Yet they eventually not only did they assimilate, but the Irish element in American culture has assumed a special place and is highly respected.

The reasons for this assimilation, despite all the hardships and hard feelings of those immigrant and immediate post-immigrant years, was that the American economy was expanding and newcomers were needed to people the new lands opened up by frontier expansion, and to work in the construction and commercial sectors of the settled regions and in the big cities. And after 1870 an industrial surge required workers both from newly arriving immigrants and from the second and third generations of Irish immigrants. In other words there was a place – in fact a need – for them, and so the natural processes of assimilation could take place and they did.

Ireland was a part of a wider union at that time, a union with Great Britain as the center and the British Empire beyond. A hundred years ago this month, the first steps were taken towards separating from that union, a goal which was finally achieved in 1922 with the establishment of the Republic of Ireland and the assumption of full sovereignty. Fifty one years later Ireland, along with Great Britain, joined another union, the European Economic Community, which soon became the European Union with its own single currency and with no passport requirements or other border controls within a zone which

includes twenty two out of twenty eight of its member countries, but with some restrictions on their sovereignty. Ireland as a member state of the EU now faces another era of mass migration, this time not from Europe outward to other countries, but rather in the form a steadily mounting wave of migration into Europe from Africa, the Middle East and as far east as Pakistan.

The sheer mass of those new comers is already causing problems in the receiver countries similar to those encountered by the Irish in their mass migration to the United States. The kind of assimilation eventually achieved by the descendents of Irish immigrants in America, however, is unlikely for many Africans, Near Easterners and Pakistanis, perhaps even for most of them, for the conditions conducive to assimilation which existed in nineteenth century America do not exist in post-modern Europe, for there are no moving settlement frontiers incorporating new land that requires new settlers and no industrial surge that absorbs new, unskilled workers. Moreover manufacturing in Europe with its unskilled and semi-skilled labor force has given way to the service industries with an emphasis on education and developed cognitive skills. The migrants now flooding into Europe are ill equipped to easily fit into such an economy and their sheer numbers, unless curtailed, will mean that many will be permanently marginalized and with this marginalization resentment will build as it has in France with its migrants from its former North African possessions, and in Britain and the Netherlands with migrants from their former colonies.

The cost of all this will exert stress on the welfare states of Europe which in turn will raise the resentment of the native population, many of which are already vociferously opposed to the uncontrolled influx, thereby increasing social division and strife. A not insignificant dimension of those factors is religion, for a majority of those newcomers are Muslim, and there is a powerful strain of Islam that feeds off such discontent in order to advance its own cause among the Moslem communities living in enclaves in European urban areas, impeding their assimilation and further dividing what once were more stable societies. As a member of the EU Ireland is expected to play its part in all this but with little say over how it will be handled. In one sense this for Ireland is a new situation, for today it is immigration and its difficulties and not emigration that is a key factor in the process. But at the same time this is a variation of an old situation well known to Ireland, one of diminished sovereignty within a wider union where interests other than those of the nation take precedence.

On top of that is the change in attitude of the elite that now administers the country. Until now the attitude of the elites was characterized by a sense of Irish self consciousness and national distinctiveness which supported the collection and the appreciation of folk

tradition and its expression in song, theater and literature. Today, however, the elites that rules Ireland, like their counterparts across Europe, are characterized by a very different spirit, one which ignores national uniqueness, even national interests, and which appears to be suppressing, in terms of official support, Irish culture in favor of a transnational vision and a transnational policy within a wider association, the European Union. We do not know how these changes will ultimately affect the country. Yet one thing is certain, the rich folk tradition which lingered so long in Ireland and that was so carefully and so loving preserved, will always be there as will the rich national literary heritage which was built upon it, a treasure not only for Ireland, but for all of us.

## REFLECTIONS OF AN EXPATRIATE'S SON

Gerald Gillespie

Stanford University

Fourth Conference of the International Congress of Irish Studies

University of California Berkeley, April 22-24, 2016

Hundreds of thousands of children of Irish expatriates cherish living memories of their parents. Earlier memories of millions of offspring born abroad are still palpable in countless stories and films. The geocultural locales which helped shape this progeny range from America and Canada to Australia and Argentina, Brazil and South Africa, and numerous places more. My recollections, then, are just one set of countless oblique glimpses at Irish people who created the enormous global diaspora which helped enable a small nation to cast such a giant shadow. Here I shall attempt to covey aspects of two geocultural zones of the diaspora through the ways these often interacted with the Irish homeland and each other in the affairs of one extended family. My first numinous sense of Ireland was as a mid-Western teenager on route from New York to Southampton in order (in itself too long a story for this recollection) to attend school for a year at Felsted, England. In a brief interval our ship put into Cobh harbor at dusk for mail and freight. Thoughts of my mother and father, born in two different parts of the north, Donegal and Antrim, spurred the urge to jump ship right there in county Cork, but soon we were underway again.

Although my first direct taste of Ireland was to be postponed until after college, I did get to experience the Irish diaspora during my English school year, mainly by visiting my mother's extensive family settled in Glasgow, and seeing how the experience of successive generations of the Irish was cross-hatched with that of the Scots by the Clyde. I will always remember the morning I arrived, unannounced, at my aunt Chrissie's flat in the notorious Gallowgate district. This younger sister of my mother, an anti-monarchical passionate admirer of George Bernard Shaw, had six boys, the oldest of which, Andrew, became my regular companion. Their sire, Uncle Andrew, was an inveterate dog-racing addict who that very week fled by private plane to a hideaway in his native county Cavan so that criminal moneylenders could not snatch his big winnings, manna from heaven which happened to fall upon my arrival. Further spice was added to the family scene when cousin Andrew's pal, Tosh, a non-commissioned Scot in the RAF, turned up dangerously in incomplete uniform – on the lam, because he was one of a small, as yet unidentified group of Scottish drunks from various services who (as the radio was reporting) had just stolen the Stone of Scone from Westminster Abbey, and then (as I knew from Tosh's worried account)

upon sobering up had dumped this heavy object in the Serpentine pond in London and had fled by agreement to different corners of the United Kingdom, and one called in anonymously to inform the police where it was. By next autumn Scottish separatists were occasionally planting bombs in new postal boxes in Glasgow labeled QE II, since in Scotland Elisabeth was QE I.

My aunt Chrissie's being overfull, I was actually billeted during my visit with unmarried uncle Jack and two maiden aunts Lizzy and Kitty whose flat was near Brighton Cross and right across from the Gorbels, a gangster district – which like the Gallowgate was decades later urban-renewed out of existence. Jack had been in an odd military unit during World War II where the government obviously parked special cases. There he became a confidant of T.E. Lawrence of Arabia who had enlisted as a common soldier under a pseudonym and died in ditching his motorcycle rather than hit innocent pedestrians on one of his restless jaunts around the countryside. Jack had collaborated with a quixotic leftist friend in failed attempts to float a bookstore and a theater for art films in Glasgow. Though impecunious, he collected first editions and found great relief in my presence as a cognizant auditor by marching up and down, berating Joyce for his arrogant expectations of Herculean efforts on the part of readers of *Ulysses*, let alone *Finnegans Wake*; it was clearly a love-hate relationship. My maternal grandfather, a post-Rococo and somewhat Victorian sculptor in plaster, had moved his family from the Belfast region to Glasgow at its shipbuilding zenith because of the relatively greater abundance of public buildings that needed decorative walls and ceilings.

Upon both their mother's and his death, the oldest daughter Virginia assumed the role of mother, a couple more older sisters acted as nursemaid helpers, and the oldest boys worked for wages to maintain the ensemble of fourteen orphans. The largest part of the Glaswegian brood like my mother had been born in Ireland. They refused to go on the dole and the older thus prevented the authorities from scattering their younger siblings to foster care and orphanages. Grandfather had been beguiled by a nationalist pal to send my mother back to a patriotic grammar school in Ulster at age five, but she detested learning Gaelic and being hectored by the nuns and succeeded in her plea to be returned to "dear auld Glasgie toon" (in the words of a popular song). My mother became so homesick in America from reading my letters that she came over by ship in summer accompanied by my youngest brother James. Passing over many adventures, let me note I rushed from Spain over France and England to see them land by launch at Greenock. I recognized the liability posed for my little brother by his wearing a replica of the Northern uniform from the American Civil War, popular then with children in the States; tough kids in short pants would mock the "wee man" in long pants and jealously knock his cap off.

James was named after mother's older brother who had suffered shell shock in World War I, would turn up in Glasgow sometimes filthy rich with always a different woman, or in rags, and finally never showed up again at all.

On this second visit, after my school year had finished at Felsted School in Essex, I got to know better my uncle Sidney who was close to his older sibling Jack. A young idealist of Marxian leanings, speaking Esperanto which was then a craze also in France, Sidney had been passed down through the Pyrenees to fight in the International Brigade for the Spanish Republic. He did so for several years, participating in some key battles. When I described my recent visits to specific sites he knew, such as the military academy in Toledo and the highway at the university on the edge of Madrid, he became very agitated and almost had a heart attack. His health had been wrecked by privations in that conflict. A more immediate burden for him was my pious maiden aunts' disapproval of his marriage to a nice Protestant woman, but Jack sought to soothe him with the suggestion that for the sake of familial peace it truly would not matter if he sent his boy to a Catholic school, as the example of cases like Voltaire's own education by Jesuits demonstrated.

A few years later, after the dramatic events of the Hungarian rising against the Soviet system in 1956, Jack and Sidney attended a big convocation of Marxists in Glasgow and were dissatisfied with the rationalizations by British party bosses about the Russian military crackdown; they quit then and there. I was impressed by the sea changes which by the 1950s had been manifested in their lives. Much had happened since the time a full generation earlier when my own father, having abandoned the sea for landlubber existence as a bartender and factory worker in Glasgow and eventually having migrated to America, had befriended them. His meeting my mother came about because a sister of his best friend Roland, the amiable Scot, had married into my mother's family. I would very much enjoy expatiating here to describe our "uncle" Rollie, who followed my father to the United States in the later 1920s and became a cherished part of our intimate world on the shores of Lake Erie. But my immediate point is to say that the then old-fashioned Marxist, young Roland, served as best man and the revered sister Virginia gave away the bride when my fun-loving mother was wedded to my father in Saint Mary's church in Glasgow during one of his trips from America to visit old friends.

In the spirit of switching from one Irish diaspora to another, as my father seemed to do so readily in his early years, I shall now focus on him as the news of the Easter Rising reached him in 1916 as an expatriate and bachelor in Scotland. Already attracted to the IRA on the banks of the Clyde, he impetuously decided to cross by ferry to Dublin, eager to join in the events there by the Liffey. I recollect from childhood my father telling how on foot he found it too dangerous to approach close to the besieged central Post Office and



returned to his hotel to consider how to make contact with Irish insurgents who were not beleaguered in that symbolic core and were still capable of fighting. On his approaching the hotel desk, the clerk whispered he would conceal him in one of the laundry baskets and later smuggle him out the back. Not certain of the man's sympathies, my father prudently acted as if he had no idea what he was talking about, took the key, and went to his room. Inside he found four plain clothes detectives waiting, one of whom read an accurate description of him, from his birth in Donegal to his settlement in Glasgow, but crucial was the absence of any allusion to IRA connections. Nonetheless they barked orders for him to pack up and escorted him solemnly to the ferry docks and put him on board for return to Glasgow; he was being expelled as an undesirable person under martial law. I exist at this moment because he was not summarily executed at that moment. Many decades later, not too long before my father's death, I recall him waking once from a nightmare, remembering being directly behind an IRA acquaintance who was pulled aside at another gangplank and shot peremptorily because he was found to be carrying a concealed weapon and ammunition.

My father was one of many Irish youths who triangulated imaginatively among several possible new worlds in addition to dreaming of a renewed Ireland at the end of the nineteenth and start of the twentieth century. I recall him telling the story of a winter's day about 1900 when a pounding shook the door of his mother's cottage. In the opening stood a huge sunburnt man with long silvery whiskers like Buffalo Bill's, wearing a sombrero and toting two pearl-handled pistols on his belt. His eyes glittered in the firelight as he recounted leading caravans of covered wagons across the wide open country west of the Mississippi to the Pacific and fighting off Indian marauders.

This adventurer had arrived in the New World a bit before the American Civil War and now aged had come home at last to die in his native place. His return doubtlessly helped stir that familiar wanderlust that motivated my father to be a day-laborer for extra shillings and to run away from home by age sixteen and become a sailor. Years of rowing the black sheep out onto the Atlantic in summer to their own island as a way to maintain natural black wool for the weavers had strengthened the boy, as had hauling turf from the remote peat beds by donkey; it was almost as hard a life as crawling on the yard arms to reef the sails in a pitching sea. Then the attraction to the big city took hold, and World War I and the Easter Rising approached in turn. Father had a half brother John who was inducted into the British Army, while his older brother Peter ended up in the United States Army because, not long after he had walked down the gangplank onto New World soil as an immigrant, the American republic under Wilson finally joined in the European fray. Peter was devastatingly wounded in the battle of the Ardennes forest by a close shell burst

and went through long convalescence. Today he lies buried in the huge veterans' cemetery south of San Francisco.

It was this older brother of my father who urged him to come to the States. Initially father lived in the vicinity of the Fulton Fish Market in downtown Manhattan for the sake of access to good seafood and the conveniently located speakeasies. Perhaps things like that induced his sister Kate to return from New York to a simpler life in Ireland in the 1920s – a fact I only discovered in the mid-1950s on a visit to Donegal, about which I will soon comment. My uncle Peter also convinced my father to move on further to Cleveland, Ohio, and to join the huge urban transit company in which he was already well situated. Space is too limited to describe the high jinx of my father as an Irish bachelor who went regularly in search of watering spots during Prohibition and lived with half a dozen Irishmen in Mrs. Horan's boarding house on the East Side. Because a fellow roomer fired from an upper window at a nocturnal intruder who was skulking in Mrs. Horan's garage and whom he suspected of trying to steal a big stash of hootch from his car trunk, all hell broke loose. In fact it was an astute police investigator who swiftly summoned reinforcements. Once the smoke had cleared and the forces of law and order had restored the same and had only marginally shot up Mrs. Horan's establishment, my shaken father thought it prudent to spend vacation leave more often at a distance; for example, at a bar on the border that separated an isolated northernmost fragment of the Minnesota from Ontario. There for sheer fun one could lean over the bar and drink legally in Canada without one's feet leaving America. By the time father had married mother, he had a wide circle of acquaintances both bibulous and abstaining and was already very active in union affairs, and now she rapidly expanded the list to hundreds more of individuals and families.

Mother's start in America was perplexed, however, by the fact that the USA had enacted legislation stipulating a foreigner could not obtain citizenship by marrying an American, which father was by naturalization, while the UK had decided that a subject should lose his or her British citizenship by marrying a foreigner. So he had to leave her behind in Scotland until he could arrange a document countersigned reciprocally by consular officials of both countries, but my mother was so pleased with her picture that on sailing she tore it off and sent it back via the pilot boat to her sister Virginia. Thus, when contacted by the bemused American customs officials, my father had to travel to New York to fetch his bride out of detention and bring her, stateless, to Cleveland, soon to experience the plunge into the Great Depression against the accompanying background of labor strife and political agitation in a great industrial city.

The culture shock was too much, so that mother took her firstborn Kathleen along with her (the newer consular paper now pictured mother and daughter) on a maternity

leave to familiar Glasgow and there brought Nora into the world and returned with both daughters to America through stormy seas to their desperately lonely father. I appeared next, and then my brother Francis, on the ground level of a typical two-family house in East Cleveland. Coming and going at all hours according to assignments by the transit company, father nonetheless demonstrated remarkable talent for growing fruits and vegetables in a garden he cultivated at the rear. The string of crises, social and medical, was incessant – matter that must be consigned elsewhere, not here.

The most prominent and frequent among callers was uncle Rollie who as a boy had worked in the coal mines alongside the ponies he pitied and catching hot rivets for the welders up on the girders in the ship-building yards, but left for safer assignments on hard earth. He allowed us to yank his tough spring-like black curls and provided moments of comic relief as when he cracked open what he thought was a dyed Easter egg from the fridge and the yolk plopped down on his brand-new suit. We children delighted in hearing his most colorful Scots oaths, just as we enjoyed savoring our parents' two completely different accents and the variety of ethnic speech intermingled with American strains around us. One of the institutions almost as mysterious as St. Philomena's parish church was the Robert Burns Club which held a monthly dinner meeting in a Methodist recreation hall for socializing and dancing.

Profoundest admiration for the Bard bound father and Rollie in spirit more than Marx ever could, whereas mother enjoyed the dancing without them. As things got into full swing, they would put my brother Frank and me on a blanket under the piano to prevent our being trampled in the Dionysiac observances that united Irish and Scots at a deep level. Yet it was clear even to us children that other forces in the bigger world, as related in the movie newsreels, were pulling people apart. Uncle Peter was ever restless and simply disappeared about midway during what was for me a five-year family sojourn at the Strathmore address. My father was distressed by his inability to trace Peter's whereabouts and to head off the loss of valuable real estate Peter had astutely purchased in Shaker Heights, a newly flourishing suburb. It became impossible to cover the incurred taxes. Over the years he would be reported by Irish friends as having just stepped onto a streetcar in Hong Kong, having vanished around the corner in Rio de Janeiro, and similarly. My pathway was to shadow his in Donegal at a remove of twenty years as I shall explain further below.

Meanwhile let me stay with the not atypical American family that consisted of Irish parents of different background who met in one diaspora community and settled in another to raise their offspring. It could have been an analogous situation, say, in Australia or Brazil, but happened to involve America. My parents moved into an apartment on Hayden

Avenue, a main street in East Cleveland with an important trolley line. There a fairly steady stream of visitors appeared. For example, a younger cousin named Dunne, of a family of New York doctors, on her way as a patient to a major Midwestern clinic who confided in my oldest sister; it appeared we were tangentially related to the marvelous film actress Irene Dunne. Or a frightened paternal acquaintance who, on a long-planned adventure trip around the world, on arrival from Japan in Vancouver, had been kept a secret prisoner of the intelligence branch of the Canadian Royal Mounted Police for six months, mistaken as a look-alike for an IRA agent; and whom (I was privileged to eavesdrop as a child) my father advised to avoid New York but zigzag at once to Boston or Montreal, take any ship, and return immediately to his home in Ireland.

All too soon Europe was teetering into World War II. Since he had no car but enjoyed a free transit pass as a work benefit, father's aim probably was to lessen the transportation problem all around for the family and himself. In any case, he immediately set up a large bulletin board in our basement locker room on which he mounted maps to follow world events with colored marker pins. This bunker's shelves also contained dozens of Marxist and other political and rationalist tracts that he preferred not to hold in our book cabinet on the first floor where guests might naturally browse. It was perceptible father felt greatly relieved when, as *The Daily Worker* featured, the Comintern rehabilitated his hero Franklin D. Roosevelt as a worthy ally, after Hitler broke with Stalin. My brother James came on the scene in 1942 while his considerably older siblings were busy with various patriotic war drives such as collecting scrap metal and practicing air raid drills. Father's confidence in figures like Eamon de Valera was greatly muted because Eire assumed the stance of a neutral in the face of the menace the Nazis posed to Britain and Europe and inevitably the USA.

In the postwar period, earning a Bachelor of Arts in college and holding summer jobs meant a considerable hiatus before I could return to Europe. This happened when I won a Fulbright exchange scholarship to the University of Tübingen and intensive and extensive travels were possible between semesters and during the long summer holiday. Thus my first approach to Donegal, unannounced, occurred long before the onset of any Hibernian economic revival and Ireland's joining the European Union and adopting the euro. My key journey, in mid-summer after university recess, had begun on the border of Austria and Hungary as Russian armored columns rolled up; I had been sheltered briefly in a refugee camp, after arriving too late to join the insurrectionists in Budapest. Finally I crossed from Wales, took the boat train to Dublin and continued as far as Sligo.

During the long wait by a wharf for the only bus, a British soldier my age stuck close, wanting reassurance. The quiet hour was scarily serene and a barefoot young Tinker

woman in tartan skirt with a Tinker boy who were gathering discarded fish and begging unnerved him. He realized he was foreign like me, though visiting family, but he had not previously had the benefit of hearing about the Tinkers from a parent, as I had from my father. My mother instead knew about Gypsies, who with their tribal sense flourished in clannish Scotland. Some literally were taking her away one Sunday morning as a child whose strawberry blond hair they prized, but an alert Glasgow neighbor pulled her off their wagon. (“Otherwise, son, you would have been born a Gypsy;” quoth mother decades later.)

When my bus passed through the “Triangle” in Donegal Town and turned westward toward Killybegs, and at last I stepped off further on in Kilcar at dusk, I availed myself of the only taxi in the district, driven – so it turned out – by a distant cousin who was delighted by the challenge of finding out to which household I belonged. There were only four cars in the entire district: that attached the church, the constabulary’s, the doctor’s, and his with his brother for the taxi business. He drove me around for more than a solid hour in the surrounding hills to cottages where the oldest dwellers would study my face, pose genealogical questions, shake their heads no, suggest other possibilities. Finally he brought me into a thatched cottage at Castlecairn on the road north out of Kilcar toward the market town of Carrick. I immediately spied my grandmother’s disused spinning wheel under a loft ladder where the dog had retreated to bark. The black-haired woman at the hearth lifted her hand protectively before her face. A reddish man in shirt sleeves and still wearing wet boots stopped scraping fish to salt down in a big tin box. “Hello, Con, I’ve brought you your nephew from America!” I was startled to hear my uncle’s instant firm reply, “That’s not our nephew! It’s a ghost!” But then, knife in hand, he posed several probing questions and began to sound less anxious because of my detailed answers, until he greeted me with “Céad Mile fáilte” and my aunt Kate sighed heavily with relief.

They immediately accepted me into their home though my coming was a total surprise and explained that exactly twenty years earlier Kate’s brother, my uncle Peter, who looked like me at the comparable age, had suddenly appeared at their door, in very nervous state because of his war experiences, and had soon again departed. When I plunked my body onto the straw-stuffed mattress in the cottage’s third room, I heard the Atlantic rumbling at a distance and some wind in the thatch probably only for seconds.

Con owned the communal sheep dip but had hardly any sheep of his own. I assumed the chore of fetching potatoes from the vegetable patch off the road. Our water came from brook and well. Con had one cow for milk. With a sweeping gesture at the door he pointed out as the toilet facilities nature at large. For baking various breads aunt Kate had nooks in the fireplace wall and a special tripod pan whose lid you filled with peat coals

when you set it in the open fire. Her pots hung from a crane, the same model that pioneers in America used in the eighteenth and nineteenth centuries. I was enlisted the next morning to churn the butter for her and to chase a chicken for supper.

When the dole of fourteen shillings was distributed on Thursday, Con took me to drink it in town and I was happy to buy some store butter, jam, and other staple items for my aunt on the way back. Some evenings we drank away in a local pub while “friends” – that is, cousins – sang for me, some in English, some in Irish, until closing hour when we and the constable locked up, went around the back, and re-entered the premises. For self-preservation I had to pour good glasses of whiskey down the table leg on the sly until the cloud of fumes got dangerous, too. Some nights we wandered in the hills and once Con shouted out in the darkness to warn me of a possible fall down a crevasse because at some point our group had separated unbeknownst to me onto parallel paths. Gradually he took me around to remote farmsteads to meet “friends,” and one elderly cousin dropped her pet calf to dance for me to her husband’s accordion as a welcoming.

One day we walked out onto tilted Muckcross headland and picked shell fish off the rocks to eat with safety pins from our lapels and eat “dulsc,” sweet seaweed for salad. We looked across to the towering heights of Slieve League and at Teelin harbor tucked in the corner and we rounded Muckcross to the southern side where the peninsula rises up as steep cliffs and is indented by a huge cave called the Market Place, right under the scattering of weathered stones remaining from my father’s birthplace. The government decades later declared it a national monument. This became dangerous with the incoming tide, so we retraced our way to climb up from the northern shore to a cottage nearer to, but not at, the cliff’s very edge. There Con sat on a boulder and started laying a curse, to bring punishment down on the malefactors who had stolen the farm from my family and on the guilty Campbells who had connived by buying it during the “Troubles,” the civil war of the early twenties.

While Con was repositioning himself on another corner in the process of making a ritual square, the worried Campbell owner came out to plead and carried a large art book to show. On its cover was pictured a blue and orange Irish cart with a huge wheel on each side and pulled by a donkey, much like an ancient Roman vehicle. Con cried out when he recognized his own cart and donkey which he had lent a neighbor and lamented that the anthropologist had not interviewed him instead. He completely forgot what he had come to do. On the way back, Con occasionally would make a show of chasing one of his donkeys that was straying down a lane, visiting with others with head over the stone wall, but admitted it would never allow itself to be caught and hated its pasture. He acknowledged that the mountain stump from which Muckcross stretched cast a permanent

cold shadow over this useless patch that belonged to him.

One day we took the bus to Carrick and wandered among the lorries from which clothes and implements were being sold. Con commiserated with bleating lambs marked with bright identifying splashes of dye, about to be sold for gourmet repasts. He pointed out to me the market town's most prominent building, the hotel which had been bought in the Troubles with the ill-gotten gains from the sale of the farm that was rightfully mine. Decades later younger cousins sent me clippings of the sensational proceedings in court in Carrick when some family members contested the purloined inheritance upon the innkeeper's passing. I had decided long before never to insert myself in that complicated mess.

Gradually a series of "friends" dropped by the cottage to introduce themselves and one night dozens came till there was no space vacant. Some recited poems, or sang songs, or told stories. His head thrown back, his throat quivering, Con rendered an emotional lament several strophes in length about his lost love in Scotland. I knew he had never been there and recognized the medieval canzone structure of his plaint; of course, I said nothing except to admire his song. It was intimidating to be called on in turn, and the American ballad "On Top of Old Smokey" occurred to me which, to my relief, elicited praise. After a solid night of conversations the crowd of cousins set out for their several abodes, and Con, Kate, and I enjoyed some of the leftover cake and tea with contentment. On Sunday, Con escorted me to the parish church that remarkably resembled St. Philomena's in East Cleveland, for indeed it was American donations that had built it.

When a farmer, turning in front of me, put tuppence on the entry plate, Con signaled to me to put just one penny down, upon which this probable cousin blushed in embarrassment. I was fascinated to see that Peter's penny was still being collected for the Pope in Ireland despite all the efforts of the Reformation over centuries. Con had me sit in the seven-o'clock shadow of the rearmost pillar so that parishoners had to crane their necks hopelessly to view the Yank. Aunt Kate came running down the lane to remonstrate as we returned from mass; messengers had already reached her to complain. "What d'yet'ink I am woman, a big blow!" uncle Con retorted vehemently, but he could not conceal his smile from me over his successful ploy.

Uncle Con, aunt Kate's cousin and husband ("We may yet ask the bishop's opinion"), was a shanachie who at times could not suppress his sorrow over not having been able to attract and train up a teenager as apprentice in the lore, now transmitted in both Gaelic and English, to become his successor. He lamented the probable dying out of his role in the present age. Perhaps this loss was related in some way to the fact that my late grandmother Sarah was known to be the last person in the district who had witnessed the

Little People dancing by moonlight on the huge flat teetering rock on the beach at Muckross.

Because she piously concealed herself behind a boulder, the Little People, who obviously knew she was there, allowed it and did not punish her. Con speculated that, for some reason which we human beings did not understand, the purpose of the Little People on earth had been fulfilled and they had withdrawn now forever. One evening he became very expansive and talked about the landings of Spanish ships which had come around the top of Scotland to local shores after the defeat of the Armada. He also related to me how, during the flight of the earls, the Prince O'Neill had crossed over his land and dropped the treasure of Donegal down a large crack in the crowning rock which constituted about a third of his farm.

When I asked whether anyone had ever tried to retrieve this hoard, Con expressed his horror at the idea of such a sacrilegious act; he was not tempted by the treasure still inside the hill. Con pointed precisely in the direction of Galicia in northwest Spain and informed me that a principal group of Celts had migrated from there to Ireland, but they were not the only bunch of Celtic arrivals who had absorbed the archaic island dwellers, before more recent events such as Saint Brendan sailing to the New World, the Norse depredations, and Anglo-Norman imperialist intrusions. Knowing something of the geological story of the withdrawal of the ice cap some ten millennia earlier, I wondered what his view was of who were the first people in Ireland, and he drew ever further into and beyond the mists of time, until finally no axe was to be heard in the forest and no men trod the earth and no one was present to hear a bird singing. Though the whiskey was deepening my exhaustion and dawn was overtaking Con's many hours of steady narration, it occurred to me that his formulations echoed those of the old Nordic *Völuspá*. That immensely gratifying realization worked better than any medicine in lulling me asleep as the sun rose over Donegal in the harvest season.

On our way to catch the bus to Killybegs and the train there, Con tried to press some crumpled punt notes into my hand and asked me whether I would like the farm in the shadow, but I declined with gratitude for his and aunt Kate's spontaneous hospitality. There were poignant moments when young women, on their lonely way overseas for a livelihood and perhaps a husband, hugged their loved ones on the platform of the narrow-gauge railroad that no longer exists. Because of the considerable number of passengers some of the younger men jumped down, opened a shed, and dragged an extra car to couple to the small train. We went around anything larger than a puddle, and the locomotive engineer had to blow the whistle repeatedly to herd the drinking passengers out of the station bar and on board at any substantial village on the way. At last I reached the



frontier at Bundoran where the wide-gauge tracks started on the British side. As we rode toward Belfast and the boat for Glasgow, a middle-aged psychiatrist, a Donegal native who worked in a hospital in the English industrial Midlands, plied me with his morbid feelings toward his birthplace and relations. He was nonetheless kind and decent and, I thought, a melancholic like so many in my own family. Soon I was back to checking on the big-city cousins who were a distinct variant of recent expatriates.

I next visited Ireland only a few years later, still impecunious, but now married. My wife and I as graduate students, “postgraduates” in British terminology, had just arrived in Paris on separate meager fellowships and saw a fabulous offer by Aer Lingus in a shop window that would permit us to go on a return trip and to drive around for a fortnight in Ireland for the same cost as temporizing in a cheap Latin Quarter hotel before start of term, respectively at the Universities of Paris for her and Munich for me. That choice won us a great discovery of the south and middle of Ireland but prohibited stopping with family in the northwest or north. After I had finally started teaching as a newly minted Ph.D. the next big fellowship year opportunity whet our appetite keenly.

This opportunity arrived in the later 1960s, unfortunately after both uncle Con and aunt Kate had passed away. In a rented car we drove straight for the Blue Stack Mountains and to Umiskin above Teelin harbor to visit my bachelor cousins Péadar and Conall, who had taken over their father Con’s role in looking out for Kate in her decline and were left the Castlecairn property by her. My wife and I stayed at an inn in the back hills by the small Loch Esk which was source of the salmon-rich river Esk (the name an obvious Norse relic) that ran through Donegal Town past its castle out to sea. Péadar was quite mobile in a small car. His and Conall’s place in the upper Umiskin valley was comfortably old-style, although to my regret they had put a modern roof on Kate’s and installed a modern kitchen so as to rent the cottage. I recalled from a few years earlier my father’s inverse dismay when, on a long delayed return to Donegal, he was absent while on a side visit and (just like Péadar and Conall later) had had Kate’s kitchen converted and a telephone connected for her, but then discovered on circling back that she had canceled the telephone, had had all the new equipment removed, and had reverted to using her ancient crane and fireplace.

He became painfully aware of being so Americanized that his Irish past had become almost an elusive memory. Our own suffering mother passed away not too long after that episode, and father moved to the American southwest to escape the harsh Cleveland winters. There he reconnected with old friends, many Irish, from his transit system days. Being of the black Irish race, with high cheekbones and also now deeply tanned, under his western hat my father delighted in being initially mistaken for a member of some other

tribe if he visited an Indian reservation.

I have recited perhaps too many details of a particular family's history in order to illustrate how varieties of the natural diaspora interacted with the original Irish homeland and reciprocally with adoptive countries. Suspecting by the 1960s that her life was nearing its end, my mother became impatient for another visit with her remaining siblings and felt frustrated because under new rules the American government would still require her to wait two years to be naturalized. Seeing the shingle of the small British consulate in downtown Cleveland, on an impulse she went in and poured out her grievances, whereupon the sympathetic counsel took a blank passport from a drawer and issued it to her hand-written on the spot. Father had to suppress his chagrin over her not becoming an American and electing, for reasons she yet kept secret, to revert to the status of a British subject.

This was then compounded by his sister Kate's reverting to the older style of Irish peasant country life. I should like to compress into a few highlights the many dozens of experiences that followed upon the time when I sensed that an older era was slipping away forever except as memory: It departed with uncle Con and aunt Kate and was definitely over when both my parents were deceased. Of course I better grasped that in retrospect. There ensued numerous visits to Ireland decade after decade, often including Donegal, sometimes with spouses, on the part of all of our sibling cohort except my oldest sister. Dining at one of the two comfortable hotels on the Triangle eventually came to include Margaret, Péadar's and Conall's married sister.

They represented the small strands of the family who were still at home in the Gaeltacht, yet were conversant with the larger world via English. Notably Péadar was a voracious reader of a wide spectrum of books and articles. He let me down gently in correcting my hasty supposition from decades earlier that it was owing to the Armada that the ruins of the Spanish church stood at a juncture where, approaching from Kilcar in the direction of Carrick, one could veer off either down to Teelin harbor or up into Umiskin valley. A neat new bilingual government sign identified the now partially restored walls and nave. Spanish sailors had built the church only two centuries earlier as an expression of thanks for being rescued by Irish locals after their ship broke up in storm off the coast.

In the closing decades of the twentieth century I and my brothers and sisters discovered in the American upper Midwest two cousins who were descended from the brace of a dozen siblings in our paternal grandfather's generation. They actively researched the huge spread of our family worldwide and published a volume *The Gillespies of Umiskin* putting hundreds of relatives old and new on record. The nurturing soils of the two cross-hatched small nations, Hibernia and Caledonia, qualitatively became ever more precious over time

when measured against the enormous polities in our modern world. Also, positive elements in the further political development of the larger England and America, whose mutual support in the twentieth century was crucial, naturally became intertwined with the fate of the smaller democratic nations. I perceived familial reconciliation among nations after unavoidable quarrels and misunderstandings which were reflected in a shadowy fashion in the story of our own scattered tribe.

For example, I discovered my cousin Mary Ellen in the 1980s as a longtime Londoner married to Larry, a congenial Cork man. She had been unknown to me while a schoolboy; otherwise I would not have needed to pen invitations from an invented aunt so as to obtain weekend passes to London from my suspicious headmaster. As a young woman she had dodged German strafing to patch up Spitfires as they fueled up to return to the skies in the Battle of Britain. On family visits to rebel Donegal, Larry and Mar Eillén did not dare wear their British uniforms. As a girl she had been a favorite of my solitary grandfather Patrick who had moved in with her parents. She had a youthful picture of my father visiting her in London, looking very serious, and I noticed his high-topped laced-up shoes. She was startled when, decades after it had ceased to be relevant, I told her about his involvement with the IRA. That was something she had never known and now puzzled over

My further pathway as an exponent of comparative literary and cultural studies and as a historian – working in America and on guest stints in Europe and Asia – helped keep me aware of the dangers which smaller peoples face in dealing with larger or disproportionately powerful entities, let alone when they are destructively at loggerheads internally. My Gaelic speaking grandmother had recognized the ascent of English and the implications of British government policies in schooling. Having adopted English under the inducements and pressures of an empire, now that that empire has waned, the modern Irish enjoy an advantage in today's world by being masters of its principal lingua franca. But as grows ever clearer, that avenue entails a Jekyll-and-Hyde cultural vulnerability to intrusive forces of “standardization” – that is, in effect, to homogenization— because massive players want some pragmatic degree of conformity on the part of what they regard as clients.

The pressure comes from international behemoths such as multinationals anchored in the United States and may in due course emanate from a giant China or some other corner that prizes conformity. Huge postcolonial nations like India that are actually conglomerations of nations and ethnic groupings (such as once Europe boasted in the Austro-Hungarian tangle) are nowadays probably better suited to resist cultural pressures toward conforming to multinational models, while enjoying the advantage of having

English as a now deeply imbedded lingua franca. From my time as a guest professor in 1988 in Norwich, East Anglia, I recall colleagues discussing the superior training of Irish students and attributing it to the policy of the Dublin government which wanted their citizens to gain advanced skills for the future usable at home and/or to be highly employable if they chose to go overseas.

Since 2000, one encounters increasing numbers of sophisticated young Irish who are thoroughly at home in the contemporary hi tech environment almost anywhere, and certainly in the UK and USA as well as Ireland. However, in my view, this will not remain an unambiguously positive development if too many of them cease to have any capacity to grasp the cultural situation of Ireland in its own right, rooted in its own history. I draw a distinction between the large cross-cultural crowd from many nations who operate internationally and adjust culturally in appropriate ways whenever they re-enter their regional homespaces or attempt to mediate knowledge about them to strangers, and those denatured cosmopolitans no longer capable of relating to local or provincial culture or indeed of understanding it, let alone muster any empathy. The latter type now numbering in tens of millions across the globe represent a real force in the contemporary world. They and intolerant elitists of various stripe in bigger nations tend to bond, and the combination can inflict significant harm, although in particular they may almost coincidentally help small-sized cultures.

While I was participating in the celebration of “Bloomsday 100” in Dublin in 2004, I was impressed by the wisdom of the Irish who voted in high proportion throughout the nation in favor of annulling the provision whereby anyone born in Ireland automatically became a citizen. The prior open-door policy had unrealistically aped the latter-day baleful misinterpretation of the Fourteenth Amendment to the American constitution in the USA which was originally intended to protect the freed slaves. In Dublin it had led to an inundation of deliberately planned anchor babies, noticeably Chinese, plus daisy chains of relatives brought over ostensibly to keep the baby company. Illegal migration had already assumed dangerous proportions in contemporary America (where a wholly different polity had evolved from what prevailed until about World War II, not to speak of the totally different demographic situation of the nineteenth century in the New World). Mass migration has turned truly ominous within the European Union for small European nations like Ireland in the twenty-first century (pace James Joyce’s now irrelevant, because outdated universalizing view from the early twentieth century, i.e., a century earlier than today).

It had already become out of control in careless larger European nations inside the loose EU confederation; immigrants initially provided enhancements, but increasingly it

proved that ugly changes were being brought about by a steady backwash into the metropolitan centers of Europe from former colonies and contiguous territories. The present huge flows of refugees from the war zones in the Near East and Africa, with economic migrants from virtually everywhere mingling in, have recently forced many members of the EU to seal their borders out of self-protection. Perhaps sanity will now override the understandable reluctance in much of Europe to give up the internal conveniences of travel and communication until conditions materially change for the better in significant ways.

It is difficult to cope with the historical reality of certain devolutionary forces that may yet perhaps fragment much older, relatively well integrated ethnic clusters of settled inhabitants and more recent immigrants, such as we find in Britain and Spain to some degree, even though both these composite states still face the possibility of devolution into sovereign regions. The already defunct Yugoslavia, which I knew from 1967 onward before its breakup, was a leading example beyond the first stages of separation of peoples who were once bundled together in old empires, in the turbulence seen after World War I. Devolution will not stop just with the fracturing of huge empires which are still in the process of splitting up, such as the fortunes of the former Austro-Hungarian and the Russian imperial realms have shown. My point here is a far simpler one: It is imperative now, today to protect the extant, free, distinct smaller cultures of Europe from being flattened by re-absorption into any newer imperial conglomerate under the pretext of creating a more coherent economic and civilizatory block such as the EU claims to aspire to be, whereas in fact the supernumerary officialdom of collective Europe is failing to protect its actual indigenous cultures from clear and present dangers.

The supra-national nomenklatura asseverates it is doing what is right and necessary in Europe – meaning the pursuit of élitist supra-nationalist goals. The danger has always also been latent inside smaller nations that they might develop their own homegrown complicit élites which then would militate to adapt to the needs of powerful multinational suitors as their highest priority and in so doing adopt dangerous habits. If it were otherwise, Europe collectively would never have allowed the interests of big players like Germany to impede getting the explosive *Völkerwanderung* out of Islamic territories under control, when this massive movement of peoples so clearly threatens to overwhelm local cultures under the specific conditions of the early twenty-first century.

It requires great forbearance and wisdom to proceed at this juncture in the *realkpolitik* of European cooperation and simultaneously to maintain the EU's involvement in extra-European inter-state cooperation and defense alliances like the all-important NATO. Nations that have more recently re-attained liberation – for example, the Baltic states and

Central European countries – are loath to surrender the short precious opportunity they have enjoyed of having gotten quit of Russian imperial mandates, only in order to accommodate grandiose gestures by the Euro-élite overriding their cultural identity. The socially lumpy, economically uneven Europe that had emerged by the end of the twentieth century carried a heavy and complicated bureaucratic superstructure, but at least it had not yet fallen headlong into the delusion of hankering after false analogies with quite different continental entities like the USA. Europe still knew there was a significant difference between its quilt of sloppily overlapping agreements between and among its variegated polities and the wildly variant makeup of enormous states such as Indonesia, Brazil, Russia, America, China, India (to name the largest); and sensed that it would be folly to pretend otherwise.

Trying to force Europe into a procrustean straightjacket and shock it into being a kind of United States began already by 2000 to bear too much of a resemblance to what the philosopher of history Eric Voegelin has termed “ecumenical concupiscence.” In the lust for power, neo-imperialist élites again and again concoct ideologically elaborate excuses to posit “unity” as more important than “freedom” or actual identity. The grand project of Europe after World War II obviously needed and benefited from some rigorous rethinking decade by decade and was doing relatively well. But then came the baleful assault of militant Islam on “decadent” apostate Europe and prospectively on the majority of the human race, an assault that was complicated by re-ignited religious war and factionalism inside Islam. European populations faced a phantom resurrected out of pre-modern European history. Everybody (rightly, I think) has been talking about the threat this posed to Western political ideals. These ideals clearly are connected with the long evolutionary story of social progress that has occurred at different paces in different neighborhoods of Europe and its overseas extensions. But it is time to talk more forthrightly about the immediate existential threat to the various “laboratories” of freedom found in the rich mixture of types of European nations, including its valuable smallest nations in population size, and how to protect these jewels, too, in the European crown. Our celebration of the Irish bid for independence a century ago reminds us all of the urgency of serious recommitment to a European collaborative order that is pragmatic and that avoids deceptive appeals to any universalizing conformity that verges on a suicidal denial of historical reality.

#### ENDNOTE

My comment that Joyce’s view is irrelevant pragmatically with regard to Ireland’s predicament in the twenty-first century should not be taken for a lack of admiration for his universalizing neomythology centered on Ireland in *Ulysses* and *Finnegans Wake*, an

accomplishment that places him in the highest lineage from antiquity over Dante, Rabelais, Milton, and Goethe. For the larger picture readers can consult my book *Proust, Mann, Joyce in the Modernist Context* (2nd ed., 2010). My article “Bible Lessons: The Gospel according to Frye, Girard, Kermode, and Voegelin” (*Comparative Literature*, 38 [1986]: 287-297) is useful regarding Voegelin’s warnings against the imperialist impulse masquerading under an ecumenical banner.

## **PART 2**

### **RE-ENCHANTMENT**

IP in Ireland - Sean O Nuallain

Celtic metaphysics and consciousness - Sean O Nuallain

Cathal Brugha, Minister for Defence and Chairman of Army Council during War of Independence – Cathal Brugha II

International Human Rights after the Good Friday Agreement: The Citizenship Conversation in the Republic of Ireland – Hassan Ahmad

Dividing Ireland: From an Eirenic State to an Iron Gate - Eoin de Bhaldraithe

The United Nations and Ireland: Blood lines and the right to language - Mary Elizabeth Steiner



## IP IN IRELAND

Sean O Nuallain

### 1. EXECUTIVE SUMMARY

The central goal of IP policy should be to amplify creativity by strengthening the creator's grasp on his creation, and imposing harsh sanctions on those who violate the law. We can realistically expect that an intelligent and creative restructuring of IP legislation will attract back many of our talented emigrants, often accompanied by gifted non-Irish friends who are excited about living in a state that simultaneously protects both their privacy and their creations. This is particularly the case in the Gaelic/Celtic confederation that, post Brexit, seems increasingly likely.

So which laws should be applied? This leads to an interesting set of issues. For example, an announcement by the Irish state that the “General Public License “ reflected its ethos in software rights protection would gain us massive positive publicity. Being the first country to bow to the inevitable and introducing a set of academic journals that allowed the creators of the content maintain all their rights and that allowed free and open access by the public both to the articles and the peer review would put us at the forefront of world intellectual progress. A protocol such as the “creative commons” license, used successfully by several open humanities press and science journals, would work well here.

SFI and IMRO are to be closed for reasons given here. The criminality rampant in state universities like DCU is juxtaposed with the fallacious claims about Irish research that give this theft of IP traction. The case documented here is now being pursued at the Euro court of human rights.

Now let's look at positive recommendations. A tripartite ontology of human activity is proposed that places one's thoughts and private use of the internet outside state perusal. Finally we should follow the USA in declaring naturally occurring DNA sequences ineligible for patents

### 2 INTRODUCTION; IP IN THE THIRD MILLENNIUM OF THE COMMON ERA

When historians write of the first half of the 21st century, it is likely that the outstanding feature will not be the war on terror or climate change, but the increasing access by huge portions of the world's population to knowledge and other resources expressed digitally. In a digital age, the question of IP cuts to the core of what it is to be human. The famed interlocutor who suddenly found that he had been speaking prose would now find himself producing IP.

At the other extreme, computing patents have been issued for software as dumb as mouse clicks and as venerable as the fast Fourier transform; naturally occurring DNA sequences are patentable in the EU (if no longer so in the USA); the Joyce family have given up on renewing the copyright of *Ulysses* but - with some justification - claim that Joyce's letters to his grandson should not be published unless they consent.

Moreover, the pathological idea of a “content industry” has allowed cosmic levels of copyright theft to take place. Almost instant billionaires have been minted in Facebook, Youtube and others simply by stealing from artists, journalists and other creatives. While outside the scope of this article, a suitably re-architected internet that pays creatives correctly should not be outside our eventual scope.

The struggle for the preservation of the higher aspects of historically-attested human culture is an IP issue. So also, broadly considered, is the state's “right” to eavesdrop on its citizens. Objectification of the person as information has allowed the development of ingenious traversal algorithms for adjacency matrices that yield usable predictions. Such objectifications are highly lucrative, new lodes of gold and the word “mining” is appropriately used to describe their being processed.

Likewise, the ethos of objectification has led to an “economization” of life, with only monetarily fruitive work counting as activity in the famed Anglo-Saxon model; the financialization of the economy reached its apotheosis in 2008-2010 with whole countries like Ireland being sacrificed by their states to bail out banks that had used bad algorithms. The fact that the states have not desisted from spying has led to justifiable fears about the “deep state” and many dystopic “1984” warnings.

### 3. IP IN IRELAND

Famously, Leon Trotsky argues that Russia was ripe for revolution in 1917 precisely because it was so backward. Ireland is a desert for effective IP legislation to the point that major record companies sued the state over the vaunted 2000 act, and not a single prosecution has been taken by a state actor.

The copyright statements on the Irish patent website reflect neither legal realities nor best practise. For example, they do not distinguish between broadcast and mechanical copyright, perhaps the central issue in the large-scale theft from Irish musicians. Moreover, in view of the role of state actors in this attested theft, which required a US federal court case to halt, it is clear that the role of the state in this area should be restricted to severe enforcement of the criminal sanctions in the law.

Secondly, the notion of centralizing IP registration in a central state database has led to

an environment in which students are asked to sign over IP for their projects prior to examinations at college. This would have stopped the development of Google at Stanford and Facebook at Harvard.

Finally, our state media has been castigated by the head of TV3 for losing money, despite having a massive state subsidy (which he has no problem with) and using ads (there he disagrees), The information content of broadcast, assessed by cognitive science, would allow us to constrain RTE to produce programs of depth in keeping with its state remit.

#### 4 MUSIC

The Irish music industry is in crisis. From where we were in the 1990's, with several acts like Enya selling in the tens of millions, we have descended to the point that Iceland is doing better than us with many bands including Sigur Ros and “Of monsters and Men” getting primetime US TV and selling in the millions. In the meantime. South Korea spends \$300 million annually promoting its “K-Pop” which even has its own US TV channel.

The disaster that befell Irish music is not just lack of investment; it is in fact mainly a story of governmental corruption. First of all, what happened from the mid 1990's? We do know that U2 have been allowed to act outside the law with “Record services Ltd” , a dissolved company, signing independent artists and destroying their careers – and we know this as a result of a successful lawsuit. Another such successful suit allowed us discover that the chairman of IMRO, a Fianna Fail hack called Shay Hennessy whose job was to protect copyright, was involved in copyright theft on an industrial scale. We know also from an Arts council report that he colluded with Comhaltas to privatize all Irish music by assigning copyright to IMRO. The goal was surely a lucrative sale.

Actions required include;

1. IMRO is a hopelessly corrupt Fianna Fail gazebo. It should be closed down, with its functions transferred to a well-regulated state institution. IMRO's revenue is around \$50 million per year. Much of that is profit. Venues and radio/TV playing quality music could have their “licensing” paid to IMRO reduced by 75% as this money never makes it to the musicians, but rather goes on administration. Even if the income is cut to \$25 million, it will still be plenty for the following steps;
2. In particular, IMRO's claim that it OWNS all of Irish traditional music, as the arts council report exposed, should be refuted and the property should be held in trust for the Irish people.
3. All the theft done by IMRO and its companion MCPS should be reimbursed to the musicians. Between 1999 and 2003, the Gardai collected much evidence on IMRO and

only a blatant interference with the DPP prevented their being prosecuted. The case was resolved in 2010 in US federal court instead but the musicians cannot enforce the verdict for lack of funds and it is in Ireland's interest that the state should help them do so perhaps through the WTO;

4. The state should emulate the French and introduce an “intermittent” system. This would mean that, instead of going on the dole and trying to hide their gigs, full-time artist/musicians who do over 50 concerts a year at state-recognized venues should get a grant;

5. The state should reimburse all the musicians who had their CD's illegally licensed through an enterprise Ireland trade stand in midem in France at 1998. That will pay many outstanding bills, as we found through our successful federal court action that the sales through Walmart in particular were in the millions;

6. The state should return the copyrights taken by IMRO to the musicians

7. The state should return the money due to musicians from U2's use of dissolved “distribution” companies like Record services Ltd to destroy independent labels. This was done with FF connivance, and while we won a lawsuit against U2 on this, Paul Appleby refused to act even after we met him one-on-one at his request in 2006;

8. The state should investigate the use of fake tune titles in Irish by IMRO – the Gardai believed this indicated massive fraud as these could launder money;

9. The state should use existing media like the “Today's Ireland” program in the USA to introduce the American public to quality Irish music, not bad country music as now;

10. The state should stop the FF dominance of the festivals that Ireland will get every year like Celtic connections and Lorient and ensure new bands get a break there

11. If there is any grant money for tours in the USA, it would best be used by ensuring safe transport and accommodation.

After that, leave it up to the market; many Irish musicians are very hard-working and able.

## 5 SOCIETY AND THE INTELLECTUAL COMMONS

How far can this ethos of “open IP” spread? The answer lies in this writer's opinion in the fact that the game theory notion of “perfect information” is being approximated as smart phones colonize the citizenry; few indeed are those without some access to the internet, if only at the local library. It will be much harder for professions to conspire against the public from now on.

University education is changing; with online courses being aggressively promoted by Stanford and Berkeley through coursera.org and edx.org, it is possible that Ireland will be

left at the starting post.

21st century university education has many problems. For many countries, and in particular the USA, it is too expensive; students graduate with debts in the high 5 figures guaranteed to hamstring them. The disciplinary structure is wrong; subjects like Cognitive science are termed “interdisciplinary” simply because they were invented after the fossilization of departments. Ireland can capitalize on these trends

## 6. STATE FUNDING OF SCIENCE

SFI is Ireland's main science funding body. Like others such in the world, it rests on the idea that the economy benefits from large tranches of public funding for science. Again like its peers, the examples of Google, Apple and so on are deemed irrelevant by SFI; in each case, the breakthroughs came from a new business idea applied to a publicly-available technology by college dropouts (Facebook, with even less tech, is similar). Steve Jobs did not just ransack Xerox Park; he simply insisted that the mouse should cost \$10 max. Larry Page did not just rip off Leo Katz's ranking algorithm, IBM's “clever”etc; the lads at Google developed a business model based on scanning the results of searches. In each case, there was no benefit in being there first.

Nature is one of the top 2 science journals in the world. On 16 Oct 2014,(vol 514 Issue no 7522) there is an ad for SFI facing P. 286. It claims Ireland is “in the top 20 countries overall for citations...1st, 3rd and 4th in immunology, nanoscience and computer science. In actual fact Ireland was at best in the 30's in all these areas.

The reality is that Irish scientific performance was better in 2002, the year before SFI was created, than in 2013. In 2002 it was ranked 38 overall; in 2013 it was ranked 40 overall. SFI has cost in the region of E 800 million annually, according to Chris Horn of Iona and various state boards. This particularly applies to a country as small as Ireland that can't afford anything like SFI (or PRTL, etc). It should indeed have been possible to import "adjunct" faculty and up the ratings of Irish science, as assessed by publications. But wait : Doesn't this mean that the whole world now knows about the "innovation" that the unwitting taxpayer just paid for? Given that a paper achieves credibility by being much-referenced, doesn't this mean we're giving away our secrets to everybody?

No, actually; the taxpayer probably doesn't know, because the research is locked up in pay-per-view journals. (The late Robert Maxwell got his business start in one such, Pergamon press). Open science attempts to redress this, and there is a growing consensus it is correct in insisting that what is paid for by public money should be available to the public. However, our politicians are unwilling to miss out on the chance of seeming all futuristic/visionary for the cameras - and damn the torpedoes (or the cost).

Why are we paying for the training of foreign researchers who have NO special skills? The very expensive and controversial Deri – insofar as it does anything – deals with concerns that are so theoretical that NO companies will be formed. Not so with the other project I am going to mention, software localization, which has no proper role whatsoever on a university campus other than as a degree programme. Software localization is ideal for the R+D departments of corporations. However, they are unlikely to do any of this while they can charge the taxpayer through a mechanism like SFI. Then, when they sell the products, they can hit up the taxpayer again, now in his role as a consumer.

Realistically, Ireland can afford to invest only in niche science, often historically attested like the Bell-Schrodinger work and investigation of the mediaeval computus; everything we need for daily teaching and research is free on the web, as a result of conscious US policy. In short, SFI is a colossal waste of money. We have not even mentioned the fact that FEWER Irish companies now get Nasdaq listings after more than a decade of SFI than did before. By SFI's own account, even their patent and spinoff activity is dismal.

## 7 HOW NOT TO DO IT; A COMPUTER SCIENTIST'S EXPERIENCES AT DCU

The Free state attempts a university...experiences at NIHE/DCU

Below is an account of my dealings with DCU/NIHE from 1982 to 2009 written in 2009. Since then, the work I did there has had validation in that even the psychology work I did there in 1982 – which also disappeared – has been emulated by Stanford researchers;

1. An equivalent system to my PhD system, illegally seized by DCU, was sold to Apple for \$250 million in 2010.
2. I never got back the research funds I complained about in 2001.
3. I never got any of the possessions stolen from me in 2002, despite a letter I received then saying DCU would return them.
4. I run a highly successful research organization in the area in California.
5. The Irish taxpayer has lost millions in DCU's abuse of the legal system from 2002 to 2010 and perhaps billions by the theft of software.

## HOMEWORK

My first job with NIHE Dublin was as a lecturer/researcher in Psychology in 1982-83 ( I also administered the NIHE entrance exam) when I was completing my M.Sc. in that subject at UCD. It is perhaps worth noting that the quality of this work is attested by the

fact that I was offered a scholarship to Cornell University on foot of it. The entrance exam that I in turn had to do for entry into graduate work in the US indicated that my IQ at 151 on the Stanford-Binet scale was one in 1280 or so of the US population.

Things seemed to go well until my brother-in-law, John Graham, also employed at NIHED, started to have an affair with one of his colleagues, Maggie Gibbon, for whom he eventually left my sister. ( I have had to subsidize one of Graham's children since then.) I came into work one morning in June, 1983 to find that my office was being used as a storage-area for documents, without my permission. The acting head of department, Martin Croghan, stormed down with my brother-in-law to announce that he “didn't want any arguments”. I left on the spot, and NIHED wrote to me to say that the payment for the remaining 2 months of my contract would “not be interfered with”. That was about 500 pounds.

Consequently, when I was offered a permanent lecturing job in the computing department in 1987, I expressed my concerns to the head of dept of computing , Michael Ryan, as both Graham and Croghan were still there. Ryan assured me that this would not be an issue, so I agreed to work at NIHED. One caveat was that I was compelled by NIHED through Ryan to take on an extra job; to convert the M.Sc. in computer science I was finishing into a Ph.D to strengthen their drive to become a university. Intriguingly, this did not apply to Ryan, who never got a Ph.D but was promoted to full professor. Ryan did two reviews of my work in 1987-88, and heartily supported my being given tenure, which than automatically happened in 1988. The conversion of NIHED to a university was in any case a fait accompli; the chair of the accreditation committee, Mr Michael Gleeson, had already accepted the job as secretary of DCU years before the report was published and adopted by Parliament.

Doing a Ph.D is normally a full-time job lasting about 3-7 years. I also had a full teaching load of subjects thrown at me almost at random, often service teaching in other departments like accounting. I did not get to teach a full course in my own area of expertise until 1992. It is fair to say that the award of my Ph.D was delayed perhaps 3 years as a result, until 1992, and there was huge disruption to my research career. With this in mind, I started drafting an outline of a new degree programme in the specialised area of my Ph.D.; Computational Linguistics. There was an attempt by Croghan to sabotage it, with the result that we brought a linguist in from outside to replace him.

DCU became a university in 1989, and the first degree programme it accredited and offered was Computational Linguistics in 1991, with me as chair of the programme board which also meant administrator. The degree was an instant success, with 39 first choice applicants for 1991, and international acclaim, both from industry and academia (including

MIT). The best Computational Linguistics departments in Europe at the time included Saarbruecken, Bielefeld, and Nancy 2; all agreed to student exchanges with us, on the basis of the document I had drafted.

Just as well, because we had no permanent staff by 1992, despite an agreement that we would have 8. Ryan, who had neither qualifications nor experience in the area, kept convening interview panels, after which the job would be offered to individuals who patently had no interest in taking them; the offers were used to negotiate a better deal in their home institutions. My relationship with Ryan suffered as a result. It deteriorated further when he insisted on teaching a course in logic to our students. He failed to turn up for over 50% of his classes; many of the students, in turn, failed his course (the only one these excellent students failed in any numbers) and the external examiner considered Ryan's exam unfair to the point of ridiculousness. Ryan's initial reply was to threaten to fail more of the students. Eventually, we got him to back down; it is fair to say in retrospect that this was the end of my career at DCU. Ryan announced that he was replacing me as chair, and this was supported by Danny O'Hare; they portrayed it as a resignation (I never resigned, and repeatedly asked in vain to be reinstated). Ryan insisted that I continue to do the administration, including finding digs for the students for their year abroad.

Ryan repeatedly asked the students to survey my courses. Not only are such surveys against IR procedures in DCU, and no-one else in my dept. underwent them, but he always used a biased sample. (The only times my courses have undergone full surveys a la Stanford, the results have been extremely positive). In 1989, the class rep of an Msc course sent in a scathing report, allegedly on behalf of the class. I was upset, as was the class; every single other member of the class signed a document, which should be in my office at DCU, saying that they had nothing to do with it, and eventually the class rep admitted it was a solo effort. In 1998, Ryan repeated the trick, this time with perhaps 3 of a class of more than 70; again, students wrote in angry e-mails to say they were not surveyed. A colleague of mine (who then disappeared) Tony Veale simultaneously put out an e-mail to the students saying that I was a fraud; no action was taken against him. Ryan then asked me to write an e-mail saying I agreed with the survey; I still have his handwritten instructions to that effect, but refused to do so. Joe Morris' attempt in 2002 should be seen in this context; see below.

In the meantime, I had started an annual conference (CSNLP) that ran every year 1992-1999, bringing money into the country and resulting in a prestigious book. In Autumn, 1992, another set of interviews were held for the senior post in Computational Linguistics. I interviewed for the post, and was rejected in favour of a husband-and-wife team from England (in 1996, on re-advertisement, they refused even to consider my



application) As I predicted, the Brits had no intention of taking the jobs, and sat on the offer until late spring, 1993. Now, finally, there was genuine concern in human resources, and the head, Margaret Walsh, asked to see me, urgently.

After 6 years, I was due sabbatical leave, and the National Research Council, Canada, offered me a paid post. We had one staff member, if one under pre-tenure review ; Mr. Andy Way, who did not get a Ph.D. until 1999 or thereabouts (and, unlike me, was given paid time off to do so). Walsh asked me to find staff quickly. That I did; I got a few to plug the gap on 1-year contracts, as I could not offer permanency, and it was perhaps the end of any chance of reconciling with Ryan, who took it personally.

From 1989-1993, I also organized free gigs for all students and staff at DCU, which went extremely well. My contribution to the university was praised in front of all my department in Spring, 1992 – only Ryan had failed to show up as O'Hare pointed out that I had effectively done 3 jobs for the previous 5 years. The conferences were praised by DCU on <http://www.computing.dcu.ie/about/reports/98-99/summary.html>

The National Research Council asked me repeatedly to prolong with was initially meant to be a seven-month stay; the University of Sheffield, in turn, seconded me from them in 1995 with the launch there of my highly successful series of “Mind” conferences. Again, they ran in Dublin 1997-1999, bringing money into the country and resulting in 2 books. In preparation for “Mind” in 1995, I ran the review section from Dublin using student equipment at DCU; it was made clear by Ryan that I was not allowed to use my office, which was assigned to a secretary.

In 1996, I returned from Canada, and asked to be reinstated as chair of the programme board . Ryan made it clear that he would not do so, and conspired to get me kicked off the board, even as a member, with a public refusal to adjourn an illegally-convened meeting on 3 October, 1996. When the registrar overruled him on this, and I went along to the next meeting in early 1997, I was screamed at in front of students by the chair (Dorothy Kenny) and the meeting was abandoned. After I complained about this frankly outrageous behavior to Walsh, Ryan came into my office and threatened to kill me. Specifically, his words as he put his hand on my forearm; “I’ll kill you myself”. Ryan fenced for Ireland, and often displayed his machismo to his staff, but rarely as crudely as this. He also wshed on an agreement to pay a brilliant graduate student of mine, James Hynan, who left DCU as a result.

Naturally, I complained about the death threat. Walsh's response was to ask what I had been doing wrong. In 1999, the threat indeed came to life when I was grabbed by the throat by David Gray, the subject since of many complaints from students; when I defended myself, DCU started an utterly fraudulent disciplinary procedure against me,

wherein they lied to to the LRC, a state body . My GP, Dr Cahill of Serpentine Ave, seeing the marks on my thorax, told me I was lucky to be alive. I have proof of DCU's fraud, obtained under FoI.

It was clear that I was never going to get any outside research funding; neither was I funded to go to conferences. Indeed , a new trick emerged; when I got a paper accepted at conferences, including many exclusive ones, DCU would pay an advance on the flight, and then refuse to pay for the hotel and conference fee. I was therefore out of pocket perhaps 2,000 pounds for each conference; needless to say, the flight would not be paid in full. This happened in Tucson 1998, where my second book sold out, and San Sebastian 1999; as they shaped to do it gain for Italy, I gave up asking for funds and have paid all my own research since from my own pocket.

Another trick was losing the form, and asking me to fill it out again. Indeed, extensive documentation was asked for simple purchases of maybe E150 like a graphics card. It is important to remember that we are in competition, moment to moment, with well-funded and well-run research institutes all over the world. As events have proven, mine and my students' work was world-class, and yet I ended up having to pay from my own pocket for items like graphics cards. The personal research fund that we got for correcting scripts became inaccessible to me. This is our money, tax free if we use it for research. Only after being sacked did I get accounts from DCU, showing 3k pounds missing, as I told the gardai in Whitehall. The Gardai have never reported back, despite a Dail question:

Let us return to the Grey incident. The verdict from the LRC, given DCU's fraudulent claims, was that I should be suspended for a month and have a final written warning until December 31, 2000. Louise Morgan (the commissioner who mediated the case, and then moved on to head of HR at Iarnrod) told me in 2004 that she would have insisted on no sanction for me, had DCU told the truth. On Aug 6, 2000, the first week of my suspension, my father died of cancer. I told DCU this; my then boss, Smeaton, initially sympathized, then denied he knew anything about it at the subsequent grievance procedure (he since admitted in writing that he had). As I notified Smeaton, there were enormous difficulties with my father's estate. I became ill, and went on sick leave in December 2000. DCU continued to phone my house, at a frequency of up to every minute, as my phone records showed.

I took a grievance procedure. My contract requires a reply in 10 days. Almost 16 years and several meetings later, there is still no DCU reply. The procedure was known to Prondzynski, who evinced knowledge thereof when spoken to about it by Gormley, then my local TD. My work conditions continued to worsen; yet the work I did at the time formed the basis of links with Stanford, and a course that I taught there, which is

recognition indeed. The degree I set up went into decline, and was scrapped in 2003, with about 5 staff to be re-assigned. Josef Van Genabith, Way's ex-student, presided over its demise; he has since been given E30 million in research funding.

In 2001-2002, as described in my book "Being Human" (2004) which I launched at Stanford, DCU illegally withheld credit for a course I was teaching, and indeed offered the students extra marks to give perjured evidence against me. When the students refused, further, even more intense pressure including the threat of expulsion was used against 2 of the students, who accepted zero marks on an assignment rather than perjure themselves. I am enormously grateful to them. DCU's own registrar, Murray, had told Smeaton in writing the course should be given credit.

In the absence of funding, and because of what was at the time a growing international reputation, I accepted invited to talk in Denmark, Spain, and the US. In all cases, I informed DCU, and took leave if necessary. When Stanford wanted to enter into an NDA, I lodged the NDA with DCU's president's office. Smeaton had previously sabotaged a relationship with Rutgers. It is worth noting that the Irish state has unsuccessfully pursued Stanford since then, spending much taxpayers' money; had our work been followed up, they would have been in there for free years ago.

In June 2002, I was unfairly dismissed from DCU. I refused to enter yet another set of double binds – an utterly illegal disciplinary procedure initiated in the middle of a grievance procedure. SIPTU supported me in this, and I was summoned to a long meeting in July 2002 with the then branch secretary. Let us recall that our contracts at DCU require us to remain benefit members of SIPTU (that is, not just be members, but pay them about E250/year). This means, for example, that we must picket if there is an approved strike and we are asked to picket by SIPTU, or else we cease to be employees of DCU. Indeed, it means that we cannot comply with a disciplinary procedure that has not been approved by SIPTU, even if we wish to do so.

So the 1997 act is poorly drafted here, as elsewhere; it requires only that the union be "consulted" about new disciplinary procedures, though this is asking for trouble in a closed shop situation. Unambiguously, however, it requires that permanent academic staff appointed before 16th June (Bloomsday!) 1997 cannot have their tenure status, protected by the 1989 act, changed other than by agreement. I was appointed in the 1980's, and like Conal Fanning in the Gilligan judgement, upheld by the Supreme court, cannot have this new statute used on me for suspension/dismissal in any case.

The branch secretary offered me SIPTU's support - at a guess, because they felt slighted by managerial high-handedness. In any case, she told me to apply for reinstatement as distinct from compensation, and to appeal to the EAT through a rights

commissioner initially. I filled in the forms as told. Once I had done so, she immediately told me that I would not be reinstated. To the best of my recollection, her precise words:

“You're not going to get reinstated, you know”

That came as something as a shock – I had several excellent grad students, 2 new books and a new edition of my first about to come out, and a frankly stellar review of one of my previous books was just about to appear in the American jnl of Psychology. As for my teaching, I have since had the honour of having courses accredited and teaching with acclaim at both Stanford and Berkeley (Nos. 2 and 3 in the world according to the 2008 Shanghai survey, for whatever that is worth). I also felt strongly that DCU had an obligation to my students who, alas, have scattered all over the world. Several were brilliantly gifted. In any case, the fetters of the first double bind were in place.

In late September, 2002, as the record shows, my colleagues at DCU voted unanimously for my reinstatement at a meeting with over 100 in attendance and threatened strike action. I am still enormously grateful to them, and they were and are perfectly entitled to go on strike for an illegal statute and demand the reinstatement of me and others. At the time, I was also involved with Donal Lunny, my partner Melanie O'Reilly and others in the creation of the musicians' union of Ireland and Des Geraghty had offered to affiliate it to SIPTU. In a corporatist state like Ireland, this meant at least that musicians could get car insurance. One extremely fortunate outcome, as it happened, was that I had Geraghty's cell number.

Apparently, I was to have a say also; a SIPTU official phoned me and asked whether I approved a strike, and I inadvertently set the next double bind in motion by saying “yes”. SIPTU decided to eschew the strike option, and took an extremely risky case at the Labour court in front of Finbar Flood. This came about after perhaps 10 aborted or deferred settlement meetings. Flood's judgement that the 1985 agreement must be superceded eventually has in any case itself been superceded by the far stronger and more authoritative Clarke and Gilligan judgements. In short, the 1985 agreement is still in place, and will always be for disciplinary purposes for those tenured before 1997, as the university president has confirmed in sworn evidence.

I mentioned the critical legislation protecting tenure to SIPTU several times and was informed that it was actually only a superannuation clause. As I also informed them, their version of the act had a line missing; the crucial one. Similarly, it is noticeable that there was confusion in the Cahill high court case because the crucial lines in Statute no. 3 on the DCU website destroying academic tenure did not appear in the printed version. Judge Clarke showed some impatience, snapping “very well” at this; at the supreme court, Judge Macken articulated her astonishment both at this clause and at its placement in the statute.

I have now faced the might of DCU management at 5 separate Labour relations meetings. Remarkably, they are free to change their allegations as they wish, or indeed repeat the same ones over and over in different fora (It should be noted that even the Gitmo military tribunals do not allow this). The Fleming judgement, I believe, was swayed hugely in my favour by the fact that DCU's story changed radically from November 2002, the first Fleming sitting, to January 2003, the second. In fact, the first set of allegations were so risible that the Ibec rep, Graham Fagan, refused to submit DCU's written document. Fagan eventually withdrew from the case, citing DCU's refusal to put my main accusers-Morris and Prondzynski – on the stand. For some reason or other, as the saying goes.

SIPTU now believed that I might be reinstated. DCU had 6 weeks to appeal, and they waited about 38 days. It was a double whammy – we are appealing and, by the way, here is the slightly modified statute, which you will agree in 2 days' time. The shop steward seemed in shock; I phoned Geraghty. The branch secretary intervened, and there still is no agreed statute. Thus, and thanks also to Cahill and Fanning, was tenure and indeed civilised procedures for non-academic staff saved in Ireland.

A massive “head of steam”, according to a reliable report, had built up among DCU staff. SIPTU held a meeting at which no vote was taken. The shop steward phoned me while I was playing a concert tour in France to say that “they” thought DCU should have a right to appeal. Who “they” are is as yet unresolved. My reply is and remains that it was suicide to allow the appeal. Not just mine, but that of the other staff who have had this utterly illegal procedure visited upon them. Allowing the appeal cleared the long and rocky road to the Supreme court, and the possibility of a couple of millions of costs being visited on an individual.

The branch sec., a month later, told me that I could have two years' salary if I left quietly. While there was sympathy for me, she said, non-one had offered to organize a collection (in fact someone had done so, and, rightly fearing the long haul, I had refused, electing to sell the house I had lived in since 1974). Senior union officials had apparently vetoed the idea of a strike. A considerably better offer came from Prondzynski through the offices of (now Minister) Gormley; payment until a new job came up. I refused both. This issue has to be cleared up properly, not by backroom deals. And now we know; we do have academic tenure in Ireland. It is not the UK, which Smeaton's friend and replacement as head, Joe Morris, had just returned from.

By July, 2003, the milk of human kindness was apparently abundant between SIPTU and DCU. A SIPTU official told me that the statute would now, with DCU's consent, have to be voted in by a majority of staff. Yet SIPTU never told the other members this, nor did they keep them informed about the unminuted negotiations they had. This all must be

changed, and a legal team used. At a guess, the unexpected access of democracy was an attempt to achieve consent for getting rid of tenure.

Fagan came to talk to me on Oct 4, 2003. He seems to have been deeply ashamed of his role, and said that IBEC had withdrawn from the case. Ironically, the appeal was to have been heard on October 8, 2003; Arthur Cox solicitors had taken over from IBEC, and SIPTU had agreed a deferral without consulting with me. Now we were likely to face a full legal team from the state's favourite legal firm.

The idea of being able to face one's accusers is at least as old as magna Carta; Prondzynski and Morris had not tuned up for any hearings to date. The idea of parity of representation is so deeply entrenched that even Karadzic and Milosevic, who eschew representation, have had a legal team appointed for them fully equal to that of the plaintiff. SIPTU refuse to employ barristers, so I got my own, and informed SIPTU of this well in advance; they refused to allow them co-represent, citing "union rules" that they refuse to divulge, even when requested by the 2009shop steward. They still wanted to go ahead as before, and their representative, as she later explained to Roddy Horan SC, was deeply upset by her treatment by Mr Mallon. My legal advice remains that there was no need for the tribunal to collapse the scrum when it did, and we let the summons lapse. DCU have neglected to continue their appeal.

In the meantime, my career had suffered dreadfully. I had gone from about Dean's level of responsibility in 1992 to being a visiting scholar – and unable even to fulfil that at Stanford as the meetings kept getting deferred, verdicts appealed, etc. In October, 2003, I finally accepted the visiting scholar's appointment. Luckily, Stanford were happy with me; and re-invited me in 2004. In 2005, my time there had run out; UC Berkeley invited me to do research and lecture, and Stanford also came through with a lecturing appointment. My courses at Stanford were personally endorsed by Patrick Suppes, one of the world's truly great academics. Berkeley re-invited me back in 2006, and 2007; the only university I have ever had any problems in is DCU.

In 2005, I had a series of meetings with then minister of Labour Affairs Killeen. It looked like common sense might prevail, and I phoned the shop steward, Marnie Holborow, who questioned my motives. And so the final double bind was revealed. Killeen himself made repeated efforts to get the EAT reinstated; likewise, Intel's Irish managing director Jim O'Hara was told by enterprise, trade and employment officials in 2006 that they could not talk to me because of a fictitious ongoing high court case. O'Hara was following up the Stanford link and this is another huge opportunity missed for Ireland.

It should also be noted that my work was taken away from me by banning me from campus. While I had bought some of the research material, in the absence of support from

the dept, with my own funds, DCU seized everything. They then reassigned the work to Van Genabith, who published what was effectively mine. I would have needed, at the very least, two weeks to retrieve the complex combinations of hardware and software from both my PhD and further work. My PhD programs were taken from my office also without telling me some time before; in 1990, when the same thing happened, the then head of HR, Pat Cullen, got it put right. I need my PhD work back.

My career, like Paul Cahill's, has been fatally damaged by abuse of the Irish IR system and occasional brute criminality by DCU. My work has remained world-class, nevertheless. I believe that DCU should uphold Fleming, and allow a grievance procedure under an external firm like Sean Ruth and co, who produced the bullying report on them. Should they do this, I will allow Ruth and co to assess further damages, criminal action, etc, and allow me get back to my life and work.

A few final points, which emerge from DCU's arguments at the Supreme court;

1. DCU said that they could not fully reinstate Cahill as external research funding through PRTLTI was being used by his research group, and no application had been put in. I had no such external funding
2. DCU argued that academics should be like soccer players, subject to summary dismissal and transfer. While the metaphor is laughable, an academic is much more like a soccer manager -or indeed chairman; looking 10 years ahead, developing players, and having a long-term strategy To continue their hackneyed metaphor, Stanford vs DCU is champions league compared to connaught schools div. 3.
3. DCU implied that the statute had been agreed with the union. It had not
4. It is accepted by Cox both at the High and supreme courts that the tenure provision overrides the 3 months' notice one. There is NO tenure provision in Paul's contract, unlike mine. Ach sin sceal eile, involving a further-non existent comprehensive agreement.

It is hard to overstate how badly Ireland has performed in computer science following the state's decision to micromanage the area, versus giving Irish researchers their head. The following are letters to the ministers of industry, employment and law, all cced to the Taoiseach, relating to the theft of my IP at DCU. Of course, nothing has been done after each department formally acknowledging that they received the well-documented complaints. It may shock outsiders to find that the Irish state routinely accepts criminality from its civil service; but bear in mind that all that has historically been required was state control over 3 million Catholics, with massive emigration the best indication that the state has failed.

Now we enter a Brexit era in which Ireland is one of two nation-states in a fragile

archipelago, and the only one with a stake in the EU. It is to be hoped that that the kind of state criminality featured here will be a thing of the past when it comes time to negotiate the new status quo on these islands.

It is without doubt that the first system alluded to here was undoubtedly in 1987 better than 2010 SIRI when it was bought by Apple for \$200 million. As for the SONAS system, it formed the Nous Research wing of an NDA with Stanford in 2002 (an NDA dutifully reported to DCU), and was shown in video form to the data science “Hacker within” group at UC Berkeley in April 2016. The hackers’ response? – they proudly posted the talk in Github, showing that a system written in Ireland in 1999 was still state of the art after 17 years.

Now we come to details of what has so far been alluded to.

## I

A “visitor” for Dublin City “University”?

The unwillingness of successive Irish governments to send a “visitor” to Dublin City “University”- as required by the 1997 universities act when there is suspicion of illegal activity, confirmed and documented at length in this case - is extraordinary. I argue here that the reason may have to do with the planned privatization of the place, with big pay-offs all around. The inertia in the Irish state bureaucracy is such that we recently saw a Minister for Justice take his own government down 10 points in the opinion polls by failing to tackle very common garden police corruption before being forced to resign . This may be happening again; in any case, this has also been sent to the relevant ministers

This is my analysis of the DC “U” situation, an analysis that but for the irresponsibility/criminality of various administrations since 1989 would have been performed by a formal university visitor. It will eventually probably form the backbone of yet another costly report.

First of all, there never was any serious attempt to create a recognizable university in the old Albert college site, now DC “U”. In the mid 1970's, an attempt to merge Kevin St and DIT techs into a new NIHE was stopped and the creation of a new college at the old Albert college site was initiated, after a crisis in which Danny O'Hare was otherwise going to find himself without a job. He was thus open to persuasion, and the evidence suggests that he succumbed.

NIHED was moderately successful; sufficient at least to follow the rash of Brit polytechs under Thatcher into university status. The accreditation was cankered, but the calculation was correct that with thousands of graduands every year, no government would take



action. That started the criminality; illegal contracts in 1995; an illegal disciplinary procedure 2001-2010 followed by another such; egregious behavior as the MO.

O'Hare's response, after the mysterious gift from Chuck Feeney's consortium in 1995, a consortium recently in action in the shafting of Stanford in NY, was to appeal on American TV for the end of tenure. The hem of the dress had indeed been lifted; Danny O'Hare was most recently seen at the Hoover institute at Stanford "Writing" a book about how privatization helps universities. We can take it that the book will duly appear if and when privatization occurs at DC "U".

The DCU formula is still in place. What was interesting was how the 2000-2010 president Prondzyski, the scion of a Nazi slave labor cement factory, chose to interpret the disciplinary procedures to be brought in by statute;

1. Summary dismissal for anyone appointed after 1995, as he made clear at Ireland's supreme court;
2. For the rest. a truly Kafkaesque situation wherein to be accused of outrageous (even if untrue) violations of contract immediately put them under the new disciplinary procedure and rescinded their previous rights. Otherwise, they were ruled as frustrating their contract and as having resigned
3. All intellectual property generated was to be assigned 100% to DC "U". If that needed to be enforced, simply fire the academic, kick her off campus, and use state resources to fight every claim.

In fact, the evidence suggests that the plan was always to privatize the institution; we middle class idiots were brought in to set things up in the 1980's and given a teaching load that prevented us doing much research. Then (after 1995 with the tenure-free contracts) we were to be replaced by a new class of superdrone with better research records than us retards who had been teaching about three times the classes of our rivals.

The fact these new people replaced us in the departments we had set up was a bonus; but even they were pawns. The ultimate goal was a "university" with summary dismissal, no academic freedom/tenure, and the students whored out to corporations. All the shots were to be called through a single "chief officer" who, already well-paid, was doing very nicely from various campus spin-offs.

None of the above could have been implemented without collusion from successive governments, the "union" SIPTU, and greedy corporations. My conclusion is that DC "U" is a basket case and should be forced into a more reliable accreditation, with a massive overhaul ensuing, or merged with the national universities

Here is some of the correspondence, all acknowledged by the powers-that-largely-still-

are and dated 2012-2015.

## II

A chara

Thanks again for your attention to the theft of Melanie O'Reilly's intellectual property and the US federal court case which proved that copyright theft was rampant in the previous administration. It is deeply unfortunate that we had good reason not to trust the Irish legal system,, given clear interference in the DPP's ruling.

We now come to the issue of the theft of my material by DCU management. In 2002 I was unfairly dismissed by DCU and won a Labour court judgement that the disciplinary statute was illegal. DCU chose to ignore this ruling and instead used millions of taxpayers' money to go to the Supreme Court in 2009, where all costs were awarded against them – and of course the taxpayer.

My work was still at DCU. It included a software suite that Stanford had endorsed to the point of agreeing terms for an IP agreement in 2001 – an NDA which I lodged with DCU's president's office. Ironically, I have not had access to this material since 2002

What is this material worth? Suffice to say in response that both UC Berkeley and Stanford hired me on the basis of work which was NOT in my own academic area – computer science. My 1987 PhD work, which NIHE insisted I remove from TCD to work at in my place of paid employment at NIHE, is essentially what later became the model for Apple's SIRI system .That work was lodged with my PhD at TCD in 1992 but I have had no access to the code, which DCU stole.

Many publications were done by others since 2002 on the basis of my work at DCU. I request that the state compensate me, and give me the resources to recreate this work. Otherwise, it should be clear that we are not without means to stop this theft from continuing in the USA and will prevent DCU spinoffs from operating here.

I have no intention of going through the farce of seeking injunctions in Ireland; Arthur Cox have already earned enough from their incompetence and corruption at DCU. This is a criminal matter – theft – and the state's remit is to prevent it.

Is mise, le meas

Dr O Nuallain

## III

Ref 042039/TAN

A chara,

I refer to yours of 28 September 2004, signed by a Ms. Bridget Flynn. You will forgive the delay; it took a long time to find competent legal advice, unavailable to me because SIPTU refuses to hire lawyers. I have also had to pursue my career abroad, as DCU refused to return my possessions – more precisely my “personal effects” as they stated in a letter to me promising to return them. It is unlikely DCU was going to write a favourable reference.

You state “ as you had initiated high court proceedings against DCU, the (employment appeals) Tribunal could not proceed further. ..it may be in a position to hear the appeal when the high court proceedings are concluded”. Thus the case went into limbo for over 5 years.

As it happens, you got the law wrong, as did the employment appeals Tribunal. The legislation is specifically set up to allow both cases to run in parallel. I demand that you recompense me for the time and travel and allow me to take the high court proceedings which were in turn suspended.

Incidentally this same line was trotted out to the then head of Intel Ireland, Jim O'Hara, when he made a call on my behalf and that of Stanford to the dept of enterprise in 2005. The cost; we lost a chance for a college in Clare cofunded by Intel.

The tribunal was suspended on the back of arguments by junior counsel Tom Mallon BL representing DCU. Kate O'Mahony for the EAT accepted them without argument. If Irish citizens are deliberately being put through show trials, and prevented proper access to the law, you should come out and say so. That will prevent us wasting our time and money with your now clearly failed state.

Dr O Nuallain

#### IV

It has taken a mere 12 years, the intervention of the Taoiseach, and in the region of 80 e-mails to government departments to get back even my books and notes. Since they are in boxes, you could have simply sent them to an address I supplied? (editor; please note they never were sent).

However, it is the computer work I had in DCU that you will have to hand over at this meeting (note that you are ignoring my request NOT to have this meeting at DCU). If you can't do so, please provide the funds to rewrite these systems. Please note that by your definition, all I had in DCU was "personal effects"; you will therefore not claim any IP.

I append FYI an incomplete list;

1. My TCD PhD work, was on a computer that disappeared twice from my. office, and was returned the first time only after an appeal to HR. That was a precursor to the SIRI system and was working by 1987 at TCD, at which point I received a direct order from my NIHE line manager to bring it up to what became DCU.

It is documented in my PhD thesis at TCD;

[http://books.google.com/books/about/Language\\_games\\_and\\_Language\\_Engineering.html?id=6oG8nQEACAAJn](http://books.google.com/books/about/Language_games_and_Language_Engineering.html?id=6oG8nQEACAAJn)

2. The code for the SONAS system, based on work I did in Canada from 1993-1996 and then brought to DCU;

<http://link.springer.com/article/10.1007%2FBF00849069#page-1>

If you can't find it at DCU, as well the numerous add-ons I paid from my own pocket, both buying equipment and hiring programmers, I will send you a video of it working so that you can reconstruct it. You can then add the physics module.

Please note that while this work was inaccessible to me DCU staff(eg Van Genabith) have published papers based on this work, in at least one case after objections by me that my lawyer has on file. I suggest you retract those papers. The editor of AI review put his objections to Genabith's paper in writing.

3. There are numerous projects that I originated and then supervised with students including Tom Doris, Conor Armstrong, for none of which was any IP formally signed by me or the students to DCU. They should be on file.

If you are unable to deliver on august 22 on these issues I will simply give you an address to send the boxes. You will then compensate me for the loss of my work, a loss both to Ireland and to me. DCU has already wasted decades of my life, and now the energy of government departments.

Dr O Nuallain

PS

The sum I lost is well into the millions as SIRI was sold to apple for \$200 M in 2010 and I had a better system in my PhD (done before I got to DCU)

Finally, this was also taken (and published under the name of one of your academics);

[https://www.youtube.com/watch?v=gDZ\\_GOtr3eg](https://www.youtube.com/watch?v=gDZ_GOtr3eg)

It too is now a burgeoning area;

<http://languageandvision.com/>

V

A chairde

It is good to see that the Minister is beginning to realize that the Irish people have lost patience with governmental interference with the justice system. I repeat; I am not asking for any such interference.

However, it is clear that deti, to whom you previously delegated this, has no intention of facing up to their responsibilities here; in fact, they have documents I sent them in 2005 clearly showing criminal action by Smeaton, Walsh, Pratt and Conry of DCU and took no action despite my whistle blowing.

The fact remains that in my case vs DCU before the EAT, either Kate O'Mahony of the EAT was right or the minister's law firm was right. There is no in-between.. O'Mahony effectively stopped a high court action I was taking and delayed the EAT for 5 years, she made a decision more properly left to the LEGAL system not her tribunal and was ultra vires her role.

My current legal advice is that Gallagher and shatter, not Kate O'Mahony was right. Ignoring for the moment the numerous other issues I have brought up in this correspondence, the state therefore surely owes me at minimum;

1. Repayment of the legal fees and travel expenses incurred due to o'Mahony's action;
2. Compensation for the 5 critical years my case spent in limbo;
3. Return of my property from DCU, as they promised in writing as far back as 2002 and never delivered. That includes all my software and other "personal effects";
4. A speedy resolution, in court, of this issue.

I am now 54 and cannot get a job due to the lack of senior positions in my field.

Dr O Nuallain

VI

To; The minsters for justice, education and deti

A chairde

I write in an attempt to resolve the issues permeating what has been an exhaustive correspondence with state depts since 2002. At no point have ministers been asked to intervene in legal processes, and indeed all such have ended in victories for me. There has

also been a related supreme court victory (Cahill vs DCU) with costs in the millions being awarded against DCU as judge Geoghegan apparently had quite a change of mind as the case entered the penalty phase, ruling the Cahill dismissal “illegal” rather than merely unfair. There was, in the music business, a federal court victory in the USA (O'Reilly vs Valley and others).

None of these cases should ever have seen the inside of a courtroom. They arose because the Irish state failed to regulate; failed to send a High court visitor to DCU when it was clearly acting outside the law, a visit that would have saved the taxpayer many millions of euro, and failed to implement basic copyright and corporate law in the case of O'Reilly vs Valley and others. It also failed to investigate my well-documented and signed complaint to Det Mcarrick at Whitehall garda station in late 2001 of theft of monies from my research a/c at DCU, a complaint that was the subject of a Dail PQ in April 2002.

Since 2002, I have lost my house, had no stable income, and had to emigrate. It is, I think, quite clear that my partner Melanie O'Reilly and I have a huge contribution to make to Irish society. Making that contribution should not require taking high court actions for the return of intellectual property that DCU promised in writing to return in 2002, or other acts where individuals are forced to incur legal expenses in doing the state's job. The only people who gain from this are Arthur Cox and co.

In the meantime, as Arthur Cox become enriched, the state loses credibility. That comes at a time when the ratings agency Fitch has proposed 26,000 repossessions are imminent in Ireland. There is perhaps no point in recent Irish history that the state needs its moral credibility so desperately in order to prevent social chaos. It is my opinion, shared with most of the country, that the 1997-2011 administration committed many crimes that cost us as a people greatly.

While it is not ministers' business to take sides in issues DCU and I might have, it is surely of concern to the state that I was illegally prevented from taking a High court action to resolve grievances that DCU refused to handle internally. It is surely of concern to the minister for justice that an illegal disciplinary statute was on the books at DCU for 10 years (2001-2010) and that its successor has the same flaw that justice Clarke, now on the supreme court, pointed out, thus ensuring more litigation and paydays for Arthur Cox and co. I ask the minister for education to consider whether his remit is served by DCU's issuing new contracts in 1995 under the guise of a “comprehensive agreement” with SIPTU which was never actually agreed, and for which signatures were fraudulently copied from the 1985 agreement, including at least one person no longer in office and actually in Australia by 1995.

I ask the minister at Deti to consider whether labour relations are well-served by

DCU's serial ignoring of labour court recommendations which themselves emerged after internal mechanisms at DCU failed. In fact, it is difficult to see how social partnership can have any traction after the 2002 section 20 labour court recommendation was ignored by DCU as they sought to introduce summary dismissal in the civil service.

I am proposing, on a positive side, that deti and the dept of education co-operate with Sap, Paypal, and my colleagues to establish an independent college for software localization and other subjects not handled by the universities. The result will likely be 1,000 jobs within 3 years, and a steady flow of graduates thereafter. Both deti and the dept of education may be interested to know that I successfully ran such a program in DCU 1989-1993; after 1993, my sabbatical year, the program was gradually run into the ground and incompetent staff hired. We can do it right this time.

My employment case is due for hearing in the circuit court and I am NOT asking for interference with that. However, in Feb 2004 the EAT incorrectly prevented me from taking a high court case. As a result, my EAT case went into limbo for over 5 years. I request that all the expenses I accrued as a result of this error at the Deti, including the legal fees paid to Gallagher and Shatter (who did a good job) should be returned to me. I request that DCU returns all my property, and retracts all papers written by its staff on the basis of work pilfered from me.

It is worth noting that, contrary to best practise at the EAT, Ms Kate O'Mahony gave DCU a deferral in October 2003 when Graham Fagan of IBEC refused further to represent DCU, who were unwilling to supply witnesses. While she might claim that SIPTU consented to that deferral (I was not consulted) such was not the case in a deferral given in June 2009, which SIPTU opposed. In both cases, I lost many thousands of euro in travel expenses and had to return to Ireland in Nov 2003, Feb 2004 and Dec 2009 as a result of Kate O'Mahony's high-handedness. The case should have concluded as scheduled in Oct 2003; DCU never seemed to care that anyone else lacked representation, and I had already lost 16 months' wages by that point.

The dept might also consider what to do with the complaints in my aborted high court action, which remain unresolved, and about which Arthur Cox and co will undoubtedly now shriek "statute of limitations". This cynical abuse of the law may yet bring Ireland down. In this vein, to take one issue from the high court summons written by Aidan Reynolds of Gallagher and Shatter, I request that the fraud by Smeaton, Pratt, Conry and Walsh, documented in correspondence I sent to then minister Killeen in 2005, be examined and prosecuted. In the case of such institutional fraud, there is apparently no "statute of limitations"

I request that deti help us retrieve the money due to us from O'Reilly vs Valley and

others following from the US Federal court; one of the companies sued and against whom there is an order for \$23k is proving recalcitrant. Should the Irish state help Melanie and other musicians recoup the money originally acquired through deals done at the deti-sponsored trade stand in midem trade fair 1998, it is clear that the Irish music business will create many jobs – and justice will be done! I suggest also that musicians be compensated for the state's failure to act against Record services Ltd, dissolved 1999 and trading until 2005, ripping off hundreds of independent entrepreneurial musicians who like Melanie had sunk their life's savings into CD's Record services Ltd distributed without paying the musicians. Files will show we made many complaints against Record services Ltd and other dissolved companies that were allowed to trade, and in some cases still are trading in Ireland and the USA.

Donal Lunny, Maurice Lennon, Nuala ni Dhomhnaill and others made statements to the Gardai in the 1999-2003 criminal investigation of IMRO and other companies. The evidence involved was sufficient to convince US Federal court to award Melanie \$23k. Of course, there is no point in having an Irish state if we have to seek justice in other jurisdictions. Surely the Irish state might consider reopening that investigation, and compensating the musicians involved for time and money spent on lawyers?

That said, on the positive side I have also had correspondence with my friend and fellow UC Berkeley alumnus Peter Norvig, head of research at Google. I am running another conference, this time what will be the 5th meeting of the cognitive science society of Ireland, at UC Berkeley, the number 1 public university in the world, Mar 6-7 2014. If the state can behave responsibly here, the sky's the limit for technology in post-bailout Ireland. My views on what went wrong – the medialab debacle and so on – are too well known to repeat here.

However, I emphasise that anything I have said and done has been for what I received as the good of the country. The conference I am running now should be in Ireland, as its dozen predecessors were, bringing in visitors from Japan, the USA, the EU.

The issue of academic tenure has to be discussed properly. To conclude, in 2003 through SIPTU I was offered a much better deal by DCU secretary Martin Conry, Danny O' Hares' capture from the local tech, than the EAT deal I am currently appealing. At exactly the same time, DCU's president came uninvited into parliamentary buildings to meet John Gormley, then TD for my area. Mr. Von Prondzynski proposed a deal; if I agreed to go quietly, DCU would pay my full salary until I got another job. I ask all the ministers to consider the ethics of this deal, which naturally I refused.

With all the blessings of the season to you and yours



Nollag shona,  
Dr O Nuallain

## VII

(Finally, DCU was outed by Anonymous as having links with Stratfor, and got a large sum to conduct spook research) Unlike the others, this was not sent to the ministers.

DCU is the wrong place for sensitive research like this.

Let's get the narrative straight again;

1. An attempt, unprecedented in world history, to introduce summary dismissal for academics was made at DCU starting in 1995 or so;
2. This included DCU's president arguing in the High court that he had the right summarily to dismiss anyone working at DCU;
3. Eventually, this dark initiative was stopped at the supreme Court, and mainly because the current Chief Justice (who obviously strategically delayed both the verdict and announcement of the remedy in the Cahill case ) is vehemently in favor of academic freedom;
4. The rest of DCU's criminality- including, and indeed especially, abuse of students, is documented already.

So now we find that DCU is chosen to conduct research into “terrorist' groups;

<http://www.thejournal.ie/dcu-funding-5-million-research-extremism-internet-maura-conway-498455-Jun2012/>

Nothing wrong there, you might say; it will prevent deaths. Don't want any more Berwicks, right? Of course, Berwick , like McVeigh, Kaczynski, etc, would know how to fly below the radar. More troublingly, the lead in the study was outed – by Stratfor itself – as a subscriber, using her DCU address, to the data base of that CIA-emulating agency;

<http://dazzlepod.com/stratfor/?page=84>

From Conway's published ' work, we can take it that there will be severe monitoring of web discussion;

<http://portal.unitbv.ro/proxy/noscript.aspx?dec=1&url=uh4QwdELmSRTsOVPSqxBwhp8mCoLv5Z9vSVQtqVQmPoLl5YTI5V7sDoQwCf9xa==B6X!>

The rampant criminality at DCU for the best part of a score years should mean that it is prevented from snooping on our most sensitive communications. The punch-line is of course that the only person successfully prosecuted (if a brief success like everything to do with Omagh) for the Omagh bombing was a building contractor at DCU.

## 8 ACCREDITATION, RESEARCH, TENURE: A POSITION STATEMENT

Certification of standards is an accepted process in civilized societies. Only the lunatic wing of libertarianism would accept carcinogens back into consumer products, on the grounds that the market will sort it out. Yet, whatever their other benefits, some of the largest new companies, - AirB&B, UBER, and so on - bypass certification by exploiting the fact that the internet can reveal the history relevant to both vendor and seller before a purchase.

Universities began as communities of scholars and indeed in Bologna, students initially employed the professors. At the original university of Paris, both had equal status; the argument here is that the internet allows this dynamic to re-emerge. In particular, the encroachment by the administration that has recently reached its nadir with burgeoning bureaucracy, student fee hikes to pay functionaries, and the underemployment of Ph D's can be stopped without any violence either to academic standards or student protection.

Similarly, the internet could have created a new Renaissance of learning. Independent academics can now benefit from a resource infinitely larger than the library of Alexandria. What has happened instead is massive conformity in research approaches, as citation indices trump novelty of approach, rigour of argument, and all the very processes that should be encouraged.

Research funds are largely governed by bureaucrats, who base their funding decisions on "blind" peer review, often shaped by articles published on the basis of "blind" peer review. Those who hack their way through this thicket become eligible for tenure. Small wonder that the internet has largely become a channel for Wall Street values, absent input from the scholarly sector of society that could evaluate truth claims.

There exist blindingly simple and cost-effective solutions. For whatever reason, many of the world's greatest universities have chosen to offer many of their courses complete with assessment, free of charge. It is ridiculous to second-guess them with the bureaucrats who comprise accreditation bodies.

Moreover, students' individual projects can be posted on the web for individual employees and /or customers to assess in combination with whatever certificates of completion the students have earned from the likes of Stanford. The benefits are immediately enormous. First of all, what has become less student "debt" than a lifelong indenture - which survives even bankruptcy - is abolished. The \$50 or so charged for a Certificate of Completion can be earned in tips in a slow night's waitressing.

The many underemployed PH D's who will never get tenure-track jobs can also stay in the intellectual world they love by working as tutors. Moreover, they can continue research publication through the hundreds of open access journals that allows authors maintain

copyright without charging them.

The clear contrasts are on the one hand publishing giants like Elsevier who have pay-per-view and the open access journals like PLOS which charge \$2k or so to maintain copyright.

What then of academic tenure? This has been usefully defined as the right, in the expression of one's views, to have the same independence from one's employer as judges have from the government in office. As such, it is a guarantee of academic freedom and should not just be preserved, but extended.

In an era of near-perfect information, professions can no longer remain a conspiracy against the public. Students can benefit from academic freedom in being allowed to change instructors, if necessary to a virtual instructor on the web. The only disciplinary procedure that should be visited on faculty, aside from the civil and criminal law of the society, is being spurned by students.

Students debt accrues when loans are proffered on the basis of entry into an accredited course. A good first step is to scrap accreditation, and allow the reputation of the institutions to be the draw. Conversely, students –including Ph.D's –might choose to shop around in courses they take, and invite a college from the public or private sector to award them a degree.

Independent colleges might then choose to offer a menu of Coursera/Edx basic courses, and top off with their own homegrown offering to crystallize majors like Cognitive Science, an exciting and burgeoning subject available only in 17 US states. For too long have majors been constrained by the lopsided funding of departments fossilized since the Bayh-Dole Act.

The result is likely to be debt-free college, a proliferation of new, lucrative and stimulating majors, a new Renaissance of learning as what has come to be effective censorship by major publishing ends. In short, the antidote we have been anticipating to Trump University.

## 9 SOLUTIONS SO WHAT CAN BE DONE?

First of all, it is well to point out that even a company as aggressive and destructive of small businesses like Amazon not only loses money, but still benefits from tax breaks given by the US government nearly a generation ago to encourage plucky young upstarts. It has already been pointed out that Facebook, YouTube et al benefit from cosmic levels of copyright violation. With Airbnb and Uber, we enter a third phase in which normal state regulations are voided for reservations made over a cellphone. Finally, the “fake news” alarms in the

Trump campaign show the danger of not regulating Facebook et al as press/media outlets.

It is to Ireland's shame that our government provide a keystone in these scams by adding tax breaks. It is argued here that in fact we were ahead of the USA in technology in the late 1990's and SFI (and its predecessor Medialab) were motivated partly by destroying the work of those such as this author who can compete with the Americans and do so successfully to this day.

It is unfortunate that the EC, the least democratic part of the EU, is the one manning the ramparts against American corporatism. As the EU is attenuated, it will become necessary to devolve these powers to nation-states. A first step would be to drop the humiliating Appeal of the EC Apple ruling, A second would be to impose copyright law on YouTube et al on an "opt in" basis ie the assumption is that it is a crime to post the songs unless the copyright holder stipulates otherwise. It has been a joy to rediscover bands like Curved air on YouTube just as it has been a tragedy to find that even well-known current artists like Joanna Newsom complain bitterly about spotify.

It is self-evident that Facebook et al are press/media outlets and should be so regulated. In fact, there is a case for re-architecting the Internet by creating a national packet-switching network free from US spying and one that pays creators of content. Whether the last step would work is moot; it is however trivial to set up an e-mail version of the national postal service, one free of charge for all users.

This paper argues that, for IP purposes, we should distinguish between three categories of human activity;

- The inalienable. This historically has included one's private thought and speech to one's spouse; it is argued here that it should also include internet comments that one has not explicitly made public. Likewise it includes community and civil society engagement to which the state does not have access without a warrant. Consequently, the periodic copyright claims by Facebook and others cannot work in Ireland.
- The copyrightable. This includes, of course, songs, plays and other creations on hardcopy and digital forms all of which should be subject to the Berne convention. On the internet, if a person has NOT labelled a post "Public" it is presumed inalienable; if so labelled, it falls under the Berne convention.
- Inventions. Here Ireland can make a huge contribution by adopting the GPL, by conforming to the USA's 2013 best practise in the patenting of life forms, by arguing that the fast Fourier transform is over a century old as is no more patentable than "The big game" was copyrightable; that inventions should include good art as well as science.

---

## CATHAL BRUGHA, MINISTER FOR DEFENCE AND CHAIRMAN OF ARMY COUNCIL DURING WAR OF INDEPENDENCE

### Cathal Brugha II

“Cathal Brugha’s...work as Minister for Defence during the whole period of the war, his wisdom and vision strengthened the whole structure of the Republic. When he saw that all he had striven to preserve betrayed and threatened with destruction he went again as a Volunteer into the thick of the battle and died gloriously for the Independence of Ireland. For so wonderful a life and death there can be no sorrow. This was Cathal Brugha’s holy mission and he has fulfilled it”.

Erskine Childers

Cathal Brugha, [formerly Charles William St John Burgess] (1874–1922), first President (Príomh Aire) of Dáil Éireann, and Minister for Defence during the War of Independence, was born on 18 July 1874 at 13 Richmond Avenue, Dublin, the tenth of fourteen children born to Marianne and Thomas Burgess.

He was educated at Colmcille School in Dominick Street and at Belvedere College. His sporting interests included swimming, cricket, hurling, football, rope-climbing, cycling, athletics, boxing and gymnastics.

His brother Alfred recalled that Cathal was an expert swimmer by the age of five, and that he later became a member of several Dublin swimming clubs, winning numerous prizes. At the age of 17 he swam from Howth Pier to Ireland's Eye. He represented Ireland for three years in gymnastics. He began playing cricket at Belvedere and went on to act as first bowler for Pembroke Cricket Club. He also played as a rugby half-back for Belvedere, Clontarf and Santry.

At the age of 16, after his father’s successful business importing works of art had failed, he left school, taking a job as a travelling salesman in an English firm, Hayes & Finch.

Cathal Brugha was typical of many at that time, who came late to Irish culture, and then embraced it whole-heartedly. Up until then he had seen life as it was allowed by the British Empire, a physical existence of providing the basic ‘somatic’ food and soldiers, with the only permitted outlets being in sport or business, under British control, serving the ‘self’ of Britain, never the ‘other’ of Ireland. Ireland was not only not developing, its ‘psyche’ was under threat of extinction (see Table 1). The survival of the Irish nation became centred on its culture and language. He and Terence MacSwiney were both city people who learned the Irish language, and were later to represent gaeltacht constituencies in Dáil Éireann, and to propose and second a motion that there be a Ministry for the Irish

language and culture. Subsequently their children were to marry, and their families took the Republican side in politics.

Table 1. Developing System (MacSwiney Brugha, 2015)

| Committing |           | Convincing   |                 |               |                 |               |             |
|------------|-----------|--------------|-----------------|---------------|-----------------|---------------|-------------|
|            |           | Self         | Technical       | Others        | Contextual      | World         | Situational |
|            |           | Involving    | Science         | Protecting    | Humanities      | Observing     | Practice    |
| Soma       | Need      | 1. confusion | <b>physical</b> | 2. denial     | political       | 3. upset      | economic    |
| Thinking   | Analyse   | intuiting    | survey          | recognising   | study           | believing     | define      |
| Psyche     | Like      | 6. inertia   | emotional       | 5. depression | <b>cultural</b> | 4. bargaining | social      |
| Feeling    | Design    | trusting     | acquire         | learning      | design          | sensing       | select      |
| Pneuma     | Value     | 7. jealousy  | artistic        | 8. compliance | religious       | 9. enthusiasm | mystical    |
| Knowing    | Implement | experiencing | construct       | understanding | deliver         | realising     | maintain    |

In 1899 he joined the Keating branch “Craobh an Ceitinnigh” of the Gaelic League and set about improving his fluency in Irish, winning prizes for essays in the Irish language. From 1902 he used various Irish versions of his name, such as Cathal Buirréas, settling on Cathal Brugha in 1905. He subsequently became an active member of the movement and attending many functions organised by “craobhanna” throughout the country, and getting involved in promoting all aspects of the nationalist movement. In 1908 Cathal and some members of the Craobh formed a branch of The Irish Republican Brotherhood (IRB).

A division developed in the Keating Branch related to conflict between Patrick Pearse and the Gaelic League executive, culminating in an extraordinary Árd Fheis on 9 June 1908. Because he was the most prominent member in the Keating Branch to not be associated with either side, Brugha was asked to become president of the branch on 30 October 1909. The separatist attitude of the branch became more influential, and later the Easter Rising was planned from its headquarters at 46 Parnell Square, Dublin.

That year Cathal persuaded two of his fellow workers – Anthony & Vincent Lalor - to go into partnership with him, to establish the church candle manufacturing firm of Lalor Ltd. He kept his name off the company to protect his anonymity. Travelling the country as a salesman gave him the opportunity he wanted to promote the Irish language, Sinn Féin, and the IRB.

While attending an Irish class in Birr, Co Offaly organised by the local Craobh of An Conradh, he met Kathleen Kingston. They married on February 8th 1912 in the Church of the Three Patrons, Rathgar, Dublin. The couple had 5 daughters, Nollaig; Noinín; Brenda; Delma and Nessa as well as one son, Ruairí.

Cathal Brugha joined the Irish Volunteers on their foundation on November 25th 1913 in the Rotunda. By the spring of 1914, Cathal was second-in-command of the Fourth Dublin Battalion, to Eamonn Ceannt as Commanding Officer. The Pearse brothers - Padraig and Willie - were also members of this Battalion. On April 24th 1914 the Ulster Volunteers (an organisation formed in 1909 to oppose the implementation of Home Rule) received a cargo of 35,000 rifles and 2.5 million bullets that landed at Larne, Co Antrim. Three months later, Brugha led an advance party of 20 Volunteers to seize the pier at Howth and ensure the safe reception of a cache of 750 rifles and 22,500 bullets on the vessel, Asgard.

On August 3rd, Britain declared war on Germany starting the First World War. Some of the Volunteers supported Redmond and went “to fight for the freedom of small nations”. Over 10,000 remained in the Irish Volunteers, and some of these began to prepare for a Rising against Britain.

On August 31st, Brugha won first prize for Best Shot at the rifle range established by Eamonn Ceannt and the O’Rahilly at the Greenmount Oil Works in Harold’s Cross. Years earlier he had practiced marksmanship in the Banba Rifle club in Rathgar and earned the nickname ‘Deadshot’ for his shooting skills, winning many competitions against British officers stationed in Portobello Barracks (later to be named after him). They had offered to assist him in obtaining a commission in the British Army, which he declined. His mother had challenged him, why was he fraternising with British officers; his response was Ói am in trainingÓ.

In the lead-up to 1916 Cathal Brugha preferred a background role, but appears to have been quite involved in planning the Rising. While Joe Plunkett did the military planning Brugha selected the sites in Dublin to be taken. There were two copies of the military plan. The main one was burnt in the GPO. The second one was held by Cathal Brugha’s wife, Kathleen who he told to destroy it if there “was trouble”, which she did.

On Easter Monday after the Rising had been called, cancelled and re-called, 120

Volunteers out of the Fourth Dublin Battalion's full strength of 700 mobilised at the South Dublin Union, a 'Poor House' that is now St James' Hospital. They successfully defended their very wide location against the British army until the following Sunday. After receiving orders by Pearse to surrender, Commandant Eamonn Ceannt marched the remaining active group of forty one men to St. Patrick's Park, adjacent to Patrick's Cathedral.

The key to taking the Garrison, the Nurses' Home, became the focus of an assault led by two captains of the Sherwood Foresters, Martyn and Oates, whose father, Lieutenant Colonel Oates was the officer in charge. Second in command, Vice-Commandant Cathal Brugha had been moving between the positions checking on the men, unaware that the volunteers had retreated temporarily when the British force had entered the front door. "The barricade at the front door of the Nurses' Home had been left without cover when the Volunteers began to retreat. However, Cathal Brugha had not heard the shouts and he remained on the second floor. Gun at the ready, Brugha moved out onto the landing on the second floor and began to descend the stairway towards the hall.

Lying on the floor behind the barricade on the ground floor of the Nurses' Home, Captain Martyn pulled the pin on a hand grenade and catapulted it over the top towards the Volunteers' now vacated position. The grenade landed on the stairway and began to roll. He could hear it amidst the din of battle as it rolled down the wooden stairs. As the fuse expired, Cathal Brugha, crossing the lower landing, walked into the explosion. His body convulsed as he was thrown against the wall by the force of the blast. He started to collapse on the stairs, his body torn by pieces of shrapnel. Captain Oates then opened fire with his automatic pistol, hitting Brugha as he fell." (O'Brien)

Seriously wounded, with 25 injuries from shrapnel and bullets, some of them life-threatening, Brugha single-handedly held his position on the other side of the barricade, even though his comrades had retreated, presuming the position was lost. Late that night, when the British soldiers had withdrawn, his comrades heard his voice ringing out the song 'God Save Ireland' and went to his rescue. They were able to staunch the loss of blood. He recovered slowly over the next year and was left with a permanent limp from his injuries. His fame spread and is recorded in the song *The Foggy Dew*: "O had they died by Pearse's side, or fought with Cathal Brugha...." Even the British he fought against spoke of his bravery.

In the wake of the 1916 Rising, Brugha recovered from his wounds in hospital, and escaped prison and internment because he hadn't been expected to recover. He left hospital on 23 August after hearing that the internment order on him had been revoked. After recovering from his injuries he organised an amalgamation of the Irish Volunteers and the Irish Citizen Army into one Irish Republican Army. At a Sinn Féin Convention in



1917 he proposed a Republican Constitution, which was unanimously accepted.

He played a central role in the reshaping of nationalist politics following 1916, aligning himself with Count Plunkett and his stand for the ideals of the Easter Rising. Sinn Féin won 73 of 105 seats in the General Election on December 14th, 1918 and An Céad Dáil (the First Irish Parliament) met on January 21st in Dublin's Mansion House on Dawson Street. Count Plunkett (father of Joseph) proposed that Brugha should preside at the meeting as Chairman ("Ceann Comhairle").

Speaking in Irish, Brugha opened the session by calling on Father Michael O'Flanagan to bless the proceedings. After the reading of the Declaration of Independence, Cathal Brugha addressed the assembly "Deputies, you understand from what is asserted in this Declaration that we are now done with England. Let the world know it and those who are concerned bear it in mind". The Dáil sat for slightly less than 2 hours reconvening the following day when, in de Valera's absence, Brugha was chosen as Acting President.

In April, Brugha and his government resigned to make way for Eamon de Valera (who had recently escaped from Lincoln Jail) to succeed Brugha as head of state. Arthur Griffith proposed a vote of thanks, which was seconded by de Valera and passed by acclamation. Brugha then proposed de Valera as Príomh-Aire. Pádraig Ó Máille seconded and de Valera was duly elected.

Cathal Brugha was appointed Minister for Defence. He set about unifying, strengthening, equipping and disciplining the army, and ensuring its answerability to Dáil Éireann. His great fear was the many different traditions that came together in the War of Independence could be divided, making the Republic vulnerable to Britain reasserting its interests in Ireland, a fear that was born out in the end.

As Minister for Defence and Chairman of the Army Council, his role was to direct Army policy on behalf of the Government, and be the final authority for army decisions. He focused on building the military position, leaving de Valera to deal with political developments. Brugha became less interested in politics and having a public image, and concentrated instead on his role as commander of the army. Because all the commandants throughout the country reported directly to him, Brugha felt that he should reduce his vulnerability to assassination by the British. He was very security conscious, avoiding being photographed, always carrying a gun, rarely sleeping at home. He did not often use the offices of the Ministry for Defence, generally meeting commandants in his upstairs office of Lalors. Throughout the War of Independence he worked well with the Chief of Staff Dick Mulcahy at General Headquarters (GHQ). Both were conservative and against sanctioning reckless and unplanned engagements with the British forces. However Mulcahy did not accept Brugha's remit went as far as controlling the positions in GHQ.

and failed to implement Brugha's wish to appoint Austin Stack as Deputy Chief of Staff instead of Eoin O'Duffy.

Brugha felt that the continuance of the IRB was a cause of division and conflicting policies that began to emerge. A majority of GHQ staff were members of the IRB, including Dick Mulcahy and Eoin O'Duffy, and Michael Collins who was head of the IRB. Collins' policy was to accept the Treaty as a "stepping-stone" towards freedom, and then re-start military engagements afterwards in the north of Ireland. A minority of GHQ staff were not IRB, including Rory O'Connor and Liam Mellows, who later took over the Four Courts in a show of defence of the Republic, and were subsequently executed.

To end this potential source of division and conflict over control, on August 20, 1919, Brugha proposed an Oath of Allegiance to Dáil Éireann and to the Irish Republic for the Deputies, the Irish Volunteers and any others who, in the opinion of An Dáil, should take the same oath. This would make the Irish Volunteers a properly constituted army and legitimise the war waged by the IRA. Terence MacSwiney seconded this motion, and it was adopted. Many years later his daughter Máire MacSwiney married Cathal's son Ruairí Brugha.

These oaths of allegiance were insufficient to resolve the political and military divisions. Politically they later caused a dilemma when the Dáil voted to accept the Treaty. Which oath should one respect: to the Dáil or to the Republic? Nor did they fully resolve the problem of military control over the volunteers, because the IRB continued to exist, despite the obvious conflict of authority.

Negotiations on the Treaty took place from October 11, 1921 until December 5th. Matters came to a head at a cabinet meeting on 25 November 1921, when Brugha reconfirmed the general headquarters staff in their positions, but secured the resolution that 'the supreme body directing the army is the Cabinet'.

Following weeks of bitter debate, during which Brugha was critical of a British influenced pro-Treaty editorial in the Freeman's Journal, the Treaty was ratified by a full sitting of the Dáil on January 7, 1922 - albeit by a margin of only 7 votes, due to a combining of Griffith's group who were happy to accept the settlement and Collins' group with their "stepping-stone" policy. The meeting concluded with Brugha promising to see that 'discipline will be kept in the Army'.

On the 9 January 1922, Arthur Griffith replaced Eamon De Valera as President of the Dáil, and Dick Mulcahy replaced Cathal Brugha as Minister for Defence.

A series of Officers' conventions followed in an effort to prevent a revolt in the army, the majority of which was anti-Treaty. Some, led by O'Connor and Mellows, were adamant about breaking with the Dáil and set up headquarters in the Four Courts. A

larger group, led by Brugha and Liam Lynch, tried to prevent the split, and set up a rival headquarters in the Clarence Hotel on the other side of the River Liffey.

On 18 June a third Army Convention was held in the Mansion House. Liam Lynch tried to put forward proposals on army unity before the delegates, even though they had been rejected by the Executive. Before he got the chance to do so, Tom Barry, now a member of the Executive, put forward his resolution that unless the British troops left Dublin within seventy two hours, hostilities would be resumed against them. This, Barry believed could unite the army. The motion was put to a vote and passed.

However, before the result was announced Brugha spoke to the meeting against the proposal, and called for a second count, whereupon the motion was defeated by 118 votes to 103. After this, the defeated delegates, including most of the Executive, left the convention and went into the Four Courts. As Rory O'Connor, Liam Mellows and the other leaders were walking out through the hall Cathal Brugha challenged O'Connor that he didn't know the implications of what he was doing. Brugha and Liam Lynch (working within the IRB, and Brugha outside the IRB) spent the next few days in the Four Courts exhorting the Four Courts Garrison to leave, to avert civil war, and nearly succeeded.

After pressure by the British Government to deal with the breakaway group, Free State troops led by Eoin O'Duffy opened fire on the Four Courts, beginning the Civil War at 4.15am on June 28. According to a BBC programme the first two shells were fired by Lance Bombardier Percy Creek of the Royal Field Artillery whose unit of howitzer artillery was sent from Fermanagh through the night to Dublin and 'told not to speak to anyone and to keep as quiet as possible.' The British Government were apparently worried that there might be a reconciliation between pro- and anti-treaty forces. Later, the use of a British warship in this onslaught prompted a groundswell of support on the anti-Treaty side prompting many to take up arms.

The Republican troops in the Clarence Hotel under Oscar Traynor decided to occupy O'Connell Street partly to create a diversion to take pressure off the Four Courts, and partly to show to the Free State troops the degree of support that existed for the Republic. Brugha was asked by Oscar Traynor to take charge. However, when resistance in the Four Courts collapsed on Saturday, July 1st and the heavy guns were then re-deployed against Republican positions in O'Connell Street, this then became an evacuation. At 5pm on Wednesday July 5th, the flames overwhelmed the Hammam Hotel, the Republicans' last tenable position. When this happened, Brugha ordered his troops to surrender. One chance was a quick victory by the Munster battalions who were near at hand, but Liam Lynch retreated to Munster.

Brugha was caught between both sides, disagreeing with both, desperate to heal the

division. His plan was, by his death, to shock both sides, and bring them to their senses. He then disarmed the remaining troops, emptied their guns of ammunition - which he put in his pockets - and placed their weapons onto a fire. He had taken the remaining ammunition out of the building in his pockets in case they exploded in the fire and injured fire-fighters.

One person knows what happened next, Nurse Linda Kearns MacWhinney:

“I had a conversation with Cathal about two hours before the end. I asked him was he acting wisely in going to his death. “We have too many unnecessary deaths already” I said. He replied: “Civil war is so serious that my death may bring its seriousness home to the Irish people. I feel that if it put a stop to the Civil War it would be a death worthwhile”. At that time we were alone and the place was burning all round us. It was the most poignant moment of my life. We kept moving back from the smoke until we reached the back door. We went out into the lane. Cathal had a revolver in each hand and he kept on shouting ‘No surrender’. He was shot in the hip, the femoral artery being severed. I was beside him, but was not hit. To give the Free Staters their due, I don’t think they wanted to kill him and aimed low. But he was a small man, he was struck higher than they expected and in a vital part.”

The damage to his leg may have been greater due to the bullet hitting the ammunition in his pocket. The single rifle shot was fired by a sniper positioned in a window in Findlaters’ building. The name of the sniper is not known, only that he was ex British army. The officer in charge of him was John Pinkman, a Liverpool born Irish Republican who had been in held Dartmoor Prison during the War of Independence, was released after the treaty, and joined the Free State army. In his autobiography he is very critical of Brugha’s final actions as not making sense from a military point of view. He surveyed the scene and noticed that there were used shells from Brugha’s ‘Peter-the-Painter’ revolver. At this point the Free State army had many members who were Irish but ex British soldiers, and had an antagonistic view of what they called Irregulars, the people who had fought in the War of Independence. The civil war was later to cause many more deaths than had happened in 1916 and the between 1919 and 1921, including many atrocities.

Despite the best efforts of the medical people, Cathal Brugha passed away two days later at 10.45am on July 7th as the last casualty in the battle for Dublin. He was 12 days short of his 48th birthday. Following a ceremony held at St Joseph’s Church, Berkeley Road, Cathal Brugha was laid to rest in Glasnevin Cemetery at the Republican Plot.

He dedicated his life to the freedom and self-determination of the Irish nation. The cultural aspect (Table 1) became a focus at the time for the survival of and threat to the Irish people. In his work he was a business-man, concerned with Ireland’s economic

development. If he were here today he would be concerned that corporate interests in the United States are making a concerted effort to bypass governance in Europe and hand the regulation of issues related to health, food, pharmaceuticals, and agriculture, over to corporate controlled bodies, under the guise that these are matters about trade. The Transatlantic Trade and Investment Partnership (TTIP) would ‘harmonise’ U.S. and European regulations, i.e. force Europe to adopt U.S. regulations on many issues including to do with genetic modification and additives in food. European countries opposing this would be forced by corporations into expensive Investor State Dispute Settlement (ISDS) corporate-based court cases. This would extend the U.S. continued dominance of global trade, but weaken Europe.

Another threat is from climate change and resource wars that have caused the collapse of governance in parts of the world, and widespread migration from poorer regions, leading both to extreme right-wing responses and terrorist attacks in Europe, and undermining the stabilities that we have relied on for decades.

And thirdly, despite the urging by the major political parties to remain, disaffected older people mainly in the north of England voted that the United Kingdom leave the European Union, without proper consideration of the issues. The consequences will be great for Britain, especially for Scotland and Northern Ireland that voted to remain, and for the Irish Government and its trade with the United Kingdom. A mitigating factor is the increasing attractiveness of Ireland as an English-speaking country in the European Union, with its open economy and presence of global companies that could also provide a ‘gate-way’ and a ‘stepping-stone’ for international business relationships.

Because the times have changed, and the appearance of politics has changed, does not mean that the basics have changed. Governance is about protecting people politically, culturally, and religiously (and the latter is not about power but about service). The fundamental law of love your neighbour (other) as your-self (Table 1) remains as important as ever.

Cathal MacSwiney Brugha, “Foundation of Nomology”, *European Journal of Operational Research* 240, pp. 734-747; DOI information: 10.1016/j.ejor.2014.07.042, 2015.

Paul O’Brien, ‘Uncommon Valour: 1916 & The Battle for the South Dublin Union’.

Linda Kearns MacWhinney, Bureau of Military History statement BMH.WS0404.

John A Pinkman, *In the Legion of the Vanguard* (Ed. Francis E. Maguire), Dublin 1998.

---

## INTERNATIONAL HUMAN RIGHTS AFTER THE GOOD FRIDAY AGREEMENT: THE CITIZENSHIP CONVERSATION IN THE REPUBLIC OF IRELAND

Hassan Ahmad\*

### I. INTRODUCTION

The Good Friday Agreement (GFA) came into effect on December 2, 1999 and repealed the 1920 Government of Ireland Act, which had originally established Northern Ireland. The GFA marked a watershed moment delineating the tripartite relationship between Northern Ireland, the Republic of Ireland (Ireland) and the United Kingdom (UK). The GFA consists of two inter-related documents: 1) a multi-party agreement amongst Northern Ireland's political parties; and 2) an international agreement between the UK and Ireland's governments entitled the British-Irish Agreement. The GFA acknowledges that the majority of Northern Ireland's people wish to remain a part of the UK and that a substantial part of Northern Ireland and Ireland's people wish to bring about a united Ireland. It also outlined that Northern Ireland would remain part of the UK until a majority of it and Ireland's people wished otherwise.

At the time of writing this paper, the fate of the GFA remained uncertain as the European Union (EU) and the UK delineate the terms of the UK's exit (otherwise known as 'Brexit'). While the large majority of people in England and Wales voted to leave the EU, the citizens of Northern Ireland and particularly the city of London vote in large part to remain a part of the EU. It is possible that the separation of the UK from the EU will mean the end of the GFA. Based upon Northern Ireland's overwhelming majority vote to remain a part of the EU, Gerry Adams has suggested that the option be open to the territory to remain an EU member by unifying with Ireland. According to Adams, this realignment would require America's leadership so "that the British government honor its obligations under the agreements and give effect to the North's choice to remain." Nonetheless, the herein analysis will look at Irish law prior to Brexit and without any assumption as to how Irish law and the GFA will be affected as a result of the Brexit negotiations.

This paper discusses developments in Ireland around citizenship and nationality after the GFA and their adherence to salient International Human Rights (IHR) treaties. As far as can be discerned, no previous paper has analyzed the GFA and its implications in relation to international law. Previous studies have focused on domestic or comparative law. I argue herein that while the 27th Amendment to the Constitution of Ireland,

transforming the criteria for citizenship from *jus soli* to *jus sanguinis* may not have per se violated IHR treaties, the amendment's implications are nonetheless detrimental to the Irish State and have long-lasting impacts concerning the composition of the Irish population and its views towards immigrants, multiculturalism and integration.

Before specifically discussing the GFA, its resulting constitutional amendments and their implications on Irish citizenship and nationality, a quick overview is necessary of the 1933 Montevideo Convention and the requirements for becoming a State. Such a preliminary overview helps to better understand how the concepts of citizenship and nationality play generally into international law. Article 1 of the Convention specifies the customary international law position that a State requires: i) a permanent population, ii) a defined territory, iii) a government, and iv) the capacity to enter into relations with other States. For our purposes in discussing Irish citizenship after the GFA, the requirement for a permanent population is most pertinent as the phenomena of immigration and emigration inform what it means to have a permanent population and how that population defines the State.

The requirement for a permanent population does not require a shared language or culture nor does it require a homogeneous religion, culture or language. A diverse population consisting of immigrants and natural born citizens still constitutes a State. Bederman writes that “as long as a State's population is a group of persons leading a common life and forming a living community, then it qualifies [as a State].” For this reason, even territories with very small populations are considered States, as in the case of Nauru, a small island nation northeast of Australia. Conversely, countries with larger populations constituting majority expatriates or a mix of ethnicities also fall within the Convention's Article 1 definition of a State. Such example includes the United Arab Emirates or Singapore. In considering whether the Islamic State of Iraq and Syria (ISIS) constitutes as a State under the Convention's criteria, Shany, Cohen and Mimran state, “[t]he requirement of a permanent population stems from the fact that a State is a means of realizing the shared aspirations of groups that have united due to cultural, religious, historical or other characteristics they have in common.” The ‘shared aspirations,’ as described, can be *de facto* whereby there exists an organic national unity with diverse group of cultures and religions or it can be *de jure* where there are specific laws put in place to unify the population around certain ethnicities, cultures and/or religions. The rebuttal to the *de jure* shared aspirations argument, as alluded to above, is that a State—to be considered as such—does not require a culturally homogeneous citizenry and can exist and, in fact, thrive while promoting multiculturalism and pluralism. States that maintain or increase their population as a result of immigration from all parts of the world are

examples of populations that may have shared aspirations codified both in legislative texts and societal norms. Examples of such States include Canada, the US or the UK.

Given the above background on the necessity to maintain a permanent population, whether endogenously through a population able to sustain itself through birth patterns or, otherwise, through immigration policy, I will proceed to consider the immigration regime in Ireland after the GFA and its adherence to major IHR treaties. This paper proceeds in five subsequent parts. Part II introduces basic terminology such as ‘citizenship’ and ‘nationality’ as well as the traditional *jus soli* versus *jus sanguinis* dichotomist approach to nationality. Part III outlines the relevant provisions of the GFA that initially provided an expansive right to citizenship. Part IV discusses the debates around immigration reform before the 2004 Referendum. It also summarizes two important Supreme Court cases that took diverging approaches to the right to nationality based on unrestricted *jus soli*. That part concludes with the constitutional amendments enacted as a result of the referendum. Part V introduces provisions in the most well-known IHR treaties and discusses how the concepts of nationality and citizenship are protected under those provisions. That part then delves into a discussion about how the post-referendum constitutional amendments adhered to those treaties. Part VI concludes with some future social and legal challenges that may arise as a result of the constitutional amendment. I also suggest some possible solutions to problems stemming from the amendments in their noncompliance with IHR treaties and arguably myopic approach to social integration within Ireland.

## II. INITIAL CONCEPTUAL REMARKS

### Citizenship vs. Nationality

Before continuing further, it is essential to outline some important concepts. First, it is necessary to distinguish between the concepts of citizenship and nationality, as while they may be used at times unknowingly in an interchangeable fashion, they are not synonymous. Throughout this paper, I will refer to ‘citizenship’ as a legal status conferred under law upon a person thereby granting that person particular law-based rights otherwise not available to non-citizens of the same territory. Such rights can include, among others, access to loans, grants or tax reductions or the ability to move freely between borders or have ownership in property or business. On the other hand, ‘nationality’ serves more as a social construct related to identity and lineage as opposed to an acquired legal status. Nationality can, at times, be connected to an ethnicity or even a religion. It can—and as will be discussed here—often is a lesser form of citizenship where a person may be recognized as residing, whether permanently or temporarily, in a territory but not be granted all the same rights as citizens. According to Cassese, the distinction between the



legal recognition of citizenship from the societal construct of nationality originated after World War I with the dissolution of Austria-Hungary and the Ottoman Empire resulting in the vast movement of peoples across territories. With people moving into new territories for the first time, governments were obligated to distinguish between their indigenous population, those who had immigrated and remain in the land and those who were simply transient.

While the constitutional and legislative provisions referred to in this paper may, at times, refer to ‘nationality’ as a legal right, most provisions use ‘citizenship’ as the legal status conferred upon an individual deeming him or her as a lawful person within a State endowed with a complete set of rights not available to someone not endowed with citizenship. I will argue that the shift in Ireland from bestowing citizenship based on being born in the territory of the State to citizenship based on lineage is a concept that does not accord with the globalized nature of the contemporary world where human migration is the new norm. I will also argue that the constitutional shift in Ireland does not per se accord with provisions in IHR treaties.

#### Jus Soli vs. Jus Sanguinis

I allude above to the approaches of conferring citizenship based on the place of birth as opposed to one’s familial lineage. These distinct approaches have received much attention since their inception and must be elaborated upon. The right to citizenship has traditionally been dichotomized between the terms *jus soli* (‘right of the soil’) and *jus sanguinis* (‘right of blood’). The *jus soli* approach confers citizenship based on the place of a person’s birth. Under *jus soli*, a person born within the territorial borders of a State irrespective of the birth place of his or her parents is provided the right to citizenship within the land he or she is born. The exception to this rule applies when that child’s parents are illegal immigrants to that land, as is currently the case in the US. This exception to the general *jus soli* rule has the detrimental effect, therefore, of marginalizing even those born on American soil by not granting them the right to citizenship. Many cases have arisen where US-born individuals unable to secure citizenship because their parents immigrated illegally (many times because that was their only option) are unable to obtain social benefits or loans to attend college or work a part-time job to make sufficient money to pay for tuition.

Conversely, *jus sanguinis* prioritizes the legal right to citizenship based on a person’s familial descent and does not necessarily consider where that person was born. In this regard, *jus sanguinis* prioritizes the lives of the person’s ancestors more than that person. If one’s ancestors had been citizens of a particular State or had resided in that territory if that

State had not existed at the time, that person, irrespective of where he or she was born, would be deemed a citizen of that State. *Jus sanguinis* is the approach taken by most Asian, Arab and European countries.

### III. THE GOOD FRIDAY AGREEMENT AND MULTIPLE IDENTITIES

The GFA instituted an expansive right of citizenship within Ireland. The British-Irish Agreement, part of the GFA, stated in Article 1(VI) that, “[t]he two governments ... recognize the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland.” Article 1(V) also states:

... the power of the sovereign government with jurisdiction there shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, and of parity of esteem and of just and equal treatment for the identity, ethos and aspirations of both communities.

These two provisions, taken together, employ an expansive approach to citizenship and nationality as they recognize the diversity present within Ireland and promoting a multi-ethnic, multi-national State devoid of discrimination.

While bestowing Irish citizens the right to have British, Irish or both citizenships based on multiple historical identities is a rare legislative allowance, it has precedence in international law. Choice of citizenship was allowed after the dissolution of the former Yugoslavia in the mid-1990s. At that time, the European Council established an Arbitration Commission after hostilities in Croatia and Bosnia. Opinion No. 2, issued by the Commission considered the issue of whether the minority Serbian populations in Croatia and Bosnia at the time, as one of the constituent peoples of Yugoslavia, had the right to self-determination. The Commission, in a progressive assertion, stated, “[w]here there are one or more groups within a State constituting one or more ethnic, religious or language communities, they have the right to recognition of their identity under international law.” That statement by the Commission acknowledged the existence of minority groups and their rightful place in the States within which they lived. The Commission was, essentially, exclaiming the legislative power to not only allow multiple ethnic groups to function within the State but their mandatory right to recognition. In concluding that the right to multiple identities exists, and therefore the right to simultaneously have multiple citizenships, the

Commission stated, "... the Republics must afford the members of those minorities and ethnic groups all the human rights and fundamental freedoms recognized in international law including, where appropriate, the right to choose their nationality."

#### IV. IMMIGRATION AFTER THE GFA AND CONSTITUTIONAL AMENDMENTS

Article 2 of the GFA states, "[i]t is the entitlement and birthright of every person in the island of Ireland, which includes its islands and seas, to be part of the Irish nation. That is also the entitlement of all persons otherwise qualified in accordance with laws to be citizens of Ireland." The provision is ambiguously drafted because it initially states that it is the birthright of every person on Irish territory to be 'part' of the Irish nation. It then goes on to state that the birthright applies to citizenship for 'all persons otherwise qualified'. It is unclear what exactly is meant by 'all persons otherwise qualified'. Interpreting this provision on its face supports *jus soli* citizenship—meaning a person born on Irish territory automatically acquires Irish citizenship as long as that right does not contravene any other Irish law. Nonetheless, the provision remains ambiguous as it does not clearly say that anyone born within the territory of Ireland is deemed a citizen. The Irish government supported the principle of *jus soli* by interpreting this provision to mean that citizenship was to be granted to anyone born inside Irish territory, irrespective of their ancestral history.

Ireland remained the last EU nation recognizing unrestricted *jus soli*. Consequently, immigration to Ireland had increased. And not only had it increased over recent years, the States from which immigrants to Ireland were coming had begun to shift. As Ruhs has written, between 2001 and 2004, more than half of all non-Irish returning immigrants came from non-EU countries. This was an increase from one-third between 1992 and 1995.

The influx of non-EU immigrants led some politicians to call for a referendum in order to alter the immigration regime from one based on *jus soli* to a regime based on *jus sanguinis*. At the time, the stance of Ireland's sitting government was that the referendum was not meant as a measure to keep immigrants out of its territory but rather to reform citizenship law. The mantra of 'loose immigration and tight citizenship' meant that foreigners would be allowed into Ireland but not necessarily granted the full rights accorded to citizens. While the government's publicized goal may not have been to curb immigration, the impending result would likely be thus. Immigration to Ireland would undoubtedly lessen as migrants would reconsider relocating without the prospect of their children gaining full Irish citizenship as birthright. A shift away from unrestricted *jus soli* would also mean that children of immigrants born on Irish territory would no longer have

the unfettered right to access other EU nations and their institutions.

Leading up to the 2004 referendum, the sitting government advocated for immigration reform based on the argument that potential immigrants were choosing to come to Ireland as a result of it being the last EU nation to recognize unrestricted *jus soli*. Political leaders opined that immigrants were using the unrestricted *jus soli* regime as an avenue to access the rest of the EU. While difficult to ascertain people's intention prior to the referendum for immigrating to Ireland, the fact remained that immigration to Ireland would be the 'foot in the door' to the entire EU.

The last argument that Irish politicians put forth to support the referendum stemmed from their perception of the original intent of the drafters of Article 2 of the Constitution. In their opinion, Article 2 was drafted to provide the constitutional entitlement of Irish citizenship to UK nationals. Underlying this position was an argument stemming from race politics. The Progressive Conservatives at the time asserted arguments based on fear of foreign immigration (e.g. immigration from outside UK or the EU) and the inherent duty of Irish citizens to the nation. They specifically touted Article 9 of the Constitution that referred to "fidelity to the nation and loyalty to the State" Speeches before the referendum pronounced that non-nationals needed to 'prove' their connection to the State by a term of residence so their children could 'earn' the right of citizenship. Instituting a term of residence in order to 'earn' citizenship characterized immigration to Ireland very differently than the unrestricted *jus soli* regime in place prior to the referendum. Rather than automatic entitlement to all the legal rights stemming from citizenship, immigrants and even their Irish-born children would have to 'prove' that they were entitled to all the legal rights flowing from citizenship. This 'vesting period' would only be required for Irish-born children of immigrants in distinction to those with Irish ancestors who had lived in Ireland would not have to endure. This approach tended to advocate for different strata of citizens within Irish society if the referendum succeeded.

In the midst of the referendum debates, two Supreme Court cases, *Chen v. Home Secretary* and *Lobe & Osayande v. Minister of Justice*, illustrated varying approaches to Irish immigration, in line with the arguments put forth above.

#### *Chen v. Home Secretary*

The applicants in this case were a couple from China who temporarily resided in UK. They chose to give birth in Northern Ireland for purposes of Irish Citizenship and, consequently, EU access and citizenship. They also came to Ireland because they were denied permanent residency by British authorities. The Supreme Court considered

whether the parents were allowed to stay in Northern Ireland after giving birth to their child who, under the unrestricted *jus soli* regime, was automatically an Irish citizen. Ultimately, the Supreme Court concluded that the parents, as the child-citizen's caregivers had the right to remain within Ireland. The Court's reasoning is adequately conveyed by the following:

[a] refusal to allow the parent ... who is the carer of a child ... to reside with that child in the host Member State would deprive the child's right of residence of any useful effect ... enjoyment by a young child of a right of residence necessarily implies that the child is entitled to be accompanied by the person who is his or her primary carer and accordingly that the carer must be in a position to reside with the child in the host Member State for the duration of such residence.

According to the above passage, the Court's reasoning that the non-citizen parents could remain in Northern Ireland relied upon the proposition that the child's unrestricted citizenship right outweighed the parents' non-citizenship. As such, the unrestricted *jus soli* right functioning at the time provided the basis for not only the child's citizenship but the parents' unrestricted right to raise their child in Northern Ireland. Inevitably, the facts of this case guided the Court's reasoning as the age of the child necessitated that the parents, as primary caregivers, remain with the child. Nonetheless, the Court in *Chen* affirmed Ireland's insistence on unrestricted *jus soli* and, at the time, its intention to remain the only EU nation to continue recognizing it.

#### *Lobe & Osayande v. Minister of Justice*

This 2003 Supreme Court case took the opposite approach to *Chen* with regards to migrant parents of Irish-born children. The two couples at the center of this case were from the Czech Republic and Nigeria and were seeking asylum in Ireland. Each couple faced a deportation order to the UK in order for their asylum applications to be determined there. In the midst of their asylum attempt in Ireland, both couples gave birth and thereafter remain in Ireland through their children's citizenship—again based on unrestricted *jus soli*. Contrary to *Lobe & Osayande*, the Supreme Court decided that migrant parents of Irish children do not have an automatic right to remain in Ireland for an indefinite period. The Court's reasoning and conclusion are summed up in the following passage:

Thus, it would seem to me that it cannot be said, as a matter of law, that, in a case such as the present, the parents of the minor applicants can assert a choice to reside in the State on behalf of the minor applicants, even if that could be said to be in the interest of the minor applicants. That presupposes that the minor applicants are, in law, entitled to choose where they reside. They are both factually and in law incapable of making such a choice

and, if their parents were lawfully entitled to choose to reside in Ireland rather than in Nigeria or the Czech Republic - which they are not – the right of the minor citizens to reside with them in Ireland would derive, not from the fact that they are Irish citizens, but from their constitutional right to be in the care and custody of their parents.

In other words, the Court is saying that the child's right to be an Irish citizenship derives from its constitutional right to be in the care and custody of its parents. Therefore, as was previously found in *Chen*, the right of unrestricted *jus soli* in this case was no longer characterized as an independent constitutional right where that right not only provided automatic citizenship to the Irish-born child but the right for that child's parents and family to remain within Ireland.

While this decision is now supported by constitutional amendments, discussed below, it appears that it did not accord with previous decisions (*Chen*) and, moreover, did not follow Article 2's provision of citizenship by birthright, as ambiguous as it may be. Instead, it placed upon Article 2 an unstated restriction in which the birthright to Irish citizenship would no longer apply to people born within the territory of Ireland whose caregivers were subject to deportation. This decision can thus be criticized for neither following the text or spirit of the constitution. Nonetheless, this decision retroactively applied to pending immigration applications resulting in 11,000 families being issued deportation notices.

#### Referendum and Constitutional Amendments

The 2004 Irish referendum passed easily with approximately 79% of voters supporting the proposed constitutional amendments. Pursuant to the referendum, Article 9.2 of the Irish constitution read as follows:

Notwithstanding any other provision of this Constitution, a person born in the island of Ireland, which includes its islands and seas, who does not have, at the time of his or her birth, at least one parent who is an Irish citizen or entitled to be an Irish citizen is not entitled to Irish citizenship or nationality, unless otherwise provided for by law.

As the text of this provision states, Irish citizenship now requires at least one parent to already be an Irish citizen. It is unfortunate that both the terms 'citizenship' and 'nationality' were used. By including the term 'nationality' within the provision, the amendment stripped away all recognition rights of those born on Irish territory without at least one parent with Irish citizenship. If this provision had been in force when *Chen* was decided, the child in that case would not have been recognized as either an Irish citizen or even a resident. In other words, the child would not have been afforded even the most basic rights provided by the State.

As a result of the referendum, the 2004 Irish Nationality and Citizenship Act was enacted. Article 6A-(1) of that act states:

A person born in the island of Ireland shall not be entitled to be an Irish citizen unless a parent of that person has, during the period of 4 years immediately preceding the person's birth, been resident in the island of Ireland for a period of not less than 3 years or periods the aggregate of which is not less than 3 years.

To simplify the provision's language, a parent of a child born in Ireland must be resident in the last three out of four years in order for that child to gain Irish citizenship. This provision appears more lenient than Article 9.2 of the Constitution as, rather than already being a citizen, it requires that a parent simply be resident in Ireland for three out of four years before a child is granted citizenship. This language, although it does not require a vesting period for the child itself to become a citizen does require a term of residence for the parent. Such a requirement echoes the Progressive Conservative Party's stance leading up to the referendum of duty and fidelity owed by immigrants to the Irish nation to 'earn' the right of citizenship for themselves and their children.

The referendum had various implications, including the following:

#### Constitutional Right Legislative Process

Whereas prior to the referendum the automatic right of citizenship was endowed upon a person born within the territory of Ireland, after the referendum it appears that the provision stated above from the Irish Nationality and Citizenship Act would be authoritative as the constitutional amendment refers to 'unless otherwise provided for by law'. This transformation of citizenship being a constitutional right to one extracted for legislation weakens migrant rights as those rights are amenable to change through the regular legislative amendment process as opposed to a constitutional amendment being required.

#### Jus Soli Jus Sanguinis

As stated above, Ireland remained the last EU nation that recognized citizenship under jus soli. However, pursuant to the 2004 constitutional amendment, the right to citizenship now follows jus sanguinis unless the parents of a child have been resident in the country for three out of the past four years. It is to be noted that Ireland recognized a form of jus sanguinis even prior to the GFA for individuals living beyond Ireland's borders. If a child was born to at least one individual of Irish descent—even if that birth took place in another country—that child would have the legal right to obtain Irish citizenship, without ever once stepping into Irish territory. However, before 2004, Ireland had never used parentage as a basis for citizenship within its borders. Rather, birth within the territory sufficed for

citizenship.

The reality of a shift from *jus soli* to *jus sanguinis* is that it creates a class of individuals within Ireland's territory who, although lawfully born within the country's territorial borders, cannot access all the rights that come with citizenship. These individuals may be completely Irish in culture, language and worldview and still not be considered equal to others with whom they live side by side simply because their parents' lineage is not Irish.

#### Immigration Deterrence

With a shift from *jus soli* to *jus sanguinis* and the prospect of having to remain resident within the country for at least three out of four years before seeking citizenship, potential immigrants to Ireland would be deterred from migrating. This is dually the case as Ireland no longer remains the pathway to unhindered movement throughout the EU as it has joined the rest of its nations by following a *jus sanguinis* regime. Potential immigrants are also deterred from moving to Ireland for the point made above, namely the prospect of them and their children being second class citizens even though they may share every other aspect of Irish life with their Irish counterparts.

#### Homogeneous Citizenry

With the constitutional amendment deterring immigration coupled with the exodus of individuals already within the country unwilling to wait to become citizens, the Irish citizenry would start to homogenize ethnically as those from Irish descent are favored to remain in the country. This subsequently can create a xenophobic environment for the few minorities who remain in the country and who may feel unwelcomed or otherwise marginalized.

## V. INTERNATIONAL HUMAN RIGHTS TREATIES

There are various international human rights treaties that consider the right to nationality and citizenship. The following will provide a brief overview of the provisions in each of the major treaties and then consider how the 2004 constitutional amendment adheres to those provisions.

The most basic treaty yet the most encompassing is the Universal Declaration of Human rights (UDHR), drafted in 1948. Rather than tangible rights and responsibilities endowed and obligated, respectively, upon signatory States, the UDHR is a set of general principles not necessarily binding. Nonetheless, the UDHR is considered to be customary international law. For our purposes, Article 15(1) states that “[e]veryone has the right to a nationality.” Article 15(2) states that “[n]o one shall be arbitrarily deprived of his



nationality nor denied the right to change his nationality.” There is no definition within the treaty of what constitutes a nationality. Moreover, the term ‘citizenship’ is not mentioned. As stated above, I distinguish the concepts of citizenship and nationality with the former constituting a legal right and the latter being a societal construct focusing on identity rather than a concrete legal framework. Nationality tends to provide lesser rights to residents within a territory than citizenship affords. As there are no definitions provided for in the UDHR and, furthermore, as it is a set of principles rather than a treaty subject to ratification, it is unclear whether its recognition of a right to nationality extends to legal citizenship rights.

The International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) is recognized by 177 party States, 88 of which are signatories—including Ireland. Article 1(3) of ICERD states that, “[n]othing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.” Possible forms of discrimination are enumerated in Article 5(D)(iii), which states, “[i]n compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right to everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: [t]he right to nationality...”. In other words, the rights outlined in Article 1(3) cannot be contravened as a result of discriminatory practices based on the grounds enumerated in Article 5(D)(iii).

As with the UDHR, the ICERD does not include definitions. The ICERD does, however, include both the terms ‘citizenship’ and ‘nationality’ in Article 1(3) distinguishing between the two concepts and ultimately holding by virtue of Article 5(D)(iii) that neither can be determined based on a distinction in the Article 5(D)(iii) grounds. This is particularly important as reading Article 5(D)(iii) read together with Article 1(3) supports the notion that neither nationality or citizenship can be withheld based on a person’s national or ethnic origin. The Irish constitutional amendments have, in fact, distinguished the automatic right to citizenship or even nationality based on a person’s national or ethnic origin. The adherence (or lack thereof) of the constitutional amendments with IHR treaties is discussed further in the subsection below.

The International Convention on Civil and Political Rights (ICCPR) serves essentially as an international bill of rights. Article 24 of the ICCPR says, “[e]very child has the right to acquire a nationality.” Again we see the term ‘nationality’ as opposed to ‘citizenship’ seemingly signaling a lower obligation for nations to provide a sense of belonging and

identity to people within its borders without necessarily requiring them to provide the legal rights endowed by citizenship. The right to a nationality may encompass the right to temporary or permanent residence or some other status where that person's existence within the State and his or her right to remain in the State is afforded but without the full rights enjoyed by citizens.

The Convention on the Rights of the Child, Article 7(1) states, "[t]he child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality, and, as far as possible, the right to know and be cared for by his or her parents." This provision mirrors that of Article 24 of the ICCPR in that it obligates a State to provide every child the right 'to acquire a nationality'. This, again, is not equivalent to the legal status of citizenship and all the rights that may flow therefrom.

The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) outlines in Article 9(1):

State Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

Similar to other treaties, this provision provides for women to acquire, change or retain a nationality but does not recognize the greater right to citizenship.

The Convention on the Reduction of Stateless (CRS) Articles 1 and 4 provide a slightly more precise obligation upon a State to grant a person with its nationality but similarly those provisions do not mention anything about citizenship. Article 1 states, [a] Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless." Even more telling, Article 4(1) states:

[a] Contracting State shall grant its nationality to a person, not born in the territory of a Contracting State, who would otherwise be stateless, if the nationality of one of his parents at the time of the person's birth was that of that State. If his parents did not possess the same nationality at the time of his birth, the question whether the nationality of the person concerned should follow that of the father or that of the mother shall be determined by the national law of such Contracting State.

This provision goes further than those of other treaties discussed above as it recognizes the obligation upon States not to render a person stateless. While Ireland has ratified the CRS, the treaty does not obligate it to grant citizenship. In fact, the term 'citizenship' is not stated anywhere in the CRS. Van Waas makes an apt point that the CRS unusually does not include a preamble delineating general principles such as the salience of equality or, otherwise the prohibition of arbitrarily depriving a person of nationality. However, Article

9 of the CRS states, “[a] Contracting State may not deprive any person or group of persons of their nationality on racial, ethnic, religious or political grounds.” Similar to ICERD, this provision places the Irish constitutional amendments in question as it can be asserted that the amendments deprive nationality, at least for a time period, based upon ethnicity.

Other treaties that include provisions addressing the right to a nationality include the Convention on Nationality of Married Women, the Convention on the Rights of Persons with Disabilities and the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families. Similar to the treaties discussed above, these treaties focus on nationality rather than citizenship.

#### Treaties Takeaways

As mentioned, what firstly stands out in the above-mentioned provisions is the consistent use of the term ‘nationality’ instead of ‘citizenship’. It remains unclear whether this insistence in IHR treaties on referring to nationality and not citizenship is intentional. But what is noticeable is the absence of the ‘term’ citizenship. Only the ICERD refers to ‘citizenship’ and even then it is used only to express the idea that the provision of nationality or citizenship upon a person cannot be discriminatory. The ICERD does not go so far as to say that citizenship itself and the rights ensuing therefrom shall be accorded to all citizens in a non-discriminatory in accordance with the grounds outlined in the convention.

The UDHR and the CRS mention that everyone must have a nationality. However, the UDHR is not binding law upon States. As such, it is only the CRS that obligates States to provide everyone with at least one nationality. The obligation to provide a person with nationality only arises in the CRS if not doing so will render that person stateless. Otherwise, there is no obligation. The CRS does not go so far as to compel every signatory State to ensure that every person has at least one citizenship. The likely inevitable phenomenon may thus follow that there will exist a class of people who may reside in one State but may not be citizens of that State and therefore not entitled to all the rights that flow from citizenship.

#### IHR Treaties and the Irish Constitution

With the takeaway that States are not obligated to grant a person with citizenship but only a nationality so as to not render that person stateless, we must now consider whether the constitutional amendments following the 2004 Referendum accords with Ireland’s obligations under IHR treaties. After 2004, Article 9.2 says that a person has no right to citizenship or nationality unless one parent is a citizen. The right to a citizenship does not

exist within IHR law. If Article 9.2 only listed that there was no right to citizenship then there would not be any contention with IHR treaties discussed herein. However, Article 9.2 takes away the right to citizenship and nationality for children born to non-citizens. Taken together with Article 6A-(1) of the Irish Citizenship and Nationality Act a child whose parents were not born in Ireland and have not resided in Ireland for the required vesting period may have to reside in Ireland for a period of three years or longer without being recognized as a citizen or even a national. Naturally, this can affect a child's rights to social services or, otherwise, available funds and services upon seeking higher education or when entering the job market. This may also preclude a child's ability to secure a job as he or she may be at a disadvantage when competing with Irish citizens or even nationals.

Where the constitutional amendment even further contravenes IHR treaties, and specifically the CRS, is in the circumstance where there is a child born to parents who are not Irish citizens and have not resided in Ireland for the vesting period and, additionally, that child does not have a nationality in any other State in the world. Van Waas puts this in terms of the terminology of *jus soli* and *jus sanguinis* by explaining, "a child who is born to parents who are nationals of a state that grants nationality *jus soli* on the territory of a state that grants nationality *jus sanguinis* fails to acquire any nationality at birth." The CRS requires that a signatory State grant nationality to a person who does not otherwise have one. By taking away the right to nationality for children born to foreign-born individuals even if born on Irish territory, the constitution appears to have contravened the CRS.

Other than the CRS, the amendment also appears to contravene the ICERD, ICCPR and Article 9 of the CRS as it prejudicially withholds nationality from children born in Irish territory based on their national or ethnic origin. Whereas citizenship, which accords more rights than nationality, is accorded to a child of Irish ancestry who may be born outside Irish territory, a child of immigrants has to endure a vesting period without either citizenship or nationality. The ICCPR's mandate that every child be granted the right to acquire nationality is also derogated as a result of the amendment because, as stated above, there will exist a period where a child born to foreign parents will not have a nationality. In addition, if the parents are required to be outside of Irish territory for a certain period of time, the vesting period for a child to finally acquire citizenship can be prolonged to an indeterminate amount of time.

## VI. CONCLUSION

The constitutional amendments rendering it more difficult for a child to obtain Irish nationality or citizenship—even if born on Irish territory—presents a variety of societal challenges that serve to weaken, not strengthen, Irish society. Prior to the amendment,

immigrants may have de facto been marginalized as a result of not adequately having integrated into Irish society. However, after the amendment that marginalization has been codified with immigrants being rendered without Irish citizenship or nationality. This inevitably can cause discord within the Irish population by creating a chasm between Irish citizens and their immigrant counterparts as a result of immigrants being unable to apply for or secure the same level of education or employment as citizens. This, in turn, can lead to a ‘ghettoization’ phenomenon and a level of distrust that has already elevated in other European countries recently. The repercussions from such a divide within society can lead to security concerns, constraints on welfare programs, increased crime rates as well as an increase in hate crimes and a general tense and poisoned atmosphere.

While the above consequences from the constitutional amendment may seem far-fetched for some, examples already exist from countries such as Belgium, France and England where immigrant communities have not been integrated into society and marginalized based on their ethnic or national origin. Just as suggested above, this has led to increased poverty and crime rates among marginalized communities and now lately a fear of domestic terrorism.

One solution that would serve as a compromise between the prior *jus soli* and current *jus Sanguinis* regimes would be to remove the term ‘nationality’ from Article 9.2 so as to only require one parent’s citizenship in order for a child to become a citizen. This right to citizenship would still be subject to the vesting period required in the Irish Citizenship and Nationality Act. Nevertheless, such a change to Article 9.2 would provide the child with rights stemming from being a national until one or both of the child’s parents become citizens at which point the child could also become a citizen.

Another solution would be to remove the vesting period out of the Irish Citizenship and Nationality Act so immigrants could begin the process of attaining citizenship status as soon as they land on Irish soil. Even if Article 9.2 remains in its current wording, if the vesting period is removed it will allow Irish-born children of immigrants to obtain citizenship likely quicker than in the current framework.

If the Irish government insists on keeping the text of the law the way it currently stands with no citizenship or nationality without at least one parent being a citizen, there are some remedies that may assist in integrating those without a nationality. For instance, exceptions can be applied for asylum seekers who are fleeing their homes out of a well-founded fear of persecution. Otherwise, expedited pathways to citizenship can be established for those who find stable work in particular professions necessary to sustain or improve the Irish economy such as in research and development, engineering or other STEM fields. This pathway can be assisted with affirmative action programs to assist immigrants in finding suitable

education or work opportunities.

To conclude, the future of the GFA and, in fact the EU, remains in flux as the Brexit negotiations currently take place. The EU was originally established to, primarily, hinder the extant chance of further warfare between European nations and, also, to allow the free movement of EU citizens between nations. One of the main arguments of the ‘leave’ campaign was the social and economic challenges presented by mass immigration from developing countries, in large part from the Middle East and South Asia. The Irish constitutional amendments not only deter immigration into a country with an aging population requiring educated individuals to supplement the gaps within its workforce, it will also frustrate and consequently marginalize those who do still immigrate to Ireland. While Ireland is not alone in the European continent in its concern of unabated influx of immigrants, it has within its legal regime—and inter alia in its societal will—to come to a middle ground in its approach to granting nationality and citizenship to immigrants that upholds its obligations under IHR treaties and provides a secure and prosperous future for all those who live within its borders.

---

## DIVIDING IRELAND: FROM AN EIRENIC STATE TO AN IRON GATE

Eoin de Bhaldraithe

The King should bring together some conciliatory Irish Catholic and English Protestant bishops. If agreement were reached, then an Act of Parliament would end the English Reformation. So said the young (33) James Doyle, RC bishop of Kildare and Leighlin (JKL) in 1824. Jesus had said, 'By this all shall know that you are my disciples, if you have love for one another'. Conscious of the scandal of division, he issued this clarion call for unity. In this essay we will see how he fared; then we will expound an effort at uniting the children of the nation that almost succeeded. At the end we will show the role played by Athy in this sad saga, but before that we will remind ourselves of the ultimate struggle that we all remember.

## END OF THE REFORMATION?

## THE NATIONAL SCHOOLS

The story of the Irish National Schools is rather well known. The Kildare Place Society was founded in 1786 by Arthur Guinness (of the brewery) and Samuel Bewley, a Quaker. In 1814, with general Catholic agreement, it received grants from the British government to assist schools. As an effort to be neutral between the denominations, the scriptures were to be read 'without note or comment'. Some money, however, was given to proselytising groups and this led Daniel O'Connell to denounce the Society. Eventually, as was stated in Parliament, two thirds of the money was going to Protestant Ulster.

In 1831 the Liberals came to power for the first time in almost fifty years. Even though it was obvious there was something wrong, the Conservatives, as the name implies, were reluctant to act. So the new government took the matter in hand. Edward Stanley, the Chief Secretary for Ireland, set up the National Board of Education. He explained that the practice of reading the scriptures without note or comment was obnoxious to Catholics. The aim will be 'to unite in one system children of different creeds'. Four or five days a week would be devoted to combined moral and literary education, while one or two days are set aside for separate religious education of the children. There may be some portions of Scripture used for combined education. In the event no separate teaching was needed.

The two archbishops of Dublin agreed to sit on the Board and they were to be the pillars of the system. On the day the schools opened, a 'lesson' was displayed which was to be taught in every school. Composed by Richard Whately, of the Established Church, it

ran as follows:

Christians should endeavour to live peacefully with all, even those of different religious persuasion. Our Saviour, Christ, commanded his disciples to love one another and even their enemies.

Many hold erroneous doctrines, but we ought not to hate or persecute them. Jesus Christ did not intend that his religion be forced on men by violent means. Quarrelling with our neighbours and abusing them is not the way to convince them that we are in the right and they in the wrong. We ought to show ourselves followers of Christ by behaving gently and kindly to everyone.

JKL was pleased with Whatley's 'Lesson' and commended it to his clergy in a circular as the schools began in 1831. Later Doyle spoke before a Parliamentary Committee as follows:

I do not see how any man wishing well to the public peace, and who looks to Ireland as his country, can think that peace can be permanently established, or the prosperity of the country ever well secured, if children are separated at the commencement of life on account of their religious opinions.

This is how he saw it from a political point of view. Separate schools would endanger the public peace, which is not yet permanent. The prosperity of the country also depends on keeping children together. Then he deals with the effect of separation on the children themselves.

I do not know of any measures that would prepare the way for better feeling in Ireland than uniting children at an early age, and bringing them up in the same school, leading them to commune with one another and to form those little intimacies and friendships which subsist through life. Children thus united know and love each other as children brought up together always will and to separate them is I think, to destroy some of the finest feelings in the hearts of men.

Doyle believes that the separation of children is against the very order of nature. His ideals surprise us as we have departed so far from them. They are words that 'will not go away'; they remain as a judgement upon us today.

The ecclesiastical Brexit still rankled in Rome. Pope Leo XII told Patrick Curtis, archbishop of Armagh to disagree publicly with JKL. This senior bishop had little more than precedence over the other bishops, but Popes normally used him like this. JKL actually wrote his letter of resignation but a deal was done: he could stay on if he promised not to speak on the matter again. By doing this he destroyed himself. He had been saying that though the public peace was not secure, the country was eirenic: heading towards peace. Yet when the Tithe War began in his diocese he said people should hate tithes as



much as they loved justice. With this instigation the Tithe War progressed for another twenty years.

### SUPPORTING DOYLE

I am not psychoanalysing him from a distance as we have a control, rather like a scientific experiment. David O'Croly, at the time parish priest of Ringrone in Cork, wrote a reply agreeing with Dr Doyle. There is very little difference between the churches, he insisted. Over the next ten years he wrote a book of two hundred and seventy pages, explaining the closeness of the two churches in doctrine. For us it is a remarkable anticipation of the work of the Anglican-Roman Catholic International Commission (ARCIC) which found no doctrinal bar to unity in its final report of 1982. He deals with scripture, tradition, infallibility and finds them very similar in both churches. The differences are 'very trifling'. He shows himself well informed on the early church councils. On the eucharist, he seeks a middle way for after all 'the Lord's Supper is a matter of observance rather than belief'.

On page 169 he reproduces the image of Our Lady and her Child giving the scapular to St Simon Stock. For this he reserves his keenest ridicule.

This is a surprising chapter, as only twenty years later the missionaries would successfully make this scapular and all connected with it the centre of their missionary culture. The book also includes polemic against Daniel O'Connell for being too exclusively Catholic in his politics.

As his book was published, he wrote to the 'lower orders of the Roman Catholics in Ireland'. He believed that educated Catholics realised there was no substantial difference between the churches. Other Catholics hate Protestantism and are deluded in this matter. He then quotes at length from Doyle to prove his point.

Unfortunately, O'Croly's criticism of the morals of the Catholic clergy, especially their greed for money, led him into opposition with his bishop. He was eventually removed as parish priest of Ovens and wrote his next pamphlet in 'Kilmeague Protestant Refuge' (probably near Naas). When we see the tenacity and determination of O'Croly, it makes us wonder if Bishop Doyle should not have resigned rather than reducing himself to silence. After resignation people would have realized that he had something very important to say. He would have been in a good position to try to win hearts and minds to his ideal of reunion. As it was the issue was forgotten, even as a possibility and his 'hatred of tithes' translated into hatred of the Established Church.

Desmond Bowen shows how the West of Ireland differed 'from the sophisticated world beyond the Shannon'. There was very little resentment against tithes. Working on 'Visitation returns' he is able to show how in 1830, by comparison with 1813, most of the

Established Church clergy ('parsons') resided in their parishes. They were accepted as 'the local "resident gentleman" with a minimum of religious resentment' and famously became managers of the soup kitchens in 'the terrible Spring of 1847' when the Government resorted to direct provision.

The most remarkable of them was the Reverend Francis Kinkead. Maureen O'Rourke Murphy shows us a photo of his memorial in Ardnaree church (near Ballina) paid for by Catholics and Protestants together.

Asenath Nicholson from USA visited the worst of the Famine areas and left a precious diary. While Irene Whelan covers the same period as Bowen, she makes no mention of the contribution of the Quakers during the Famine. The shipload sent by the Manchester Quakers to West Cork is celebrated by Eoghan Harris in his play *Souper Sullivan*. We badly need some kind of a memorial to their generosity towards the West.

In the early century the whole country (as we saw) was eirenic. This was even true of Belfast, the RC bishop being received at the Presbyterian General Assembly. Catherine Hirst shows how at the time Catholics and Protestants lived apart in The Pound and Sandy Row respectively. The first riots in 1812-13 cemented this division. Its people watched the Tithe War develop in Leinster and after that what Bowen calls the 'Religious War in Connaught'. It all had the effect of hardening attitudes in Belfast, and led to the next rioting phase which lasted seven years (1857-64). It further entrenched the area segregation.

#### THE UNION THAT ALMOST WAS: CARDINAL CULLEN

Paul Cullen, was born in Prospect in Co. Kildare, and walked to the Quaker school in Ballitore, just one mile away. This is the man who would later abolish joint education so successfully in nearby Athy. He learnt the elements of Latin and Greek as the Quaker ideal was to get pupils to the stage of being able to read the New Testament in the original. Four years later (1816) he was sent as a boarder to St Patrick's College, Carlow and from there proceeded to a brilliant scholarly career, writing major books on classical Latin and Greek, one of which is still used in Italy. In Rome the Pope himself (Leo XII) came to hear him defend his doctorate and so it was only a natural progression for him to become the main papal link with Ireland.

Returning to the Board of Education, we have a good account of how the commissioners worked together. Whatley wrote *Lessons on the truth of Christianity*. Murray, who was bound by his magisterium, objected to the first two chapters. Revd James Carlisle, the Presbyterian member of the Board took it in hand and produced a new edition that won the approbation of Murray. It is very likely that as they met regularly they grew more closely together as we see happening in ecumenical meetings in our own day.

There were eighteen chapters. Carlisle argued for an undefined general Christianity and so could not be accused of being sectarian. It was then published by the Commission and could be used in all schools. Next they published Scripture lessons. It comprised four volumes and could be used for common religious education. 'In many respects the work was simply an edition of the Bible with the confusion removed.' It was almost complete agreement on the whole of Christian doctrine and taught to Catholic and Protestant children together even in 'Protestant Ulster.' This system was up and running for twenty years. The Board's books were of high quality and popular around the Empire. In 1861 they were the most widely used school books in England. Though soon to be banned officially, the books must have continued in use as I found the 'bible' among my father's books who went to school before the Free State abbreviated the programme, mainly to make room for compulsory Irish.

When the Commissioners of National Education began teacher training, they set up a Central Training Institution in Marlborough Street, Dublin with three central Model Schools for boys, girls and infants. One of its main aims was to provide trained teachers to work in the new National Schools. The idea was that able pupils would be encouraged to stay at school as monitors and train under an experienced teacher before going on to spend time in a Model School. In 1834, steps were taken to extend both the training establishment and the Model Schools which were set up as non-denominational national schools. Between 1848 and 1857, such schools were built in Limerick, Galway, Clonmel, Waterford, Kilkenny, Trim, Dunmanway, Newry, Ballymena, Coleraine, and Belfast.

## EDMUND RICE

Meanwhile in Waterford the Blessed Edmund Rice started his first school on St Selskar (Holy Sepulchre) Street in 1802. Dáire Keogh begins his biography of Rice by saying how exaggerated are the normal Catholic views of the effect of the penal laws. In 1766 Rome withdrew its recognition the Stuart pretenders. This eased the situation here as it reduced the threat to the family that ruled the United Kingdom of Great Britain and Ireland.

Coming now to our own day one of the best of the secondary sources is *Faith and Fatherland* by Barry Coldrey. It tells the history of 'the Christian Brothers and the development of Irish Nationalism 1838-1921'. It carries special authority as Coldrey is himself a Christian Brother. In his introduction he quotes writers including some of his own brethren as saying that they were mainly responsible for the rise of Irish nationalism. He quotes one person who even claims they were responsible for the 'imbrioglio' in the North. His conclusions are remarkably concrete: a significant number of leaders in 1916

were past students of the Brothers; so also were many of the leaders of the War of Independence.

He begins with an account of their origins. Thomas Hussey was engaged in the negotiations to found Maynooth College and became its first President. After one year he was appointed bishop in Rice's native Waterford in 1796. He wrote a pastoral letter to his clergy soon after his appointment. He warns his clergy not to send children to 'places of education' where their faith may be endangered. To be sure that people would comply, priests should refuse holy communion to the parents. Likewise catholic soldiers are to obey their masters but the military officers have no authority over their religion. The catholic military should not go to Protestant places of worship. Some claim that all religions are equal: that is latitudinarian! The Catholic religion is for all places and climes. Other churches are more limited in their surroundings: a thinly veiled reference to the Church of Ireland. The light of St Patrick spread to nine-tenths of Ireland and to 99 per cent of this diocese.

A reply to this message is preserved in the National library. There is no indication as to who the author might be. This Christian prelate, it says, seeks to open the old wounds and disturb the unity and peace. He stirs up the bitter poison of religious discord. The diocese was exempt from this kind of discord. Dr Moylan, bishop of Cork, embraced his Protestant brother. The pastoral addresses of Archbishop Troy of Dublin are also praised. They support the good and happiness of society.

The sentiments of Dr Hussey are very different and seek to divide Christians. It is a perilous attempt to widen the great breach in society. He conveys an ungenerous and impolite charge to his clergy. Surely he cannot be serious in urging this separation of the rich and poor. He should follow the harmonizing efforts of his better judging brethren. He is among the angry zealots, guilty of intolerant language, tyrannic and detestable doctrine. Must literature no longer be shared with other youths? Must they mingle no more in Protestant society. No more juvenile intimacies of friendship? Avoid all political discussions? Is no soldier loyal but the catholic one? The writer is offended when Hussey says that the Protestant religion is confined to a small country but Catholicism is universal. Again he concludes that the new bishop kindles the flame of religious discord. T.J. Walsh claims that Catholic soldiers were flogged for attending mass.

Perhaps I could add some 'strictures' of my own on Hussey's letter. He claims that Ireland was 10% Protestant, but surely it was more like 20% in 1800. He makes no gesture towards reconciliation of the two 'religions' as they had been called since the Diet of Augsburg (1555). Surely his dedication to Christ should have reminded him of the prayer that all would be one so that the world might believe. He had negotiated with the King

about building Maynooth and the bishop of a nearby diocese was soon to propose that the monarch would move to heal the schism fully.

Coldrey says that there were three schools in Waterford at the time, all regarded as proselytising. There was a Charter School just outside the city with 60 boys and girls. There was also a school with 75 boys and another with 34 girls. Those were the targets of Hussey's attack, claiming that they were under siege by the Protestant proselytising societies. I had to read his letter several times to realise that it was an encouragement (or a command) to Catholics to take their children away from those schools. Coldrey tells us that the furore over his pastoral letter was so intense that he was obliged to go into exile from his diocese for four years until the controversy abated. He does not say exactly why the bishop had to leave the diocese but it must have been because of 'Hussey's advocacy of segregated education'.

It follows that this too is what Rice wanted. He aimed at the Christian education of poor boys and so frustrated the effort of the proselytising societies. Coldrey introduces us to these documents but he is not clear on the real intent of Rice. Were his schools not for Catholics only? There may have been a policy of allowing Protestants to attend if they wished and this would justify the claim that they were for all poor people.

In Cork Nano Nagle set up her first school in 1754. This was against the penal laws at the time. Her brothers were opposed to the project at first for fear of trouble with the law but they supported it when they saw that there was no danger. The following is a good example of how the law was implemented. In 1760 the government feared a 'popish plot', that is an armed Catholic rebellion. This of course did happen some forty years later on a country-wide scale. The mayor of Cork ordered the commander of the city garrison to patrol the area around the schools. The commander said that the mayor had no authority to make such an order and so, 'in the quarrel, the fears of the popish plot disappeared'.

Fr John Power later to be bishop of Waterford sent two women to be trained by Nano Nagle and when they returned they began their first school in 1798. 'Rice now embarked on his mission to do for the poor Catholic boys of Waterford what Nano Nagle had done for the girls of Cork.' Clearly it was to be for Catholics only.

In 1799 they received permission from Bishop Marley of the Established Church, even though this was not strictly necessary. So the nuns'schools were at first Catholic or separatist by necessity. When, however, they joined with the Brothers in Waterford the penal laws were a 'dead letter' and so they were separatist by ideology.

## JOHN MCHALE

To continue we need to jump over to Mayo where a young man was successfully educated 'in hedge schools taught by suspended or invalid priests' and went on to the new College in Maynooth. It must have been a relief for the diocese to be able to do this rather than having to ship him to the Continent. John McHale made great progress and quickly became a professor of dogma. He and some colleagues wrote a public letter denouncing Bishop Doyle's scheme for unity. As happened more than once in subsequent history, some of the writers were soon made bishops themselves. MacHale was appointed to succeed the ageing bishop of his native Killala. He went on quickly to be Archbishop of Tuam and at first quietly accepted the new National system but in 1838 he withdrew the few schools in his diocese that were under the Board. That was just after Rice opted out, so it seems to be a fair guess that he was following this example. His first object of attack was Scripture lessons. Murray was determined to defend it, saying,

The translation does not favour any error, and the notes contain no doctrine contrary to our faith. This is all we could expect in a book which Protestants as well as Catholics are supposed to use.

It would be another forty years before money was again available for primary education in the archdiocese of Tuam which included the former diocese of Mayo and that of Annaghdown, i.e. all Connemara and the Aran islands. That means that people grew up unable to read or write.

By this time the proselytising campaign in the West of Ireland had made many converts. It is generally agreed that at least 5,000 native speakers were converted in Connemara. It was open territory as there were no National Schools there. Desmond Bowen, a Canadian clergyman (Anglican) came over to investigate it all and left us the remarkable book, *Souperism: Myth or Reality* dealing mainly with counties Galway and Mayo but also telling how JKL began his campaign of 'hatred of tithes' in Graiguenamanach. More recently Miriam Moffitt in *Soupers and Jumpers*, gives us an astonishing account of what happened when Archbishop McEvilly began the fight-back in Connemara.

## AN IRISH CANON OF HISTORY

Archbishop Daniel Murray put great pressure on Rice to join the national system. 'In view of the archbishop's eminent standing', six schools joined the National Board but, six years later, Rice held a General Chapter of the Congregation to decide whether to remain inside the National system. There were complaints about the textbooks which were said

not to teach in conformity to Catholic doctrine. Further the Commissioners were beginning to ask that Brothers attend the Model School in Marlborough Street. To this they objected as there was a Presbyterian in charge. Without consulting Murray, the chapter decided unanimously that ‘no connection shall be formed henceforth with the Board of National Education.’ All the other teaching Orders went in under the Board: the Patricians, Marists and de la Salles, even the Presentations who were a breakaway group from the main body of Rice Brothers.

The inevitable result was that the Christian Brothers developed a separate system with their own books. They were out of line with all the other teaching Brothers. Coldrey shows how they were strongly nationalist and had their own approach to loyalty to the state. They taught their own version of Irish history and established a canon which still largely prevails.

A Belfast man once said to me, ‘The Christian Brothers never told us about all that!’ The following story will show how the other side behaved. Christopher Dillon, later to be abbot of Glenstal, once took a teaching post in a Church of Ireland school in succession to Alan Acheson, author of *A History of the Church of Ireland 1691-2001*. His pupils often said, ‘Mr Acheson never told us that!’ So each side had their own selected history. When George Mitchell and his team came to negotiate the Belfast Agreement, their first report claimed that the arms possessed by each community in Northern Ireland were only ‘a symptom of a larger problem: the absence of trust. ... [Many people from both sides came to tell us] why the other side cannot be trusted, and for this they resort to their vast inventories of historical recrimination. ... what is really needed is the decommissioning of mind-sets.’

## THE APOGEE

### *WIDGERY*

IN our own time we have witnessed the ultimate area hostility in the aftermath of the Bloody Sunday massacre (1972-73). Ed Moloney says that this was ‘the most violent conflict in the tangled and tragic history of Britain and Ireland.’

That bloody day was bad enough in itself but the official denial by Baron Widgery, the Lord Chief Justice, that made it a hundred times worse. The day the findings were presented in *The Irish Times*, the first ‘letter to the editor’ said it all:

Widgery, Didgery, dock,

The army ran amok.  
The judge said, 'No',  
It couldn't be so.  
The army only walk.

Bertie Ahern put great pressure on Tony Blair to review Widgery, so Lord Saville was appointed and his report which appeared twelve years later allowed Prime Minister David Cameron, on behalf of the United Kingdom, to apologise formally for the "unjustified and unjustifiable" events of Bloody Sunday. As a result of the report, even the conservative historian and commentator Max Hastings has described Widgery as "a shameless cover-up".

When Brian Faulkner became Prime Minister of Northern Ireland, he was determined to introduce internment. For this he asked and received control of the army. Widgery had said that the shooting by the Paratroopers 'bordered on the reckless', but soldiers do not shoot recklessly. The suspicion is that Brian ordered them to do so. There was a march in Newry the following Sunday and a statement from 'the two Prime Ministers' asked that it would not go ahead. That was the last time Brian would equate himself with Mr Heath. 'On March 24, after a contrived dispute with Faulkner over control of the security forces ... Heath announced' the suspension of Stormont and Brian along with it!

If it is true that Brian ordered this, then some in the Protestant community must be aware of it and should apologise for it. This would involve some initial humiliation, a seven day wonder, be it would quickly become an occasion for healing. If researchers were ever to be the first to discover it, the effect on inter community relations would be devastating. I believe that an apology would soon be followed by a similar confession on our side.

At the time of the Malvern Street murders by Gusty Spence two years before the Troubles began (1966), there was a Catholic reaction from William Philbin, the 'Culchie' bishop in Belfast who advised his people:

Do not cherish anger or bitterness or hate in your hearts against anyone. Feelings like these are the breeding ground of the kind of actions we are deploring. They are all too likely to explode into corresponding deeds. Hatred in itself is evil. It does more harm to the hater himself than to the person hated. It is explicitly forbidden by the law of Christ. We are bound to love, that is to bear Christian goodwill even towards those who hate and calumniate and treat you unjustly.

Many ridiculed him for going back to the gospel. It may be hard to believe but at the time Catholics, in search of a norm, were allowed to go back as far as St Augustine but certainly not to the gospel! Whatever about that, Spence's apology of thirty years later has



never been equalled by Sinn Féin:

Let us firmly resolve to respect our differing views of freedom, culture and aspiration and never again permit our political circumstances to degenerate into bloody warfare.

We are on the threshold of a new and exciting beginning with our battles in future being political battles, fought on the side of honesty, decency and democracy against the negativity of mistrust, misunderstanding and malevolence, so that, together, we can bring forth a wholesome society in which our children, and their children, will know the meaning of true peace.

Tomás Ó Fiaich once went into prison and shared his tobacco with Gusty Spence. It was good example at a time the prisoners needed to talk to one another. He showed, however, that he was a prisoner of the mind-set when he said in a famous interview that nearly all the bigotry on the Protestant side was religious, while that of the Catholics was political. One would expect a Christian preacher to be concerned by any kind of bigotry.

Those different brands can be seen as just a change of tactics on our part. Catholic support for the Stuarts was plainly religious as their tomb in the Vatican so clearly shows. After the French Revolution it became fashionable to claim that we now followed the new secularist ideals. With Wolfe Tone, we claimed that all we wanted was a political union of the three denominations. We also wanted to be rid of having a King over us and follow Plato's ideal of a republic. As in France, if anyone did not want to join in the process, we would force them to do so. It was just the same hatred with a different name.

A genuine Catholic response would have no option but to follow the foolish Philbin and go back to the gospel!

In 1993 we had a report from the Opsahl commission. The Catholics seemed to be agreed that there was no solution. Given their expectations of dominating the Protestants that was so indeed. This was the darkest hour before the dawn which came in the form of George Mitchell. His first report included a diagnosis and a prescription. The basic illness was 'the absence of trust' and the cure was the 'decommissioning of mind-sets' and it all culminated in the rejoicing of the Good Friday Agreement. Even though this had to be 're-made' over the next ten years, it is still the philosophical basis of the settlement and now promoted by Presidents Clinton and Obama as a model for other conflicts.

#### ATHY MODEL SCHOOL

In 1848 the Duke of Leinster agreed to lease land for 'educational purposes' and on the 26th June 1848, the 99 year lease was drawn up for Athy District Model School. In 1850 building began on this Tudor Gothic School at a cost of £8,224.21. It consisted of a male

and female school with an adjoining agricultural school, together with a headmaster's residence and dormitory accommodation for trainee teachers and agricultural students.

The school opened in 1851, but ominous events were taking place elsewhere. Paul Cullen arrived here as archbishop of Armagh in the previous year. He was displeased with his 'rustification' and managed to get to Dublin in 1852. He was less than a year in office when he attacked the interdenominational dimension of the schools. To help us to grasp the extent of the change involved, we may remember that Murray told a government inquiry that there could be no possible objection to a Protestant teaching secular literature to Catholic and Protestant children together. Later Cullen was to say that 'keeping company continually with Protestant children and teachers [weakened] the faith of the Catholic child'. The Presbyterians and Anglicans later objected to the Board but I think that it is fair to see this as a reaction to Cullen.

Caption: Athy Model school as it was in 2000. Note the bus stop for pupils and the name over the door which cannot be seen now because of an eight foot wall.

In a recent study, Joseph Doyle has detailed, blow for blow, how Cullen broke down the National system and obtained almost a full denominational system. Here I will comment on just two points. It is terribly sad to read that Cornelius Denvir, bishop in Belfast, had established a Model School there and had the Catholic clergy and laity enthusiastic about it. Cullen had him removed from the Board and some papers reported at the time that it was done by getting the Pope himself to lecture Denvir on his moderation and order him off the board. Many readers will remember how ten or fifteen years ago the British Government tried to get the Catholics in Belfast to agree to have the two teacher training colleges on the same campus. It seemed to be an obvious economy for any government and yet the Catholics were able to thwart the plan. Apparently Cullen's fear of contamination by contact with Protestants was still alive and well.

An all-out attack on the Model Schools was begun in 1862. Athy, in Cullen's diocese, was the first target. The Christian Brothers and Mercy nuns were at hand as leaders in the struggle against the Government. Like Hussey before him, Cullen threatened to excommunicate any Catholic who sent children there and was soon able to announce that not a single Catholic remained in the School. Local people tell me that memories are still alive of children being educated together there in the last century. This oral history is strongly confirmed by all we have discovered here. In accord with Cullen's fears, it was not thought fit for Catholic and Protestant children to learn farming together either. So the agriculture school was also closed and its 64 acres were sold by auction in 1880.

Athy District Model School remained open but with a reduced number of children on its rolls the majority of them now being of the 'protestant faiths'. In 1868 the Government

set up a Commission under the Earl of Powis to review education in Ireland. They held firmly to its policy of common education but Powis made recommendations acceding to many of Cullen's demands imitating, no doubt, the eirenicism of Doyle. He decided that the model schools should be closed and that the buildings should be used as ordinary locally managed national schools. Teacher training was to move into residential training colleges offering one or two year full time courses and Model Schools were to be used for teaching practice only. . Even though Stanley had granted free education for all children in a single system and assurance against proselytism, this policy was now to be reversed.

In Athy, Mr. Daniel Rice became the principal of the newly named National Model School (1901). Only six lived there at the time: he and his wife Margaret, their baby son, a servant Mary Price and two pupil teachers aged 17 boarding in the school. In 1970, a temporary home was found for the Garda Síochána at the Model School in the old headmaster's house, and adjoining unused rooms facing the Dublin Road. The gardaí remained there until 1985 when they moved into their newly built premises at the rear of Duke Street.

The whole school was re-roofed and decorated in the early 1990s. Due to the deteriorating condition of some of the 'no longer used' rooms in the school, and the urgent need for facilities for the Vocational Training Opportunity System, an arrangement was reached to accommodate them in the school. They moved into a totally separated area, which included the old 'turf-room' and the infant's extension, with the junior play-ground as their entrance and car park.

The building was sadly destroyed by fire in March 2010. Kildare VEC arranged for the immediate accommodation of pupils and staff in a section of the newly built Athy College, in Tomard, on the Monasterevin Road.

In September 2011, pupils and staff moved to what is now Athy Model School, on the Educational Campus in Tomard which they share with Athy College, Gaelscoil Áth Í and Scoil Phádraig Naofa. Whatever about the new one, the 'Model School' title will stick to the old building.

#### ALL THE CHILDREN OF IRELAND

But now back to the future! Not many know of our new education policy as outlined in the document, A new Vision of Education for all the Children of Ireland: Incorporation of St Patrick's College Drumcondra, Mater Dei Institute of Education and Church of Ireland College of Education into Dublin City University. While it states that distinctions between the Catholic and Protestant traditions will be maintained, there will be a 'core curriculum'

that will be 'denominationally neutral and common to all'. At least the teachers are to be educated on the same campus. Hopefully there will be no need for separate education as happened with the National Schools.

Bowen writes as follows of Archbishop Whately as follows: 'during the famine he personally gave to the poor more than £8,000. During his occupancy of the see of Dublin he gave over £40,000 to charity, and left no savings for his family when he died, although he had been in possession of a small fortune.' While much of the Famine relief in Dublin was along sectarian lines and while Whately often displayed an attitude of disdain or superiority towards Catholics, Murray was determined to work with him on the National Board, surely because of his conviction that dissent among Christians was a scandal.

Bowen describes Murray as 'pious and able' and 'characteristically charitable'. I once asked Bishop Donal Murray if they were related. No they were not, but Daniel had left a great reputation for holiness after him. For example, it was agreed that after his funeral mass in the pro-Cathedral, when the body was brought down to the crypt, the coffin would be opened again with only the parish priests present so that they could kiss him goodbye, 'and you know what hardened parish priests are like!'

No doubt the strong Christian commitment of both men helped them to come to agreement. But there may be more than that in it. I think that we must attribute this to divine grace. The prophet promised that God would write the law in our hearts and would make us conform to his decrees. The law of the new covenant is to love one another and that it surely why when Christians meet the desire to agree is so strong.

We could hope then that, when the Roman Catholics and the Church of Ireland recover the pristine unity, we will canonise Whately and Murray together or submit them to whatever process shall have survived the reunion.

The campaign to separate the children according to creed was very successful. As I visited Belfast in 1992, Gerry Adams had just lost his MP seat to Dr Joe Hendron.. The superior of Clonard Monastery said that there was great gloom on the Falls Road that day. The vast majority of the people never meet a Protestant socially unless they go on to third level education. They lived only a few hundred yards apart and were at the time separated by the peaceline, a wall of separation reaching almost to the sky.

Later, on a Sunday morning in 2010, I took the risk of walking up the Shankill and down the Falls Road. I saw the fish shop where the IRA bomber killed himself and eight Protestants. I also saw the remembrance plot for those killed by Republicans, a mirror image of the garden on the other side but only one tenth its size. Later, I had a dream that I was accompanied by Bishop Doyle (JKL). I showed him the peaceline, the huge iron gate at the bottom of the Shankill, still closed at weekends. I reminded him of his words on

separate education. He said that he foresaw the difficulties but never thought that separation could be so complete and thorough; the iniquity of the fathers was visited on the children. His advice was, of course, that we must try again to educate all children together.

It is good to be able to end on a positive note. President Obama took an even more proactive interest in Belfast regarding the peace settlement as a model. Large numbers of police drafted in from England when he spoke in the Waterfront Hall in 2014 to a specially chosen audience of young people. He recommended to ‘fall in love with whom you like’, for intermarriage is the key to community integration; it was this that made the Normans more Irish than the Irish themselves. He was disappointed at the slow progress in taking down the walls and urged them on: ‘Yes we can; Is féidir linn!’ Recently Martin McGuinness proudly announced that one wall was dismantled and they would all be down by 2023. We may hope that a future presidential visit will draft police from the Republic.

---

THE UNITED NATIONS and IRELAND: Blood Lines and the Right to Language  
Mary Elizabeth Steiner,  
Chairperson, UNESCO CHAIR, San Francisco

Why is the right to language important to human rights and world peace?

As an active leader in education and international relations, I currently develop programs about the right to language and the United Nations. In my experience I find there is little information about the multiple aspects of the right to language including culture. My curiosity about the causes of conflict and passion for peaceful co-existence converge as I am compelled to survey the progress of ensuring the right to language. My quest began with my earliest awareness of "I am". My parents structured my identity as a human being as I was grounded in the Earth and all its families.

My mother claimed mostly Scotch- Irish descent while knowing full well that her most recent blood line included English, French, Nordic, and Spanish ancestors. Some of her family names were Murphy, Barrett, McDonald, FitzGerald, and Corson. My father was born in Switzerland and was number eleven of twelve children. His family brought him to California in a second wave of immigration in 1920. He only spoke Swiss German and was enrolled in the second grade at the age of 14. I was born in California. My earliest memory was as an infant lying in a nest that my father made in a hay stack. A family photograph confirmed my experience. My childhood was spent exploring the outdoors. At the age of two years I took an expedition with the family dog that was descended from Alaskan Husky and Wolf. My mother found us on a rickety bridge across a dry river bed. She called us to return to the river bank. My close family friends were a German-American-Hawaiian family whose farm expropriated while they were imprisoned by the Japanese in a camp at San Tomas, Philippines. They spoke English, German, Tagalog, and Hawaiian. I remember how their children were awakened by night mares in the night. In grammar school, the teachers put me in charge of the playground to keep my classmates engaged in fun games and prevent fighting. My mother tutored me in spelling. She recited the family relationship to Sir Walter Scott and had a complete set of the Waverley Novels. She cherished her inherited books of Shakespeare and Robert Burns that were splattered with salt water from their voyage across the Atlantic. My mother had a journalist friend who travelled and lived among the Indigenous Peoples from the Yucatan to Alaska. He captivated our family with stories of cultures, language and lifestyle based on harmony with nature. As a teenager, I worked in the summer for my mother's friends who had inherited a mansion and converted it into an orphanage for children from the East European streets behind the "Iron Curtain". I was their language teacher and recreation director. The

children desperately needed reassuring support and were plagued by night mares. They eventually received advanced education and led productive lives. In high school some of my best friends were Japanese American. Their parents and grand parents had been detained in American prison camps while their farms were expropriated in the Sacramento and San Joaquin Valley. We spoke English in our homes and were all admitted to colleges and universities. All have held responsible positions in medicine, architecture, farming, and government. I used my education to study languages and lead international educational projects. All of my classmates learned our first language from our mother and were given the responsibility to speak from the heart. It was with good will that we were inspired to learn the language of "the other" for mutual benefit. Our native language provided us with an identity as well as a basis for learning other languages. Learning more than one language has been essential for broader perceptions of the world. Indeed, words in one language for woman meant something else in another language. In the Cambridge Dictionary a woman is "an adult female human being." The Irish Gaelic word "bearn sid" for a woman means "the woman of the house," Fairy,"or "Fairy Mound." Modern American women prefer to be called "woman" rather than "lady." Choctaw uses "ohoyo" for "adult female human being" or "adult human member of sex that produces ova."

The tragic history of the subjugation of Ireland for more than 400 years can be traced along the blood lines of indigenous tribes that have had their language suppressed and destroyed. The original spoken idea in written as well as unspoken word that was expressed through music and visual arts remains in ephemeral bubbles pumped along family and community veins and arteries. My mother's family names included Murphy, Barrett, McDonald, FitzGerald, and Corson. No national boundaries could contain the memories. The memories moved across nation states. While it was forbidden by the English Colonists to speak Irish Gaelic or to speak at all, the sparkle in Irish eyes conveyed the spirit of resistance. The universal language of the arts including the Irish harp was prohibited. The penalty could be execution. However, the harp became an eternal symbol of Irish spirit.

Many linguists trace the oldest language to Hebrew. Through the Old Testament the Tower of Babel story recounted how angry God destroyed the one dominant language and scattered it around the world in a divergence of different words. However, in the Twenty First Century the growth of languages is reversed and is converging. Developed countries agree to massive international trade treaties written in dominant languages. Today the dominant languages are English, Chinese, and French. Arabic, Spanish and Russian complete the six official United Nations languages. Consequently, these well known languages are used in international educational institutions as well as mass media and global economic systems that prevail in such countries as Ireland. Most Irish speak English

while Irish Gaelic is recognized as the Indigenous language. The recent immigration of Nigerians has introduced several Nigerian languages as well. Ireland has been globalized as a member of the United Kingdom, European Union, and the United Nations.

After two world wars, and continuous threats of annihilation, fifty nations aligned with the United States of America, Soviet Union, Republic of China, United Kingdom, and France led by President Franklin Roosevelt, created the UNITED NATIONS CHARTER in San Francisco, California, April 25-June 26, 1945. The UN Charter came into force on United Nations Day, October 24, 1945.

The purpose of the United Nations Charter stated "We the peoples of the United Nations determined:

- to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind,
- to reaffirm faith in fundamental rights, in dignity and worth of the human person, in equal rights of men and women and of nations large and small, and
- to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and
- to promote social progress and better standards of life in larger freedom..."

Furthermore, the United Nations Charter provides for "Article 55 c Universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

The United Nations Education, Science, and Culture Organization (UNESCO) was later established to protect cultural diversity and human rights. It urges nation states to identify and protect the lesser known as well as nearly extinct languages. More than 6,000 languages exist and 1,000s are disappearing. If we lose the Indigenous language that describes an unreported healing plant or a word that describes a higher state of mind, we have narrowed the possibilities for finding a way to a better world.

On December 10, 1947, the UN General Assembly adopted the Universal Declaration of Human Rights to set the standard for human rights as the foundation for freedom, justice, and peace.

Eleanor Roosevelt brought about the finalization of the Universal Declaration of Human Rights as the American Ambassador to the United Nations.

Article 2 of the Universal Declaration of Human Rights specifies the general principles of life, liberty and security.

"Everyone is entitled to all rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other



---

opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional, or international status of the country or territory to which a person belongs, whether it be independent, trust, non-governing or under any other limitation of sovereignty."

The UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR) sets non-binding standards for nations to achieve. It is the most translated document in the world. Currently, there more than 463 translations. The UN Office of Human Rights accepts and certifies additional translations of the UDHR online. The United Nations Charter and the Universal Declaration of Human Rights might have prevented the need for the 1916 IRISH RISING. The Irish Republicans had written THE 1916 PROCLAMATION OF THE PROVISIONAL GOVERNMENT OF THE IRISH REPUBLIC TO THE PEOPLE OF IRELAND and aspired for equal human rights.

"The Republic guarantees religious and civil liberty, equal rights and equal opportunities to all its citizens...."

It is the evolution of the Irish leadership that domestically and internationally determines its fate. Preserving its right to language is the basis for its freedom of expression. Its human rights are linked to its cultural rights.

What is it like to be Irish? The Irish have been credited by Thomas Cahill in his popular book, HOW THE IRISH SAVED CIVILIZATION. Ancient Irish culture evolved from the blood-red martyrdom of the sword while sustained by slavery and animal husbandry. Christianity brought the green martyrdom of monks praying and counseling in peaceful monasteries. The white martyrdom of copying and disseminating large bodies of ancient Christian literature sustained and preserved the values of Western Civilization.

Is Irishness an indigenous right? Indigenous Peoples are defined by the United Nations, International Labor Organization, World Bank, etc. Douglas Saunders in the 1999 issue of the International Journal of Cultural Property says "these ethnic groups that were indigenous to a territory prior to being incorporated into a national elite, and who are politically and culturally separate from the majority ethnic identity of the state that they are a part of...." are indigenous peoples.

As Indigenous Peoples, the Sovereign Choctaw Nation recognized and empathized with the plight of the Irish during the "Potato Famine" They had been forced to relinquish their Florida territory and trek 500 miles to Oklahoma in what as known "The Trail of Tears." Less than half of them survived. Yet as an impoverished people, they raised the equivalent of several thousand dollars for the starving Irish.

Recently, a kinetic sculpture of nine 20-foot Indian feathers depicting "Kindred Spirits" was installed in the County Cork where the Irish experienced their "Trail of Tears." It is a

---

memorial to the Irish gratitude for the support of the American Choctaw Nation during the famine.

In 1996 the American Indian Movement (AIM) was established and led to the formation of the International Indian Treaty Council. The United Nations certifies it as a non governmental organization and it participates and advocates for the rights of Indigenous Peoples with the United Nations Council on Human Rights.

The UN General Assembly "took note" the recommendation of the Human Rights Council to adopt the United Nations Declaration on the Rights of Indigenous Peoples. The Declaration sets a standard for nation states to co-exist with Indigenous Peoples. Language rights are integral to the preservation of indigenous culture. There are explicit provisions.

#### Article 13

1. Indigenous Peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons."

#### Article 14

1. Indigenous Peoples have the right to establish and control their educational systems and institutions providing education in their own languages in a manner appropriate to their cultural methods of teaching and learning.

#### Article 16

1. Indigenous Peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination."

#### Article 31

1. Indigenous Peoples have the right to maintain, control, protect, and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

In August 2015 the EXPERT MECHANISM FOR THE RIGHTS OF INDIGENOUS PEOPLES (EMRIP) provided that the represented states as well as the NGOs give "numerous examples of situations in which the right to language are and are not being

protected." The body advises the Human Rights Commission with studies and research.

The EMRIP is preceded by the binding INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICCPR) ratified by 168 states in January 3, 1976.

#### Article 27

Individuals belonging to a minority should not be denied the right to speak their language. All peoples have a right to pursue their cultural development, to be free from discrimination based on language, to have legal proceedings interpreted when required, to freedom of expression, and for linguistic minorities to use and enjoy language within their group.

Again, the United Nations agreed to be bound by the INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR) as it entered into force in March 23, 1976.

#### Article 15

...take part in cultural life.

THE UN PERMANENT FORUM ON INDIGENOUS ISSUES continues to research and report to the UN ECONOMIC AND SOCIAL COUNCIL

It concludes that indigenous peoples are "treasures of vast traditional knowledge concerning ecological systems and processes and how to protect and use some of the most vulnerable and biologically diverse ecosystems in the world. It is no coincidence that the areas where indigenous peoples live are the areas that contain the greatest biological diversity. In fact, biological, linguistic and cultural diversity are inseparable and mutually reinforcing, so when an indigenous language is lost, so too is the traditional knowledge for how to maintain aspects of the world's biological diversity. The protection of indigenous languages is therefore not only a cultural and moral imperative, but an important aspect of global efforts to address biodiversity loss, climate change and other environmental challenges.

For Indigenous Peoples of Europe, the EUROPEAN COURT OF JUSTICE is in the process of acceding THE EUROPEAN CONVENTION ON HUMAN RIGHTS. However, the process is a long one as the EU Court of Justice is concerned about its prerogatives.

---

Minority cultures such as the Irish culture are protected by the EUROPEAN CONVENTION ON HUMAN RIGHTS.

Article 14

The enjoyment of the rights and freedoms set forth in this convention shall be secured on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national authority, property, birth or other status.

Furthermore,

THE EUROPEAN COMMISSION (OF HUMAN RIGHTS) provides as follows:

Article 10 "...right and freedom of expression."

As Professor Dana Zartner, University of San Francisco Law School and author of *COURTS, CODES, AND CUSTOM: LEGAL TRADITION AND THE STATE POLICY TOWARD INTERNATIONAL HUMAN RIGHTS AND ENVIRONMENTAL LAW*, says, "as with much international law, there is not much definition or explanation in terms of these rights, which leaves a great deal of interpretation up to the individual" nation states. "And this is where we see a great deal of variety in terms of protections of the right to language, as different states not only interpret their international legal obligations differently, but also internalize these rules in different ways--some much more effectively than others."

In many ways the difference is "whether the right to language is thought of as an individual right, or as a cultural (group) right. In those states where the latter approach is taken there seems to have been more success to promoting and protecting the right to language at least to some extent. In those states where it is either viewed as an individual right, or where it is viewed as a right that threatens the sovereign power of the state in some way, there have been more restrictions."

Meanwhile, Irish citizens lead the international community through the United Nations Organization. The Special UN Envoy on Climate Justice and former Chairman of the UN Human Rights Council is Mary Robinson, former President of Ireland. The United States of America Permanent UN Representative (Ambassador) Samantha Power was born and married in Ireland. She represents the United States on the UN Security Council. She is the author of *A PROBLEM FROM HELL: THE UNITED STATES IN THE AGE OF GENOCIDE* and *SERGIO: ONE MAN'S FIGHT TO SAVE THE WORLD*. Additionally, Irish men have been risking their lives as UN Peace Keepers in Lebanon.

The Irish People may look to the leadership of the American Indian Movement to protect their language and culture should their sovereignty be questioned. As of September 2014, the UN World Forum on the Rights of Indigenous Peoples met to deliberate and study the status of the International Indian Treaty Council to become an Observer State at the United Nations General Assembly. On June 30, 2016, the United Nations Liaison Officer, Antonio Gonzales, who coordinates the participation of the International Indian Treaty Council at the United Nations Commission on Human Rights is meeting with the General Assembly in New York. They advocate an Observer State status because they are sovereign nations, not non governmental organizations (NGOs).

The implications for protecting the rights of Indigenous Peoples of this planet are vast. The lesser known and endangered languages may co-exist with the dominant languages as colonizing nation states respect the cultures of Indigenous Peoples such as the Irish. The right to identity, freedom, language, and dignity need to be specified in the language of the international treaties of the twenty first century and to comply with the United Nations Charter.

## APPENDIX

### *The attempt to stop ICIS 2016*

While the teaching of revisionism in Irish unis strikes some as problematic – how can you presume the moral force to levy taxes from people in order to pay lecturers to question your historical right to levy them? - here, in the US, Irish government policy reached fantastical heights of absurdity.

In 2005, the Irish consul-general in the western US decided to ignore the existence of a program in Irish studies in San Francisco and Celtic studies at UC Berkeley, as well as the pleas of the Irish community here, and gave money to British studies to put on lectures in Irish studies. The sole historical lecturer was an arch-revisionist; check out <http://ies.berkeley.edu/isiss/index.html> which link may be gone by the time you read this; if you are an Irish taxpayer, it cost you money. After the “Workshop with Professor Jane Ohlmeyer” Revisionism: Debates on Irish History we could expect “Pro-choice; debates in reproductive rights” and “No zyclon; debates on the holocaust myth.”

We got these lectures stopped only after sending a delegation to Aengus O Snodaigh in the Dáil; to his credit, Aengus asked a written question:

Question No 341

## Parliamentary Question - Dept Details

“To ask the Minister for Foreign Affairs if his attention has been drawn to the fact that the Irish consul in California donated funding to a course on revisionist history run by the British Studies Department in the University of California, Berkeley and has refused funding to a course on traditional Irish music proposed to be run under Celtic studies at the same university; and if he will make a statement on the matter.

- Aengus Ó Snodaigh

\* For WRITTEN answer on Tuesday, 12th December, 2006.”

After the final cfp the following events occurred;

1. Using perhaps \$250k of Irish taxpayers' money, the Irish free state organized a rival event in SF with a musical maestro whose name the computer mavens reading this will find delicious; Kim Kluge! We opened our event with Melanie O'Reilly – one of Ireland's all time greats – premiering hers and Frank Martin's new suite “The Land of Ireland - Amergin to adzed-head and beyond". We had an Irish genius, they had a foreign kludge.
2. For the first time in its 90 + years of existence, the establishment comprising the power structure of the Irish free state for months.
3. Failed to form a government after a free election.
4. Very disturbingly, the so-called home of free speech decided the day the conference began that it involved “Unauthorized Use of the University of California, Berkeley names” . Much care had been taken to ensure there was no such abuse. As in 2012 and 2015, we had observed procedure and gotten in writing a commitment for academic sponsorship from a university program. That was withdrawn on the day the conference started and the professor who issued it in 2016 was forced to accredit the event on his own behalf, not on behalf of his program. Moreover, the event was issued a scarlet letter on the UC Berkeley website stating that it was not affiliated with UC Berkeley, the anathema being repeated by placing a note outside our lecture hall to that effect. I tore it down, and still have it.

To make matters worse, I was threatened with criminal proceedings;

UNIVERSITY OF CALIFORNIA, BERKELEY

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO • SANTA BARBARA • SANTA CRUZ

OFFICE OF BUSINESS CONTRACTS AND BRAND PROTECTION 2150 KITTREDGE, SUITE  
502 # 1928

BERKELEY, CALIFORNIA 94720-1928

April 21, 2016

Via email: seanoig@gmail.com

Mr. Sean O Naullain

University of Ireland

Re: Unauthorized use of the University of California, Berkeley names

Dear Mr. O Naullain:

It has come to our attention you are using the name of the University of California, Berkeley (“University”), and abbreviations thereof without permission in a manner that may lead to confusing consumers that you and/or the “University of Ireland” is affiliated with, endorsed, or somehow supported by the University. The University’s names and abbreviations, such as “UC Berkeley” and “Berkeley” are federal, state and/or common law trademarks of The Regents of the University of California.

As shown in the attached screen shots and in the links below, you are using the University’s names to engage in false/misleading advertising about your relationship to the University and the courses that are provided through the “University of Ireland.”

Such use of UC’s name is unauthorized and violates Section 92000 of California’s Education Code (<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=91001-92000&file=92000-92001>).

Section 92000 makes it illegal to use, without permission, the University of California name or any abbreviations of the name (e.g., “Berkeley”) in connection with any business or enterprise, or in a way that implies an affiliation or connection between UC and another’s products or services. See Cal. Educ. Code § 92000. Your use of UC’s name implies an association with UC that simply does not exist. Violators of Section 92000 are subject to a criminal penalty.

Moreover, as described below and shown in the attached screenshots, we believe you have engaged in false/misleading advertising in print and electronic media.

5. The attached flyer states that the “International Congress of Irish Studies 4th Annual Conference at UC Berkeley ...” is “co-sponsored by UC Berkeley’s Celtic Studies Program.” There is no “International Congress of Irish Studies” at UC Berkeley and the promoted event is not being “co-sponsored by UC Berkeley’s Celtic Studies Program.”

6. The “University of Ireland” claims or implies that:

12. “Our instructors have taught and continue to teach at many of the best universities in the world, including...Berkeley in the US...”

- “We offer these new courses we taught in ... Berkeley as the University of Ireland...”
- 2150 Kittredge, Suite 502, # 1928 Berkeley, CA 94720-1928 T: 510.642.9120 F: 510.666.2550  
<http://bcbp.berkeley.edu>
- “Part-time students...pay three types of fee, which together add up to a small fraction of either private for-profit college, state or private university fees...”
- You “have taught on the Cognitive Science program (called symbolic systems)...and invited to teach ... one at UC Berkeley. The course here is an attempt to rectify this.”
- Many of the University’s online education courses available from your site, such as <https://www.edx.org/course/agile-development-using-ruby-rails-uc-berkeleyx-cs169-1x> are part of the coursework of the University of Ireland.

The aforementioned statements are either false, misleading, or imply an association between the “International Congress of International Studies” and/or “University of Ireland” and the University of California, Berkeley that does not exist.

Accordingly, we demand that you immediately cease any further use of – and remove all references to – University of California, Berkeley names and/or abbreviations on your flyer, website or any other materials in which you have made similar use of the University’s names.

Furthermore, we demand that you discontinue making the aforementioned false, misleading, or suggestive statements and, in the immediate term, prominently display a disclaimer during this weekend’s (April 22-24, 2016) Conference stating that the “International Congress of International Studies is not endorsed or supported by or affiliated with the University of California, Berkeley. This disclaimer must be posted prominently at the reception on Friday evening at the Women’s Faculty Club and in multiple conspicuous places at the event space inside Dwinelle Hall. The University has the right to revoke your permission to make use of Dwinelle Hall. However, given that the event begins today, the University felt that the impact of a cancellation on the visiting conference participants would be too great. It is only with your immediate confirmation that these steps will be taken that the University is comfortable allowing the event to proceed in our space.

We seek your immediate attention and cooperation in this matter. Further, we request an immediate acknowledgement today, April 22, 2016 that you have taken the actions requested in this letter. Please be advised that the University will take all necessary steps to enforce its rights.

Sincerely,  
Maria K. Rubinshteyn

Director

Attachments



cc: Julie Conner, Campus Counsel

Anthony Cascardi, Dean of the Arts & Humanities

Why would they do this? To add insult to injury, at short notice, a further rival event was planned with the Irish consul speaking on behalf of a state that did not have an elected government. This is rather like giving Gulen a speaking gig while the abortive Turkish coup was still proceeding. This was also subsidized by the Irish taxpayer; in 2015 Higgins, the nominal Irish head of state, had donated the princely sum of \$40k to start Irish studies at Cal. The deal of a century; the Novartis affair giving rise to accusations like “The Kept university” in the Atlantic monthly was related to a \$40 million subvention.

This occasioned my response to the relevant faculty after the event;

A chairde

You will forgive the delay in responding to this disgraceful libel. I was running a conference – a highly successful one – that brought visitors here from Ireland and elsewhere and will result in a book publication. Here are the facts;

1. I had withdrawn completely from Irish studies in the wake of Uachtaran Higgin’s risible \$40k shortcut around academic freedom . (BP paid \$500m, Novartis \$40m.) Two Berkeley professors (names on request) asked me to run a conference
2. In writing, one (name on request) said Celtic studies would sponsor it, as they did in 2015. That remained the case until 4 days before the conference, when all publicity materials had gone out. I immediately changed the website to reflect the non-sponsorship
3. The discourtesy by UCB to two Irish scholars who flew here was massive; similarly for the descendents of the protagonists of the rising who appeared, here in person and by Skype
4. The infantilization of the students who would have benefitted from this conference is one reason why this libel should never have been promulgated.

There is a rather beautiful coda. Prof Cathal Macswiney Brugha, unsolicited, recalled on sun 24 April that the rising failed because the USA had intercepted a telegram from John Devoy and betrayed us to the British. We were left with an arms imbalance of 1:19 against the Ulster volunteers following the sinking of the Aud and arrest of the humanitarian Roger Casement occasioned by your betrayal of us. Indeed, matters resolved themselves rather quickly. First of all, our guest of honour was the great-grandson of James Connolly, Lieutenant Che Heron of SFPD. As it turns out, he too received one of these letters – for having the temerity to state truthfully that he was a driver for UC Berkeley (as well as Joe Biden). Dirks, the chancellor responsible for the letter, was fired. The new chancellor, my good friend Carol Christ, is unlikely to annoy Che and the other cops in SFPD she will need at the next riot.

We have famously long memories.

Is mise,

Dr O Nuallain