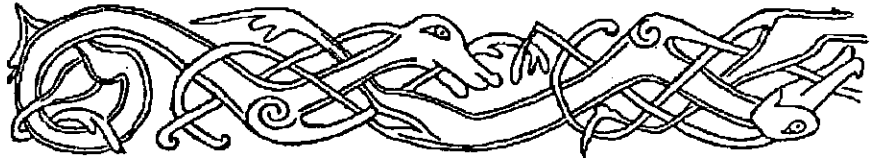


Ireland, England, and the Question of Northern Ireland



Joseph E. Fallon

For Europe, the calendar reads 1991. The Berlin Wall fell over; Germany is again one state; the Communist Party dictatorship has been overthrown in Poland, Czechoslovakia, and Hungary. For Northern Ireland, however, time stopped centuries ago. There, regardless of the day, the month, or the year, the calendar always reads July 1, 1690. The Battle of the Boyne is fought anew each day. Reflecting this unending condition a modern proverb of Northern Ireland declares: "To hell with the future, and long live the past, May God in his mercy look down on Belfast."

Forming an Irish State Identity

Why is this conflict, whose origin some date back to the Norman invasion of Ireland in the twelfth century, still raging at the dawn of the twenty-first century? The reason lies in the historic development of the Irish and British states and, in particular, in the failure of Ireland to fully adopt a national, non-sectarian identity.

The 1066 conquest of England by William of Normandy was a victory for the Vatican. Sanctioned by Pope Alexander II (1061-1073), the Norman conquest reintegrated England into Western Christendom. Viking invasions of the British isles ended during the eight through the eleventh centuries, after three hundred years of pagan or only nominal Christian rule in England. To rescue Ireland from the same religious and cultural decline, Pope Adrian IV (1154-1159) issued a papal bull in 1154 entitled "Laudabiliter" authorizing the King of England, Henry II (1133-1189), to conquer Ireland.

Adrian IV was an Englishman

named Nicholas Breakspear and was the only Englishman ever to be Pope. This fact is often raised by Irish nationalists who maintain that it was not really a Pope who "donated" Ireland to England, but an Englishman using the office of the Pope for partisan purposes. They imply that this papal bull was some type of English conspiracy between the Pontiff and the Monarch to provide a legal cover for the subsequent conquest of Ireland.

This proposition has two flaws. First for such an "English" conspiracy to have occurred requires the existence of English nationalism in the twelfth century. English nationalism, however, did not arise until the seventeenth century. Loyalty toward England, as elsewhere in Western Christendom, rested upon feudal obligations, not nationality. Second, if for argument's sake it is assumed that nationalism did exist, then the "English" conspiracy theory is even less tenable. The King of England was French. The Pope

who sanctified the actual conquest, Alexander III (1159 - 1181), was Italian.

Despite the papal authorization of Adrian IV, King Henry II was then too preoccupied with his wars in France to attend to Ireland. When the Normans did invade Ireland in 1169 it was at the invitation of the Irish King of Leinster, Dermot MacMurrough, who after having been militarily defeated and expelled from his domains by a rival Irish king personally petitioned Henry II for an army by which to regain his throne and his lands. In return, the Irish prince offered to recognize the King of England as his liege lord.

Although the invasion of Ireland by England in the twelfth century was in many ways a mirror image of the fifth century when Ireland had invaded England,⁽¹⁾ many Irish nationalists assert that the Norman invasion of Ireland was different. It was an illegal act. Not according to the Roman Catholic Church, however,

which was the source of law for Western Europe.

The papal bull "Laudabiliter," and the invasion and occupation of Ireland by England were both recognized as lawful acts by the Popes who succeeded Adrian IV all of whom were non-English. The Irish episcopate, itself, formally recognized the King of England as the rightful lord of Ireland, *dominus Hiberniae*, in 1170 at Cashel and again in 1177 in Dublin.

While the Norman conquest of England was rapid and thorough, this was not the case in Ireland. Due to Henry II's military involvement and his successors upholding their political claims to lands in France, it was Norman subjects who undertook the conquest of Ireland—not by the Norman state of England. Therefore, while it destroyed the existing political order in Ireland, the conquest lacked the vision and the unity of purpose to impose a centralized Norman state on Ireland. Instead, the Normans established a number of independent Norman baronies. Norman rule became increasingly cruel and oppressive, thereby, provoking the Irish to armed insurrections.

Some Irish nationalists see in these revolts a "national" reaction against foreign rule. Such was not the case. The Irish offered the "crown" of Ireland to other foreign leaders—to King Hakon of Norway in 1263, and to Edward Bruce, prince of Scotland in 1315.

Even at the zenith of their power, the Normans never ruled all of Ireland. By the fifteenth century, the wars had reduced their authority to the city of Dublin and its immediate environs. The Kings of England reacted to these setbacks by recognizing that Ireland consisted of two zones: the area governed by England known as the Pale, and everything else. ⁽²⁾

Throughout the thirteenth,

fourteenth and fifteenth centuries, London did not formulate any comprehensive policy for either defending the Pale, conquering all of Ireland, or evacuating the island completely. Instead, the successful defense of England's presence in Ireland was accomplished by the Norman warlords especially the Kildares, the Desmonds, and the Ormandes. These Normans, however, were defending the power and fortunes of their respective families, not England. ⁽³⁾

In the sixteenth century, the independence of the nobles in the Pale began to be curtailed as England evolved from a feudal kingdom into a powerful monarchy. While the dynamics of this centralizing process entailed, in itself, a deliberate attempt by England to expand its power throughout Ireland, the religious break with Rome in 1534 provided the impetus for such an endeavor.

While England adopted the Protestant faith, Ireland remained firmly Catholic. Any portion of Ireland, therefore, which remained independent soon posed a threat to London as a potential military base from which Catholic Spain and later Catholic France could launch attacks upon Protestant England.

□ In 1542, Pope Paul III (1534-1549) dispatched a special Jesuit commission to Ireland to preach loyalty to the faith and rebellion against the Protestant government.

□ In 1579 and again in 1580, Pope Gregory XIII (1572-1585) financed a joint Papal State-Spanish invasion of Ireland. The Pontiff proclaimed the invasion to be a religious crusade against Protestantism in England.

□ In 1588, after failing to

conquer England and extirpate Protestantism, remnants of the Spanish Armada sought safety in Catholic Ireland.

□ In 1601, Spain pursuing a war against Protestant England invaded Ireland. England did not defeat these forces until 1603.

□ Between 1641-1652, the Catholic Church played a leading role in the armed insurrection by Catholics against the Protestants in Ulster, in the creation of a Catholic government for Ireland called the Confederation of Kilkenny which denied political freedoms to Protestants, and in that government's subsequent military alliance with King Charles I against the Parliament during England's Civil War.

□ In 1689, 1690, and 1691, the French invaded Ireland to support the claims of the Catholic James II to the throne of England.

□ In 1760, France pursuing a war against Great Britain in both Europe and North America, attempted an invasion of Ireland.

All these actions appeared to Protestants to confirm their fears and to justify for them the complete subjugation of Ireland, the outlawing of Catholicism, and the expulsion of Catholic priests as foreign agents. ⁽⁴⁾

Britain's Irish Colony

The policy which London adopted for Ireland was to administer the island as a colony and to deny it the constitutional rights

existing in England. A three-tier hierarchy was established. At the bottom was the majority population, the Catholics: politically disenfranchised, religiously persecuted, economically exploited.⁶⁵ Next came the Presbyterians. Like the Catholics, Presbyterians were tenants, not landlords, were barred from holding political office were taxed for the benefit of the Anglican Church, had had their schools closed, and their marriages denied official recognition.

At the top of this colonial system were the English Protestants. Yet, it was from this privileged community that the leaders of a national movement emerged in the aftermath of the American Revolution. Seeking an Ireland for all the Irish regardless of creed, this movement tragically split into two factions that can loosely be termed the constitutionalists and the revolutionists.

The former under the leadership of Henry Grattan forced London to accept a series of legislative reforms between 1779-1793. These victories included: free trade, Habeas Corpus, a free Parliament of Ireland not bound by the acts of the Parliament of Great Britain, and the supremacy throughout Ireland of Irish laws enacted by the Parliament of Ireland. Other reforms included legislative provisions for all legal cases in Ireland to be decided exclusively by the courts of Ireland, the power of taxation and expenditure in Ireland reserved to the Parliament of Ireland. Legislative changes also gave recognition to the independent treaty making powers of the Parliament of Ireland, recognition that Ireland and England were bound only by a common monarch, relaxation of the penal laws against Catholics and Presbyterians. Legislation specifically guaranteeing to Catholics the right to purchase and inherit land,

the right to freely and publicly practice their religion, and the right to vote, became law. Finally, additional legislative reforms provided for the establishment of a Catholic college at Maynooth, and the enactment of laws stimulating the economic development of Ireland, for the benefit of Ireland, which provided the Irish with increased employment and higher wages.

During these years Ireland acquired greater political powers than the dominions of Canada, Australia, or New Zealand were permitted to possess prior to World War I. The last major objective in the national agenda of these Protestant leaders was to achieve full Catholic emancipation—the legal right of Catholics to hold political office.

For the revolutionists, the United Irishmen led by Theobald Wolfe Tone, the achievements of the constitutionalists were unacceptable. The revolutionists desired nothing less than a complete termination of all political links with England, and the establishment of a non-sectarian republic. To achieve those ends, the United Irishmen looked for military assistance



from Revolutionary France whose armies were overthrowing monarchies in Europe and threatening the power of Great Britain, itself.

Wolfe Tone and his French revolutionary allies attempted an invasion of Ireland once in 1796 and twice in 1798, but were defeated on each occasion. These failures seriously damaged the prospects of success for the insurrection that occurred in 1798. The revolt ultimately failed, however, because it assumed the nature of a reli-

gious war with Catholic Irish killing Protestant Irish.⁶⁶

Forced Union

Convinced by the insurrection that the existing political relationship with Ireland posed a threat to the national security of the United Kingdom, the British government reacted in 1800 bypassing the Act of Union.⁶⁷ This abolished the Parliament of Ireland that had been in existence since 1297. In a single stroke, all the independent powers gained for Ireland by the constitutionalist party were abolished. London imposed direct rule over Ireland. Although the government of Great Britain assured the Protestants of Ireland that this union was necessary for their own protection against future Catholic attacks, the Protestants actively opposed the abolition of the Parliament of Ireland.

Instead, it was the Vatican and the Catholic hierarchy of Ireland who were among the most vocal supporters of the union. The fate of numerous Catholic monarchies in Europe, especially that of France, was more important to the Church leadership than the existence of a Protestant parliament which had been advocating a non-sectarian nationalism. The Church hierarchy, therefore, publicly supported the abolition of the Parliament of Ireland in the hope that the British government would reciprocate by continuing to support the Vatican's goal of overthrowing the French Revolution and restoring to power the former political regimes.

Catholicism vs. Nationalism

After the Napoleonic Wars and the restoration of the "old order", the Church hierarchy became more interested in Ireland and "supported" *Irish nationalism* to achieve three specific goals: Catholic Emancipation in 1829, the disestablishment of the Protestant Church of Ireland in 1870, and the inauguration of a Catholic educa-

tion system in 1878.

When nationalism, however, was used to associate Irish identity with nationality not Catholicism, it was attacked. When nationalism was used to justify establishment of a non-sectarian state and promote religious equality, it was condemned. ⁽⁸⁾

Daniel O'Connell, a Catholic, led the Repeal movement of the 1830s and the 1840s. He and his followers sought to repeal the Act of Union and reestablish the Parliament of Ireland. Pope Gregory XVI (1831-1846) officially opposed their efforts.

The **Young Ireland** movement, which was created in 1842 and sought Irish independence, was officially condemned by the Catholic hierarchy of Ireland in 1845. On August 5, 1848, Pope Pius IX (1846-1878) singled out the Movement by for official rebuke. ⁽⁹⁾

Fenianism, a political movement which arose in 1858 and advocated independence for Ireland, was condemned by the Catholic hierarchy on August 4, 1863. In January 1870, the bishops of Ireland persuaded Pope Pius IX to issue a decree anathematizing the Fenian movement. ⁽¹⁰⁾

During the 1870s, 1880s, and 1890s, the Catholic hierarchy opposed the movement for Irish Home Rule, which as in the earlier case of the Repeal movement, sought the re-establishment of the Parliament of Ireland. They objected to the movement for three reasons:

- that there was extensive Protestant Irish support for Home Rule,
- that Charles Stewart Parnell, leader of the movement, was a Protestant but, more importantly, that he was very popular among the Catholics, and

□ that the vision of a future Ireland advanced by Parnell and the Home Rule movement was not founded upon Catholicism. These concerns also led Pope Leo XIII (1878-1903) to publicly oppose Home Rule for Ireland.

Charles Stewart Parnell was the last great Protestant leader of an Irish constitutionalist party which advocated nationalist goals and which encompassed both Catholics and Protestants. The 1890 divorce scandal in which Parnell, a bachelor, was romantically involved with a married woman, Mrs. William O'Shea, was exploited by both the Catholic hierarchy and his British opponents to effectively destroy the Irish nationalist movement. Parnell's party split into warring factions, and as a direct result of the tremendous amount of personal, political, and financial stress to which he was subjected, Charles Stewart Parnell died in 1891. He was 45 years old.

The death of Parnell signaled the demise of a non-sectarian Irish nationalism. After 1900, the revived Home Rule movement was perceived by the Catholic hierarchy as well as by many Protestants as having become an essentially Catholic movement. While this elicited approval from the former, it provoked apprehension among the latter who feared Home Rule would now mean official discrimination against Protestants.

In response, Protestants under the leadership of **Edward Carson** and **James Craig** founded a rival, political movement devoted to preserving the 1800 Act of Union. While personal ambition, religious intolerance, economic anxiety, and a psychological need to preserve the "caste" privileges of the "Protestant ascendancy" all played a major role in the formation of the

unionist movement, only the genuine fear experienced by many Protestants of future religious persecution at the hands of a Catholic dominated Parliament of Ireland gave this movement its life and its strength,

Only this sense of fear can adequately explain why the Protestant community, in general, abandoned its historic support for Home Rule; why Ulster shifted its allegiance so dramatically from **Wolfe Tone** and independence in 1798 to **Edward Carson** and unionism in 1912; and why unionists who professed loyalty to the Parliament of Great Britain would willfully commit treason against that parliament by threatening armed force to prevent any Home Rule Act for Ireland from being applied to Ulster.

The Struggle for Independence

During World War I, a band of Irishmen led by Patrick Pearse staged an insurrection in Dublin on Easter Sunday 1916 and proclaimed Ireland an independent republic. It failed. Although the *Easter Rebellion* met with little public support, the severity with which it was suppressed, coupled with resentment over the failure of London to fully implement the *Ireland Home Rule Act* of 1914, and a perception that the World War had weakened significantly the political will and military power of Great Britain prompted a war for independence in 1919.

The **Anglo-Irish War** lasted from 1919 to 1921.⁽¹¹⁾ It resulted in the Anglo-Irish Treaty of 1921 and the partition of Ireland. This treaty was similar to the terms originally set forth in the Government of Ireland Act of 1920, terms previously rejected by the Irish nationalists. The Irish Free State established in principle for the whole of Ireland was accorded a dominion status within the

British Empire, but with Northern Ireland guaranteed its own separate parliament and the legal right to secede. In 1922, the state of Northern Ireland exercised that right and withdrew from the Irish Free State and reunited with Great Britain.

While the Irish Free State and the Catholic hierarchy accepted partition, the Irish Republican Army did not. The result was a nine month civil war from July 1922 to April 1923 between the Dublin government and the IRA. In pursuing this war against a political rival, the authorities of the Irish Free State exceeded in scope and in violence the actions undertaken by the British during the Anglo-Irish War. Dublin imposed more draconian limitations on constitutional liberties, jailed three times as many political prisoners, and executed three times as many Irish nationalists.⁽¹²⁾

Among the many political prisoners executed by the government of the Irish Free State was **Erskine Childers**. Although a prominent Irish nationalist leader during the Anglo-Irish War, because of his opposition to partition Childers was ominously derided as an "Englishman" by his political opponent **Arthur Griffith**, future President of the Irish Dail. Childers was arrested, tried, and convicted of treason for his anti-partition activities. He was executed by the government while his appeal was still pending before the courts. Kevin O'Higgins, Minister for Home Affairs, sought to justify the execution of Erskine Childers by indirectly alluding to the fact that he was an "Englishman."

Because his father was English and his mother Irish, official Irish nationalism implied that Erskine Childers was not a true Irishman. However, Patrick Pearse, leader of the 1916 Easter Rebellion, had an English father and an Irish mother. And Eamon

de Valera, leader of the Irish Free State, was born in New York City of a Spanish father and Irish mother. No one denied their Irish identity. But Pearse and de Valera were Catholics, while Childers was a Protestant. Religion, not paternity, was the real criterion by which official nationalism determined whether or not an individual was Irish. The execution of Erskine Childers was more than the assassination of one political prisoner. It was the symbolic execution of the idea that Protestants were or ever could be Irish.

Religion as the Great Divide

The society created in the Irish Free State institutionalized this belief. The government of Ireland made Catholic moral law state law.⁽¹³⁾ Divorce was outlawed, even foreign divorces were not legally recognized.⁽¹⁴⁾ The importation and selling of contraceptive devices was legally prohibited.⁽¹⁵⁾ Books and films were censored.⁽¹⁶⁾ Blasphemy was made a crime.⁽¹⁷⁾ And education was made to reflect Catholic morality.⁽¹⁸⁾

In addition, a religious segregation of society was enforced by the Catholic hierarchy. The school system of Ireland was segregated according to religion. And it was vigorously implemented. Catholics were banned from attending Dublin's academically prestigious Trinity College because it was Protestant. Catholics were forbidden to participate in civic associations which were open to Protestants. This included the Red Cross Society, and the Boy Scouts. Furthermore, children of mixed Catholic-Protestant marriages were required to be raised Catholic.⁽¹⁹⁾

Out of economic self interest, proposals to expel Protestants from the country or to remove them from their preeminent position in the fields of banking,

insurance, accounting etc. by the "Catholicization" of those industries were rejected by the Irish government. Protestants, however, were effectively excluded from the political sector in general and from the civil service, the military, and the legislature in particular.⁽²⁰⁾

Even the purely symbolic political ties that existed for the Protestants with Great Britain under the terms of the Anglo-Irish Treaty of 1921—the oath of allegiance to the British Crown, the office of governor-general, and membership in the British Commonwealth—were soon deemed as offensive to the tenants of official nationalism and were subsequently abolished by the Dublin government in 1932. Then, in 1949, the Republic of Ireland terminated its association with the British Commonwealth.

That this official discrimination against Protestants did not degenerate into active persecution is due principally to the fact that the Protestant minority never posed a demographic threat to the government of the Irish Free State. Protestants represent only 5% of the total population and their numbers have been steadily declining. In 1920, there were 221,000 Protestants residing in southern Ireland. That figure shrank to 145,000 in 1961. According to the 1981 census, the number of Protestants in the Republic of Ireland had fallen to 126,254.⁽²¹⁾

The state of Northern Ireland was officially established by the terms of the Anglo-Irish Treaty of 1921. To insure an overwhelming Protestant majority and the economic viability of the north only six of the nine counties that constitute the historic province of Ulster were included in the new state. The Northern Ireland thereby delineated comprises sixteen percent of the total land area of Ireland, and accounts for

approximately one-third of the island's entire population.

For the Protestant Irish of Northern Ireland, the violent civil war among the nationalist forces during 1922-1923, the type of government and society which emerged in the Irish Free State, and the subsequent decision by that government to sever all political ties to Great Britain reinforced their passionate opposition to any unification of the two states. To preserve that separation, the north created an avowedly sectarian identity which mirrored the south. In the words of the state's first prime minister, Lord Craigavon, Northern Ireland was to be a "Protestant nation for a Protestant people."⁽²²⁾

Although Dublin had officially recognized the separate existence of Northern Ireland in the Anglo-Irish Treaty of 1921 and again in the Anglo-Irish Boundary Treaty of 1925, with the adoption of the 1937 constitution the Catholic south now proclaimed its sovereignty over the Protestant north.⁽²³⁾ For the Protestants, this act was more than a violation of the spirit of the two treaties, it was "proof" that the Catholics were out to destroy the Protestants.

Unlike the demographic situation in the Republic of Ireland where the Protestant minority is infinitesimal and declining in Northern Ireland the Catholic minority forms one-third of the total population (See Figure 1), a majority of the population in the counties of Fermanagh, Londonderry, and Tyrone, and is increasing.⁽²⁴⁾

Catholics, therefore, are recognized by Protestants as constituting a demographic threat. If the Catholics remain a numerically large minority, it is feared that they will continue to be "subversives" endangering the stability of Northern Ireland. The greater fear, however, is that Catholics, who have a higher birth

Figure 1
The population of Northern Ireland
(See⁽²⁴⁾)

rate than Protestants, will eventually form the majority population and then democratically vote the state of Northern Ireland out of existence. Either way, the Protestants fear that Great

Britain may be forced to abandon them to the Republic of Ireland. This fear expresses itself by lashing out against the Catholics.

To psychologically intimidate the Catholics while simultaneously reassuring themselves of their own dominant position within Northern Ireland, the Protestants stage numerous parades commemorating the victory over the Catholics in 1690 at the Battle of the Boyne.

To prevent any significant acquisition of political power by Catholics there was extensive gerrymandering of electoral boundaries. Furthermore, discriminatory property requirements were established for voting. Suffrage was determined by ownership of or tenancy in a dwelling of a legally prescribed value much too high to be met by many Catholics. In addition, plural votes were created for business properties virtually all of which were owned by Protestants.

To insure that Catholics did not benefit economically from the state, the Protestant-controlled local governments and the Protestant business community saw to it that jobs and housing went principally to their co-religionists.

TOTAL POPULATION OF NORTHERN IRELAND

Protestants	Catholics
~~~~~	~~~~~
65.1%	34.9%

### POPULATION BY PROVINCE

Province	Protestants	Catholics
~~~~~	~~~~~	~~~~~
Antrim	75.6%	24.4%
Down	71.5%	28.5%
Armagh	52.7%	47.3%
Londonderry	49.5%	50.5%
Fermanagh	47.0%	53.0%
Tyrone	45.4%	54.6%

Catholics, therefore, were made to bear a disproportionate share of unemployment and poverty.

Through the powers conferred upon them by the **Special Powers Act** and similar legislation, the Protestant dominated police force, the Royal Ulster Constabulary, aided by the para-military "B" Specials, harassed the Catholic minority. These powers permitted the suspension of *habeas corpus*, death inquests, and freedom of the press, allowed for search and seizure without warrant, restriction on personal movements, indefinite internment without trial, and the conduct of trials in which the defendant is, in effect, guilty until proven innocent.⁽²⁵⁾

Making a Religion a Nationality

In 1968, Catholics organized in the Northern Ireland Civil Rights Association began demanding the full and free exercise of those democratic rights to which as British citizens they were legally entitled. By 1969, the specific demands of the civil rights movement had been met. The "B" Specials had been disbanded, and reforms of electoral, housing and

employment practices had been instituted. When some Catholics declaring that these government reforms were meaningless responded with violence the situation rapidly deteriorated.

Protestants interpreted this violence as yet another attack launched by Catholics to destroy the state of Northern Ireland similar to those attempted during World War II and between 1956-1962. Protestants retaliated and the situation quickly escalated into open warfare between the two communities.

When the government of Northern Ireland demonstrated that it was either unable or unwilling to put an end to this violence, London intervened in August 1969 with British troops. At that time, the Catholic minority, which was the clear loser in this sectarian war, welcomed these troops as their only protection from Protestant extremists. When in March 1972 London declared its intent to assume complete control over local security, the government of Northern Ireland resigned in protest and London imposed direct rule.

Steps were then taken to restructure the state. The 1973 Constitution Act for Northern Ireland made it a crime for either the central or local governments or their agencies to discriminate on grounds of religion or politics. A **Standing Advisory Commission on Human Rights** was also created by this act to review the effectiveness of the law and to submit an annual report to Parliament. The civil service was restructured so that its composition more adequately reflected the proportion of Catholics in the state. By the **Fair Employment Act of 1976**, religious discrimination

in employment was made a criminal offense. The same act created the Fair Employment Agency which was authorized both to investigate complaints of religious discrimination and to promote affirmative action for Catholics. To eliminate sex discrimination the Equal Opportunities Commission was established.

Restructuring the state, however, is not the same as reforming society. Laws can be enacted to regulate certain external relations among individuals or between communities, but they cannot dispel suspicions, eliminate hostilities, or integrate antagonistic societies. For nearly twenty years, all attempts at a political solution for Northern Ireland have failed.⁽²⁶⁾ They have failed and will continue to fail because none addresses the cen-

tral problem which is that there is no Irish nation. That nation died on October 6, 1891 with the death of Charles Stewart Parnell.

The **Irish Nationalist** movement, thereafter, redefined Irish nationality so as to be virtually synonymous with Catholic. Protestants, therefore, could not be Irish even though they represented a quarter of the population of the Irish nation. Even though they share the same surnames,⁽²⁷⁾ (See Figure 2 also) spoke the same language,⁽²⁸⁾ and were part of the same ethnic group, Protestants were regarded only as *left footers*, foreigners, and trespassers—to be tolerated at best. Irish nationalism deliberately abandoned the Irish nation

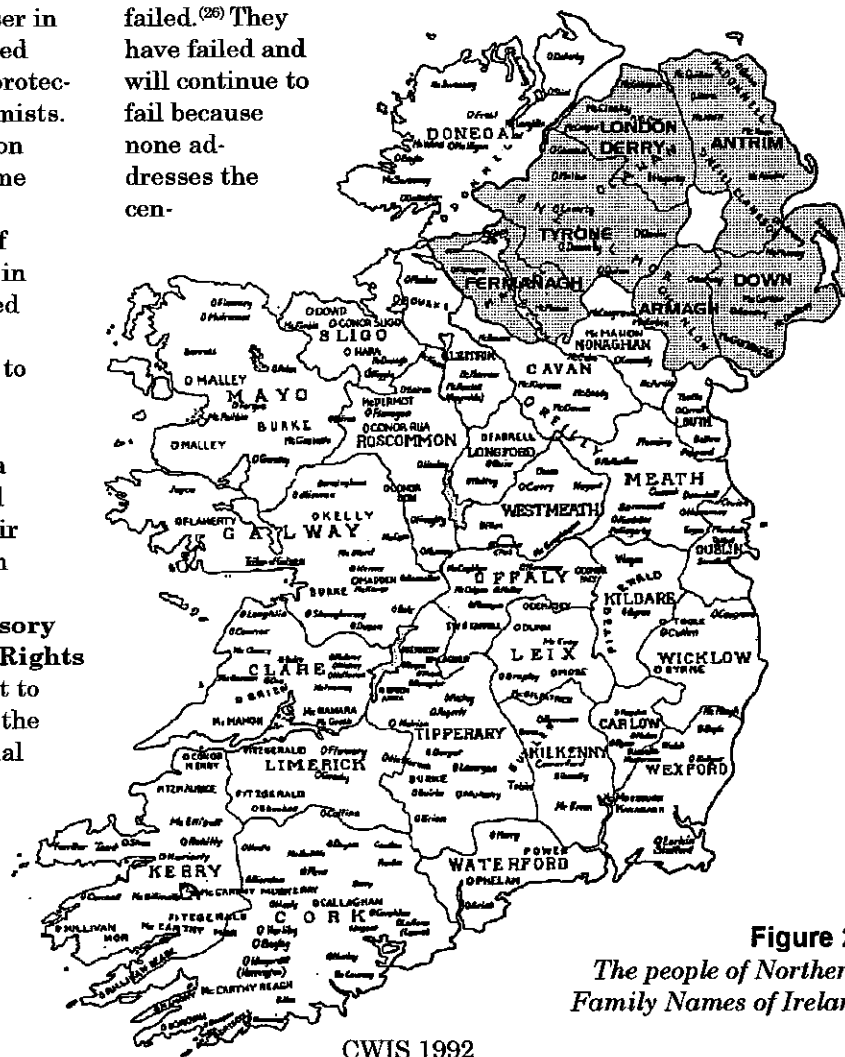


Figure 2
The people of Northern Ireland,
Family Names of Ireland

CWIS 1992

and created in its place two distinct "nations"—one Catholic and the other Protestant.

Irish nationalism has, thereby, undermined its goal of an independent united Ireland. **First:** as long as Catholics uphold the partition of the nation according to religion, Protestants will just as tenaciously uphold the partition of the island according to religion. **Second:** since Irish nationalism maintains that Protestants are not Irish but a different nationality, then logically the actions of the Protestants in the north in 1922 establishing a separate state of Northern Ireland was a legitimate exercise of the right to "national" self-determination. **Third:** since Catholicism rejects nationalism as divisive and favors the absorption of small Catholic nations by large Catholic states—such as the Basques by Spain, the Corsicans by France, the Sicilians by Italy, and the Flemings by Belgium -- by basing Irish identity on Catholicism, and not ethnicity, there becomes no inherent justification for an independent Ireland. The Irish can legitimately be annexed to a larger Catholic state.⁽²⁹⁾

Is Self-Determination Valid?

Frequently, Irish nationalists and Meir supporters cite geography to oppose partition. Ireland is an island and, therefore, should constitute a single state like Iceland, Australia, or Jamaica. But this is not an absolute law of geography. Some islands have not achieved a separate independence but have been united with others islands to form a single country such as Indonesia, Japan, New Zealand, and the Philippines. In other cases, single islands have been partitioned into two or more states. Hispaniola is divided between two Catholic, black and mulatto states—French-speaking Haiti and Spanish-speaking Dominican Republic, while

Borneo, the third largest island in the world, is partitioned among three Malay, Muslim states -- Malaysia, Indonesia, and Brunei.

The history of Sri Lanka and Cyprus should be carefully studied by Irish nationalists and their supporters. Both islands form single states. Both achieved independence from British colonialism based upon the right to national self-determination. In both instances, that right was defined by the majority nation -- the Buddhist Sinhalese in Sri Lanka and the Christian Greeks in Cyprus—to mean self-determination for their community, not for the minority nation. Although this was accepted by London, it was disputed by both the Hindu Tamil minority in Sri Lanka and the Muslim Turkish minority in Cyprus. The consequence has been almost continuous violence between the majority and minority nations on both islands and the de facto partition of Sri Lanka and Cyprus.

Irish nationalists and their supporters should keep in mind that the Tamil minority in Sri Lanka and the Turkish minority in Cyprus each represent only eighteen percent of the population on their respective islands. If Northern Ireland is united to the Republic of Ireland the size of the Protestant minority would be twenty-five percent.

If Irish nationalism continues to adhere to the same definition of national self-determination as that practiced by the Sri Lankan Sinhalese and the Cyprus Greeks, if Irish nationalism continues to dismiss Protestants as a foreign nation, then Irish nationalism is ensuring that if the Protestants of Northern Ireland are united against their will with the Republic of Ireland they will fight as resolutely for their "national" self-determination as any Tamil or Turk.

The Republic of Ireland, as

well as Irish nationalists, have maintained that the partition of Ireland is wrong because partition in principle is wrong. Yet the Republic of Ireland officially recognizes the legitimacy of the 1947 partition of British India into a Muslim Pakistan and a Hindu India,⁽³⁰⁾ and the 1948 partition of Palestine into a Jewish state and an Arab state.

The Irish Republican Army for its part has undermined its position by supporting the Palestine Liberation Organization. If the IRA supports the establishment of an independent Palestinian state on the West Bank and the Gaza strip, it is recognizing the legitimacy of partitioning Palestine into two states. IRA opposition to the partition of Ireland into two states thereby becomes logically inconsistent.

On the other hand if the IRA supports a Palestinian state that includes all of pre-1948 British mandated Palestine, that is all of Israel as well as the West Bank and the Gaza strip, its position becomes completely untenable. The Palestinians in such an enlarged state would constitute a minority population ruling an Israeli majority. The only Jewish state amid the Muslim countries of the Middle East would be extinguished. Such an act would establish a logical precedent for the Protestants of Northern Ireland to annex the Republic of Ireland—permitting that minority to rule that majority. Such an unlikely possibility would result in the only Catholic nation among the Protestant countries of the British Isles having its political independence similarly extinguished.

Irish nationalists and their supporters advance East and West German political unification in 1990 as a precedent for the unification of the two Irelands. It is not a similar situation. As the June 17, 1953, uprising in East Germany demonstrated, that

country had been created against the wishes of the local population. In contrast, the Protestants of Northern Ireland had demanded a separate state for themselves and had nearly fought a civil war in 1914 to obtain it. ⁽³¹⁾

Not, only are the historic conditions of Ireland and Germany dissimilar, but the reunited Germany provides a political precedent that works against the cause of the Irish nationalist. **First:** The reunification of East Germany and West Germany has not resulted in German unification, since Austria is still a

separate, independent state. **Second:** The citizens of Austria currently have not shown a significant desire to politically unite with the reunified Germany. **Third:** The German nation, therefore, remains partitioned between Austria, an essentially Catholic German state, and the reunified Germany, a predominantly Protestant German state. **Fourth:** The Republic of Ireland officially recognizes this "partition" as legitimate by officially recognizing the independence of Austria.



Political Options

The national democratic revolutions that swept across Central Europe in 1989 do not help the Irish nationalist cause. Those revolutions evolved into movements favoring the political independence of the smaller nations in multi-national states -- the Slovaks from Czechoslovakia, and the Slovenes and the Croats from Yugoslavia. If Irish nationalists continue to insist that Protestants are a different nation from the Irish, then the national democratic revolutions of Central Europe will provide a political precedent for upholding the legitimacy of Northern Ireland's independence from the Republic of Ireland.

As long as Irish nationalism continues to pursue a sectarian identity, four political options will exist for the state of Northern Ireland: 1) the state continues to be part of the United Kingdom; 2) it is united with the Republic of Ireland; 3) it becomes an independent country; or 4) it is partitioned with some territory going to the Republic of Ireland while the rest remains within the United Kingdom.

Option 1:

If the Protestant Irish are a different nation from the Catholic Irish, then the establishment of the state of Northern Ireland was a legitimate exercise of national self-determination and the status quo is valid. The "national" dispute between Irish and Briton, Catholic and Protestant, and Ireland and Great Britain, therefore, logically ceases to exist.

If the goal of the Catholic Irish of Northern Ireland was and is to fully exercise those political and economic rights to which they are entitled as British citizens, then the status quo is valid since they can logically only realize those very rights by remaining a part of the United Kingdom.

Parliamentary government failed in Northern Ireland. This was so essentially because all parties concerned—Catholic, Protestants, and London—viewed the state, itself, as a temporary creation. Such an outlook prevented the establishment of any stable and rational political life.

Many, if not most, Catholics rejected the legitimacy of the state and believed that favorable demographic conditions would eventually force London to agree to unification demands. The Protestants feared this eventuality. Many, if not most, Protestants became convinced that London would eventually abandon them and Weir state to the Republic of Ireland. The United Kingdom's decision to support the unification of Northern Ireland with the Republic of Ireland (whenever the population of Northern Ireland democratically voted for such a union) confirmed Catholic hopes and Protestant fears. The clear implication of this decision was Britain's acceptance of the transitory character of the state.

To correct this political problem, Northern Ireland should be legally united to the Kingdom of Scotland. Under this constitutional arrangement local government would continue to function but all laws would be made by the Parliament of Great Britain, insuring permanent direct rule by London. Such a constitutional change would guarantee to the Catholics of Northern Ireland the full and free exercise of their rights as British subjects. Changing the constitution would comport favorably with the original demands of the civil rights movement, and it would reassure them that the previous political system could not return.

The Kingdom of Scotland, a Protestant country, has according to a 1988 estimate a population of 5,094,000. By becoming part of Scotland, the Protestants of Northern Ireland would now have demography on their side. They would never have to fear the Catholics someday forming the majority population and then democratically voting for unification with the Republic of Ireland. Under this constitutional arrangement, any democratic vote on whether the six counties of

Northern Ireland should unite with the South would be a vote undertaken by all of Scotland.

Since the Protestants of Northern Ireland originally neither demanded nor desired Home Rule for themselves but only wished to remain within the United Kingdom, becoming a part of the Kingdom of Scotland, a country with which they have many historic ties, should be an acceptable approach to preserving their political bonds with Great Britain.

Under *Option 1*, the Catholics would have to recognize that realistically they can never become the majority population of the Kingdom of Scotland, and either accept the permanent legitimacy of a separate Protestant state in Northern Ireland or else immigrate to the Republic of Ireland.



Option 2:

Unification of Northern Ireland with the Republic of Ireland can be attempted in two different ways. If Catholics remain a minority of the population in Northern Ireland, it can be asserted that any vote on unification should be decided by the electorate in both Irish states. The opposition of Protestants in Northern Ireland to unification can be permanently resolved by physically expelling them to the United Kingdom. This proposal would fail because, along with the fact that London would never agree to such a plan, the Protestants would never voluntarily leave what has been their homeland for centuries, and the Republic of Ireland lacks all power to expel them.

Advocating such a proposal could seriously endanger the

Catholics in the north. It would provoke Northern Ireland's Protestants and their supporters in the United Kingdom to demand that the political status of Northern Ireland be permanently resolved by physically expelling the Catholic minority to the Republic of Ireland. While London would not agree to such a plan, militant Protestants in Northern Ireland might seek to achieve this goal by unleashing an unprecedented campaign of terrorism to drive Catholics from the state.

On the other hand, if Catholics, as a result of their higher birth rate, become the majority population in Northern Ireland and then vote for unification with the Republic of Ireland, the government of Dublin will only have inherited "the troubles." The political violence in the North will continue and perhaps increase in its ferocity.

Protestant paramilitary groups will surely adopt IRA tactics and launch bomb attacks in Dublin and against business, military, and political representatives of the republic.

The political situation would be a mirror image of what it had been under the British. Now it

would be a disadvantaged Protestant minority forced against their will to be part of a Catholic Republic of Ireland who would respond by engaging in guerrilla warfare and acts of terrorism to achieve either their political unification with the United Kingdom or their separate political independence.

Although it does not possess the means to do so, should the Dublin government nonetheless attempt to end the violence by physically expelling most of the Protestant population in the North from Ireland, London could retaliate with devastating effect by "repatriating" to the Republic of Ireland the hundreds of thousands of Irish currently living in Britain.⁽³²⁾ Ireland could not endure the resulting financial and social strain.

Unlike the United Kingdom, the Republic of Ireland does not possess the military and economic resources necessary either to contain or to endure the violence.⁽³³⁾ (See Figure 3) The North would move inevitably toward armed anarchy as militant Protestants rejecting the vote for unification seek to carve out a state for themselves. While not necessary attempting to reestablish the old borders, these Protestants would probably endeavor to seize as much of that territory as

Figure 3
Comparing military and economic capacities of Ireland and United Kingdom

	Ireland	United Kingdom
Armed Forces	13,000	311,600
Reserves	16,100	
Defense Budget	Ir£264,500,000	£20,153,000
GDP Avg 1986-88	US\$26,750,000	US\$730,038,000
GDP Incrs 1980-86	0.9%	2.6% (1980-86)

possible and to effectively hold that land would most likely expel the Catholic inhabitants.

Opposing this new partition would be the government of the Republic of Ireland and the outlawed Irish Republican Army. Neither nationalist force, however, can achieve a military victory over the Protestants. It is improbable that the United Kingdom having finally freed itself from its "Irish problem" would militarily intervene to preserve Irish unification. Since both the Dublin government and the IRA oppose each other as much as they oppose any Protestant partitionists the violence could quickly escalate into a three-corner civil war. Amid such turmoil, it is possible that the IRA might take advantage of the situation to stage a coup d'etat against the Dublin government.

The probable result of *Option 2*, therefore, would be a de facto independent Protestant state in some part of the North and a Republic of Ireland. Whether ruled by the traditional political parties or by the IRA, Northern Ireland would be financially devastated by both the direct costs of the war and the indirect cost of foreign investor flight.

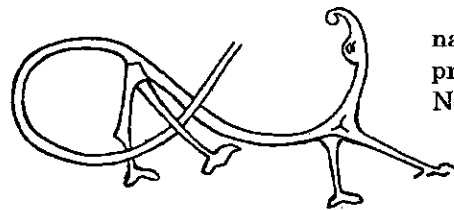
Option 3:

While still constituting the majority population, the Protestants of Northern Ireland feeling alienated from the United Kingdom and fearing an eventual abandonment by London may decide to declare Northern Ireland an independent country.

In terms of territory and population, an independent Northern Ireland would be larger than either Cyprus, Liechtenstein, or Luxembourg. With over fifty years of experience at self-government, the Protestants have both the administrative personnel, and the political, economic, and military infra-structure necessary for independence. Until now, all

that was missing was the political will.

Since 1922, the United Kingdom has officially upheld the democratic right of the population of Northern Ireland to determine their own political future. While in the past this has meant the freedom to choose between uniting with the Republic of Ireland or remaining a part of the United Kingdom, if this democratic process is to have any validity it must also include the right to choose political independence. London would be compelled to officially recognize this independence. London would want to preserve the legitimacy of all its previous democratic actions undertaken in Northern Ireland during the last seventy years.



The Republic of Ireland and Irish nationalists would certainly oppose any vote that results in independence for Northern Ireland. However, since the international community, and in particular Europe, the United States, Canada, Australia, New Zealand, and the United Nations, has always accepted the political legitimacy of Northern Ireland and the validity of previous elections to determine its political status, to maintain credibility these governments would have to endorse any democratic vote for independence.

While many Catholics would likely leave Northern Ireland as soon as it became an independent state, the Protestants would undoubtedly attempt to insure the stability, integrity, and longevity of their new country by further reducing the size of the Catholic population. This would most

likely be achieved by denying Catholics employment, housing and social services--forcing them to emigrate.

The result of *Option 3* would be to insure the permanent existence of two separate Irish states but only after inflicting terrible suffering and hardship upon Catholics.

Option 4:

A suggestion often made is that Northern Ireland be partitioned. The three counties having a Catholic majority, Londonderry, Fermanagh, and Tyrone, would be annexed to the Republic of Ireland, while the counties of Antrim, Down, and Armagh, with their Protestant majorities, would remain part of the United Kingdom.

The premise of the Irish nationalists who support this proposal is that the rump state of Northern Ireland which emerges from partition would be economically unviable and financially too expensive for London to maintain. The counties of Antrim, Down, and Armagh, therefore, would be compelled to accept unification with the Republic of Ireland.

If the Protestants of Northern Ireland agreed to such a partition, and their acceptance would be necessary for a peaceful and successful outcome, it certainly would be on the condition that an exchange of populations is simultaneously affected. All the Protestants living in the counties awarded to the Republic of Ireland would move to the state of Northern Ireland, while all the Catholics living in the counties remaining a part of the state of Northern Ireland would move to the Republic of Ireland.

Contrary to the expectation of some Irish nationalists the smaller state would be an economic success. In a completely Protestant Northern Ireland at peace, the talents of its workforce

coupled with tax incentives from London to foreign businesses operating there would attract significant international investments. Because it achieved a negotiated settlement, the new Northern Ireland could also expect sizable amounts of foreign aid from the United States, Europe, and the World Bank. This would enable the industries of Northern Ireland to be modernized, and the economy to be diversified and to thrive.

Option 4 would offer Northern Ireland both stability and prosperity, but only after first inflicting immense suffering as a result of implementing the population exchanges.

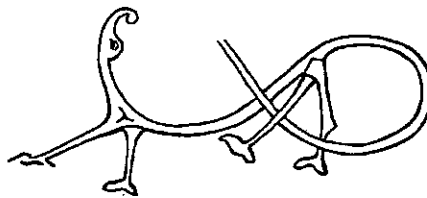
Judged by the standards of either nationalism, liberty, economics, or religion the seventy years old Republic of Ireland has failed to establish a legitimacy. According to the tenets of nationalism, the republic should be a state in which all the Irish regardless of creed possess equal rights. It is not now, nor has it ever been such a state.

By the criterion of liberty, this sectarian republic should offer its' Catholic constituents greater political freedoms than they would possess had they remained a minority within the United Kingdom. It does not. It never has offered such freedoms. Censorship strictly delineates the scope of Irish political liberties. ⁽³⁴⁾

On economic grounds, this sectarian republic should provide a better standard of living or offer greater economic opportunities to its' Catholic constituents than they would enjoy had they remained within the United Kingdom. It does not. Instead, the republic is an underdeveloped country with one of the lowest per capita incomes and one of the highest rates of unemployment in Western Europe. ⁽³⁵⁾ Impelled by this reality, hundreds of thousands of citizens have emigrated

to the United Kingdom.

On religious grounds, this sectarian republic should insure its Catholic constituents a society free from the major social ills besetting secular societies. It does not. Although many state laws conform to Catholic moral teachings, and despite the exercise significant influence within that society by the Church hierarchy, the republic is suffering from teenage pregnancies, illegitimate births, alcoholism, drug addiction, and AIDS.



Political Union of Celts

Any hope for a successful political unification of the state of Northern Ireland and the Republic of Ireland is dependent upon Irish nationalism embracing an identity based upon ethnicity. Protestants must be unconditionally accepted--legally, politically, economically, socially, and historically--as members of the Irish nation. This reconciliation can be achieved by replacing the Republic of Ireland with a new political structure. Created to achieve national unification, insure greater political liberties, and provide better economic conditions, this new state can be either independent or not, and can take one of four forms.

Form 1: Unification of the two Irish states is immediately followed by the reunification of this unitary Ireland with the United Kingdom. Like Scotland and Wales, all legislative power would reside in the union Parliament in London. This would end the restrictions on

political liberties that exist under the Republic of Ireland and would assure Catholics of all the political rights and privileges to which they are entitled as British citizens. While reunion would not prevent Irish immigration to England in search of jobs, it may provide the necessary political, financial and business resources to improve the economic situation in Ireland.

Form 2: A modification of form 1 whereby reunification of a unitary Ireland with the United Kingdom follows Irish unification, but the restructured Irish state would have its own parliament like the Channel Islands and the Isle of Man. While the Parliament of Ireland could enact its own laws, to have validity these laws could not conflict with the laws passed by the union Parliament in London. This arrangement would resemble a federal system allowing Irish self-government while insuring that all the political rights of the Irish as British citizens are preserved.

Form 3: A unitary Ireland with a "dominion" status similar to that championed by the eighteenth century Irish statesman Henry Grattan. Ireland would possess a national parliament completely sovereign in its legislative powers. The head of state, however, would be the British monarch physically represented in Ireland by a Governor-General. On the recommendation of the monarch, the union Parliament would appoint the individual holding that office. As the official representative of the British monarch, the person selected

to be Governor-General of Ireland must be a distinguished political or military official of the United Kingdom who is Irish.

A new constitution would be adopted for the "dominion" fully guaranteeing the basic civil rights of all citizens, regardless of religious beliefs. While the Parliament of Ireland would exercise exclusive power to determine the citizenship and naturalization laws of Ireland, all Irish would also possess British citizenship and all rights associated with it. Ireland would officially rejoin and fully participate in the British Commonwealth. To symbolize this new state, it is essential that a new flag be adopted. Over the course of seventy years, the green, white, and orange tricolor has assumed a distinctly Catholic identity. (36)

Form 4: Unification of Northern Ireland and the Republic of Ireland would be based upon the Act of Ireland passed by the British Parliament in 1920. This proposes a federal solution for an independent Ireland. While united with the South, the North would retain its parliament and exercise full political autonomy. By this arrangement, the North would be protected politically and psychologically against any attempt to reintroduce sectarian legislation by Dublin.

A new constitution would be adopted clearly defining the confederal relationship between north and south, and fully guaranteeing the basic civil rights of all citizens. While the inhabitants of Northern Ireland would become Irish citizens all who

desired it would also retain their British citizenship. Ireland would also officially rejoin the British Commonwealth as an active member, and adopt a new national flag.

Renewing the Art of the Possible

In Northern Ireland, the past is omnipotent. It is the present and threatens to become the future. It is the jailer and the jail. It is the author of the proposals repeatedly submitted for resolving the political question of Northern Ireland. The two political solutions recommended today—the continuation of the status quo or unification with the Republic of

Ireland—are the same solutions originally advanced in 1922, and again in 1973. They resolved nothing then; they resolve nothing now.

If a permanent settlement is to be achieved, additional political options must be envisioned. Which options should be examined will be determined by Irish nationalism deciding whether Protestants are Irish. Pursue those alternatives that appear to offer some chance, however remote, for success, but discuss and debate all of them. End the practice of self-censorship and let politics again become the art of the possible. □

FOOTNOTES

- 1) As imperial power declined in the Roman province of Britain, which consisted of England and Wales, the land was repeatedly invaded by the Irish between 360 A.D. and 416 A.D. Initially consisting of small raiding parties engaged in looting vandalizing and kidnapping, these expeditions quickly evolved into movements of permanent colonization. By the end of the fifth century, Irish settlers had colonized the far northern portion of Roman Britain around the Clyde possibly expanding as far east as the Firth of Forth, as well as Scotland and the Isle of Man. During this time, Roman military power in south Britain and in Gaul was strong enough to prevent the Germanic tribes from launching similar incursions into Britain. This benefitted the Irish by excluding competitors. Once the Empire fell, however, and the first of those rivals, the Angles, the Saxons, and the Jutes began their folk migration to Britain, the century of Irish colonialism of England was effectively ended.
- 2) The Irish were no longer viewed as subjects, but rather as dangerous adversaries. The Norman rulers of the Pale responded by enacting the Statute of Kilkenny in 1367 which prohibited all intercourse between Norman and Irish within that territory. This included forbidding Irish law and the Irish language, and declaring intermarriage between Norman and Irish an act of treason.
- 3) With the Irish rebels themselves either unable or unwilling to create a unified state in the territories under their control, Ireland throughout the thirteenth, fourteenth, and fifteenth centuries continued to be politically divided among a multitude of rival Irish and Norman warlords.
- 4) The Banishment Act of 1697 expelled the bishops and most priests from Ireland.
- 5) The penal laws consisted of a series of legislation directed against Catholics that were enacted over a number of years. In 1672, Catholics were barred from holding seal in the Irish Parliament. And in 1727, they were disenfranchised. Catholic education was prohibited. Catholics were barred from entering the

universities. Catholics were prohibited from serving as tutors, legal guardians, civil servants, lawyers, or holding commissions in the army and the navy. Between 1704 and 1708, Catholics were denied the right to buy or lease land.

- 6) Before the start of the insurrection, the leadership of the United Irishmen in Ireland, which was composed of Catholics and Protestants, was arrested by the authorities, and Protestant Ulster, the heartland of the conspiracy, was placed under British military occupation. Without this guidance, when the revolt did occur in the south it was localized principally in and around Wicklow and Wexford and at the battles of Vinegar Hill, New Ross. Three Rock Mountain quickly degenerated into a Catholic war against Protestants.
- 7) Since the British army was in military occupation of Ireland following the suppression of the 1798 rebellion, the Act of Union in 1800 was not negotiated between equals-- the terms were set by London. Equal negotiations happened in the 1707 Act of Union between Scotland and England.
- 8) Any action that would reduce the percentage of Catholics in Ireland, thus weakening the political position of the Catholic hierarchy, was also opposed. Between 1845 and 1848, nearly one million Irishmen and women died in the famine that ravaged Ireland. These deaths resulted from the insensitive and incompetent manner by which the British administration handled the potato blight crisis, and from the deliberate policy pursued by the Catholic hierarchy of actively discouraging Catholic emigration.

Ireland has never recovered from that disaster. In 1841, the census recorded a population of 8,177,744. In the immediate aftermath, the census of 1851 showed a population of only 6,554,074. Over a century

later, in 1988, the estimated population of both north and south combined only numbered 5,116,100.

- 9) The bishops condemned the Young Ireland movement for supporting three non-denominational universities, and for espousing the democratic principles of Kossuth in Hungary and Mazzini in Italy.
- 10) Reading the Fenian newspaper, the "Irish People," was pronounced a mortal sin by some bishops, while other bishops denied the sacraments to Fenian supporters, excommunicated Fenian members, and opposed amnesty for those members incarcerated in British jails.
- 11) Britain fought the Irish nationalists for two reasons. First, London viewed any Irish national movement from the historical perspective of the alliance between Wolfe Tone and Revolutionary France and thus perceived an independent Ireland as a direct threat to the security of the United Kingdom. Second, London believed that an independent Ireland would pose a threat to the integrity of the vast British Empire by encouraging similar political demands elsewhere especially in Egypt and in India.
- 12) In the Anglo-Irish War 1919-1921 the British, according to Arthur Griffith, President of the Irish Dail from January 1922 until his death in August of that year, had arrested 4,982 Irishmen and women, and had officially executed 24 Irish nationalists. Yet, during the nine months Irish Civil War of 1922-1923, the Dublin government had imprisoned nearly 13,000 Irish civilians and had executed 77 Irish nationalists.
- 13) Among those who participated in drafting the 1937 Constitution for Ireland was Father Edward Cahill, S.J., of Catholic Action and a separate joint Jesuit commission. To insure that the proposed constitution conformed with official Catholic teaching the Irish government

submitted the final draft to Pope Pius XI for his approval. See Dermot Keogh, *The Vatican, the Bishops, and Irish Politics 1919-1939* (London: Cambridge University Press, 1986). Catholic moral standards are reflected in Articles 41 through 45.

- 14) Article 41, section 3(2) and (3).
- 15) Criminal Law Amendment Bill of 1935.
- 16) The Censorship of Publications Board still functions. It was created in 1929 by the Censorship of Publications Act which was amended in 1946 1967, and 1979. Between 1929 and 1989. the authors who have been banned include: Erskine Caldwell, William Faulkner, F. Scott Fitzgerald, Ernest Hemingway, Aldous Huxley, Arthur Koestler, Jerzy Kosinski, Sinclair Lewis, Thomas Mann, Somerset Maugham, George Orwell, Marcel Proust, Jean Paul Sartre, John Steinbeck, Dylan Thomas, H.G. Wells, and Emile Zola. Special attention was paid to Irish writers. Works by Brendan Behan, James Joyce, Edna O'Brien, Sean O'Casey, Frank O'Connor, J.P. Donleavy, Liam O'Flaherty, George Bernard Shaw, and William Butler Yeats were banned. Since 1967, books are only banned for a twelve year period, but are subject to a renewed ban after that time. With passage of the Health (Family Planning) Act of 1979, all books on abortion remain banned.

The Censorship of Films Board which also continues to function was created by the censorship of Films Act of 1923. This law was amended in 1925 and in 1930 to include trailers, advertisements and soundtracks. An act in 1970 permits banned films to apply for a reconsideration of their case. See *Kieran Woodman. Media Control in Ireland 1923-1983 (Ireland: Galway University Press, 1985).*

- 17) Blasphemy is a crime according to

- Article 40 Section 6(1)(i) of the Constitution of The Republic of Ireland, Section 13(1) of the Defamation Act of 1961, and Irish common law.
- 18) Article 42 Section 3(2) of the Constitution of Ireland.
- 19) This condition is set forth in the Papal decree entitled "Ne Temere.
- 20) In seventy years, only two Protestants have been elected to the ceremonial office of President of the Republic of Ireland -- Douglas Hyde (1938-1945), and Erskine Childers II, the son of the nationalist leader assassinated by the government of the Irish Free State, (May 1973 until his death in November 1974). No Protestant has held the important post of prime minister, and with the exception of Erskine Childers II, who held the office between 1969 and 1973, no Protestant has been appointed deputy prime minister. *Source: The Embassy of Ireland to the U.S., Washington, D.C.*
- 21) The number includes Church of Ireland, Presbyterian, Methodist, and "other". If only the three Protestant denominations are counted the figure falls to 115,411. While most Protestants are concentrated near the border with Northern Ireland in the province of Cavan, Donegal, Leitrim, and Monaghan they do not constitute a majority or even a significant minority of the population. According to the 1981 census, in those provinces the percentage identifying themselves as Church of Ireland, Presbyterian, Methodist or "other" was: in Cavan - 9.6%, Donegal - 10.3%, Leitrim - 3.6%, and Monaghan - 9.9%. If Protestant is defined as only the church of Ireland, Presbyterian, and Methodist, then the respective percentages read as follow: in Cavan - 9.4%, Donegal - 10.3%, Leitrim - 3.6%, and Monaghan - 9.5%. The remaining Protestant population is scattered in insignificant numbers throughout the rest of the republic.
- 22) Thomas E. Hachey "The Prospects for Unification in Ireland". *Journal of International Affairs* Volume 27, Number 2, (1973) page 240.
- 23) Article 2 of the 1937 Constitution of Ireland declares: "The national territory consists of the whole island of Ireland, its islands and the territorial seas".
- A separate state of Northern Ireland was established by Article XII of the Anglo-Irish Peace Treaty of December 6, 1921. For text of the peace treaty see Fred L. Israel, Editor, *Major Peace Treaties of Modern History 1648-1967*. Volume III (New York: McGraw-Hill, 1967), pp. 2269-2276.
- According to Section 1 of the Anglo-Irish Boundary Treaty of 1925, the Irish Free State officially recognized the state of Northern Ireland within the borders set by the British Parliament in the 1920 Act of Ireland. By the terms of the treaty, Dublin agreed to the revocation of that portion of Article XII of the 1921 Anglo-Irish Peace Treaty which had authorized a boundary commission to reduce the territorial size of Northern Ireland in exchange for London consenting to the revocation of Article V of the peace treaty which had required Ireland to contribute to the imperial fund an amount projected to be as large as £20,000,000. For the text of the boundary treaty see *The Times* (London) December 4, 1925, p.14.
- 24) Percentages are rounded based on the most recent figures.
- 25) Many of the special powers, including internment, continue to be employed by the British authorities as part of the ongoing war with the Irish Republican Army.
- 26) The Northern Ireland Executive created in 1973 collapsed in May 1974. The Constitutional Convention convened in May 1975 deadlocked and was dissolved in March 1976. A proposal introduced in November 1977 for direct negotiations between the various political parties in order to establish a "framework" for ending direct rule by London died within a few months. A second attempt at a Constitutional Convention in 1980 ended in failure like the first. Elections for a new 78 member Assembly were held in 1982. The Catholic SDLP party immediately refused to take its seats. In 1986, the Assembly was dissolved after the only two parties remaining in the Assembly, both Protestant, withdrew to protest the Anglo-Irish Accord.
- 27) An attempt is often made to deny that Protestants are Irish by attacking their surnames. It is declared that since such family names as Boone, Buchanan, Crockett, Houston, Hume, Jackson, Knox, Livingstone, Polk, Rutledge, etc. are of foreign origin, often Scottish, the people who possess these surnames, mostly Protestants, are not really Irish. This viewpoint is clearly motivated by religious prejudice. For it readily accepts as Irish such Catholic family names as Browne, Burke, Cusack, Fitzgerald, Fitzsimmons, Joyce, Lacey, Lynch, Nugent, Plunkett, Power, and Roche all of which are Norman-French; Barry Blake, Taaffe, and Walsh which are Welsh; Boland which is Norwegian; Doyle and O'Rourke which are Norse; Kirwan and De Valera which are Spanish; and Costello which is Italian. See Ronan Coghlan, Ida Grehan, and P.W. Joyce. *Book of Irish Names: First, Family and Place Names* (New York: Sterling Publishing Co., 1989).
- 28) English is the language spoken by the Irish whether Catholic or Protestant despite the success of Celtic nationalists in 1937 in having Irish officially declared as the national language of Ireland in Article 8(1) of the Constitution.

Originally conceived as an expression of national identity, the promotion of the Irish language is, in practice, an expression of an anti-national, anti-Protestant identity. Championed by the Catholic hierarchy and the sectarian republican government, it provides a "nationalistic" justification for impugning the Irish identity of English-Speaking Irish Protestants, especially those in Northern Ireland.

- 29) Among the Papal pronouncements condemning principles associated with nationalism, republicanism, and democracy are: *Mirari vos* issued by Pope Alexander XVI in 1832; *Quanta Oura* and the *Syllabus of Errors* both issued by Pope Pius IX in 1864; *Non expedit* in 1868, *Quod apostolici muneris* in 1878, *Inscrutabili Dei consilio* in 1878, *Diuturnum* in 1881, *Immortale Dei ... opus* in 1885, *Testem benevolentiae* in 1899 all issued by Pope Pius X; *Codex Iuris Canonici* promulgated in 1917 by Pope Benedict XV and in particular Canons 1094, 1118, and 1374.

Political independence for the small Catholic nations of the Catholic Hapsburg Empire -- the Croats, the Czechs, the Hungarians, the Slovaks, and the Slovenes -- was opposed by the Vatican in 1848 and again in 1918. The Vatican's opposition to nationalism and democracy extended even to Poland. In 1831, Pope Gregory XVI twice publicly opposed the war for national independence then being waged by Catholic Poland against the Orthodox Russian Empire. In 1863, Pope Pius IX officially opposed the renewed attempt by the Polish nation to achieve its political independence from Russia. In 1905, when the Russian Empire was being convulsed by a democratic revolution Pope Pius X issued the encyclical "*Poloniae Populorum*" calling upon all Poles not to participate in that movement.

- 30) The partition of British India required that the historic provinces of Punjab in the west and Bengal in the east each be partitioned in turn with the Muslim majority areas being awarded to Pakistan. This was similar to the process employed in partitioning Ulster in 1921 in order to create the state of Northern Ireland.

- 31) At this time, the only other potential case of political reunification within Europe concerns the wish of the Moldavian Soviet Socialist Republic of the Soviet Union to secede, from the U.S.S.R. and reunite with Romania. Unlike Northern Ireland, however, Moldavia like East Germany, was created against the wishes of the local population. Such a Romanian reunification, therefore, would not provide a precedent for the case of Ireland.

- 32) There are 606,851 citizens of the Republic Of Ireland officially living in the United Kingdom. Source; 1981 Census for the United Kingdom. If the Irish who were born in Britain are included the figure is closer to one million.

- 33) Source: *The Europa World Year Book* 1990. pp. 1378-1379, 2672-2673.

- 34) In addition to the Censorship of Publications Act, the Censorship of Films Act, the Defamation Act, and Article 40 Section 6(1)(i) of the Constitution, there are the Broadcasting Authority Act of 1929 amended 1966 the direct successor to the Wireless Telegraphy Act of 1929, the Offenses Against the State Act of 1939, amended 1940 and 1972, the Official Secrets Act of 1963, the laws of libel, the internal regulations affecting civil servants and Article 44 Section 2(1) of the Constitution.

- 35) Sources: *World Bank Atlas* 1990 and the *Economic Survey of Europe* 1989-1990.

- 36) The tricolor officially adopted by the

Republic of Ireland in Article 7 of the Constitution is a creation of the late eighteenth century and was inspired by the flag of Revolutionary France. To many, the Irish tricolor is virtually indistinguishable from the flags of either Italy or the Ivory Coast. While envisioned as a national symbol, the very pattern of the flag—three vertical stripes of green (for Catholics), white, and orange (for Protestants)—reflects and reinforces the partition of the Irish nation into two separate and isolated religious communities.

Contrary to the claims of myths and romantics, the use of green as the national color for Ireland also only dates back to the end of the eighteenth century. Although there is no evidence documenting that particular color, if any, was the favorite of Brian Boru or Saint Patrick, history does record the various colors flown by Irish insurgents. The flag flown in the rebellion of Hugh Maguire in 1593 and apparently adopted later by Hugh O'Neill was a white flag with a black cross potent. In 1601, at the battle of Kinsale the Irish flew Saint Patrick's Cross which was a white flag with a red diagonal cross. The

