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Irlande Identité et Interculturalité

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Introduction

Irlande : identité et interculturalité

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Ce numéro de *Miroirs* est un florilège des communications du colloque de la Société Française d'Études Irlandaises (SOFÉIR) qui s'est déroulé à l'Université Toulouse 1 Capitole les 21 et 22 mars 2014. Notre projet pour ce colloque intitulé « Irlande : identité et interculturalité » fut de considérer l'Irlande face aux défis que lui lance la mondialisation.

Jusqu'au début des années 90, l'Irlande fut un pays d'émigration, tant et si bien que Mary Robinson, élue Présidente de la République irlandaise en décembre 1990, accorda une place importante, pendant tout son mandat, à la diaspora irlandaise, c'est à dire aux 70 millions de personnes d'origine irlandaise vivant à l'étranger.¹ Au début des années 90, le paradigme s'inverse pourtant. Le tigre celtique naissant permet pour la première fois d'inverser la tendance. Jusqu'en 2009, jusqu'à ce que la récession pousse les Irlandais à émigrer de nouveau, l'Irlande accueille plus d'immigrés qu'elle ne laisse partir de nationaux.

L'Irlande a donc commencé à accueillir diverses populations venues d'Europe de l'Est et centrale, d'Asie ou d'Afrique. Comment l'identité irlandaise s'est-elle adaptée aux défis lancés par le multiculturalisme ? Comment les Irlandais perçoivent-ils l'influence grandissante des cultures étrangères ? Est-ce un enrichissement ou une menace à leur propre identité ? Fintan O'Toole dresse ce portrait extrêmement inclusive de l'identité irlandaise « Like every culture ours is diverse, many-layered, dynamic, open to influences and ideas from every direction, full of conflicts and contradictions, and continually emerging. »² Nous avons donc souhaité que les participants à ce colloque s'interrogent sur la réalité de cette définition d'une culture irlandaise en mouvement, ouverte aux influences étrangères et en redéfinition permanente.

La notion même d'identité irlandaise revêt des réalités différentes, en fonction de la période, du lieu et selon qui formule cette définition. Catholiques, Protestants, immigrés et demandeurs d'asile, anglophones et gaélophones, Ulster Scots, différentes communautés cohabitent sur l'île, appréhendent différemment leur

¹ "Cherishing the Irish Diaspora", address by Uachtarán na hÉireann Mary Robinson to Joint Sitting of the Houses of the Oireachtas, 2 February 1995.

² Fintan O'Toole, *The Clod and the Continent: Irish Identity in the European Union*, ICTU Press, 2002, p.14.

propre « irlandicité » ou, à défaut, leur place dans la société irlandaise. Intégrer les minorités est un des rôles de l'Église catholique qui s'est, par exemple, beaucoup investie aux côtés des *Travellers* depuis les années 1960. Deborah Vandewoude montre ainsi dans son article « L'Église catholique irlandaise, creuset d'intégration des *Travellers* » la variété des dispositifs mis en place par l'Église qui prône aujourd'hui le dialogue interculturel comme moyen de permettre l'« inclusion intégrative » de cette minorité présente en Irlande depuis le Moyen-âge mais marginalisée, discriminée et cumulant les difficultés sociales depuis cette époque. « La paroisse des Gens du Voyage » qui avait été créée pour répondre au mieux aux besoins spécifiques des *Travellers* n'existe plus aujourd'hui et ils sont désormais intégrés au sein des autres paroisses, désormais perçues comme des lieux de dialogue interculturel entre paroissiens d'origine nomade et paroissiens sédentaires où la communauté des croyants s'accepte comme multiforme et prône le dialogue et l'acceptation de l'autre dans sa différence.

L'identité irlandaise semble donc façonnée par les différentes cultures qui la composent. Roddy Doyle dans le recueil de nouvelles *The Deportees* sur lequel se penche l'article de Jean-Philippe Hentz « Feeling Irish enough: shifting identities and the advent of the new Irish in Roddy Doyle's *The Deportees* (2007) », dresse le portrait d'une Irlande multiculturelle. L'analyse montre comment Doyle représente le dynamisme de la culture irlandaise qui repose sur une redéfinition permanente au contact des cultures étrangères et européennes notamment. Au travers des différents personnages, le lecteur comprend les difficultés rencontrées par ces immigrants qui cherchent à devenir des citoyens à part entière et à s'intégrer dans une nation en perpétuelle redéfinition d'elle-même, mais aussi les problèmes que pose aux Irlandais le multiculturalisme qui rend plus difficile qu'auparavant la définition de soi.

Une identité mouvante, voilà également la définition que propose l'étude menée par Christelle Serée-Chaussinand dans l'« Identité composite et métissage dans « Letter to Friends » de Leontia Flynn ». Elle analyse ce long poème à la lumière des divers apports extérieurs à soi qui forgent l'identité du poète : un métissage culturel fruit de l'histoire, de la mondialisation, des techniques modernes de communication, mais aussi de la confrontation à l'autre, que cela soit au cours de voyages ou face à un père atteint de la maladie d'Alzheimer. Ce poème pose donc la notion d'identité comme un concept nécessairement interculturel, comparable à un patchwork d'influences dont les pièces se coordonnent en une multitude de motifs.

Cette approche contemporaine d'une identité en mouvement et multiple s'oppose, d'une certaine façon, à l'image de la nation irlandaise telle qu'elle était véhiculée à partir de la fin du 19^e siècle. Pourtant, même à l'époque du Renouveau celtique où se sont forgées les représentations qui deviendront traditionnelles de l'Irlande,

le rôle joué par l'interculturel est très important. En effet, comme le montre Valérie Morisson dans son article « The Guise of Irishness: Irish Ethnographic and Folklore Paintings from a European Perspective, 1880–1930 », les peintres irlandais s'inspirent des autres courants picturaux européens. L'auteur revient ainsi sur les années de formation des peintres irlandais tels Aloysius O'Kelly, Walter Osborne, Seán Keating ou Harry Jones Thaddeus et met en évidence le rôle des écoles françaises et européennes dans l'émergence du genre de la peinture régionaliste et ethnographique en Irlande. Il est donc intéressant de voir qu'au travers des portraits de paysans, de leur costume et de leurs habitudes de travail ou de vie, les peintres irlandais ont choisi de représenter une sorte « d'âge d'or mythique » en rupture avec les centres urbains industrialisés, et ont contribué à la construction d'une image identitaire de la nation irlandaise qui réinterprète finalement les codes de la peinture européenne de l'époque.

Se servir de l'autre à la fois comme d'une source d'inspiration pour forger sa propre identité, mais aussi comme d'un contre-point, d'un repoussoir qui permet de se définir en s'opposant dans un double mouvement d'attraction et de répulsion, voici aussi ce que met en lumière Anne-Marie O'Connell dans l'article « National identity and judicial interculturality in Ireland: the Dáil Courts experience (1919–1924) » qu'elle consacre aux *Dáil Courts* mises en place par l'*Irish Free State* entre 1919 et 1924. La définition de l'indépendance du pays sur le terrain judiciaire a d'abord été marquée par une volonté de rupture avec le système imposé par le pouvoir colonial, et est d'abord passé par la création d'un système juridique irlandais, influencé par le droit Bréhon, le droit canon et le droit civil, au sein des *People's courts*. Des deux systèmes, c'est finalement celui hérité de la *Common Law* qui devient celui du nouvel État irlandais, système interculturel en soi, puisque adapté du système britannique, mais piloté depuis Dublin et non depuis Londres.

D'un point de vue politique, l'intérêt porté aux influences étrangères a ainsi souvent contribué à la réflexion des acteurs au moment de définir des politiques originales. Imelda Elliott dans son article « The role of the OECD peer review process in Irish education policy in the 1960s » perçoit l'interculturalité comme un facteur de modernisation politique. En effet, alors que, jusque dans les années 60, l'État irlandais n'investissait que très peu dans l'éducation dont la gestion était dévolue à l'Église Catholique, ce travail met en lumière le rôle joué par le rapport de l'OCDE publié en 1969 et revient sur les conditions de préparation, de rédaction et de réception de cette enquête dont les travaux se sont déroulés entre 1962 et 1969. La préparation de ce rapport a non seulement influencé les choix stratégiques du gouvernement, mais aussi conforté la volonté politique des *Taoisigh* Lemass et Lynch, soucieux de moderniser le pays et d'impliquer davantage l'État dans la sphère éducative, ayant perçu l'importance d'avoir une main d'œuvre qualifiée pour accompagner le développement économique futur. Ce rapport a permis au gouvernement de légitimer la réforme scolaire qu'il souhaitait impulser et de finir

de convaincre le Ministère des Finances de l'importance de la démarche, ce qui déboucha, notamment, sur la gratuité de l'enseignement secondaire en 1967.

L'Irlande du Nord a également tiré profit des expériences étrangères. Prenant exemple sur les dispositifs de règlement des conflits mis en place dans d'anciennes colonies, le gouvernement britannique décida, à la fin des années 60 et au début des années 70, de promouvoir le « développement communautaire ». Joana Etchart, dans son article « Community development: origins and hybridization in Northern Ireland » revient sur cette approche inclusive qui vise avant tout à impliquer la société civile dans un processus de réformes, l'État n'intervenant que pour prodiguer une sorte d'étayage, de « *guidance* ». Les communautés ont ainsi pu se lancer dans un processus de discussion et de débats et établir un dialogue. Cependant, l'escalade de violence que connut la région pendant les années 70 sembla démontrer que ce type d'initiative n'était absolument pas un moyen d'endiguer l'influence des groupes paramilitaires, bien au contraire. L'État britannique répondit à la violence politique en reprenant le contrôle sur le processus de prise de décision. Selon Joana Etchart, le fait que cette tentative ait été considérée comme un échec marque aujourd'hui encore la manière dont le processus de paix est appréhendé depuis 1998, processus qui demeure très peu attentif aux initiatives locales, au profit des initiatives institutionnelles.

Ainsi donc, au lieu de donner directement la parole aux communautés, l'Irlande du Nord choisit d'emprunter aux pratiques internationales le concept de « droits humains » comme dénominateur commun aux Protestants et aux Catholiques, dans le processus de paix. Le texte de l'Accord du Vendredi Saint ainsi que la réforme de la police et de la justice sont, en effet, très marqué par cette approche. Christian Mailhes, dans « International Human Rights and the Northern Ireland Constitutional Identity » souligne ainsi l'importance de l'utilisation de la philosophie et de la rhétorique des droits humains comme le moyen d'intégrer des valeurs fédératrices dans lesquelles chacune des deux communautés se reconnaît. Empruntant à la « Déclaration des droits de l'homme », texte fondateur de l'ONU, mais aussi aux expériences étrangères de règlement des conflits, l'Irlande du Nord est ainsi parvenu à réformer la police et le système judiciaire, devenant même un modèle pour des États sortant d'un conflit. Si les divisions subsistent, l'apport des droits humains est incontestable dans l'amélioration des relations entre les deux communautés et la dévolution progressive des pouvoirs de Londres vers Belfast.

Ces articles ne donnent qu'un aperçu des débats qui se sont déroulés lors du colloque de la Société Française d'Études irlandaises. Nous espérons que la lecture de ce numéro de Miroirs sera jugée intéressante et qu'il contribuera à alimenter la réflexion autour de la définition de l'identité irlandaise.

I : IDENTITÉS EN IRLANDE AUJOURD'HUI

L'Église catholique irlandaise, creuset d'intégration des Travellers

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Résumé

Les *Travellers* irlandais constituent un groupe social minoritaire d'environ 30 000 membres, répartis sur l'ensemble du territoire. Cette communauté itinérante aux coutumes et aux traditions ancestrales vit principalement d'aides et de mendicité. La « Nouvelle Irlande » bouleverse leur mode de vie nomade. La sédentarisation s'impose à eux mais n'entraîne pas leur intégration. Depuis les années 1960, l'Église catholique irlandaise s'oppose à toute ségrégation et dénonce leurs conditions de vie déplorables. Elle répond à leurs besoins pastoraux spécifiques, leur apporte un soutien moral et financier. Aujourd'hui, elle s'engage pour le respect de leurs droits et l'amélioration de leur statut social par la promotion du dialogue interculturel.

Mots-clés : Communauté paroissiale – dialogue interculturel – Église catholique – Gens du voyage – identité – intégration

Abstract

The Irish Travellers are a minority social group with a distinct culture and lifestyle. This itinerant community of about 30,000 members, located all over the country, mainly lives off social benefits and panhandling. As “New Ireland” has upset their nomadic habits and customs rooted in ancestral traditions, most of them have settled down in urban areas. However, this settlement process does not lead to their being better integrated into Irish society. The Roman Catholic Church has been denouncing inequalities and discrimination against the Travellers since the 1960s. Meeting their specific pastoral needs and providing them with moral and material support, it has been opposing all forms of segregation that stigmatize and marginalize them. It is now committed to ensuring respect for their civil rights and to improving their social status and living conditions through the promotion of intercultural dialogue.

Keywords: identity – intercultural dialogue – integration – Roman Catholic Church – Travellers – parish community

Introduction

L'Institution catholique irlandaise cherche à surmonter une crise d'autorité sans précédent. Depuis les années 1990, une série de scandales et d'affaires de maltraitance, des révélations successives de dysfonctionnements et d'abus, amplement couvertes par les médias, ont entamé la confiance des fidèles, en même temps qu'elles ont accéléré le processus de désacralisation de l'Institution, en ternissant l'image du clergé à tous les niveaux de la hiérarchie. De plus, l'effritement de valeurs fondamentales affaiblit son enseignement éthique et participe de l'émancipation morale du pays. Une prise de distance face à son autorité normative, légitimée par le primat de l'individu, bouleverse son mode de fonctionnement vertical. Elle s'engage donc dans une redéfinition de son modèle ecclésial.

À l'écoute de ses contemporains, l'Église s'efforce, depuis près d'une dizaine d'années, de diversifier les modalités de pratique, de favoriser la proximité et l'enracinement de la foi dans la quotidienneté. Par un dialogue humble avec la société, elle œuvre pour le bien commun et revient à sa mission originelle, à ses idéaux d'amour fraternel et de protection des plus faibles. S'inscrivant dans la tradition du catholicisme social initié par Léon XIII¹, elle se veut active et actrice du changement et lance un nouveau défi à la pauvreté. Elle invite les fidèles à bâtir une société plus juste², par le don individuel ou par des initiatives collectives au sein d'associations caritatives. Elle accompagne une population touchée par une pauvreté multiforme et conçoit des programmes adaptés, en collaboration étroite avec différents mouvements d'assistance, pour mettre le message évangélique en pratique. Elle cherche à instaurer un climat propice à la communication et à l'écoute active, avant même d'établir une relation éducative. Elle ouvre ses portes aux marginaux avec bienveillance et les place au cœur de ses préoccupations dans une volonté de fonder une « civilisation de l'amour³ » par un processus de « conscientisation »⁴. Elle appelle, en effet, les catholiques irlandais à une prise de conscience des injustices sociales et les invite

1 Encyclique *Rerum novarum*, publiée le 15 mai 1891 par Léon XIII, traitait de la condition ouvrière et insistait sur la valeur du travail manuel, non reconnue à l'époque par les classes supérieures. Elle dénonçait également les méfaits du libéralisme et du socialisme. Elle marque l'émergence de la justice sociale dans l'enseignement officiel de l'Église. Le 15 mai 1961, par l'encyclique *Mater et magistra*, Jean XXIII actualisa ce message, enrichi encore sous Jean-Paul II le 1^{er} mai 1991, par l'encyclique *Centesimus annus*.

2 À titre d'exemple, en juin 2008, la Commission irlandaise pour la Justice et les Affaires sociales de la Conférence des Évêques d'Irlande, présidée par l'Évêque Raymond Field, publia le rapport *Violence in Irish Society: Towards an Ecology of Peace*, dans lequel elle dénonçait les inégalités sociales et identifiait les causes d'une culture de violence qui s'infiltrait dans le pays. Elle insistait sur la nécessité d'abandonner les préjugés et de lutter contre les discriminations qui altéraient le climat social et engendraient la division. Elle engageait les Irlandais à relever avec l'Église le défi de la solidarité.

3 Irish Commission for Justice and Social Affairs, “Mission statement of the ICJSA”, www.catholicbishops.ie

4 Ce terme est emprunté à Paulo Freire, éducateur brésilien (Healy, 2004).

à y remédier par une participation active. Renforçant les dispositifs publics ou se substituant à l'État, le tissu associatif catholique réagit à des situations d'urgence, à la détresse d'un public de plus en plus large : familles monoparentales, demandeurs d'emploi, marginaux, sans-abri, délinquants, immigrés, réfugiés et communauté du voyage, au centre de notre propos.

Impliquée depuis les années 1960 dans l'amélioration des conditions de vie des *Travellers*, l'Institution catholique irlandaise renouvelle son engagement dans la lutte contre la ségrégation qu'ils subissent au quotidien. Aussi cet article souligne-t-il l'efficacité de l'Église en matière de justice sociale, alors qu'elle redéfinit ses lignes d'action, dépassant la logique de charité traditionnelle pour entrer dans une dynamique de partenariat fraternel et d'engagement basé sur le face-à-face, les relations interpersonnelles et l'accompagnement de terrain, en fournissant des outils d'insertion et de cohésion pour un mieux-être et un mieux-vivre ensemble. Il met en évidence l'impact de cette politique institutionnelle, qui vise ici la préservation et la valorisation de l'identité culturelle et culturelle des *Travellers*⁵. Il analyse en particulier les objectifs de la *Parish of the Travelling People*, établie depuis 1981 dans l'Archidiocèse de Dublin. Cette paroisse, placée sous la responsabilité du Père Farrell, se caractérise par son engagement politique. Outre le service spirituel traditionnel dédié à ces catholiques fervents, elle lutte pour leur intégration sociale et cherche à former avec eux une communauté chrétienne où l'Évangile devient une réalité quotidienne. Pour faciliter le dialogue et la compréhension mutuelle entre les gens du voyage et les paroissiens, les autorités ecclésiastiques ont lancé, en 2008, un projet-pilote dans la région de Dublin. Depuis lors, à travers ce dispositif novateur, l'Institution irlandaise mène une recherche-action⁶ participative d'envergure, élaborée en collaboration étroite avec la communauté du voyage, pour concevoir collectivement des réponses adaptées et promouvoir une intégration inclusive guidée par des notions de solidarité, de non-directivité et d'empathie.

Une communauté marginalisée : spécificités identitaires, maux sociaux et discriminations

Les *Travellers* irlandais constituent une caste à la culture, aux coutumes et aux codes distincts. Leur origine fut longtemps discutée, mais on a aujourd'hui la certitude que leurs ancêtres étaient présents à l'époque médiévale. Ils sont donc des Irlandais de souche et non des tziganes (Darnault, 2013). Ils exerçaient autrefois des métiers ambulants qui ne se pratiquent plus (aiguiseurs, rétameurs, colporteurs) et

5 En 2011, on recensait 29 573 *Travellers*, soit 0,6% de la population (CSO, 2012).

6 « La recherche-action vise à apporter une contribution à la fois aux préoccupations pratiques des personnes se trouvant en situation problématique et au développement des sciences sociales par une collaboration qui les relie selon un schéma éthique mutuellement acceptable. », (Rapoport, 1973).

travaillaient également comme saisonniers dans les zones rurales (Thoroude, 2012). Depuis les années 1970, la modernisation des exploitations agricoles et l'utilisation de machines les contraignent peu à peu à quitter les campagnes. Ils abandonnent leur tour d'Irlande traditionnel pour rejoindre des villes, réticentes à les accueillir ou incapables de leur fournir des infrastructures correctes. Selon le recensement de 2011, près de 82% des *Travellers* vivent en zone urbaine, principalement dans les régions de Dublin, Galway et Cork (CSO, 2012). L'urbanisation croissante et les réglementations rendent leur implantation difficile, même à titre provisoire. Ils subissent une discrimination polymorphe, maintenus aux marges – physiques et symboliques – de la société. Les campements, établis sur des terrains non-aménagés, sans eau ni électricité, couverts de débris, leur donnent mauvaise réputation. Leur anglais marqué d'un accent et d'un vocabulaire spécifiques trahit leur origine (Kenrick, 1998) et ne favorise pas leur embauche, même si l'*Employment Equality Act* de 1998 interdit toute forme de discrimination au travail⁷. 84,3% d'entre eux sont sans emploi (CSO, 2012) et vivent de récupérations diverses, de recyclage et d'aides sociales. Soutenu par l'Église et aidé par des organisations catholiques, l'*Irish Traveller Movement*⁸ revendique leurs droits en tant que citoyens irlandais. Il dénonce l'insalubrité des logements ou des sites qu'on leur octroie. Depuis les années 1990 et la parution d'un rapport du Ministère de la Justice et de l'Égalité (Department for Justice and Equality, 1995), l'État cherche à prendre en compte leurs revendications. Ainsi, depuis 1998, le *Housing (Traveller Accommodation) Act* impose-t-il aux autorités locales la construction de logements sociaux et la mise à disposition de terrains d'accueil viabilisés, les homelands, ce qui accentue le phénomène de semi-sédentarisation à la périphérie des villes. En 2006, 24,7% des itinérants s'y étaient installés, 12,3% en 2011 (CSO, 2012). Au vu des statistiques, la situation en matière de logements semble moins précaire. Cependant, elle reste peu adaptée à ces familles nombreuses avec cinq enfants en moyenne par foyer (CSO, 2012). De plus, la construction de lotissements dédiés aux *Travellers* provoque une ghettoïsation aux effets défavorables à leur intégration.

Depuis les années 1960, l'Église catholique travaille à l'amélioration de leurs conditions de vie. Elle organise régulièrement des collectes de nourriture, de vêtements, de médicaments. Touchée par l'alcoolisme, la drogue, la délinquance, les violences domestiques, cette « minorité isolée, en danger et en souffrance » (McCárthaigh, 2007) présente un taux de suicide cinq fois plus élevé que la moyenne nationale, à savoir 5,44 pour 10 000, 84% des suicides recensés en 2011 (*National Traveller Suicide Awareness Project*, 2011). Pour éloigner la jeunesse de tous ces maux

7 L'*Employment Equality Act* de 1998 fut amendé en 2004 par l'*Equality Act*.

8 L'*Irish Traveller Movement*, créé en 1990, est un réseau de 80 organisations qui travaillent en quête d'égalité et de justice, en coopération avec la communauté des gens du voyage. Le *Pavee Point*, connu auparavant sous le nom de *Dublin Traveller Education and Development Group*, est constitué de gens du voyage, nomades et sédentarisés. Aidés par des organisations catholiques, ils œuvrent ensemble pour un avenir meilleur.

sociaux et lui éviter l'exclusion, l'Église catholique lutte contre la déscolarisation précoce. Plus de 50% des *Travellers* ont moins de 20 ans. La Société Saint Vincent de Paul aménage pour eux des temps de parole et cherche à vaincre les obstacles à l'apprentissage (refus, décrochage scolaire, phobie, blocage intellectuel)⁹. Elle amène les adolescents à devenir des acteurs responsables de leur formation (Cahill, 2012) et définit avec eux un projet adapté à leur profil. *The Mustard Tree Learning Centre*¹⁰ propose un service de médiation éducative par un soutien scolaire en anglais, en mathématiques et en informatique, pour leur redonner confiance en leurs capacités et en leur avenir. Le programme mis en place par le mouvement *Youth with a Mission* leur apporte un réconfort spirituel mais aussi une aide concrète au quotidien¹¹. Il crée ou renforce le lien social. Les actions d'évangélisation, sous forme de réunions hebdomadaires, invitent les jeunes à s'exprimer et à prier ensemble. Des colonies de vacances, des sorties, des jeux et autres activités s'organisent pour les adolescents comme pour les plus jeunes, pour occuper leur temps libre et ainsi éloigner les risques de délinquance par l'atténuation de facteurs psychosociaux. Des activités familiales de loisirs permettent d'améliorer la communication et l'échange entre les membres d'une même famille, d'une même communauté, d'un même quartier.

Action ecclésiale et intégration communautaire : accompagnement de la foi

Les *Travellers* perpétuent leurs traditions, gardent leur culture, leur mode de vie et leurs coutumes (Delaney, 2003). Fortement marqués par des années d'exclusion, méconnus de la population, ils subissent un rejet nourri de préjugés, de clichés et d'une peur de l'étrangeté. La population leur reproche par exemple de pratiquer des mariages arrangés et d'unir leurs filles, très jeunes, à des cousins du premier ou second degré (Loftus et Fitzpatrick, 2012). Leurs fêtes fastueuses sont très controversées.

9 En dépit de mesures gouvernementales, la communauté du voyage doit faire face à un véritable rejet, dénoncé dans le troisième rapport de l'ECRI, Commission européenne contre le racisme et l'intolérance, publié le 24 mai 2007. Il n'est pas rare que les directeurs d'établissements scolaires subissent des pressions pour que les jeunes *Travellers* n'intègrent pas leur école, ou pour qu'ils ouvrent des classes réservées. Ces enfants vont rarement à l'école au-delà de 14 ans. Leur objectif consiste à savoir lire, écrire et compter. Selon le recensement 2011, 69% des *Travellers* ont un niveau d'étude inférieur ou égal à l'école primaire. 17,7% des itinérants n'ont reçu aucune éducation. Seul 1% d'entre eux ont validé des études supérieures, 30,1% pour le reste de la population.

10 *The Mustard Tree Project*, 76 Belclare Park, Poppintree, Ballymun, Dublin 11.

11 Youth with a Mission, URL: <http://www.ywam.org/>. Consulté le 14 juin 2014.

Même si les *Travellers* sont des catholiques fervents et s'ils partagent les convictions religieuses de la majorité de la population¹², leurs croyances sont fortement empreintes de superstitions. Très pratiquants et sensibles aux rituels, ils s'engagent dans des pèlerinages, à Knock ou Croagh Patrick (Flemming, 2010). Ils aiment également se rendre près des puits et des sources sacrés où ils disent ressentir la présence divine et bénéficier des vertus médicinales, purificatrices ou protectrices. Souvent conservateurs, ils sont très nombreux à suivre la morale catholique (Brownlee, 2011), notamment en matière de contraception, craignant le courroux de Dieu comme de l'Institution.

Aussi, pour encadrer leur pratique, leurs rites et encourager l'expression de leur spiritualité, la Communauté Saint Vincent de Paul fonda-t-elle en 1981 la Paroisse des Gens du Voyage¹³. Établie à Phibsboro dans l'Archidiocèse de Dublin, elle leur offre un service sacramental traditionnel et organise pour eux la célébration des baptêmes peu après la naissance des enfants ou celle des funérailles hors des délais habituels, jusqu'à six mois après le décès, pour que la communauté dispersée puisse se réunir. Les obsèques donnent lieu à des rassemblements de grande envergure. Les rituels durent trois jours, rythmés par des chants et des danses pour honorer le défunt qui à une époque était brûlé dans sa roulotte pour que son âme repose en paix. Aujourd'hui, les roulettes continuent à être brûlées avec des effets personnels et des photos la nuit des funérailles, mais des pierres tombales imposantes conservent désormais les dépouilles (Tobin, 2008). Ce culte des morts heurte de nombreux Irlandais qui n'y perçoivent que des rites tapageurs.

Les *Travellers* sollicitent très souvent les prêtres pour obtenir protection et guérison du corps et de l'âme. Aussi la paroisse administre-t-elle sur demande différents sacramentaux : bénédictions de personnes, d'habitations, d'objets, de véhicules et d'animaux. Ils portent à Marie une forte dévotion (Thompson, 1999). Pour lui rendre hommage, ils construisent chapelles et sanctuaires. Ils se rendent en général dans les églises paroissiales pour célébrer le culte, mais il arrive que certains prêtres se déplacent et célèbrent pour eux des offices particuliers.

La Paroisse des Gens du Voyage lutte pour leur intégration sociale et cherche à former avec eux une communauté chrétienne unie et solidaire. Des pratiques comme les serments d'abstinence prêtés par les fidèles souffrant d'alcoolisme sont encouragées. La paroisse soutient et accompagne ses fidèles partout, y compris dans les hôpitaux ou les prisons. Un service d'aumônerie s'organise pour les enfants placés en institution. Militante, elle souligne la contradiction entre le message catholique d'amour du prochain et les préjugés de la société irlandaise à leur égard. Elle dénonce, sans détour, le décalage entre discours et réalité :

12 Selon le recensement de 2011, 84,2% de la population déclare être catholique

13 Parish of the Travelling People, URL : www.ptrav.ie. Consulté le 10 mars 2014.

Ces mots [« Notre communauté chrétienne t'accueille avec grande joie », prononcés lors du Baptême] sonnent creux et vides de sens quand un enfant de la communauté du voyage reçoit ce sacrement d'appartenance. Car pour cet enfant comme pour ses frères et sœurs, son père, sa mère et toute sa famille, la bienvenue n'est pas ce qui est offert. À la place, on leur propose plutôt une vie où ils seront objets de crainte et d'hostilité, où ils feront l'expérience d'une exclusion totale. (Murphy et McDonagh, 2000)¹⁴.

Promotion du dialogue interculturel en paroisse : vers une inclusion intégrative

La Paroisse des Gens du Voyage permet l'expression d'un catholicisme identitaire. Elle s'adapte parfaitement à leur mode du croire, mais crée une dépendance et surtout une mise à l'écart « autre ». Cloisonnante, elle contient les *Travellers* dans une église qui leur est dédiée. Elle engendre un entre-soi dans une dynamique d'inclusion ségrégative (Absil, 2014).

C'est pourquoi, en 2004, cette dimension contreproductive amena l'Archidiocèse de Dublin à envisager sa fermeture (Martin, 2013). En effet, si les *Travellers* reconnaissent l'action menée par la paroisse et son engagement à leur cause, ils regrettaient de ne pouvoir bénéficier des mêmes services dans leur église de quartier et de ne pas s'y sentir le bienvenu. Leur besoin d'appartenance à l'Église au sens large n'était donc pas satisfait¹⁵.

Une enquête diocésaine fit le constat de leur faible implication au sein des Églises locales. Ce sondage mené auprès de 200 paroisses de la région de Dublin révéla que dans les 60 églises qu'ils fréquentaient et pour une population estimée à 12 000 fidèles, leur participation était anecdotique, comme le montre le tableau ci-après (Farrell, 2008) :

¹⁴ Article publié en 2000 sur le site Internet de la Paroisse des Gens du Voyage.

“These words have a hollow and empty ring to them when a Traveller child is brought to this ‘sacrament of belonging’. For this child and for their brothers and sisters, father, mother and all their family, welcome is not what is offered. Rather a life as objects of fear and hostility and the experience of an all-encompassing exclusion is given instead”. Traduction de l'auteure.

¹⁵ “Travellers want to feel welcome and a sense of belonging in their local parish, where they are living, and may well have lived for many years. They want their identity and culture as Travellers to be recognised and valued in local parish life. While the research shows the level of Traveller representation and involvement in local parish groups and ministries as extremely low, the Parish of the Travelling People is aiming, with the support of the Diocese and goodwill at local parish level, to significantly improve on this during the lifetime of this four-year initiative”. (Irish Bishops' Conference, 2008).

Activités	Nombre de paroisses concernées	Nombre de Travellers concernés
Conseil paroissial	1	2
Collecte du denier du culte	1	1
Enfants de chœur	3	Non spécifié
Entretien de l'Église	1	1
Groupe de prière – accompagnement des familles en deuil	1	1
Lecteurs	1	4
Ministre auxiliaire de la communion	1	1

Participation des Travellers aux activités paroissiales dans la région de Dublin en 2008

Les prêtres de paroisse interrogés ne proposaient pas de services pastoraux¹⁶ adaptés à la singularité de la culture catholique des *Travellers*¹⁷, soit parce qu'ils pensaient que les programmes en place étaient suffisants, soit parce qu'ils considéraient leurs dévotions comme des manifestations trop superstitieuses. Les *Travellers*, quant à eux, ne prenaient pas toujours en considération les contraintes des prêtres dans leur gestion de la vie paroissiale. Ils ne se reconnaissent pas dans la pratique commune et interprétaient la situation comme un rejet. Orienté par les directives du Conseil pontifical pour la Pastorale des Migrants et des Personnes en déplacement (Conseil Pontifical pour la Pastorale des Migrants, 2002), l'Archidiocèse de Dublin lança alors un plan quadriennal stratégique d'inclusion par la foi, la *Travelling towards Inclusion Initiative*, conçue pour promouvoir le dialogue interculturel (Irish

¹⁶ Célébration des baptêmes peu après la naissance des enfants et des mariages dans le respect des traditions de la communauté, célébration des funérailles hors des délais habituels, rites de protection et de guérison, célébration d'offices particuliers en dehors de l'église ; bénédiction de personnes, d'habitations, d'objets, de véhicules et d'animaux, visites des prêtres aux familles, aux malades ou aux détenus...

¹⁷ “The travelling people are our brothers and sisters. The Parish of the Travelling People provides specific services to them, but they belong in all our parishes, wherever they live at the time. They have their own traditions and identity and they have every right to keep those traditions whether they live, whether in a settled context or still travel as they ancestors have done”, (Irish Catholic Bishops' Conference, 2008).

Catholic Bishops' Conference, 2008). Porté par la paroisse St Ronan de Dublin, en collaboration avec la Paroisse des Gens du Voyage, ce projet-pilote, mené de 2008 à 2012, est aujourd'hui présenté à l'ensemble des paroisses comme un exemple de bonnes pratiques. Un « programme dit d'hospitalité » crée du lien social par des échanges et des discussions en apparence anodines, pourtant essentielles à une meilleure entente et à la remise en question des idées reçues. Ces moments de partage participent de la personnalisation des interactions et de la reconnaissance des individualités. Des activités, organisées régulièrement, soudent la communauté paroissiale par des expériences de foi collective intergénérationnelle. Des ateliers d'éducation interculturelle se déroulent dans un lieu non-conflictuel pour établir un dialogue serein avec l'altérité. Ils contribuent au changement global des mentalités par la découverte de la diversité, de la culture et des traditions de l'autre comme en témoigne Mary Maughan, membre de la communauté du voyage participant au dispositif : « Avant, j'allais à la messe et je rentrais chez moi sans avoir eu de véritables contacts avec les paroissiens sédentaires. Depuis ce programme, les choses ont changé, nous nous appelons par nos noms et nous discutons. Nous faisons tous des efforts, Travellers comme sédentaires, et la différence est énorme »¹⁸.

La paroisse St Ronan met en place une dynamique d'intégration par la rencontre, dans le respect et la valorisation des différences, présentées comme des richesses au sein d'une famille ecclésiale multiforme. La notion d'existence en Église, capital du point de vue de l'intégration, de l'identité personnelle et sociale, est au cœur du projet. Elle favorise le dispositif d'accueil de l'autre passant par un processus de changement du groupe. Accueillir la singularité réside dans l'acceptation d'autres codes de fonctionnement. Cette paroisse a su modifier les pratiques normées pour entrer dans une logique d'invention et de libre expression, de circulation de la parole et de partage des responsabilités, de la lecture de textes à la participation active aux conseils paroissiaux.

L'Archevêque Diarmuid Martin salua ce projet en 2013 et appela les autres paroisses¹⁹ à suivre le chemin du dialogue interculturel pour créer un environnement spirituel épanouissant et stimulant (Martin, 2013).

¹⁸ “Prior to the programme [I] went to Mass and came home with little or no contact with settled parishioners. However, after the programme, things have changed, we know each other by name and we chat. Both sides, Travellers and settled, are making an effort and the difference is huge”. (Parish of the Travelling People, 2014). Traduction de l'auteure.

¹⁹ A titre d'exemple de bonnes pratiques, la paroisse Cherry Orchard a organisé à l'occasion du Carême 2014 une série de rencontres hebdomadaires rassemblant une quarantaine de participants. Cherry Orchard Parish, URL : <http://www.cherryorchardparish.com/EmbracingInclusion.html>. Consulté le 26 avril 2015.

Conclusion

Compatissante et aidante, l'Église irlandaise se met au service de tous. La notion de communauté ecclésiale résonne dans ses discours et s'incarne dans ses actes. Cette politique est en pleine conformité avec la parole du Pape François. Pape des pauvres (Pigozzi et Madelin, 2013), il lutte contre toute forme d'exclusion et appelle à l'apostolat social par une pastorale de terrain et des « périphéries » (Mounier, 2013). Ce message papal conforte donc l'Église d'Irlande dans ses choix, en même temps qu'elle renforce l'impact de sa présence et de son engagement. Elle s'implique donc aujourd'hui dans un processus d'inclusion intégrative, dans un mouvement dynamique d'ouverture (Besnard, n.d.), pour que tous les fidèles célèbrent ensemble leur catholicité, au-delà de leurs différences.

L'Église contribue ainsi à l'éducation à l'altérité dont les enjeux dépassent le cadre ecclésial et démontre sa pertinence sociale. Ses discours sur l'égalité orientent ses pratiques et passent de la charité à la solidarité, du soutien altruiste à la démarche inclusive, de la reconnaissance de l'Autre à la formation d'une communauté paroissiale plurielle. La vie en Église, fondée sur une foi et des valeurs partagées, se fait creuset d'intégration. La paroisse, lieu communautaire de prière et d'échange, devient espace de rencontre, de socialisation et de dialogue interculturel pour un meilleur vivre ensemble.

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Feeling Irish enough: Shifting identities and the advent of the new Irish in Roddy Doyle's *The Deportees* (2007)

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Résumé

Depuis l'an 2000, Roddy Doyle a publié des nouvelles par épisodes dans *Metro Eireann*, hebdomadaire fondé en avril 2000 par deux journalistes nigériens et particulièrement destiné à la population immigrante et multiculturelle d'Irlande, en forte augmentation ces dernières années. Les huit premières nouvelles ont été publiées en 2007 dans un recueil intitulé *The Deportees*. Elles traitent des effets du changement rapide qui s'est opéré en Irlande, devenu un pays d'immigration et de diversité ethnique et culturelle. Ces nouvelles sont une façon de s'approprier cette nouvelle réalité, mais aussi de poser la question de ses effets secondaires et de ses conséquences en termes d'intégration, d'identité, de racisme, d'acceptation ou de rejet.

De l'absurdité de la mesure d'un taux d'irlandicité à la création utopique d'un groupe musical multiculturel, les personnages y sont confrontés aux stéréotypes et à leur déconstruction, ainsi qu'à l'obligation de composer avec un pays aux repères mouvants où la définition de soi semble être moins évidente qu'auparavant.

En tenant compte de la façon dont les Irlandais étaient considérés il y a à peine un siècle, on pourrait s'interroger sur un tel renversement des rôles, qui implique non seulement une redéfinition de l'identité nationale irlandaise, mais aussi la définition d'un nouveau processus : celui par lequel on devient irlandais. Faisant écho tout à tour aux points de vue, peurs et espoirs des immigrants comme des Irlandais de souche, ces nouvelles tentent d'exprimer la constitution d'une nouvelle unité nationale à travers la multiplicité des voix, des langues et des expériences.

Mots-clés : Irlande – identité – immigration – nation – cosmopolitisme

Abstract

Since 2000, Roddy Doyle has published short stories in instalments for *Metro Eireann*, a weekly newspaper founded by two Nigerian journalists in April 2000 and focusing on news about Ireland's growing immigrant and multicultural population. The first eight stories were published in 2007 in a book entitled *The Deportees*. These stories deal with the effects of the shift that occurred almost overnight in Ireland, from a country of emigration to a country of immigration and cultural-ethnic diversity. These stories are a way of appropriating this new reality, but also of questioning its side-effects and consequences: integration, identity, racism, acceptance or rejection.

From the absurdity of the measurement of a rate of Irishness to the Utopian setting up of a cosmopolitan band, the characters in these stories are faced with stereotypes and their deconstruction, but also with the obligation to deal with a country of shifting landmarks, where self-definition seems to be less obvious than before.

Bearing in mind the way the Irish were considered barely a century ago, we may wonder at such a reversal of roles which implies not only a redefinition of the Irish national identity but also the definition of a new process: the process of becoming Irish. Echoing in turn the points of view, fears and hopes of the immigrant or of the native Irishman, these short stories attempt to express the construction of a new national unity through a multiplicity of voices, languages and experiences.

Keywords: Ireland – identity – immigration – nation – cosmopolitanism

Introduction

In the year 2000, two Nigerian journalists living in Dublin launched *Metro Eireann*, a weekly newspaper presented as “the primary source of news and information on Ireland's fast-growing immigrant and ethnic communities” (metroeireann.com). When writer Roddy Doyle heard of the newspaper, he asked its founders if he could participate in the project and it was decided, as he recounts in the preface to *The Deportees*, that he would publish short stories in monthly instalments of 800 words. The first eight stories were published as a book, entitled *The Deportees*, in 2007. Doyle has continued writing for *Metro Eireann* and seven more stories have been written up to now, all available only on the website of the newspaper for the moment.

Roddy Doyle had two main objectives when he decided to write and publish these stories: first, to express the dramatic changes undergone in Ireland in the last few decades; secondly, to deconstruct racist stories he had heard and propose stories of encounter and cosmopolitanism instead. All the stories in *The Deportees* actually work along the same principles, summed up by Doyle in the preface: “Someone born in Ireland meets someone who has come to live here” (Doyle, 2007: XIII). The short stories published after 2007 still work along the same principles, though they take into account the post-crisis situation in Ireland and its accompanying consequences and problematics, which do not appear yet in the stories of *The Deportees*.

This paper focuses mainly on five of the eight published stories whose themes and motives are actually representative of the collection as a whole. Through encounters between natives and immigrants, or “old and new” as he also phrases it, Roddy Doyle explores the possibilities of a country and a nation considered as works in progress, confronted with constant evolutions and shifts in their definitions and compositions. What is at stake is actually less the sharing of a common territory or of the national wealth than the impact of this situation on the consciences and behaviours of the populations. Each of the stories is a possible answer to the same central question, almost reminiscent of the *Lettres Persanes*: how do you become Irish? Indeed, if being Irish may seem to be a given, the characters in the stories, be they Irish or immigrants, all go through processes of self-definition and re-definition which seem to point out that the Irish themselves have to come to terms with the new Ireland they live in and must therefore become Irish again, find ways to fit into the cosmopolitan present reality while at the same time reconnecting themselves to the essence, rather than biased representations, of Irishness.

From the 1990s onwards, Ireland “went sexy” (Doyle, 2007: 213), in the words of Declan O’Connor, the main character of “Home to Harlem”, the seventh short-story in *The Deportees*. This ‘sexiness’ of the country refers to its renewed attractiveness in the eyes of both the Irish themselves and people outside Ireland. Indeed, the rebranding of Ireland as a place of innovation, entrepreneurialism, cosmopolitanism and overall energy changed the vision the Irish had of their country but also of their own national identity, a shift which has been accompanied by the arrival of a growing number of immigrants, attracted by the opportunities offered by the Celtic Tiger.

Roddy Doyle’s short stories are actually ways to deal with this shift, not only to define and explain this new spirit sweeping contemporary Ireland, but also to appropriate it. In the preface to *The Deportees*, Roddy Doyle explains that what made him want to write these stories was the almost overnight change that Ireland had just undergone: “It happened, I think, some time in the mid-90s. I went to bed in one country and woke up in a different one. That was how it felt, for a while. It took getting used to» (Doyle, 2007: XI). This impression, which he shared with a whole generation of Irish people, had actually been at the back of his mind for some time, as can be read in an interview given in 1996 and published in Gerry Smith’s *The Novel and the Nation* (1997):

So I suppose a lot of people, including writers, around this age are looking around and thinking, “Jesus Christ, we’re living in a different country”. For anybody living in Ireland, particularly in the last five years, it’s not just an economic thing. It’s cultural, religious, social, every aspect. You should bring your passport to bed with you because you’re going to wake up in a different place. (Smith, 1997: 102)

The short stories are actually not only about the confrontation between immigrants and natives, but also about the natives’ – and the author’s – feeling of foreignness, of alienation in their own country. Indeed, the Irish characters in these stories are all coming to terms with a new version of Ireland, and their encounter, confrontation or union with foreigners metaphorically express their solving, or trying to solve, the issue of their own alienation.

The writing of these short stories corresponds to a specific, almost political project: through them, the writer actually takes part in the reflection on the changes Ireland has undergone and the act of writing therefore becomes an act of citizenship, in keeping with the “integrationist, celebrate-difference” (Reddy: 2005) editorial project of *Metro Eireann*. This political dimension is all the more present as the stories were written and published during a period when Irish society questioned its own capacity to integrate these new arrivals. These questionings especially

found expression in the 2004 Citizenship Referendum “in which, at a majority of four to one, the Irish electorate voted for the removal of birthright citizenship to children of migrants” (Lentin, 2007: 610). As explained by Ronit Lentin, who is also a contributor to *Metro Eireann*, this referendum aimed at amending article 9 of the Irish Constitution “to remove birthright citizenship from children born in Ireland who do not have at least one parent who is an Irish citizen or who is entitled to Irish citizenship” (Lentin, 2007: 611). The organization and results of this referendum are considered by Ronit Lentin as symptoms of a racialisation of the Irish State’s policy on immigration, with a definition of citizenship that implicitly includes ethnic origins, while at the same time racism is still considered as a marginal phenomenon in Irish society. This is recalled by one of the founders of *Metro Eireann*, Chinedu Onyejelem, in an interview given to Maureen Reddy:

Onyejelem reminded me several times that various government officials and powerful pundits keep insisting there is no racism in Ireland, or, at most, they assert that racism is a new phenomenon that arrived with the wave of immigrants of colour, thereby subtly blaming racism on its targets. (Reddy, 2005)

This contradiction is at the heart of the project of *The Deportees* through which Doyle proposes other definitions of citizenship in Ireland, based on the key concept of encounter, as the encounter with the Other is the ultimate test against which racist prejudices can actually be revealed, but also deconstructed. The structure of *The Deportees* itself mirrors this idea of an encounter which eventually leads to fusion and the promise of a renewed definition of Irishness: in the first story, “Guess Who’s Coming for the Dinner”, Larry Linnane meets a young Nigerian, whom he wrongly believes is the boyfriend of one of his daughters. The fusion or hybridization feared by Larry, which elicits upsetting racist feelings in him, is only fantasized and disappears when Larry realizes the true nature of his daughter’s relationship with the young Nigerian. The final acceptance of the Other in this story is therefore peaceful but separate co-existence: the newcomer is considered as equal, but both native and newcomer remain in their respective private environments. This is not the case in the last story of the collection, entitled “I Understand”, in which Tom, an illegal immigrant in Dublin harassed by a man who wants to exploit his uncertain situation, falls in love with Ailbhe and eventually seeks refuge at her home. The last lines of the story, which are also the last lines of the book, end on Ailbhe’s invitation to Tom to come in, thus metaphorically referring to Ireland – the Land of a Thousand Welcomes – letting in those who seek refuge on its shores, but also to the fusion of native with newcomer:

- So, she says. – Do you remember my name?
 – Yes, I say.
 Kevin told me. I wrote it on my sleeve.
 – Yes, I say. – Your name is Ailbhe.
 – Ten out of ten, she says. – Enter.
 – Please, I say.
 I look at the street. I look at her.
 – I might be in danger, I say.
 – I like the sound of that, she says. – Come in. (Doyle, 2007: 242)

Chronologically speaking, “I Understand” is not the last story published by Doyle in *Metro Eireann* before the publication of the collection: it was actually the fourth story, published between the end of 2003 and the beginning of 2004, just prior to the Citizenship Referendum. Placing it at the end of the collection and therefore having the book end on those two simple words, “come in”, is akin to a kind of manifesto, even a vote, through the voice of Ailbhe whose very name, which means ‘white’ in Irish, refers to a nation who refuses to define itself through ethnic criteria and is not afraid of hybridization. Indeed, when Tom asks Ailbhe what her name means, she does not give him the actual meaning of Ailbhe, but answers: “It’s Irish for the Slut Who Drinks Too Much at the Weekends” (Doyle, 2007: 232), thus humorously reinventing the meaning of her name according to her own self-derisory definition of herself. Her name, however, serves as a kind of password to enter her home, a sesame which is not based on etymological meaning but rather on a redefinition of what the name means according to the shared experience and private jokes of Tom and Ailbhe. By doing that, Doyle operates a kind of translation as defined by Seamus Deane in the introduction to *Nationalism, Colonialism and Literature*:

By [translation] I mean the adaptations, readjustments, and reorientations that are required of individuals and groups who have undergone a traumatic cultural and political crisis so fundamental that they must forge for themselves a new speech, a new history or life story that would give it some rational or coherent form. (Deane, 1990: 14)

By reinventing the meaning of Ailbhe’s name, by giving it a new dimension, Tom and Ailbhe are actually forging a new speech and entering a new, hybridized life story, all the more so as Tom’s name itself is an empty shell that needs to be defined anew. When he first meets Ailbhe and gives her his name, it appears that Tom may not be his actual, or original, name:

- She laughs at Kevin, and she smiles at me. I do not know which is more significant, the laughter or the smile.
 – What’s your name? She asks.
 Perhaps the smile. I hope so.
 – Tom, I say.
 I have many names.
 – Oh, she says. – I was expecting something a bit more exotic.
 (Doyle, 2007: 231)

Tom seems to be a chosen rather than a given name, the last in a series of names which had succeeded each other from his traumatic childhood in Africa, where he was a child soldier, to London where he first stayed and Dublin where he intends to remain. Having many names also makes him the allegory of the immigrant, as he is himself and all of them at the same time, thus taking on the same symbolic dimension as Ailbhe for Ireland. Therefore, choosing to place this short story at the end of the collection clearly marks an evolution in Doyle’s definition of the encounter, which passes from acceptance of the newcomer through the viewpoint of the native, written in the third person, to fusion with the newcomer through the eyes of the newcomer himself, in the first person, leading to what Maureen Reddy terms a “shift in perspective”:

With this fourth story, Doyle decentralizes white Irish perspectives and consciousnesses, requiring his white Irish audience to imaginatively inhabit an African self. This shift in perspective is daring and politically significant, as here we have a fully-realized Other who refuses to be Other. White Irish readers are asked to look at the Irish context differently, to move outside their comfort zone to a place where whiteness and Irishness are neither central nor normative. (Reddy, 2007)

This shift in focalization actually forces the reader to merge into Tom’s conscience and become a hybridized reader, thus enacting through his/her reading the political project which underlies Doyle’s short stories.

In facilitating both encounter and hybridization through his writing project, Roddy Doyle actually acts as *proxeni*. According to Julia Kristeva in *Étrangers à nous-mêmes* (1988), the *proxeni* was an intermediary, in ancient Greece, between newcomers to a city, an immigrant community for instance, and the citizens. The *proxeni*’s role was to submit to the representatives of the city the immigrants’ supplication, i.e. request to settle, permanently or not, on the territory of the city. Following the same pattern – an encounter between a native and a newcomer – the stories all illustrate a form of supplication. However, it is not only the immigrants who metaphorically submit a request to be accepted in a new country, but also the natives themselves, who crave acceptance in a country which has become somewhat foreign to them.

The form of the writing itself, the short story, may be considered as a tool to appropriate this radically different country. In the words of Declan Kiberd in “The Celtic Tiger: A Cultural History” (*The Irish Writer and the World*), “The pace of change may be just too fast for most [Irish writers], for it is never easy to take a clear photograph of a moving object, especially when you are up close to it. Nothing, after all, is more difficult to realise than the present – we are always at its mercy more than we are its masters” (Kiberd, 2005: 276). According to Kiberd, contemporary writers are actually more likely to express present changes through a return to the past, notably through autobiography and a journey back to the more stable and apprehensible Ireland of their past. On the other hand, Roddy Doyle’s short stories are in a way snapshots of the present, and the form of the short story may be the most adequate to capture the present and its instantaneousness, all the more so as the stories are written in instalments of 800 words and published in a kind of just-in-time fashion, which could be seen as a way to try and master the present, or at least to keep up with its pace.

The arrival of numerous immigrants in Ireland has had of course a direct impact on the definition of the Irish nation and on the issue of the integration within the nation of these new Irish. In *The Deportees*, this reflection is particularly dealt with in the story entitled “57% Irish”, in which Ray Brady is offered a quite peculiar job by the corrupt Minister for Arts and Ethnicity: to invent a device which would make it harder for newcomers to become Irish. Ray is a PhD student in sociology and he has been obsessed with the same question since the 2002 World Cup: how do you measure Irishness, an idea which came to him after Ireland had scored against Germany:

[...] Ray had hugged and kissed maybe fifteen people in the pub, and he’d found himself in the arms of a big lad from Poland. And he’d wondered. Why was this guy hugging Ray? Kissing his forehead. Punching the air. Throwing his head back and singing. YOU’LL NEVER BEAT THE EYE-RISH [...]

Why?

Because his own team was shite? [...] Because he’d been in Ireland a while and felt that he was one of the gang? Because he wanted to feel that way?

Why?

How did you measure nationality? (Doyle, 2007: 100–101)

Ray Brady therefore devises a computer-processed test, called the Failte Score, which measures the newcomers’ rate of Irishness, i.e. identity reduced to quantifiable data. Presented as scientifically objective, it is actually programmed so that the final results are decided by the authorities. Ironically, ‘fáilte’ means ‘welcome’, and we

may also detect a pun with the verb ‘to fail’ and the adjective ‘faulty’: the Failte Score is therefore in reality the test which rejects instead of welcoming and which on top of that is meant to be failed, it is “success and failure pre-ordained” (Doyle, 2007: 112). Through this test and the questionings that it gives rise to, “57% Irish” is both another echo to the debates in Ireland around the questions of citizenship and national identity caused by the arrival of numerous immigrants and an illustration of what Ronit Lentin terms a “racial state”:

[Racial states] exclude in order to construct homogeneity [...] while appropriating difference through celebrations of the multicultural. The racial state is a state of power, asserting its control over those within the state and excluding others from outside the state. Through constitutions, border controls, the law, policy making, bureaucracy and governmental technologies such as census categorizations, invented histories and traditions, ceremonies and cultural imaginings, modern states, each in its own way, are defined by their power to exclude (and include) in racially ordered terms, to categorize hierarchically, and to set aside. In the modern state, race and nation are defined in terms of each other to produce a coherent picture of the population in the face of a divisive heterogeneity. (Lentin, 2007: 612)

The Minister for Arts and Ethnicity clearly embodies this ambivalence of the racial state, with an official title referring to both tradition and multiculturalism and an actual policy which aims at controlling and excluding any heterogeneous threat. Behind the absurdity and humorous tone of the story there actually lies a fundamental worry: that of seeing Ireland evolve into a dystopia and a racist – if not racist – nation-state imagining itself by itself rather than by integrating new elements of self-definition. In “I Understand”, Tom and Ailbhe’s names were empty shells redefined by encounter and hybridization and their names take on new, future-oriented meanings. In “57% Irish”, the empty shell of the Minister’s title must remain empty and be used only as a decoy to better exclude what could threaten a fantasized status quo.

In a somewhat Orwellian fashion, “57% Irish” is a criticism of the absurdity of the administrative handling of immigration, an absurdity beginning with the idea of quantifying Irishness or with the title of the ministry itself, arts and ethnicity being put in the same bag, so to say. However, if the title may sound absurd, linking arts and ethnicity actually refers to the wider problematic of the links between culture and nation that are at the heart of the concept of cultural nationalism. According to Gerry Smith in *The Novel and the Nation* (1997), there are two forms of cultural nationalism: one is past-oriented whereas the other is future-oriented. The first form – past-oriented – contends that: “[...] the kinds of artefacts and narratives

produced by individuals and communities are related to the peculiar national system of social organisation, political order and historical identity from which they have emerged” (Smith, 1997: 15).

The second form – future-oriented – considers culture as a way to give form to a political nation that is yet to be constituted, which corresponds to the project of *The Deportees* as a whole. The Failte Score is obviously based on the first definition of a past-oriented cultural nationalism which implies a narrow definition of the Irish national identity. Indeed, the Failte Score tests the rate of Irishness of the newcomers through exposure to elements of stereotyped Irish culture, i.e. “The best and the worst of Ireland, a jagged line of green hills and bared arses, fiddle and feedback” (Doyle, 2007: 114), plus images from video clips of Irish bands and of an Irish porn star. This Prévert-style inventory is supposed to reflect the essence of Irishness, the common cultural patrimony shared by the whole nation and which should therefore be shared as a prerequisite by the immigrants as well. However, this essence, which Declan Kiberd terms the “essential unity” of a nation, is actually a claim, an illusion: “Nations are in fact a response to the hybrid nature of living conditions, yet for all their claim to essential unity, they create even further hybridities” (Kiberd, 2005: 313).

The minister and Ray are in fact fully aware of this illusion and the Failte Score is used for political purposes, as the minister does not agree with the official immigration policy of his government and wants to maintain a conception of nationalism in its most conservative form. The past-oriented minister is therefore the embodiment of ‘old’ Ireland and of a conception of the nation as a coherent ethnic and cultural entity, but he is also the representative of a colonial spirit inherited from pre-Independence Ireland. Indeed, though he wants to make it harder for immigrants to become Irish, the minister still literally cashes in on the situation, as he rents slums to newly arrived immigrants, therefore re-enacting a coloniser-colonized relationship. In this respect, “57% Irish” also tackles the issue of post-colonialism in Ireland and its impact on the way the Irish see themselves. Indeed, the Minister’s vision of Ireland is based on stereotypes inherited from the colonial period and which have been interiorized, thus forming an identity trap, a closed and excluding system of identification which cuts the Minister from any other possibility of definition. However, questioning this closed system, symbolized in the story by the endless projection of ‘authentic’ Irish pictures which seem to echo the shadows projected on the walls of Plato’s cave, is the only way to actually be able to step out of the cave and re-define identity, as explained by Seamus Deane in the introduction to *Nationalism, Colonialism and Literature*:

In the attempted discovery of its ‘true’ identity, a community often begins with the demolition of the false stereotypes within which it has been entrapped. This is an intricate process, since the stereotypes are successful precisely because they have been interiorized. (Deane, 1990: 12)

As for Ray Brady, whose girlfriend is Russian, he finally demolishes the false stereotypes, the false idols of a past-oriented Ireland, from the inside and chooses another definition of the nation, as he decides in the end to reprogramme the Failte Score so that almost everybody passes it. Ray is actually quite representative of other Irish characters in *The Deportees* in so far as he chooses to live in the Ireland of the present instead of remembering the idealized Ireland of the past or reproducing patterns of colonisation or exploitation of those who would not correspond to a past-oriented definition of Ireland. Ray becomes Irish again out of choice and not by inheritance, just like an immigrant would do.

A nation’s capacity to integrate hybridity is at the heart of “Home to Harlem”, whose title itself indicates the shifting definition of the notions of home and homeland. Declan O’Connor, the main character, is both black and Irish: he was born in Dublin, but his unknown grandfather was a Black-American from Harlem. His mixed origins, the colour of his skin, lead him to question both his own identity and his belonging to a wider Irish national identity, a ‘we’ in which he does not quite recognize himself as he feels “less Irish” or “not Irish enough” (Doyle, 2007: 212). Through his quest for his grandfather, Declan is first past-oriented, looking for the origins of his apparently contradictory identity. Besides, he considers that the place of his origins is Harlem, which he terms as “the land of his ancestors” (Doyle, 2007: 180) and not Ireland where he was born: he is therefore looking for a self-definition which would come from both outside the present and outside his native country. Declan expresses this process of self-definition by identifying with the writing process of the American poet Langston Hughes: “I like the way he can be inside and outside. [...] It’s like being Irish [...]. And it’s like being black and Irish” (Doyle, 2007: 192–193). The notions of ‘inside’ and ‘outside’ are also geographically illustrated in “Home to Harlem”: having decided to settle in New York, Declan is estranged from Ireland and confronted with a country where he is a foreigner, which actually serves as a catalyst for the definition of his Irishness. First using Irishness and Irish stereotypes as a pose, notably to seduce a young woman to whom he gives “the whole Irish bit” (Doyle, 2007: 195), he follows both a geographic and spiritual path which progressively leads him towards a true reconnection to his identity as an Irishman. This evolution is close to the one experienced by Ray Brady in “57% Irish”, as it starts with the affirmation of a stereotyped, borrowed identity and ends with a demolition-reconstruction process leading to the appropriation of a renewed sense of identity and belonging.

According to Declan Kiberd, nations are “necessarily fictive” in nature, as they produce a swaying discourse which is “open to endless renegotiation” (Kiberd, 2005: 314). Declan is a nationless character because he does not have a national fiction into which he can fit: Declan is “other”, as mentioned on his registration form for college in the ethnic origins section and enters a quest for his origins and identity, the Grail in this case being the ‘we’ he craves for. The short stories in *The Deportees* actually focus on the others of and in Ireland, mostly immigrants, but also on the otherness felt by the Irish themselves; Declan stands somewhere in between these two groups, as he is the other of both, a hybridized Irish confronted with narrow definitions of Irishness. Such a definition, which he refuses to apply to himself, was that imposed on his mother’s generation: “When she grew up, back then in Ireland, you were Irish or you weren’t, one thing or the other. You couldn’t be both; you couldn’t be black. Has it changed? He doesn’t know. When he’s here [in the US] he thinks so. When he’s there [in Ireland] he’s not so sure” (Doyle, 2007: 203).

Just like Ray Brady in “57% Irish”, Declan is torn between a past-oriented definition of Irishness into which he does not fit and a future-oriented, but still to be defined reconstruction of both the individual and national identities. His way of solving this identity issue is to do research work on the alleged influence of the Harlem Renaissance on Irish literature and through this to find a fiction of identity to which he could finally belong, even if it means lying and inventing links and influences where there have never been any: “Declan would prove that Harlem had kick-started Ireland’s best writing of the twentieth century – or at least some of it. And, if he couldn’t do it, he’d cheat; he’d make it up. Yeats had died clutching his copy of *The New Negro*. Beckett never went to the jacks without *The Souls of Black Folk* under his arm” (Doyle, 2007: 181).

Creating a fiction of his own which would ensure him to find his place in the wider national fiction is in fact the first step in Declan’s quest, the temptation of a delusion which would stand for identity. But this only makes him aware of the delusive nature of what stands for Irishness: “That’s what being Irish is a lot of the time, passing for something else – the Paddy, the European, the peasant, the rocker, the leprechaun. It’s sometimes funny; it’s sometimes dangerous and damaging. And then there’s being black and Irish» (Doyle, 2007: 201).

Declan inserts himself in a filiation of delusion, of stereotyped representations of Irishness: it is finally through misrepresentations of what being Irish is that he can begin to define his own contradictory Irishness, thus enacting the demolition process defined by Seamus Deane. He is himself a misrepresentation, like all Irish people. It is therefore not through a sterile attempt at finding a hybridized origin which would explain him, but through the parallels between the African-Americans and the Irish that he can achieve the unification of his own hybridized identity: “It’s the parallels he’s interested in now, black and Irish – what they mean, and the literary

fight on both sides of the Atlantic. That’s what he’ll work on: himself” (Doyle, 2007: 201). Irish literature and the Harlem Renaissance question the same problematic national ‘we’ and Declan becomes aware that “They are both in [him]” (Doyle, 2007: 213). Declan’s quest is therefore not a quest for answers, for the answer to the question of his origins, but on the contrary a quest for questions, for a perpetual questioning of his individual and national identity, an “endless renegotiation” in the words of Declan Kiberd, which instead of condemning him to a fixed but illusory form of identity which would not guarantee him any sense of belonging, will allow him on the contrary to exist as a black Irishman, in a dynamic, future-oriented and therefore constructive self-definition. In *The Deportees*, each story is actually a way to define a new, sometimes idealized ‘we’, a project to pave the way through fiction for a new definition of a cosmopolitan Irish identity.

As one of the symptoms of change in the country, cosmopolitanism and the image of an Ireland both open to the world and welcoming the world on its shores is one of the recurring motives of *The Deportees*. In “Guess Who’s Coming for the Dinner”, the first of the eight short stories, fifty-year-old Larry, the main character, shares in this feeling of cosmopolitanism and the feeling of being sophisticated which goes with it. Larry belongs to the generation who witnessed the change and is fully aware, but also proud of it. This is especially the case when he drives on the Artane roundabout in suburban Dublin, which symbolizes in Larry’s mind the modernity and sophistication of Celtic Tiger Ireland: “Every time Larry drove onto and off that roundabout, he felt modern, successful, Irish” (Doyle, 2007: 3). The roundabout, with its traffic, noise, and unending movement, stands in Larry’s mind for Ireland itself, perpetually on the move, perpetually busy, a kind of merry-go-round of modernity. But it also leaves an impression of dizziness, of a reality seen through the misty eyes of intoxication and is not without recalling the projected pictures of ‘true’ Irishness in “57% Irish”. In fact, Larry’s cosmopolitanism is first experienced within the walls of his own idealized world: he is proud of his open-mindedness and tolerance, of the fact that his daughters can talk of any subject in front of him, but it is only through his daughters’ conversations that the outside world comes to him: “What Larry really loved was the way the girls brought the world home to him. Every morning at breakfast, and when they came home for the dinner, before going out again, they talked and shouted, all of them together [...]” (Doyle, 2007: 3). The constant movement and noise of his daughters in the house remind Larry of the Artane roundabout, which reinforces the impression of a small world spinning on its own axis but shut down from the wider outside world. Larry’s daughters are fully and self-confidently part of the new Ireland and they give him the illusion that he is part of it too, while he actually experiences it second-hand. The setting of this short story, the intimacy of Larry’s family, is actually a typical means of expressing wider social or cultural changes in contemporary Irish literature, as explained by Susan Cahill in *Irish Literature in the Celtic Tiger Years 1990–2008*:

These issues relating to sexuality, gender roles, the conflict between history and memory, and constructions of identity find a potent gathering point in the trope of the family and indeed, representations of the family, and the complex bonds that constitute it, are major themes that re-emerge in contemporary Irish fiction. (Cahill, 2012: 18)

All the ingredients listed by Susan Cahill are actually present in “Guess Who’s Coming for the Dinner”: the disruption caused by the arrival of a young Nigerian man into the life of the family leads to a questioning of identity and roles which metonymically reflects wider questionings on the disruptive potential of immigration within Irish society. The use of such metonymies actually appears several times in Doyle’s stories, and writing on what happens when newcomers encounter natives in the context of small communities or family units is akin to looking at Irish society as a whole through a microscope, studying the cells to better understand the functioning – or dysfunctioning – of the whole organism.

Cosmopolitanism as a sophisticated varnish and the experience of cosmopolitanism, of actually sharing the space of the city or the intimate sphere with foreigners are not on the same plane as Larry realizes when, in his own words, his daughter “Stephanie brought home the black fella” (Doyle, 2007: 3). Cosmopolitanism and the confrontation to the other actually mean the apparition of doubts and prejudices, as well as questionings on one’s own capacity to accept the other in his/her difference. Cosmopolitanism means, almost literally, the disappearance of the limits of the city, which becomes instead an open space of mixity and hybridization. The city is consequently likely to merge into the wider world and to lose its dimension of closed and hence reassuring space. Likewise, the walls of Larry’s own imagined city seem to crumble down with the arrival of the “black fella”. Indeed, Larry is first loath to meet this Nigerian man, whom he wrongly believes to be the boyfriend of one of his daughters. His unwillingness to meet Ben, the Nigerian, contradicts what Larry had thought about himself up to that moment: the certainty that he was a modern, open-minded father is suddenly shattered by a feeling of rejection that he has difficulties understanding and defining. His openness appears to be paradoxically confined to a closed territory. In fact, Larry, just like his city, is torn between cosmopolitanism and provincialism, between the boundless territory of the metropolis and the enclosed space of the (post-)colonial town. According to Fredric Jameson, in his contribution to *Nationalism, Colonialism and Literature*, this difference in the apprehension of the space of the city appears characteristically in literature in the way encounters between characters are treated, as he shows by contrasting London and the Dublin of Joyce’s *Ulysses*: “London [...] is an agglomeration (and metropolis) in which such encounters are sheer coincidence; Dublin is a classical city in which they are not merely normal but expected” (Jameson, 1990: 62). However, what occurs in Larry’s life is the abnormal and the unexpected, at least in his own experience. Indeed, when he hears of Ben for the first time, Larry “couldn’t have been more surprised,

and angry, and hurt, and confused” (Doyle, 2007: 5), a mix of feelings which he does not control, even though when he actually meets Ben and shakes hands with him, Ben’s hand is “[t]he first black hand Larry had ever shaken. He felt sophisticated...” (Doyle, 2007: 11). This handshake, which for Larry is literally a first-hand experience of cosmopolitanism, is almost presented as a close encounter of the third kind, as the meeting of two worlds which do not understand each other, but also as Larry’s confrontation with his own contradictions. Post-colonial Dublin has become a cosmopolitan metropolis and this shift is metonymically reproduced in Larry’s individual experience. The ‘classical’ or ‘colonial’ city of Dublin, as Jameson terms it, with its village characteristics of expected encounters – and where chance encounters are of a rather dubious nature, as illustrated in “An Encounter”, the second story of *Dubliners* – has been replaced by a more unstable and open space in which encounters are made in a more random manner. By placing the concept of encounter at the heart of his stories, Doyle actually writes back to Joyce and proposes a more porous urban space, cleared of its post-colonial characteristics and open to randomness and the acceptance of such changes.

As in Larry’s case, the encounter and confrontation with the other as foreigner begins with a confrontation with one’s self. For Larry, it leads to self-analysis:

All week, he’d had to think, and ask himself rough questions.
[...] But it was a long time since a question had made him squirm. And he’d been squirming all week.
He wasn’t a racist. He was sure about that now, positive – he thought. When he watched a footballer, for example, he didn’t see skin; he saw skill.
[...] There wasn’t a racist bone or muscle in his body, nothing tugging at him to change his mind about Stevie Wonder or Thierry Henry because they were black. [...]
But, why then? Why didn’t he want a refugee in the family?
(Doyle, 2007: 8)

Larry tries to rationalize his feeling of rejection, to prove to himself as well as to his family that he is, in his own words, “an honest man” (Doyle, 2007: 9). However, and in spite of his not finding any trace of racism in himself, Larry cannot come to terms with the situation he is confronted with, still feeling deep within himself an irreducible refusal, or fear, to accept Ben’s presence. This confused feeling is an example of what Declan Kiberd terms “the fear of hybridisation” in “Strangers in their own country; multiculturalism in Ireland” (*The Irish Writer and the World*). Kiberd defines the fear of hybridisation as “a terror in the face of potent but repressed forces within one’s own culture” (Kiberd, 2005: 310), i.e. a reaction to the potential jeopardizing of a culture by new, alien elements, a motive which can be found in other stories of *The Deportees*, like “57% Irish” with the position of the Minister on

Irishness. However, contrary to the Minister, who embodied the political stance of a racist state, the insecurity that Larry feels in front of Ben is not a manifestation of racism as such, but rather a symptom of the changes undergone by Ireland and being echoed in Larry's unconscious. Cosmopolitanism implies a sense of loss, the loss of familiar landmarks which may shake the self on its foundations: what Larry experiences without being fully aware of it for the moment, and somatises through his 'squirming', is that he does not really belong any more, that his way of seeing and handling the world no longer fits in, no longer corresponds to the present context. In the words of Roddy Doyle in the preface, Larry needs a passport to re-enter Ireland.

As can be seen in Larry's case, the fear of hybridisation is also a terror in the face of repressed forces within one's own self. Indeed, according to Julia Kristeva in *Étrangers à nous-mêmes*, the foreigner is the hidden face of our identity, but he/she disappears as a foreigner when we accept to see ourselves as foreigners, to recognize the foreigner within ourselves:

Étrangement, l'étranger nous habite : il est la face cachée de notre identité [...]. De le reconnaître en nous, nous nous épargnons de le détester en lui-même. Symptôme qui rend précisément le « nous » problématique, peut-être impossible, l'étranger commence lorsque surgit la conscience de ma différence et s'achève lorsque nous nous reconnaissons tous étrangers, rebelles aux liens et aux communautés. (Kristeva, 1988: 9)

In Larry's case, it is sympathy and empathy which help bridge the gap between 'foreigner' and 'we' by rubbing off his own alienation, the estrangement imposed on him by his own closed, or pseudo-open, world. The feeling of empathy is triggered by Ben's talking about the abduction and disappearance of his sister in Nigeria, which Larry links in his mind to a report he had seen on abductions in Latin America and which had deeply marked him. By making this link, Larry actually bursts the boundaries of his own self, becomes part of a common global suffering. He becomes other and hence able to feel connected to Ben, which corresponds to Julia Kristeva's notion of "being other": "*Vivre avec l'autre, avec l'étranger, nous confronte à la possibilité ou non d'être un autre. Il ne s'agit pas simplement – humanistement – de notre aptitude à accepter l'autre ; mais d'être à sa place, ce qui revient à se penser et à se faire autre à soi-même*" (Kristeva, 1988: 25). Larry actually becomes other, he has integrated the hybridized nature of his identity and therefore he becomes able to commune with Ben. This epiphany of Larry's actually announces the experience that the reader will have when reading the last story of the collection, "I Understand", written in the first person and in which the reader actually communes with a black man by having direct access to his thoughts and consciousness. Indeed, in this last story, "readers cannot refuse to share Tom's perspective because if they do, there is nowhere else for them to stand" (Reddy, 2005). In exactly the same way, Larry cannot refuse to

share Ben's perspective, because it is the only human thing to do – or "humanistic" in the words of Kristeva. In "Guess Who's Coming for the Dinner", this communion is symbolized in the last lines of the story by Larry asking Ben where he can buy Ben's perfume, ironically called 'Towering Ebony'. The perfume, which Larry first considered as proof that Ben had something to hide (Doyle, 2007: 12), becomes literally and symbolically the common essence that he and Ben are now sharing. Ben actually reveals Larry to himself which, according to Declan Kiberd, is part of what the new immigrants bring with them, as they "provid[e] a priceless service, reconnecting people with their own buried feelings" (Kiberd, 2005: 318).

This reconnection to the self, be it national or individual, through the intervention of the foreigner is particularly dealt with in the short story "The Deportees", which gives its title to the whole volume. "The Deportees" is the name of a cosmopolitan band formed by Jimmy Rabbitte, who was already the main character in Roddy Doyle's first novel, *The Commitments* (1987). In *The Commitments*, Jimmy Rabbitte formed a soul music band composed of musicians and singers from a Dublin working-class background. The aim of that band was to give soul to Dublin. "The Deportees" follows the same kind of pattern with, this time, the formation of a band exclusively composed of immigrants, travellers or bi-nationals. "The Deportees" is both a kind of sequel to *The Commitments* and a re-writing of the novel, almost an updating taking into account the new context of contemporary Ireland: like Declan renegotiating his own identity, Doyle seems to have renegotiated his own writing, questioning the validity of what is claimed in *The Commitments* by re-evaluating it in "The Deportees", thereby accepting and revealing the hybridity of his own creative identity as an Irish writer.

Just as the band in *The Commitments* stood as an allegory of the soul of Dublin, the band in "The Deportees" is a metaphor of cosmopolitan, multicultural contemporary Ireland. However, the theme of alienation was already present in *The Commitments*, as Jimmy Rabbitte says of the Irish, especially the working-class Irish, that they are the "niggers of Europe" (Doyle, 1998: 9), a line which directly refers to both the still existing relative poverty of Ireland at the beginning of the 1980s and racial theories of the 19th century advocating a genetic proximity between Africans and Irish as sub-human races. Using again the character of Jimmy Rabbitte and the plot of *The Commitments* therefore serves as a kind of reminder of the way the Irish themselves were seen not so long ago and how their otherness was stigmatised and used against them. This is also directly referred to in the ad Jimmy Rabbitte publishes in order to find members for his cosmopolitan band, where he mentions that "White Irish need not apply" (Doyle, 2007: 36). This echoes American job ads from the end of the 19th and beginning of the 20th centuries in which mentions like "No Irish need apply" could be read. In Jimmy Rabbitte's ad, the discrimination is reversed, as preference is given to non-natives, but at the same time, these non-natives – or non-whites – are seen as representative of Ireland: the Irish are not discriminated

against this time, but contested as an all-white nation. Here again, we can read as a watermark a form of political manifesto and the questioning of a nation which is tempted by a self-definition as 'white' at the same time as its very composition is being modified by immigration. Such issues were particularly raised at the time of the Citizenship Referendum, with the consequence that "for the first time the Irish in Ireland became 'white', and Irishness became equated with whiteness precisely when it became increasingly difficult to make this equation" (Lentin, 2005: 613). Jimmy Rabbitte's equation is the exact opposite of this racial vision of Ireland and his band, whose name itself refers to the political issue of immigrant deportation, is actually both an artistic and a political project. The band is therefore not only a mirror of contemporary multicultural Ireland, reflecting only the mere appearance of its mixed population, but it is also the embodiment of a vision and definition of the nation as cosmopolitan in essence: white Irish need not apply because claiming to be white Irish, i.e. linking nationality, cultural identity and race, is a political and ideological positioning which actually contradicts the cosmopolitan dimension of the Irish identity.

In fact, Irish identity had been cosmopolitan for a long time, well before the 1990s, be that as part of the United Kingdom and the British Empire or through its diaspora. In the words of Declan Kiberd, "Ireland [...] always was multicultural, in the sense of eclectic, open, assimilative" (Kiberd, 2005: 312). However, such cosmopolitanism was rather a projection of Ireland abroad than an absorption of the world's diversity within the boundaries of the Irish territory. This absorption means changes in the constitution of the Irish population, but also in the definition of the nation, as explained by Declan Kiberd in "Strangers in their own country; multiculturalism in Ireland": "The nation is less a legacy of the past than the site of the future, a zone of pluralisms which will prove its durability precisely by the success with which it embraces refugees, exiles and newcomers" (Kiberd, 2005: 314). In "The Deportees", the band is indeed a zone of pluralisms and a kind of laboratory for the new nation. Jimmy Rabbitte takes over, as manager of the band and *doppelgänger* of the writer, the role of proxeni, submitting the supplication of the immigrants through music and using music as both an assimilative and revealing medium, thus enacting the reconnecting capacity attributed to the new immigrants by Declan Kiberd. Indeed, when the band plays at a birthday party, they are described as "happy, sexy; [...] cooking and Irish", and the success of the concert is such that "Christianity had left the tent" (Doyle, 2007: 69). Through the music of the band, the guests at the party seem to go back to an original, pagan past, before Christianity took hold of Ireland and shaped it. Paradoxically, cosmopolitanism is what allows a return to the roots of Irishness: instead of jeopardizing the national identity, it makes the stifling constraints that threatened this identity literally explode, an experience of reconnection which most of the characters in *The Deportees* go through.

Conclusion

The Deportees is therefore both a literary project and an experiment in and of citizenship. As a literary project, its aim is to reflect the changes and issues at stake in contemporary Ireland. In this instance, the writer plays the classical role of witness and storyteller, trying to express through his writing the feelings of a nation confronted with a whole set of new and unsettling interrogations. The characters in each of the stories epitomize these feelings, from rejection to acceptance, through doubts, contradictions or self-questioning. What all these characters have in common though, is their craving for belonging, for integration within the new nation that is being formed under their very eyes. In this perspective, the short stories take on another dimension and become the supplications of a *proxeni* addressing the citizens of Ireland on behalf of newcomers to the city, be they of foreign origins or asking for a renewal of their belonging to an Irish nation which is endlessly renegotiating its own definition. Roddy Doyle said that he would need a passport to enter today's Ireland. However, as there is no such passport, he forges one for himself and his contemporaries through his stories.

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Identité composite et métissage dans « Letter to Friends » de Leontia Flynn

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Résumé

Dans « Letter to Friends » (*Profit and Loss*, 2011), long poème épistolaire librement inspiré par *Letters from Iceland* (1937) de W. H. Auden et Louis MacNeice, Leontia Flynn compose un autoportrait en trois volets, fruit de l'examen rétrospectif et introspectif de tout ce qui a fait son existence jusqu'à son accession récente à la maternité. Il ressort de cet inventaire intime une identité plurielle ou « composite » (Édouard Glissant), où le métissage culturel relève tout autant de l'histoire, de la mondialisation et d'une exposition à une multiplicité de facteurs étrangers à travers les voyages que de glissements et de ruptures temporelles, de mutations du langage et de césures psychiques.

Ce poème lyrique et polyphonique (voire cacophonique), foisonnant de commentaires en aparté et de registres langagiers différents, embrassant toutes les thématiques en même temps qu'il passe en revue tous les effets personnels de la jeune femme, est ainsi un « poème-rhizome », reflet d'une identité elle-même rhizomique (Glissant, Deleuze et Guattari).

Nous montrerons comment cette identité s'agence et se tisse autour d'une multitude de centres qui se subdivisent et changent à l'infini plutôt qu'autour d'un centre unique. Nous montrerons aussi comment l'interculturalité naît de l'écoulement du temps et de l'esquive du passé ; comment elle se matérialise dans la cacophonie des discours (tweets, sms, courriels, mais aussi poésie contre culture de masse) ; comment, enfin, elle s'expérimente dans la relation intersubjective, l'autre (son père atteint de la maladie d'Alzheimer ; des amis ou des amants « dématérialisés » sur un écran d'ordinateur ou une photo jaunie) étant la source du plus grand des métissages.

Mots-clés : Leontia Flynn – poésie irlandaise – identité – autoportrait – rhizome – interculturalité – métissage culturel

Abstract

In “Letter to Friends” (*Profit and Loss*, 2011), a long epistolary poem inspired by *Letters from Iceland* (1937) by W. H. Auden and Louis MacNeice, Leontia Flynn paints an introspective and retrospective self-portrait in which she examines all the elements that have formed her existence until her recent maternity. The identity that emerges from this intimate inventory is plural, “mixed” or “multi-breed” (Édouard Glissant), the cultural mix resulting not only from history, globalization and travel, but also from temporal, linguistic and psychological shifts or ruptures.

Flynn’s lyrical and polyphonic (if not cacophonous) piece, bursting with asides, debating a multitude of subjects in an infinite variety of tones and registers as the young woman sifts through the “relics” of times past, is thus a “rhizome-like” poem that reflects a “rhizome-like” identity (Glissant, Deleuze and Guattari).

This paper shows how this identity is built upon and around a multitude of subdividing and changing centres rather than one unique centre. This paper also explores how interculturality results from “history’s incessant forward schlep” and the evasion of the past; how it materializes in the cacophony of speeches (tweets, texts, emails but also the “oddball words” of poetry vs. mass culture); finally how it is experienced in intersubjective relationships, the other – Flynn’s Alzheimer-stricken father or ghost-like friends and lovers on faded photographs and computer screens – being the source of the greatest reconfigurations of identity.

Keywords: Leontia Flynn – Irish poetry – identity – self-portrait – rhizome – interculturality – cultural mixity

« Letter to Friends » de Leontia Flynn s'inspire en partie d'un long poème épistolaire – « Letter to Lord Byron » – que W. H. Auden adresse au grand poète romantique lors d'un voyage en Islande en compagnie de Louis MacNeice à la veille de la Seconde Guerre mondiale. Publié dans *Letters from Iceland*, récit de voyage insolite écrit à deux voix et à quatre mains, le poème de William H. Auden aborde tous les sujets : état du monde, situation économique et sociale en Grande-Bretagne, progrès technique, esthétique, création poétique, etc. Son auteur souligne d'ailleurs d'emblée cette diversité thématique ainsi que la multiplicité des supports qui ont servi sa réflexion et qui figurent pour partie dans l'ouvrage :

Every exciting letter has enclosures,
And so shall this—a bunch of photographs,
Some out of focus, some with wrong exposures,
Press cuttings, gossip, maps, statistics, graphs;
I don't intend to do the thing by halves.
I'm going to be very up to date indeed.
It is a collage that you're going to read. (Auden, MacNeice, 1937, 19)

Cette liste d'objets hétéroclites et le terme de « collage » décrivent parfaitement le poème de Leontia Flynn. Écrit à la faveur d'un déménagement et de la naissance d'un premier enfant, « Letter to Friends », qui constitue à lui seul la seconde partie du troisième opus de Flynn *Profit and Loss*, se présente en effet comme un assemblage de réflexions suscitées par l'inventaire d'objets intimes (des photos notamment mais aussi des billets de train et d'avion) que la jeune femme doit trier.¹ Un autoportrait à la fois introspectif et rétrospectif s'élabore ainsi au fil des vers : « my face is reflected in the steamy glass » (*PL*, p. 35). Mais cet autoportrait n'est en rien méditatif ni linéaire : il ne fait guère de place à l'examen des sentiments ou d'événements marquants du passé ; il ne suit pas non plus un déroulement chronologique ou proprement logique. « Letter to Friends » est au contraire kaléidoscopique et polyphonique, multipliant à l'infini les images, les références en tous genres et les voix, abordant lui aussi tous les sujets et mimant ainsi les mouvements de la pensée lorsqu'elle est stimulée intellectuellement et surtout émotionnellement par la redécouverte aléatoire de « reliques » du passé, pour reprendre le terme employé par Flynn. Ce portrait, rédigé en trois volets distincts constitués de dizains rimant *ababcdecde*, est donc tout sauf classique, sans unité affichée ni souci d'exhaustivité. L'identité qui émerge est une identité plurielle, foncièrement composite et ouverte. Et cette identité – que l'on qualifiera volontiers d'« étoilée » – détermine une configuration particulière de l'écrit : en effet, au-delà d'une certaine régularité formelle, le poème est lui-même foisonnant, jouant sur des déplacements constants, des connections inattendues et

¹ L'abréviation « PL » a été adoptée dans cet article pour toutes les références de pages renvoyant à l'édition Jonathan Cape de *Profit and Loss* : Leontia Flynn, *Profit and Loss*, London, Jonathan Cape Poetry, 2011.

de nombreux changements de registres langagiers (glissement constant de « l'écrit » à « l'oral » et inversement, ruptures de ton). C'est cet étoilement à la fois identitaire et poétique que nous nous proposons d'étudier, dans ses modalités tour à tour géographiques, culturelles, temporelles et intersubjectives.

Si la nationalité irlandaise de Flynn est acquise (comme le confirment les strophes 8 à 11 de la section II) et si le poème est, dès la première strophe, clairement localisé à Belfast par un après-midi d'été pluvieux, la jeune femme s'attache à nous montrer qu'elle échappe à ce lieu et que les frontières de celui-ci sont à repenser. Elle a parfaitement intégré la remarque que fait W. H. Auden dans *Letters from Iceland* : « the day of a self-contained national culture is over » (Auden, MacNeice, 1937, 213). La question de l'insularité de l'Irlande (tant géographique que culturelle) ne se pose pas du tout pour Flynn : comme l'Islande, son île est désormais désenclavée ; elle est définitivement « the ex-isle of Erin » dont parle Fintan O'Toole². Ainsi lorsqu'elle évoque Belfast, sa ville natale, elle ne peut que constater son internationalisation. Certes, c'est une ville façonnée par le conflit nord-irlandais (« [that] grim traumatic fight ») dont Flynn dit qu'il est encore incroyablement prégnant dans le présent : « its stink [is] [...] not so remote [that] it can't reach us in our hiding places » (*PL*, p. 42). Mais la capitale divisée de l'Ulster s'est métamorphosée sous l'effet de la mondialisation et de la prospérité économique ; elle est devenue une capitale semblable aux autres capitales internationales dans son architecture et ses modes de vie. Une « acculturation » a eu lieu, des valeurs extérieures ont été assimilées et ce processus a débouché pour partie sur une forme de « dé-culturation », c'est-à-dire une perte d'identité culturelle, dont Flynn rend compte, non sans ironie :

a building boom and shopping malls thrown up
like flotsam by our new security. [...] Belfast
aspires to be, then, every place
where shopping is done less for recreation
(this might apply to all the western race)
than from a kind of civic obligation. (*PL*, p. 41)

² Fintan O'Toole, *The Ex-Isle of Erin: Images of a Global Ireland*, Dublin, New Island Books, 1997. Dans *Black Hole, Green Card: The Disappearance of Ireland* (Dublin, New Island Books, 1994), Fintan O'Toole exprime ce que recèle le jeu de mots qui sert de titre à l'essai de 1997 : « [T]he only fixed Irish identity and the only useful Irish tradition is the tradition of not having a fixed identity » (p.14); « Ireland is a diaspora, and as such is both a real place and a remembered place, both the far west of Europe and the home back east of the Irish-American. Ireland is something that happens elsewhere » (p.27); « present-day Irishness [...] a bizarre accumulation of heterodox imaginings. »

La jeune femme participe à ce processus de « dé-culturation » et l'accentue pour elle-même par son nomadisme. Dans la première partie de « Letter to Friends », Flynn accorde en effet une très grande place à ses nombreux voyages dont le souvenir s'incarne dans de vieux titres de transport ou des objets dénués de valeur et conservés sans raison évidente : une liasse de tickets d'embarquement, des billets de train et de bus tachés de café, une carte griffonnée à la main, un papier de bonbon à la menthe ou la photocopie d'un prospectus touristique. De même, les quelques portraits que la jeune femme brosse d'elle-même sont inspirés de photos prises pour la plupart à l'étranger : elle se décrit ainsi « drunk at Marx's grave » à Londres, « smiling » à Amsterdam, « grinning up the Empire State » à New-York, « reading Cormac McCarthy » à Bergen. Ce refus de s'inscrire dans un lieu unique transparait encore dans l'évocation des divers appartements où elle a vécu (« the place before the place a-place-ago ») et ses déménagements répétés (« after *how* many moves? »). Flynn consacre d'ailleurs plusieurs poèmes dans la première partie de *Profit and Loss* à tous ces lieux de résidence successifs : la maison aux serrures rouillées, la maison en briques rouges, la maison tristement célèbre pour avoir été le théâtre d'un crime sordide. Des jeux d'anaphores d'un poème à l'autre (« I once lived in a house... ») ou à l'intérieur d'un même poème (« The Flats ») contribuent à donner l'impression d'une multitude de lieux où elle n'a fait que passer.

D'emblée, ce qui domine, c'est donc une impression de « désancrage » ou de « désamarrage » du sujet qui n'est véritablement attaché à aucun lieu ou dont les points d'ancrage sont multiples, transitoires et foncièrement ouverts. Cette impression de « désamarrage » est encore renforcée par la référence à Internet et aux réseaux sociaux qui déracinent ou déterritorialisent totalement le sujet en le désincarnant à demi. Par un simple clic, le sujet s'exporte virtuellement dans plusieurs lieux simultanément, troquant une communication transatlantique (hier encore le bout du monde) pour une communication planétaire :

this is our life, half virtual, half-flesh:
the instant message and the feedback loop;
[...] the grace of touchscreen, and the thrill unchecked
of transatlantic – transworld – conversation (PL, p. 40)

Étant donné cette non-assignation à résidence du sujet dans des lieux strictement circonscrits et définis comme la ville ou la terre natale, l'île ou la maison ; étant donné aussi la perméabilité des frontières, le déterminisme géographique et culturel est en grande partie aboli. Flynn rend ainsi compte de la diversité des influences sur elle et d'une reconfiguration générale des données culturelles traditionnelles susceptibles d'avoir prise sur elle. Son identité est le produit d'une multitude de facteurs dont la variété de nature et d'origine est à l'image des couleurs vives et bigarrées des tableaux de Chagall, Braque ou Matisse qu'elle cite dans la section I (Strophe 8).

Outre sa nationalité nord-irlandaise et sa naissance à Belfast, il convient de prendre en compte son statut de femme, de mère et de fille, tout comme son statut de lectrice et de poète ; mais son identité est également définie par son appartenance à la communauté des utilisateurs de Mac plutôt que de PC, sa présence sur certains réseaux sociaux, son imprégnation de culture mondialisée (télé-réalité, publicité ciblée, applications pour smartphones, etc.), son aversion pour les lois du marché en particulier quand il s'agit d'art, sa sensibilité aux questions écologiques, sa solvabilité financière alors que sévit une crise économique planétaire, ou encore sa consommation d'antidépresseurs. De même, les points de référence habituels du sujet doivent être réinventés. C'est le cas par exemple de la religion, pierre d'angle traditionnelle de toute identité irlandaise. Si l'Église Catholique irlandaise doit répondre d'abominations passées en tant qu'institution nationale, elle s'inscrit désormais avant tout dans l'évolution générale de l'Église Catholique mondiale qui s'éteint sous une forme pour mieux se réinventer ailleurs. Dès lors, se référer au catholicisme ne signifie plus se référer au dogme, à la pratique ou à la question du péché mais, sous sa forme renouvelée, se positionner par rapport au statut de la femme, au port du voile, voire à l'avenir de la planète : « The Spirit's hardly wearing thin / so much as changing shape: it has a home / in eco-politics: for 'carbon footprint' try replacing 'sin' » (PL, p. 42).

Au total, « Letter to Friends » se présente comme une défense et illustration d'une identité inter- ou multiculturelle, une identité « composite » au sens où l'entend Édouard Glissant dans *La Poétique du Divers*. Cette identité composite, que Glissant qualifie aussi de « rhizomique » parce que c'est une identité de relations multiples et proliférantes, refuse tout ancrage sur une terre unique dotée d'une valeur de territoire ; elle écarte aussi tout récit de genèse de soi et un principe unique de filiation ou d'appartenance qui « rassure obscurément sur une continuité sans faille de cette filiation ». (Glissant 1996, 59–62) Elle est au contraire « créolisée », ouverte et relative³. Cela dit, son caractère composite n'est pas incompatible avec une dimension proprement singulière, non plus qu'avec des rémanences ataviques, c'est-à-dire des traces plus ou moins inconscientes de la culture atavique dominante⁴. L'identité de Flynn telle qu'elle apparaît dans « Letter to Friends » est ainsi : multiculturelle et métissée, réticulaire et en constant devenir, mais ne tirant pas totalement un trait sur certains éléments proprement irlandais comme le conflit nord-irlandais ou le statut de la femme dans un contexte patriarcal⁵.

3 « La culture atavique est celle qui part du principe d'une Genèse et du principe d'une filiation, dans le but de rechercher une légitimité sur une terre qui à partir de ce moment devient territoire. [...] J'ai lié le principe d'une identité rhizome à l'existence de cultures composites, c'est-à-dire de cultures dans lesquelles se pratique une créolisation. [...] Par opposition au modèle des cultures ataviques, la figure du rhizome place l'identité en capacité d'élaboration de cultures composites, par la mise en réseau des apports extérieurs, là où la racine unique annihile. » (Glissant 1996, 59–60).

4 « Les cultures composites sont souvent le terrain d'une opposition entre atavique et composite ; [...] le rémanent atavique est présent comme trace inconsciente » (Glissant 1996, p. 60).

5 Par exemple, parmi tous les visages de femmes signalés par Flynn et dans lesquels elle se reflète

Or, à l'instar de ce qu'écrit encore Édouard Glissant, sous l'influence de cette identité « composite » et pour mieux en rendre compte, l'écriture et l'écrit se modifient. L'identité rhizomique produit une écriture « chaotique » ou « du chaos », régie par une esthétique de la relation, de la mise en réseau et du décentrement, et opposée par là même à une écriture linéaire et totalisatrice. (Glissant 1996, 71 et 81) C'est exactement ainsi qu'est conçu le poème « Letter to Friends ». Flynn opte en effet pour une forme qui échappe en partie à la forme, pour un ordre qui émerge d'un certain désordre, pour des articulations qui jouent sur la désarticulation. Son poème à la structure souple et proliférante peut donc lui aussi être qualifié de « poème-rhizome » au sens de Deleuze et Guattari auxquels Glissant bien entendu se réfère : « à la différence des arbres ou de leurs racines, le rhizome connecte un point quelconque avec un autre point quelconque, et chacun de ses traits ne renvoie pas nécessairement à des traits de même nature, il met en jeu des régimes de signes très différents et même des états de non-signes. [...] [Il est] uniquement défini par une circulation d'états » (Deleuze, Guattari, 1980, 31). De fait, le poème de Flynn est marqué par un certain degré de fragmentation qui n'est cependant pas incompatible avec une impression de fluidité et d'ouverture ; il est aussi marqué par des jeux d'asymétrie ou de dissymétrie et par une extrême multiplicité des voix.

La fragmentation est partout présente : elle se dit dans les mots mêmes du poème : « myriad intensities », « inventories », « memory-hoard », « flotsam », « particles », « sparks » ou encore « cataclysm » et « apocalypse ». Elle s'illustre aussi dans de nombreuses listes d'éléments disparates que l'indéfini « *stuff* », plusieurs fois utilisé, réunit en un tout mal ficelé : « a box of doodles, bills, old cards and prints » (PL, p. 38) ou « a cacophony of texts, tweets and emails » (PL, p. 39) ou encore « this stream of books, texts, films and tunes » (PL, p. 40). La fragmentation s'éprouve encore dans une syntaxe caractérisée par des apartés incessants qui rompent le cours normal du discours et créent des interférences ou des changements de direction à répétition. La fluidité et l'ouverture identitaire sont rendues, quant à elles, par une pratique quasi-systématique de la digression et du glissement par association d'idées, y compris entre deux langues : Flynn passe ainsi allègrement de la dépression économique à la dépression psychologique, des « subprimes » à la « déprime » ; elle glisse de la bulle spéculative des banquiers à la bulle d'illusion dans laquelle elle se love pour échapper à la douleur suscitée par la maladie de son père ; elle glisse encore du sentiment général d'un monde au bord de l'apocalypse à l'apocalypse fictionnelle de Cormac McCarthy dans *The Road*. Les jeux d'asymétrie s'éprouvent, pour leur part, dans la succession de strophes caractérisées par une relative régularité du schéma des rimes mais une totale dissymétrie dans les thématiques, la syntaxe, le niveau de langue.

confusément (la mère, la femme au travail, la consommatrice, la guerrière, la femme opprimée, la femme voilée, etc.), il en est un qui est proprement irlandais : celui de la femme qui épiluche des pommes de terre, référence évidente à l'ingrédient incontournable de la cuisine irlandaise ou à la Grande Famine.

Toutefois, la nature rhizomique de l'écriture du poème transparait surtout dans sa polyphonie qui flirte constamment avec le chaos, c'est-à-dire avec la cacophonie. La voix de Flynn prend en effet un nombre incalculable de tonalités différentes, notamment par l'entremise de multiples apartés qui servent à divers objectifs : ajout d'information, commentaire métalittéraire, exclamation, effet d'ironie, etc. La voix de Flynn se double en outre de nombreuses autres voix, celle de W. H. Auden ou de T. S. Eliot qu'elle cite à l'occasion, la *vox populi*, ou encore la voix des médias où les commentaires d'experts diserts jouxtent des gros titres racoleurs⁶. Flynn joue également sur les registres de langue, faisant voisiner le registre familier et le registre soutenu, le langage branché des jeunes (« I love the way our students talk today ») et du vocabulaire spécialisé comme le nom de code d'un formulaire administratif, le « P45 ». Flynn insère aussi dans son texte des termes en français (« *en masse* », « *esprit de corps* ») ou d'origine allemande (« *schlep* »), des néologismes (« from bat-birth to bat-grave ») ; des échos se font entendre d'une partie à l'autre entre certains termes : « Polaroid » appelle « factoid » qui appelle à son tour « tabloid », chacun de ces mots renvoyant à une époque et à un domaine d'activité très différent. Visuellement, la graphie du texte ajoute enfin à l'impression de cacophonie. L'italique abonde dans le poème mais son usage semble relever d'une logique tout-à-fait aléatoire : il est utilisé de façon conventionnelle pour citer un ouvrage ou marquer une emphase mais aussi de façon bien moins coutumière pour signaler un dialogue, une exclamation ou une citation, sans que ce soit systématique : Flynn a recours à l'italique quand elle cite T. S. Eliot mais s'en abstient pour citer W. H. Auden quelques vers plus loin. Pour finir, on notera que, outre son rhizomorphisme, « Letter to Friends » renvoie aussi par ses thématiques principales au « régime » du rhizome : la fluidité et la liquidité sont présentes sous diverses formes, aussi bien le déluge que les liquidités monétaires ; le glissement d'un centre à l'autre est symbolisé par les écrans tactiles dont on change le contenu et la taille de l'image d'un effleurement de doigt ; la multiplicité des devenir possibles est, quant à elle, évoquée en conclusion : « The future's all a guess. / [...] our lives stand waiting, primed for compromise » (PL, p. 45).

Il reste que la qualité interculturelle et rhizomique de l'identité de Flynn est encore complexifiée par deux autres phénomènes auxquels la jeune femme accorde une grande place : d'une part, sa relation au temps, d'autre part, sa relation à l'autre.

6 « Letter to Friends » est l'occasion pour Flynn de se lancer dans une diatribe contre la culture de masse qui méprise la langue exigeante de la poésie et n'a d'intérêt que pour le littéral, le lucratif et le spectaculaire : « poetry [...] the language at its highest power / has got its mark back from the public: fail / and fail again. [...] its flourishes and willed opacities / are verbal tics The People can't forgive. / The problem is we're not sure what it's for... / it's out of step with our capacities / for being literal – and lucrative / like visual art in London when it 'Shocks!' » (PL, p. 40).

« Letter to Friends » trahit une obsession du passage du temps que Flynn décrit comme « history's incessant forward *schlep* / picking up speed of late » (PL, p. 36) et dont on trouve une métaphore dans la description inaugurale du poème : une pluie diluvienne s'abat sur Belfast, métamorphosant la ville (« this motorway turned waterway ») et emportant tout sur son passage : « I watch the slow / drip and

dissolve of stuff that floats away » (PL, p. 35). Prise dans la dialectique bergsonienne du temps objectif et de la durée subjective, et dans une tension toute ricœurienne entre identité-*ipséité* et identité-*mêmeté*, elle fait l'expérience de l'hétérogénéité du temps et de l'altérité intime qui en découle.

En triant son fourbis avant de le livrer au feu (« my heap of junk is ready for the fire »), Flynn prend tout d'abord conscience de la césure culturelle radicale entre les époques qui conduit le sujet qui les a traversées à se sentir pétri de plusieurs cultures hétérogènes. Dans la première partie, les différents titres de transport que Flynn retrouve, de même que ses vieux carnets d'adresses, fonctionnent ainsi comme marqueurs culturels tout autant que comme déclencheurs de souvenir : ils l'amènent à réaliser qu'elle a vécu à une époque définitivement révolue, et en cela « étrangère », où l'on trouvait encore des agents de voyage et où les billets électroniques et les smartphones n'existaient pas :

[...] weird, diminutive
phone numbers that seem missing a first 'O'
which prompts a mental trawl back through the ones
we had as kids, before successive codes
lengthened their – what? – five digits, maybe less?
And then it dawns: *there are no mobile phones*
just ancient landlines pegged along the roads,
and not a solitary email address. (PL, p. 36)⁷

Il est à noter que le progrès technique et son corollaire – l'obsolescence technologique accélérée – rajoute au sentiment d'interculturalité lié au changement d'époque : faute de magnétophone, Flynn ne peut pas réécouter une vieille cassette audio, « (exhibit A) a 90-minute tape / filled with sad songs » (PL, p. 36).

Mais le passé n'est pas seulement inaccessible technologiquement. Il l'est surtout sur le plan des émotions. À plusieurs reprises, la jeune femme souligne « the gap /

7 L'emploi du présent (associé à l'italique) dans « *there are no mobile phones* » marque le passage au discours « direct » intérieur, mais il peut aussi être lu comme le symptôme de la difficulté qu'éprouve la jeune femme à accommoder la course du temps. On retrouve cet emploi significatif du présent, en l'occurrence du présent progressif, dans les messages que Flynn diffuse sur la toile comme une tentative de saisie parfaite de soi-même et de fixation dans l'instant : « *Leontia's feeling fine* ».

between our sense of *then* and of today » (PL, p. 38) et l'impossibilité de retrouver les émotions du passé : « I can't recall their *felt* significance » (PL, p. 38 – je souligne). Ainsi, sans renforcer à proprement parler la dimension interculturelle de l'identité du sujet, le retour introspectif sur le passé pointe une seconde forme d'altérité qui s'ajoute à la nature composite et rhizomique de l'identité telle qu'elle est vécue dans le présent en la complexifiant. Cette incommunicabilité émotionnelle entre passé et présent explique le regard intrigué voire le regard de répulsion de Flynn devant plusieurs portraits d'elle-même dans lesquels elle ne se reconnaît pas : des photos dites « d'identité » prises à l'époque où elle était étudiante qui la déroutent par l'intensité incompréhensible du regard et des styles de coiffure improbables ; un portrait en gros plan dans lequel elle se voit sous les traits d'un insecte à la posture grotesque :

Naked – or, worse: flayed. Flinching. Overwrought.
An insect, bolting underneath a stone
shocked by some awful hand or sudden light,
couldn't have had less functional backbone
than this sardonic-looking idiot
(me, if you're asking) propped beside a lamp,
a drink in hand at some unwholesome hour;
I want to know what makes my eyes dilate
or nostrils flare, crouched in the sweaty damp
of that old bedsit, *why stuff mattered* – (PL, 38).

Dans ce portrait dégradant de soi-même comme une autre où l'accablement est marqué par une accumulation de termes comme « bolting underneath », « shocked », « flinching » ou « crouched », on ne peut manquer de noter l'emploi du terme « flayed » qui se donne comme un superlatif de « naked » et qui signifie « plumé », en l'occurrence au sens de « volé, dévalisé ». Cependant, « flayed » signifie aussi littéralement « écorché » ou « dépecé », suggérant que la mue est telle entre deux époques que Flynn a le sentiment d'être dérobée à elle-même⁸. Cette mue incessante et terrible aux yeux de la jeune femme explique d'ailleurs en partie l'impérieuse nécessité – si vaine soit-elle – des mises à jour répétées de son profil sur la toile – « status updates – (*Leontia's feeling fine*) » (PL, p. 40) – pour coller à une réalité identitaire qui change et se perd incessamment.

8 Ce sont des strophes comme celle-ci, ou celle qui déplore l'impopularité de la poésie ou encore celle qui évoque la maladie de son père qui font sans doute dire à Fran Brearton que le ton général du recueil est grave : « *Profit and Loss* is a serious book, engaged with the world in which we live. [...] The book weighs profit and loss in terms of past and present, social and political developments. But its emotional core is in 'private grief / or private fears', its struggle to reconcile an inner life with external pressures. » <http://www.theguardian.com/books/2011/sep/02/profit-loss-leontia-flynn-review> (Consulté le 5 mai 2015).

La relation à l'autre constitue également et enfin une expérience interculturelle qui conduit à un métissage identitaire supplémentaire. Dans un poème intitulé « The Furthest Distances I've Travelled » et publié en 2004 dans *These Days*, Leontia Flynn remarque, après avoir dressé la liste des pays qu'elle a visités et des circonstances insolites dans lesquelles elle a voyagé, que d'ici ou d'ailleurs c'est l'autre qui métisse le plus :

the furthest distances I've travelled
have been those between people. And what survives
of holidaying briefly in their lives. (Flynn 2004, 46)

C'est précisément la notion d'éloignement qui domine dans « Letter to Friends » quand il s'agit des relations intersubjectives. Dès les premiers vers du poème, les amis auxquels cette lettre est adressée sont décrits dans la distance créée par leur dématérialisation sur un écran d'ordinateur:

my Mac's screensaver
show us, uploaded, newly digitised,
fading across the distance of the screen
and each now seems an electronic ghost... (PL, p. 35)

Cette distance initiale infléchit d'ailleurs la nature du poème qui, en rupture avec l'affichage du titre, relève plus de la rhétorique du soliloque que du registre épistolaire où prime la dimension conative. Flynn s'interrompt brusquement à mi-parcours pour s'excuser de sa logorrhée et vérifier qu'elle n'a pas perdu son auditoire : « OK. I've said enough. It's not polite / to babble on at such prosaic length / without referring back to check you're right / behind me. » (PL, p. 43)

De cette distance intersubjective naît une étrangeté et une inaccessibilité dont Flynn fait doublement l'expérience en tant que fille et en tant que mère. La déchéance mentale de son père atteint de la maladie d'Alzheimer l'éloigne des siens en faisant de lui un absent dans sa présence même – « *how weird it is to miss him when he's here* » (PL, p. 44) – et en transformant chacun de ses gestes, chacune de ses paroles, en énigme. Son langage appauvri et altéré devient proprement sibyllin et force son entourage à s'adapter, c'est-à-dire à intégrer une part d'altérité. Dans « My Father's Language » (autre poème de *Profit and Loss* dédié à son père), Flynn montre ainsi comment elle doit s'appropriier la langue paternelle et reconfigurer son propre usage des mots pour maintenir le lien :

His language rattles in the dearth of nouns.
Everything is a 'thing'. [...]
I say: *The thing is not lost. No. Take this thing.*
Here is the thing. The thing – Daddy – take this thing. (PL, p. 28)⁹

9 Dans la troisième partie du recueil, Flynn évoque avec une nostalgie appuyée les discussions futiles

La relation qui s'amorce entre Flynn et son bébé n'a rien de naturel ni d'immédiat non plus. Elle est au contraire source d'une certaine angoisse et d'un questionnement existentiel. Le bouleversement énorme que représente l'accession à la maternité – les insomnies venant amplifier les effets d'une dépression *post-partum* (« my own dark mood / taking this form on lampposts/trees/in rain » (LP, P. 44) – pèse sur cette relation dont l'avenir paraît d'emblée aléatoire. Le sommeil paisible de la petite fille et son silence contrastent avec l'agitation environnante (le déluge au dehors suivi d'une éclaircie soudaine, la frénésie de tri de sa mère, sa tirade héroïque élaborée en poème) et ajoutent à l'impression de distance et d'étrangeté :

[...] caught through the dim
nightmare of tension and of sleepless nights
(I'm talking here about new motherhood:
the grinding of week-long days, the battlezone
cloaked in a fog of stunned tranquillity) [...]

– and underneath her blanket wits bear
my baby daughter too now lies at ease;
she's six months old. The future's all a guess. [...]
our lives stand waiting, primed for compromise. (PL, 44–5)

Au total, la relation intersubjective est marquée par une forme d'aliénation ; à l'instar de ces filiations difficiles, elle s'apparente à un voyage en terre inconnue qui dépayse le sujet, le décale et le confronte à une autre culture, la culture de l'autre, qu'il faut décrypter et qu'il faut s'approprier en partie pour pouvoir entrer en communication. Le déplacement des chauves-souris dans l'obscurité que Flynn décrit au début de la section II sert d'ailleurs de métaphore à ce voyage incertain ; il n'est jamais garanti que la connexion s'établisse :

[...] the cacophony
of texts and tweets and emails – although these
are hardly done exclusively for pleasure
but operate like bat-squeaks in a cave
to steer us in the dark, it seems to me;
and what does a flying bat know about leisure
squeaking, perforce, from bat-birth to bat-grave?
[...] status updates (*Leontia's feeling fine...*)
Squeaking across the void – 'only connect!' –
Leontia is loving all this information. (PL, pp. 39–40)

mais véritables qu'elle pouvait avoir avec son père avant sa maladie : « I would like returned / [...] small-talk at mealtimes, thoughts shared on the move, / a lifetime of priceless inconsequential chat » (« Cyd Charisse », PL, p. 54–5).

Dans l'un des derniers chapitres de *Inventing Ireland*, Declan Kiberd évoque la modernité de l'œuvre d'auteurs tels que Brian Friel, John Banville ou Samuel Beckett qu'il qualifie de « post-nationalistes » dans la mesure où ils contestent l'enfermement dans une seule culture ou une seule langue et où ils optent, en conséquence, pour la traduction et une perpétuelle adaptation et ré-adaptation culturelles. Il remarque à leur propos que l'affiliation remplace la filiation, que l'identité ne peut être conçue que comme « dialogique » et « poreuse », c'est-à-dire sensible aux influences exogènes, c'est-à-dire encore composite et métisse (Kiberd 1996, 636-7). En concluant son essai, Kiberd prône d'ailleurs l'interculturalité et le métissage qu'il associe à la figure commune du patchwork : « If the notion of 'Ireland' seemed to some to have become problematic, that was only because the seamless garment once wrapped like a green flag around Cathleen Ní Houlihan had given way to a quilt of many patches and colours, all beautiful, all distinct, yet all connected too. No one element should subordinate or assimilate the others: Irish or English, rural or urban, Gaelic or Anglo, each has its part in the pattern » (Kiberd 1996, 653). Certes, Kiberd se place résolument sur le terrain politique en se limitant à la relation binaire anglo-irlandaise, mais la conclusion qu'il tire peut indéniablement être étendue à la nouvelle donne du monde dans lequel évolue Leontia Flynn, celle d'un monde globalisé. L'identité qui se dessine dans « Letter to Friends » est dialogique et composite, mouvante et protéiforme en ce qu'elle s'agence autour d'une multitude de centres qui se subdivisent, se font écho et changent à l'infini. Leontia Flynn se présente comme un « être singulier pluriel » qui, tout en s'inscrivant dans une certaine filiation littéraire (celle de W. H. Auden et Louis MacNeice, mais aussi celle d'autres poètes irlandais comme Derek Mahon ayant pratiqué la forme du poème épistolaire), régénère le genre et construit son identité dans l'écriture. Une écriture renouvelée, à la fois « branchée » et rhizomorphe (c'est-à-dire fonctionnant en réseau) pour une identité complexe, qui confère au poème une portée universelle, dépassant la dimension autobiographique de son sujet¹⁰.

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¹⁰ Jean-Luc Nancy, *Être singulier pluriel*, Paris, Galilée, 1996.

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II : APPORTS INTERCULTURELS ET CONSTRUCTION IDENTITAIRE

The Guise of Irishness: Irish Ethnographic and Folkloric Paintings from a European Perspective, 1880–1930

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Abstract

Late 19th and early 20th-century Irish painting has often been interpreted against the background of the Gaelic Revival and the cultural nationalism flourishing at that time. Though this framework of interpretation is indisputably relevant, the influence of European trends on this artistic output should not be underestimated: contacts were numerous between Irish painters and their European counterparts. Young Irish painters were often trained abroad so that their art bears the double imprint of French ethnographic painting and the Northern landscape or genre scene. The development of folklore studies, ethnography, and regionalism throughout Europe largely shaped the interest in the West of Ireland which in turn fuelled nationalism. National iconography, associated with the so-called Irish School of Painting, was born out of a European-wide trend. Naturalist depictions of folklore, particularly regional costumes, abound in many European artworks. Ethnographic paintings in Ireland should therefore not be considered solely from an Irish perspective.

Keywords: Ireland – 19th – 20th – Europe – ethnographic painting – cultural nationalism – regionalism – costume – artistic education

Résumé

La peinture irlandaise de la fin du 19e et du début du 20e siècles a fréquemment été interprétée dans le cadre du renouveau celtique et du nationalisme culturel qui marquent cette époque. Bien que cette perspective d'interprétation soit indéniablement juste, l'influence des mouvements européens sur cette production artistique ne doit pas être mésestimée. Les contacts entre les peintres irlandais et leurs homologues Européens étaient en effet nombreux. Les jeunes artistes irlandais allaient se former à l'étranger et prenaient la peinture ethnographique française et les paysages ou scènes de genre des Écoles du Nord pour modèles. De plus, le développement de l'ethnographie et du régionalisme dans toute l'Europe explique

l'intérêt pour l'Ouest de l'Irlande qui alimentera le nationalisme. L'iconographie nationale, associée à ce qui est parfois appelé l'École Irlandaise, naît donc d'un courant européen. Les représentations naturalistes du folklore et la représentation des costumes régionaux abondent en effet dans l'œuvre de nombreux artistes européens. La peinture ethnographique qui s'épanouit en Irlande doit donc être comprise dans une perspective internationale.

Mots-clés : Irlande – Europe – 19e – 20e – peinture ethnographique – nationalisme culturel – régionalisme – costume – formation artistique

The end of the 19th century and the beginning of the 20th century witnessed both the development of political and cultural nationalism in Ireland and other European countries, as well as the emergence of ethnography (Ó Giolláin). From the 1850s onwards, new scientific and artistic representations of the peoples of the earth were widely circulated and exhibited.¹ Throughout Europe, there was a widespread interest in rural areas and traditions, as well as in ethnographic painting. Ireland was not immune to this trend; some painters were eager to “rediscover and reclaim distinctly Irish subjects” (Steward 1999: 18). As a matter of fact, “literary and visual artists were attracted to the West of Ireland in their search for a new means or language to express a positively empowered cultural Irish identity in art” (Martin, 2003: 31). The Irish portraits or genre scenes from that period have regularly been analysed from the vantage point of cultural nationalism. Art historian Marie Bourke argues that

since the late nineteenth century artists had become increasingly attracted by the landscape and lifestyle of the West of Ireland because they felt it reflected a relatively unchanged pattern of life linked to an ancient Celtic era. Artists discovered that by using imagery associated with the West in a new and inventive manner, they were able to develop a body of work that looked distinctively Irish (Bourke: 2000).

Paintings by Irish artists Aloysius O’Kelly (1853–1936), Walter Osborne (1859–1903), Harry Jones Thaddeus (1859–1929), Paul Henry (1877–1958), Seán Keating (1889–1977), as well as by the English painter Charles Lamb (1893–1964) or other, less-known painters with a taste for the West of Ireland² do partake of the Gaelic revival and cultural nationalism (Steward, 1999; Dalsimer, 1993). Though works by these artists may be either academic or influenced by impressionism and post-impressionism, their subject-matter emphasizes Irish folklore and local customs.

Irish art history has long emphasized Irishness and separatedness in an effort to enhance national visual culture and establish the specificity of an Irish school of painting. The painters previously mentioned were indisputably committed to Irish nationalism. The connections between the rural values promoted by Irish nationalists and the artistic depiction of the West have been widely evidenced (Kennedy, 2003; Murray, 2013; Bhreathnach-Lynch, 2007; Cusack, 2001). Julian

¹ 19th-century visual culture extensively disseminated images of exotic populations. Fairground attractions, colonial exhibitions, postcards, commercial or scientific prints, photographs, paintings and the decorative arts documented or theatrically enhanced the diversity of physical features, customs and costumes. The proliferation of such representations accounts for the large appeal that exoticism exercised upon the population. For a wider perspective on the visual representation of otherness, see Vanessa Alayrac and Claire Dubois, Pascale Blanchard et al., Elizabeth Edwards, and Noémie Etienne.

² For example Augustus Nicholas Burke (1838–1891), Nathaniel Hill (1861–1934), Harry Scully (1860–1935), or Lilian Lucy Davidson (1893–1954).

Campbell’s “Irish artists in France and Belgium 1850–1914”, which focuses on the Impressionists, is an exception (Campbell, 1984) in that it stresses continental influences.

The Irish artworks produced at the turn of the century were indeed markedly shaped by European art and culture: many Irish artists came into contact with European masters in London, Antwerp, or Paris, where art schools of international repute welcomed foreign students; they travelled to continental Europe or Oriental countries offering exotic scenes. Besides, they could see continental art at home. Sir Hugh Lane, who exhibited his collection of modern European paintings in Dublin in 1904, was satisfied that “the Irish school could only emerge in rapport with the central thrust of European painting” (Dawson, 1993: 27–30). These opportunities for artistic exchanges suggest that a national, or nationalist, reading of Irish artistic outputs from that period is restrictive and that a larger perspective must be adopted.

Many canvasses, more particularly ethnographic ones, should be seen as a synthesis between Irish and European cultures. As a matter of fact, artistic movements such as primitivism, or exoticism, which were well known to Irish painters, played a key role in the depiction of the Irish landscape and people. The interest displayed by some artists in everything rural, traditional, and indigenous as a bulwark against colonial culture must also be read in the light of a European interest in folklore and ethnography. Throughout Europe, the interest in the people and its authentic voice which was initiated in the 19th century had political ramifications as folklore, which burgeoned as a cross-European scientific curiosity with a romantic bent, was tied to discourses on nationhood and nationalist claims (Baycroft and Hopkins, 2012: 2–3). In this paper, we intend to show that the highly detailed portrayal of folk and traditional costumes as identity-markers characterizes many European portraits from the period under scrutiny. The realistic depiction of the local scenes and costumes that the painters observed in the West of Ireland owes much to European cultural and artistic genres or trends, whether it be the Northern genre scene or the ethnographic painting which became fashionable from Northern Europe to Spain. This tentative overview of Irish art in a European perspective will hopefully open up new horizons for interpretation. It is premised on a comparative methodology which is gaining new ground in art history (Dekoninck and Delforenne, 2000: 281–300).

Irish artists abroad: contacts and influences

In the late 19th century, the artists teaching at the Dublin Metropolitan School of Art (DMSA) or at the Royal Hibernian Academy (RHA) were well-travelled painters or sculptors eager to sensitize their students to European modernism. From 1877 onwards, after the state took over the DMSA, “Irish painting gradually came under the influence of continental art” (Turpin, 1997: 188). Other Irish institutions promoted European connections: from the 1920s to the mid-40s, the Dublin Painters’ Society aimed at encouraging artists whose art reflected contemporary world movements (Cahill, 1999: 36) and at transmitting a Parisian heritage. 19th-century Irish artists first learned their trade in Ireland, where art schools were comparatively provincial and under-funded (Rooney, 2003: 25), before they perfected their training in European capitals—London, Paris, Antwerp—famous for their artistic traditions or innovations. London was a stepping-stone to other European capitals (Rooney, 2003: 40). The artists who won the Royal Dublin Society Taylor Art Prize were able to travel and study abroad (Bourke and Edmondson, 2013: 8). Once they had completed their artistic education, Irish artists sojourned abroad or joined artistic colonies in Cornwall, Brittany, Etaples, or The Hague for instance in order to find new sources of inspiration. Rural places and the seaside offered them a direct experience of otherness while the presence of mentors in these remote villages legitimated their choices of subject matter.

The Dutch and Flemish schools of painting had exerted a tremendous influence in Europe since the 18th century. British art collections featured a high number of Dutch paintings which were cheaper than Italian or French works (Meadows, 1988: 138) and reproductions as well as engravings of Netherlandish art were available³ (Yeazell, 2009: 8). The Dutch genre scene therefore exerted a pervasive influence so that the interest in domestic scenes and household activities, the precise transcription of details of furniture and dress, the attention to local particularities, and the warm brown atmosphere that Irish works show must be perceived as inspired from the Northern schools. Besides Antwerp had long been a magnet for European art students.

James Brenan (1837–1907), who was trained in Dublin and London, spent many years in England before he started teaching at the Crawford School of Art, Cork, from 1860 to 1889, and at the DMSA, where he was appointed headmaster in 1889. He was “well-versed in international developments in the art world” (Cullen, 2012: 97) and his interior scenes bear the influence of Dutch realism. *Patchwork* (1891,

³ As the publication of the 9 volumes by John Smith suggests: *Catalogue Raisonné of the Works of the most Eminent Dutch, Flemish and French Painters*, 1829–1842. The catalogue became a landmark in connoisseurship and a bible for art dealers and collectors.

Crawford Art Gallery⁴), portraying an old woman in a grim poorly-furnished cottage mending clothes by the fireside, is reminiscent of Dutch paintings such as Jozef Israëls’ interior scenes⁵. Israëls, who had studied at the Académie des Beaux Arts in Paris from 1845 to 1847 and whose paintings of fishing villages near Haarlem were very popular in London, painted scenes in many respects comparable to those by Brenan. The two painters use warm, Rembrandt-like chiaroscuros which mitigate the humbleness of rural life. Also influenced by the Scotsman David Wilkie and William Mulready, Brenan excelled in genre scenes, a style which inspired many young Irish artists, among whom his pupils William Orpen, Harry Jones Thaddeus, and Aloysius O’Kelly. Brenan’s genre paintings were widely exhibited at the RHA, which evidences the acceptability of contemporary rural scenes in public exhibitions at the time (Cullen, 2012: 97). In the 1890s, in Ireland as in other European countries, “painting folkloric themes for a dominantly bourgeois public, instead of creating increasingly out-of-date historical paintings became a good option”, Eric Storm observes (Van Stantvoort *et al.*, 2008: 162). Art from Northern Europe had long been an influence: in the 1850s, Frederic William Burton (1816–1900), who stayed in Germany, painted genre scenes in the West of Ireland in the manner of the Northern masters and Brenan was not the only Irish painter to display a Dutch bent. Having lived in the Netherlands for two years, Augustus Burke is likely to have transmitted his knowledge of Flemish art to younger Irish artists.

Helen Mabel Trevor (1831–1900) equally painted scenes influenced the Dutch realists. Her *An Interior of a Breton Cottage* (1892, NGI⁶), which betrays her sensitivity to misery, is imbued with Dutch realism. Walter Osborne, Richard Moynan (1856–1906), Roderic O’Conor (1860–1940), and Hugh Charde (1858–1946) studied under Charles Verlat⁷ at the Antwerp Academy, which, in the early 1880s, encouraged students to work from the costumed model rather than concentrate on the nude.

Throughout the 19th century, France exerted a growing influence on Irish art students for whom studying abroad was an indispensable experience. Most Irish artists studied at the DMSA and, subsequently at the RHA, the two schools offering

⁴ See the Crawford Gallery’s website:

http://www.crawfordartgallery.ie/pages/paintings/Soul_Beggars_19_no_menu.html (accessed 15 May 2015).

⁵ See *The Frugal Meal* (1876, Kelvingrove Art Gallery and Museum, Glasgow), *An Unhappy Woman* (c. 1870, Newport Museum and Art Gallery) or *Mending the Nets* (c. 1870, private collection). On Israëls’ genre paintings, see Sorin Heller, “The Genre Fisherman Scenes – Realist Aspects”, in Heller, 2004.

⁶ NGI online collection:

<http://onlinecollection.nationalgallery.ie/view/objects/asitem/Objects@8941/o?t:state:flow=4be9c31e-84d1-462b-991c-b128586f8865> (accessed 15 May 2015).

⁷ Charles Verlat (1824–90), an eclectic Belgian painter and Orientalist who had been trained in Paris and had travelled to Egypt and Palestine, had an interest in local details and costumes.

complementary courses. Offering a freer atmosphere than its rival, and marked by a strong Breton influence in the 1880s, the RHA counted among its teachers Augustus Burke and Walter Osborne, both of whom had travelled to Brittany (Sheeney, 1883: 127–128). Burke had been one of the first Irish painters to reside there; he exhibited his Breton scenes at the RHA between 1876 and 1878. After his stay in Antwerp, Osborne briefly settled in Brittany before travelling to Spain, visiting Madrid and Toledo in 1895 (O’Byrne, 2008: 64). Through his teachings at the RHA in the 1890s and through the works he exhibited there from 1886 to 1903, he sensitized his Irish pupils to continental modern painting. Stimulated by the works of their much-travelled elders and the paintings exhibited at the academy, many art students went to France. Some of them embraced the realism of academism or naturalism, while others experimented with the impressionist and post-impressionist techniques.

Aloysius O’Kelly was admitted to the École des Beaux-Arts in Paris in 1874. In the French capital, he studied under Jean-Léon Gérôme and joined the studio of Joseph-Florentin-Léon Bonnat. Gérôme was a demanding master whose academic realism and romantic orientalism tremendously affected the style of his pupils, among whom was O’Kelly (O’Sullivan, 2010: 19–21)⁸. The latter combined Gérôme’s detailed observation of costumes and Bonnat’s more naturalistic style, lively brushstrokes, and soft light effects. In 1876, like many young painters, O’Kelly stayed in Pont-Aven, Brittany, where, endorsing peasant realism, he painted his *Interior of a Church in Brittany* (c. 1879, NGI). When O’Kelly was in Paris, the city, home to the Impressionists, counted several Irish nationalists: “to be Irish, a radical, and an artist opened many doors in Paris” (O’Sullivan, 2010: 16)⁹. O’Kelly’s brother, James, who had spent some time in the French capital, was acquainted with Irish writers and artists. Among them was George Moore, who had befriended Claude Monet, Camille Pissarro, and Edgar Degas as well as Emile Zola¹⁰. Like Moore, Harry Jones Thaddeus moved to Paris around 1880, where he studied at the Rodolphe Julian Academy, which was less selective than the Beaux-Arts. Students from many different countries enrolled at Julian’s (Rooney, 2003: 53), where the teachings were fairly academic and focused on drawing. Thaddeus also went to Pont-Aven, where Paul Sérusier, Emile Bernard, and Paul Gauguin were sojourning, and visited Cannes. Thaddeus, Burke, and O’Kelly followed the naturalism of Jules Bastien-Lepage, William Bouguereau, Léon Bonnat, and Jules Breton rather than

8 Works such as *Arnaut of Cairo* (1871, private collection), *Old Clothing Merchant in Cairo* (1866) or portrait of Bashi-Bazouks painted by Gérôme in the 1860s and 1870s influenced Aloysius O’Kelly’s orientalist paintings.

9 France was then considered the friend of Ireland and the nationalist cause was supported in the French press (O’Sullivan, 2010: 48).

10 Moore had been admitted to the École des Beaux-Arts in 1873 before he turned to literature.

more modern styles such as the cloisonnism¹¹. Irish painters experimented with various techniques among which naturalism.

At that time, Brittany attracted painters from France, America, Britain, and Northern countries, among which Sweden. Artists from different origins congregated in artistic colonies and came into contact. The Irish artists staying there were acquainted with British painter Stanhope Forbes, who had been trained in Brussels and Paris –in the atelier of Bonnat and at the École des Beaux-Arts. As to Thaddeus, who travelled extensively throughout his career, he was close to American painter Edward Simmons.

Thaddeus’ *Wounded Poacher* (1880–81, NGI) which harps on an Irish subject (for a detailed analysis see Rooney, 2003: 57–63), can be likened to peasant scenes by Jean-François Millet and Jules Breton. Courbet’s realism finds an echo in the works of Breton painter Victor Roussin (1812–1907) as well as in many Irish paintings, whether in works by Augustus Burke or in large compositions by Richard Moynan. The latter had studied in Antwerp before moving to Paris in 1885 to join the Académie Julian. The same luminosity bathes the scenes painted by Roussin, Moynan, and Burke. Though nothing evidences friendship between the Quimperlé-based artist Victor Roussin and Burke, the latter may have seen works by the French painter. Both shared an interest in children and village life. Besides, their works suggest a shared sensitivity to social realities.

Aloysius O’Kelly spent time in Pont-Aven, Concarneau, and Douarnenez, where Courbet and William Bouguereau, one of his masters, had spent some time¹². As Niamh O’Sullivan writes, “it was in Brittany that O’Kelly learned to reconcile a range of styles derived both from traditional and avant-garde art, in effect blending academic, realist, and plein-air elements into an innovative mode of rural naturalism” (2010:1). O’Kelly’s *Portrait of a Young Breton Girl* (undated, private collection) bears witness to the influence of Bonnat’s pleinairism and impressionism. The Irish painter was influenced by French academic paintings in the manner of Gérôme as well as by the open-air canvases of Lepage. As O’Sullivan argues “If Gérôme had come to Connemara, he could conceivably have painted O’Kelly’s *Seaweed Gatherers*”, (2010: 18–19).

11 Cloisonnist artists advocated the use of flat surfaces of plain colours separated by thick black outlines. Emile Bernard and Paul Gauguin are its most famous proponents. Gauguin, who stayed in Pont-Aven in the late 1880s, does not seem to have had an influence on Irish artists. Roderic O’Conor, who befriended Gauguin, is an exception.

12 The influence of Courbet is particularly visible in *Head of a Breton, Finistère*, exh. RHA 1885.

The influence of French impressionism on Irish artists has been widely documented¹³. Among the Irish artists trained in France in the late 19th century was Roderic O'Connor (1860–1940), who studied in Antwerp and Paris under Carolus Duran. O'Connor joined the artistic colony of Grez-sur-Loing and befriended Gauguin. Although he was familiar with the Parisian avant-gardes, he opted for an impressionist technique like Katherine MacCausland (1859–1928) and Frank O'Meara (1853–1888) who also stayed in Grez.

Though the Irish painters staying abroad were diversely affected by the styles and techniques of foreign artists, most of them were fascinated with regional particularities and the picturesqueness of costumes and vernacular architecture. When they visited the West of Ireland, many painters did so with fond memories of the time they had spent in Brittany, finding common cultural features in places equally immemorial and primitive¹⁴. The painters were attracted by the geographical and historical exoticism of these remote places. In fact, the Brittany that painters represented no longer existed as the region underwent modernization (O'Sullivan, 2010: 16). Similarly, the West of Ireland that some painters discovered in the 1930s was not as under-developed as some depictions suggest (Morisson, 2015: 125). Their experiences in Brittany incited Irish painters to view the West of Ireland with new eyes and fuelled their curiosity for local crafts and traditions. This is true of costumes and colours: interestingly, the Breton women portrayed by O'Kelly (in *An Interior Brittany*, 1853, for example) are dressed in red petticoats very much like those worn by Irish women in the West though the garment can also be found in the British Isles and in other European regions.

Continental connections remained numerous and crucial in the early 20th century. William Orpen (1878–1931) was trained at the Slade School in London. Back in Ireland, he revolutionized the teaching of the DMSA by emphasizing life-drawing rather than drawing from the antique and by devoting more importance to painting (Turpin, 1997: 190). Other Irish painters, such as Harry Scully, Lilian Lucy Davidson, or William Scott, perfected their training on the continent before settling in Ireland¹⁵. Scully's rural scenes betray the influence of Jean-François Millet and Jozef Israël while Davidson, like Grace Henry, painted Irish genre scenes in a post-impressionist style.

¹³ See Campbell, Goarzin, Leach, Puget.

¹⁴ The word 'primitive' is used in ethnographic accounts of the West of Ireland, even though not all texts endorsed the idea of a hierarchy among races. See Morisson, 2015.

¹⁵ Harry Scully, who first studied art in his native Cork, pursued his artistic training in London and Newlyn before he joined the artistic colony of Etaples in France. He travelled to Brittany, Normandy and Holland before he set up his studio in Cork. His works were exhibited at the RHA from 1893 to 1911. Lilian Lucy Davidson travelled to Cornwall and Sussex as well as to France, Belgium, and Switzerland (Cahill, 1999: 35). William Scott (1913–1989) stayed in Pont-Aven in 1938 and 1946.

Spain also attracted Irish artists. Orpen, who was familiar with modern French paintings, travelled to Madrid with Sir Hugh Lane in 1904, one year before he toured the West of Ireland. Patrick J. Tuohy (1894–1930) also spent time in Madrid and studied the Spanish master in the Prado. Seán Keating was also affected by Spanish culture. First trained in Limerick and Dublin, he is celebrated as “the painter who, more than anyone else, gave visual expression to Irish nationalism” (Dawson, 1993: 102) and described as the “brooding man of the West, upon whom the modern Ireland would be built” (McConkey, 1998: 33). In a richly-documented reinterpretation of Keating's career, Eimar O'Connor draws the portrait of an artist devoted to the nation and committed to the new Republic (2013: 14), but overlooks the influence of international artistic trends: foreign artists are hardly or very briefly mentioned (O'Connor, 2013: 48). Now, Keating was very interested in Spanish culture and politics and regularly travelled abroad. His fascination for Spanish folklore and arts is evidenced in several works, among which *El Prestigadore Despojado*, a portrait of Don Quixote (1918, Crawford Art Gallery). His wife, May Keating, had been educated in Spain and, like her husband, supported the socialist republicans during the Spanish Civil War. One may equally connect these Spanish canvases to those of Edouard Manet and William Orpen, Keating's mentor. Manet, whom Orpen admired as his *Homage to Manet* (1909, Manchester City Art Gallery) demonstrates, painted several Spanish scenes and visited Spain in 1865, two years after the completion of these canvases¹⁶. While Orpen was under the spell of Manet's use of black, Keating seems to have been more sensitive to the reds which he uses extensively¹⁷. Though the costumes in Keating's Spain-inspired paintings are more detailed than Manet's, showing much documentary precision, they betray the two painters' taste for fabric, textures, and patterns.

The multiplicity of direct contacts between Irish artists and their European counterparts shows that their works must be interpreted in a European perspective. Besides the works annually displayed at the RHA, the European paintings exhibited in Irish museums or galleries, or reproduced in illustrated or art magazines undeniably inspired Irish artists. The Hugh Lane Municipal Gallery acquired some works by Monet and Manet in 1905 (McConkey, 1998: 31) which complemented Sir Hugh Lane's collection of continental art; early 20th-century painters could not be ignorant of such works. The contacts which have been highlighted above account for the interest Irish artists showed in folklore and ethnography as the visual culture that thrived in Europe at the time was largely underpinned by primitivism and exoticism.

¹⁶ *Mademoiselle V. . . in the Costume of an Espada* (1862, Metropolitan Museum of Art), *Lola Valencia* (1862, Musée d'Orsay), or *Portrait of a Young Spanish Man in the Costume of a Majo* (1863, Metropolitan Museum of Art) were painted two years before Manet visited Spain, in 1865. The painter owned a trunk of Spanish costumes that he used in these portraits.

¹⁷ Charles Lamb equally admired Manet and the influence of the French master surfaces in his *Dancing at Northern Crossroad* (1920).

Ethnographic realism and nationalist revivalism: a European perspective

In a monograph devoted to Aloysius O’Kelly, Niamh O’Sullivan argues that O’Kelly’s “eclecticism was place-specific – naturalist in France, realist in Ireland, and Orientalist in North–Africa” (2010: 2). However, as Mickaël Vottero claims, while late 19th-century painting was extraordinarily eclectic, with painters displaying extreme stylistic variety, the subject matter favoured by the artists were much less varied (2002: 16). This applies to Irish artists who unreservedly adopted the genre scene, a topic which mediated their perception of different geographical areas. The development of the genre scene in the late 19th century followed the taste for picturesqueness, primitivism, and exoticism. The tradition of picturesque voyages and the development of ethnography through the 19th century had spurred artists to document, record, and depict the customs and crafts of distant rural populations. The cultural retrieval projects and revivals, which in Ireland developed at the time of the Ordnance Survey and the antiquarian endeavours of George Petrie and John O’Donovan¹⁸, emerged on an international scale. Irish folklore collecting was modelled on European models not in the first place as a national, or nationalist, enterprise: across Europe, popular culture became the basis out of which the people could be defined, differentiated, and classified. Ethnographic portraits circulated widely in numerous illustrated publications. The interest in folklore and the scientific or pseudo-scientific collecting endeavours incited artists to depict objects and costumes in a realistic way. This ethnographic drive ran parallel to a shift towards realism, as well as to a rediscovery of rural communities at a time when industrialization was perceived negatively (Ó Giolláin, 2000: 11–12, 29, 77). These trends were combined in Orientalist painting too. It is worth noticing that many artists painted ethnographic portraits or genre scenes inspired by European country-life before turning their gazes to more distant countries. In Ireland, the rediscovery of the Western Counties partakes of the Gaelic revival as well as of this European trend. For example, John Millington Synge’s revivalist account of the Aran Islands is underpinned by European primitivism (Veerandra, 2007; Carville, 2007; Morisson, 2015). In the same way, the images of the West of Ireland which were painted by Davidson, Keating, Lamb, or Henry, are indebted to European ethnography and ethnographic painting.

Ethnographic painting had come to fame in Paris and at the Académie des Beaux-Arts, thanks to Théodore Valerio who had travelled to Eastern Europe (Hungary and Slavic countries) and produced ethnographic drawings. Valerio’s works were meant to document “pure” populations who supposedly were uncontaminated by

¹⁸ See O’Halloran, C., “Negotiating Progress and Degeneracy: Irish Antiquaries and the Discovery of the ‘Folk’, 1770–1844”, in Baycroft and Hopkins, 2012, pp. 193–206.

migrations and contacts and who displayed distinctive cultures and traits. One of the first artists noticed for his ethnographic works was Jean-Léon Gérôme (Miller, 2010). In an article published in an 1868 issue of *La Gazette des Beaux Arts*, Emile Galichon identified Gérôme as “*un peintre ethnographe*” (Peltre, 2005: 151). The French master had a tremendous influence on Aloysius O’Kelly, his favourite Irish pupil: “even when O’Kelly deviated in subject matter and style from Gérôme’s teachings, they continued to share, admittedly with different results, an interest in ethnographic realism” (O’Sullivan, 2010: 18)¹⁹. O’Kelly’s Breton and Irish paintings both focus on peasantry. His artistic output, including his Orientalist canvases, reveals his ethnographic eye. Ethnologists, writers, as well as artists visiting the West of Ireland, the Blaskets or the Aran Islands, were attracted by the fact that these places were untouched by modern civilization. The landscape was unaltered by industrialization and the railway and the rural or insular ways of life were still traditional.

Many European artists painted ethnographic genre scenes, which are characterized by the detailed representation of traditional costume or furniture, and an emphasis on distinctive racial features, as well as the timelessness of the scenes. Similar tableaux of rural life and traditions were painted throughout Europe. In the international fairs, reconstructed farm houses, cottages, or items of vernacular architecture from different European countries disseminated images of rural authenticity. These displays testified to, and fostered scientific and artistic studies of folk culture (Schwarz in Baycroft and Hopkin, 2102: 106–107). Displays such as traditional costumes, furniture, and wares, as well as paintings of interior scenes offered the same reassuring and enticing picture of rural bliss in an age of industrialization. In the same way as Pont-Aven and Brittany gradually turned into iconic places owing to the number of similar sights that were painted and the postcards that circulated, scenes from the West of Ireland and its string of islands became recurring motifs. Equally picturesque scenes were inspired by rural Brittany or Ireland, most of them finding their origins in Flemish art. Throughout Europe, the way of life, folklore, and daily chores of rural communities proved to be a source of inspiration for many artists, whether it be Spanish painters Ignacio Zuloaga (1870–1945) and Javier Ciga (1877–1960), Swedish artists Anders Zorn (1860–1920) or Fritz Mackensen (1866–1953), or Russian genre painters²⁰. In most of these images, peasant life and rural communities were idealized notwithstanding the quasi-ethnographic precision of the depictions. Neither the poverty of the villagers nor the hardships of their work are foregrounded in representations often imbued with romanticism. Jules

¹⁹ While Gérôme often found his inspiration in classical history and favoured a dramatic light adding much drama to his canvasses, O’Kelly painted scenes from rural Ireland in darker hues.

²⁰ Outstanding exponents of Russian genre painting are Alexey Venezianov (1780–1847), Sergey Ivanov (1864–1910), and Pavel Fetov (1815–1852). For an analysis of the relation between Russian and European arts, see Rosalind Gray, *Russian Genre Painting in the Nineteenth Century*, Oxford University Press, 2000.

Breton's peasant scenes for example (*Washerwomen of the Breton Coast, Brittany Girl*, 1872, Tulsa Museum, Oklahoma, or *Peasant Woman Threading a Needle*, 1861, private collection), acquire a spiritual dimension. Among the subject matters most relished by these painters was the pastoral figure of the poorly-dressed young shepherdess epitomizing a romantic relation with and dependence on nature. One can indeed compare Augustus Burke's *Connemara Girl* (1865, NGI) to Théodore Valerio's *Little Shepherdess* (c. 1867, Walters Art Museum), Jules Breton's *La Glaneuse* (1877, Musée d'Orsay), or William Adolphe Bouguereau's *Young Shepherdess* (1885, San Diego Museum of Art). The countryside extending beyond these young women in picturesque costumes is free of dwellings and dislocated in time to underscore the simplicity of rural life. Worth noting is the fact that, in the four canvases, the working girls are going barefoot, which testifies both to their romanticized humbleness and their adaptation to country life. Offering a counterpoint to life in industrialized cities, such paintings praised the pastoral ideal regardless of the poverty which hit many rural areas. The idealisation of country life throughout Europe, as well as the emphasis on regional traditions or ways of life, has both allegorical and political undertones. As a matter of fact, in many ethnographic paintings, the rural landscape is depicted as a mythical homeland, whether it be the West of Ireland, the East of Finland, the mountains in Austria, or the plains of Hungary (see Ó Giolláin, 2000: 77–93).

The ubiquitous craving for ethnographic genre scenes and peasant realism can be explained differently according to the historical context in which the works were produced. The scenes may be a nostalgic reaction to industrialization, but they can also be keyed to nationalism, as is the case in Ukraine, Sweden, or Ireland²¹. Diarmuid Ó Giolláin underlines that “the wish to use folklore as a national resource when the nation does not have its own state comes from a context in which the putative nation has none of the trappings of nationhood and is little more than a province of a metropolis” (2000: 63). In his cultural approach to national thought, Joep Leerssen stresses the importance of cultural distinctiveness and its subjective, yet collectively accepted representation. The European scope of his analysis is grounded in the fact that, in the 19th century, nationalism spread throughout Europe as intellectual models circulated more easily (Leerssen, 2006: 20). The political, intellectual, and cultural interactions between European countries elaborating concepts and forms of nationhood which Leerssen underscores must also be assessed in the artistic field. Indeed, images and art heighten the collective perception of the national community or ethnicity by giving embodiment to ethnic cultures. Expanding on Anthony D. Smith's theory of ethno-symbolism, Athena S. Leoussi demonstrates that national art –i.e. “art made by artists consciously inspired by their own, ethno-cultural heritage of symbols, memories, myths,

21 For a European perspective on folklore and nationalism, see Ó Giolláin, chapter 3 “Folklore and Nation-building”, pp. 63–93.

values, traditions and natural environment, either in the form of their art, or in its content—often turned into ethno-history painting” (Leoussi, 2004: 147). The naturalistic or romantic representation of rurality and the peasant community by artists belonging to the elites, and the exhibition of such works in academies and Salons anchors the perception of nationhood in an authentic ethnicity epitomizing nationalist ideals (the homeland, the family, etc.). Folklore was interpreted as national tradition as, throughout Europe, “rustic popular culture was canonized into the very essence and bedrock of national identity” (Leerssen, 2006: 195). In their attempt to document the richness of indigenous cultures partly eradicated by a foreign model, folklorists reappraised provincial traditions and ways of life whether it be in Finland, Russia, Spain, Scotland, or Ireland. Because “nations are conceptual, emotional, abstract entities which may be associated with a state, but can only be grasped through their representations, [and] symbols” (Baycroft and Hopkin, 2012: 3)²², artworks play a role. Art exhibitions could serve the same function as world fairs though they reached a different and much smaller public. Indeed, “as part of the national self-image, folk culture helped to transform the construct of the nation into something that could be exhibited, grasped with more senses than just the one of seeing, and that people would recognize.” (Schwarz in Baycroft and Hopkins, 2012: 111). Ethnographic painting partook in this nation-building process and, through exhibitions and displays, ensured that folk culture found a place among high culture. Ethnographic artworks endowed with realism played a role in the elaboration of the national myth of a golden age which underpinned the nationalist revival and in the identification process. Throughout Europe, the revivalist idealization of peasant life and country life went hand in hand with the quasi-photographic realism of some paintings documenting folklore and local traditions. Although visual realism may substantiate the construction of authenticity in the nationalist imaging of “the people” it never precludes an ideological or artistic bias. Allegorical scenes revisiting the mother-and-child motif under the aegis of pastoralism were produced in countries undergoing nationalist revivals. There is an obvious resemblance between paintings by Bouguereau (*Young Mother Gazing at her Child*, 1871, Metropolitan Museum of Art), Léon Lhermitte (*La Soupe de l'Enfant*, 1888, private collection), O'Kelly (*Expectation, West of Ireland*, exh. 1881, private collection), Maurice MacGonigle (*Mother and Child*, 1943, Crawford Gallery), or Mackensen (*Der Saeugling*, 1892, private collection). In these works the iconographic motif is similarly treated as a connection is established between maternal love and rural life. All are examples of rustic devotion.

Aloysius O'Kelly's *Expectation* (1881) is correlated to the much-awaited independence of the Nation and the growing interest in the West as bearing the trace of uncontaminated Celtic culture. The very title of the work tells its political scope. Irish depictions of Mother Ireland under the guise of a peasant-Madonna

22 On the invention of traditions, see Anderson, B., 1983 and Hobsbawm, E. and T. Ranger, 1983.

figure, as exemplified by O’Kelly’s, or MacGonigal’s canvases, equally bring to mind depictions of Mother Russia during the Russian revival²³.

A synthesis between European ethnographic realism and Irish nationalism was operated by painters like O’Kelly. When he returned to Ireland after having lived in America, he advocated for an Irish school of painting. However, his famous *Mass in a Connemara Cabin* (NGI), often acclaimed as his masterpiece, was exhibited at the Paris Salon in 1884, which proves how European this type of ethnographic genre scene was. O’Kelly’s ethnographic realism, which may be compared to Courbet’s (O’Sullivan, 2010: 89), nonetheless included new emblems for an emerging nation and emphasized the nobleness of Western people rather than the harshness of their lives²⁴. In *Feeding the Hens* (1880), ethnographic realism (illustrated by the Aran wickerwork, St Brigid crosses, baskets, and pots in the background) combines with an allegorical emphasis on hope and self-reliance. An impression of family bliss, plenty, and industry springs from the canvas which sings the praise of nationalist rural values (O’Sullivan, 2010: 97). Compared to paintings depicting the same scene (Walter Frederick Osborne’s *Feeding the Chickens* (1885) for instance, painted in an impressionist style), O’Kelly’s work seems to mingle European rusticity and local lore. *Seaweed Gatherers, Connemara* (1884), which portrays a proud-looking man followed by his wife, exemplifies the enmeshed national and international influences in O’Kelly’s work. Seaweed gathering is described as a distinctive activity of the Aran Islands²⁵ but there were many previous ethnographic and artistic descriptions of seaweed gathering in Belgium, the Netherlands, and Brittany.

Regional costumes: sartorial particularism, regionalism and exotification

In most of the above-mentioned works, the meticulousness with which the details of traditional costumes are painted is striking. Though the costume draws attention to regional identity, the interest it triggered was European-wide. Costumes have always played a crucial role in portraiture, but the interest in traditional costumes intensified in the late 19th, early 20th centuries with the development of ethnography and folklore. In ethnographic descriptions, regional dress is indeed a preeminent badge

23 Many Russian painters embraced a form of ideological realism fuelled by ethnological photography. See Musée d’Orsay exhibition, *A Quest for Identity: Russian Art in the Second Half of the 19th Century*, Paris, 2005 and catalogue, *L’Art russe dans la deuxième moitié du XIXe siècle*, Réunion des Musées Nationaux, 2005.

24 In a series of drawings for the *Illustrated London News*, he portrayed famished Irish peasants in the 1880s. These illustrations were later reproduced in the Land League publications. His commitment to anti-British activity in Egypt is a continuation of his fight against colonialism.

25 Niamh O’Sullivan notes that “in this painting, O’Kelly visually prefigured with astonishing accuracy the ethnographic accounts of Alfred Cort Haddon and Charles Robert Browne who visited the Aran Islands in 1893” (2010: 96). See also Morisson, 2015.

of identity. In regionalist painting, traditional costumes, vernacular architecture, typical landscapes, and specific local types become signifiers of identity. Costumes are represented faithfully in paintings by Aloysius O’Kelly, Walter Osborne, Seán Keating, or Charles Lamb as well as by foreign artists. Osborne took photographs of the people he met in Holland and France and used this photographic material as a source of inspiration for his paintings. Both his collection of photographs and his paintings testify to his interest in traditional costumes (Campbell, 2001). This interest was largely kindled by European ethnographic images and art as well as by salvage ethnography. As Eric Storm argues, in several European countries, regionalism was correlated with nation-building and provided the nation with local roots (Van Stantvoort *et al.*, 2008: 162). Angela Schwarz draws attention to the international dimension of folkloristic reconstructions which combine the national and the regional (Baycroft and Hopkin, 2012: 100). “Next-door-exoticism” (Schwarz, Baycroft and Hopkin, 2012: 101) and common cultural practices in the display of regional identities emerged throughout Europe. A concept of national culture was circulated between European nations (Löfgren, 1989: 21–22). In this context, many European painters delighted in painting traditional costumes²⁶.

Many Irish painters staying in Brittany seem to have been dazzled by the variety of costumes. Frederic William Burton’s Irish genre scenes, dating from the mid-19th century, already show how crucial the local dress and its colour are in the composition. In *The Aran Fisherman’s Drowned Child* (1841, NI)²⁷ and *A Blind Girl at the Holy Well* (c. 1840, private collection), the women’s red dresses give the paintings their structures and liveliness. Picture postcards of Breton dress were popular, as were ethnographic portraits of exotically-dressed foreigners. Henry Blackburn, an English antiquarian who toured Brittany in 1880, noted that “the distinctive costume, even in these out-of-the-way places, is a flickering flame, and (that) in a few years such scenes will have lost their character” (Orton and Pollock, 1996: 80). As Brittany got modernized, Henry Blackburn noted that costume was “the last stronghold of self-respect among the peasant” (O’Sullivan 2010: 181). This remark conjures up images of proud, traditionally-dressed islanders in Irish painting.

In Blackburn’s observations, much emphasis is placed on the colours and picturesqueness of the garments, suggesting a strong connection between ethnographic writing and painting. In Guéméné, he notes: “Here, the harmony of costume and architecture both in form and colour, strikes the eye at once, and we want nothing to complete the picture” (Blackburn, 1880: 166). Trevor refers to the “animate and inanimate paintability” of Concarneau (Rooney, 2003: 69).

26 One can name the Norwegians Jan Eckeneas and Erik Werenskiold, the Finn Akseli Gallen-Kallela, the Czech Ivan Mrkvicka, the Swede Anders Zorn, the Russian portraitist Natalia Goncharova, and the Spanish painter Ignacio Zuloaga, who, like many Irish artists, were all fascinated by native clothing.

27 See the NGI online collection:

http://www.nationalgallery.ie/en/Learning/Schools/West_of_Ireland_Paintings.aspx (last accessed 15 May 2015).

On arriving in Brittany, Harry Jones Thaddeus wrote that “the villagers in their picturesque costumes provide the distinctive note so highly prized by painters” (O’Sullivan, 2010: 166). His *Market Day, Finistère* (1882, NGI), featuring a Breton woman in traditional costume, shows that costumes were a sign of wealth and a source of pride. As is the case in many portraits and ethnographic genre scenes, the composition is built around the costume: its structure –the combined items, fabrics, colours, patterns and folds– strikes the eyes of the painter since the large white collar and side lappets of the young woman is the most eye-catching element in the work. Thaddeus’s ethnographic portraits may be likened to some of Jules Breton’s paintings chromatically structured by the costumes (*Wounded Seagull*, 1878,

Saint Louis Art Museum or *Le Matin*, 1888, private collection). Bonnat was also interested in foreign dress and regional costumes, as was O’Kelly, “an acute observer of the variety and complexity of Breton dress” (O’Sullivan, 2010: 181). O’Kelly’s *Expectation, West of Ireland* and Bonnat’s portraits of Italian girls in costume (*Portrait of a Young Italian Girl*, 1882, Hermitage Museum, St Petersburg) reveal their shared interest in local dress. No detail in the fabric or regional decorative pattern is left aside. In Helen Mabel Trevor’s *A Morning Dream* (1881, private collection), produced during her stay in Brittany²⁸, similar attention is paid to the Breton costume and the traditional lit clos in the background. Another Irish painter fascinated with Breton dress, Thomas Hovenden (1840–1895)²⁹ portrayed a young couple dressed after the local fashion. *A Wayside Chat, Brittany* (1875, private collection) is a realistic regionalist painting in some respect similar to Seán Keating’s *An Aran Fisherman and his Wife* (c. 1914–20, The Hugh Lane, Dublin): despite obvious stylistic differences, in both works, the regional costume is associated with the vigour of youth and self-subsistence. Furthermore, like other ethnographic and regionalist paintings, *An Aran Fisherman and his Wife* is also an allegory (O’Connor, 2013: 116). In an essay on regionalist painting, Eric Storm describes this style as “neo-idealism” on account of the philosophical underpinnings of such works. As a matter of fact, many ethnographic paintings with a regionalist bias put to the fore the spirit of local peoples, their harmonious relation with nature, the adaptation of simple ways of life to the local environment (Van Stanvoort et al., 2008: 169). Though the work illustrates the self-sufficiency of the islands and traditional fishing activities, it also documents Western costumes in an ethnographic way. The west, more particularly the Aran Islands, being untouched by colonisation and protected from foreign influences was the place where a purely Irish culture could be revived. The Islands attracted many foreign visitors beguiled by the indigenous culture of the West perceived as pure. Yet, it is with European eyes that the visitors appraised the ethnographic authenticity of the West.

²⁸ Trevor (1831–1900), who attended the RHA and the Julian Academy in Paris, toured Brittany in the 1880s and 1890s. Some of her Breton works (like *The Fisherman’s Mother*) were exhibited in Dublin.

²⁹ A friend of Aloysius O’Kelly, Thomas Hovenden was born in Cork. He moved to New-York before staying in Paris and Pont-Aven in 1874.

There is little doubt that the fascination for Breton costumes which Irish painters developed in France affected their perception and depictions of the traditional Irish dress and encouraged them to “exoticize” the costumes of Connemara people. Central to the distinctiveness of Irish culture, the traditional costume was therefore perceived and pictured through European lenses. The same attention was paid to local dress in paintings inspired by life in Brittany, England or Ireland. Walter Osborne’s *The Ferry* (1890, private collection), painted near Rye, features an old woman in a shawl, looking like a Breton or a Connemara woman. In Roderic O’Connor’s *The Young Breton Girl* (c. 1903, NGI), the headdress is Breton, but the red shawl looks like an item of the Aran costume.

In ethnographic accounts of Aran life, the picturesqueness of the costumes is repeatedly mentioned. When he travelled to the Aran Island, Thomas H. Mason was enthralled by picturesque garments (Mason, 1936, 75–76) Walter Osborne was attracted to Galway because of “the quays and picturesqueness of the Claddagh women and their fish baskets” (Gwynn, 1943: 465). Charles Lamb, who had stayed in Pont-Aven and Audierne in 1926–27 and exhibited many Breton subjects at the RHA, paid particular attention to the traditional costume worn in the West, as can be evidenced by his *Reading the News or Dancing at a Northern Crossroad* (1920, NGI). In O’Kelly’s Connemara paintings (*Expectation, West of Ireland, Feeding Hens*, exh. RHA 1880, or *Seaweed Gatherers* for instance), the checkered patterns, jackets in homespun materials, sleeveless waistcoats, flannel petticoats, woollen stockings, headscarf, and the ‘pampooties’, i.e. sandals of cowhide, are highlighted (O’Sullivan, 2010: 97). The same costumes are painted by Charles Lamb or Seán Keating. Maurice MacGonigal’s *Mother and Child* (1943, Crawford Art Gallery) also features a woman in traditional clothes: her bright red dress and black shawl are traditional elements of the islanders’ costume. Equal attention is paid to shawls in Lilian Lucy Davidson’s *Fashions at the Fair* (c. 1940, NGI) and *Going to the Fair* (private collection). She renders the colourfulness of peasant clothes in a post-impressionist style aware that red skirts and decorated shawls emblemize rural Irishness. Painted in a similar style, Grace Henry’s *The Top of the Hill* (c. 1920, Limerick City Art Gallery) is structured around the red shawl worn by one of the three women portrayed. The patterns of the garment are enhanced as only the back of the woman is seen, as is the case in *Fashions at the Fair*. A comparison between Lamb’s *Dancing at the Northern Crossroad* and a very similar 1830 scene painted by Trevor Thomas Fowler, a now obscure painter who had trained in Paris and exhibited at the RHA, shows that while peasant costume in the early 19th century was untopographical, it became a century or so later the badge of regional and national identity.

In ethnographic texts and travelogues, both the Breton costume and the Irish one are nonetheless compared to more exotic clothing. While in Plougastel, Blackburn writes that some of the people “might be the descendants of Eastern races, wearing Egyptian or Phrygian head-dress, caps from Albania, embroideries from Greece,

and sashes from Arabia". (Blackburn, 1880: 86) Such remarks suggest that Brittany, the West of Ireland, Spain, Italy, Greece or Oriental countries equally appealed to painters fascinated by the richness and exoticism of traditional costumes. Exoticism surfaces in many ethnographic writings from this period and has tinged many visual depictions. To the eyes of travellers, the West of France or the West of Ireland seemed as remote as more far-flung countries. Blackburn describes Brittany as "*terra incognita*" (Blackburn, 1880: 128). Arthur Symons, whose writings on the Aran islands may have influenced John Millington Synge, noted that as he sailed back to the mainland, he felt as if he "had stepped out of some strange, half-magical, almost real dream" (Ross, 2009: 437). Synge himself wrote that he had encountered an "exhilarating strangeness and singularity" when among the peasants of Aran (Dalsmier, 1993: 208). In *The Aran Islands*, strangeness is constantly emphasized³⁰. When he landed on Inishere in the 1930s, Thomas H. Mason noted:

I was an Irishman coming from the east coast, but I could not help thinking that, although, geographically, I was still in Ireland, yet, to all intents and purposes, I might have been a thousand miles away from Dublin. At that time the currachs were strange to me; the men spoke Irish, they were dressed entirely in home-made clothes, woven or knitted from the wool of their own sheep, the features of the people were somewhat different from those on the mainland, and I felt that sense of wonder and interest which is common to travelers in strange places (Mason, 1936: 65).

Admittedly, the costume emblemizes culture distinctiveness but is also the repository of an international rusticity and the trigger for exoticism. Whether they toured the West of Ireland, Brittany, or more southern countries, most writers and artists experienced a pleasure provoked by a similar contemplation of difference and diversity, which is precisely what Victor Segalen identifies as the exotic (Segalen, 1978: 100). The Aran islands are likened to Eastern countries in Synge's book: "the low flame-edged kiln, sending out dense clouds of creamy smoke, with a band of red and grey clothed workers moving in the haze, and usually some petticoated boys and women who come down with drink, forms a scene with as much variety and colour as any picture from the East" (Synge, 1906: 33). A later traveller, Ian Dall compares the Araners in broad-brimmed hats to Spanish muleteers (Dall, 1931: 123). Repeatedly, the authenticity initially tied to the construction of folklore and visual realism overlaps with the exotification of European others (Carville, 2007; Morisson, 2015). Though it was often directly observed or photographed for their personal collections by European artists, the traditional costume is partly

³⁰ Synge was struck by "the strange beauty of the women" (Synge, 13), the "strange simplicity" of the people, or their "peculiar charm" (Synge, 56).

an invented tradition. While Osborne's photographs testify to the poverty of the sitters, often shot in tattered clothes, his paintings tend to brighten up the plight of rural communities. There are many artistic contrivances in artworks which abound in ethnographic details.

Owing to the theatrical staging of folklore and traditional costumes in his works, Keating's canvases display similarities with those of Spanish portraitist Ignacio Zuloaga (1870–1945), who settled in Montmartre in 1888 and exhibited in London, Brussels, New York and Paris in the 1890s³¹. Though there is no evidence of a contact between the two artists, the stylistic and iconographic resemblances between their works suggest that a pan-European fascination with regional costumes and identity existed. Keating's early works evidence his interest in clothing and folklore. In several self-portraits, he portrays himself costumed as an Aran man, a Spaniard, or an Oriental (*Self-portrait in an Arab Costume*, undated, private collection). The Dublin School of Art was situated near museums which "provided admission to a colourful wardrobe of costumes and props" (O'Connor, 2013: 49). Keating's interest in costumes may also have been fuelled by ethnographic portraits. Being close to J.M. Synge, he must have read the writer's ethnographic books. In *Men of the West*, the sartorial details of the pampooties, shawls, and crios (hand-knit belts) are combined with nationalist propaganda. The artist was interested in photography and many of his paintings were made after staged photographs showing him or his friends and relatives in costumes: *In the Dublin Mountains* (c. 1919–20, private collection), portraying his wife in a Western dress, or *Good Evenin' Miss* (1921, private collection) are based on photographs. Keating faithfully painted the pattern decorating the shawl but enlivened the colours in the painting, using vermilion for the dress, scarf and crios. As O'Connor argues, "the style and atmosphere of the work had more to do with Irish theatre at the time than with the reality of life on the islands" (127). It is in a strikingly similar manner that Spanish painter Zuloaga stages his traditionally dressed characters. Both painters enhance the details of regional costumes and place the figures in a picturesque landscape epitomizing national identity.

Charles Lamb's *Dancing at Northern Crossroads* testifies to the influence Keating exerted on his pupil. Lamb travelled to the West in 1919, following the advice of his close friend, Pádraic Ó Conaire, whose interest in folklore he shared. As Marie Bourke notices, not all the costumes painted by Lamb are normally worn by Connemara people³². As evidenced by photographs, people in the Congested

³¹ A friend of Auguste Rodin, during his five-year stay in France, he met Gauguin and Toulouse Lautrec. Though Zuloaga was a nationalist, his interest in folk traditions brings to mind Keating's depictions of Irish traditions.

³² Bourke observes that men seldom wore red waistcoats while women would wear the red petticoat as their main skirt. She argues that "the artist was not yet familiar enough with western habits and customs to be aware of refinement of detail". Lamb may have conformed to Synge's ethnographic descriptions of red petticoats.

district wore patched clothes and tattered dresses. The red garments painted by Lamb, who did not aim at realism, were most probably inspired by previous representations. Similar scenes painted by the Swedish artist Anders Zorn's (*Midsummer Dance*, 1897), or the Spanish painter Javier Ciga (*Sokadanza*, 1914) suggest an overarching idealization of village life. Local specificities dissolve into a pan-European allegorization of rural traditions and dress. Throughout Europe, regional costumes are either exotified or beautified as they reflect distinctiveness and epitomize the richness and subtlety of local traditions in the face of a hegemonic high-culture which is that of the colonizers. While the costumes are brightened up and theatrically lit in many canvasses, they are suffused with a quasi-photographic sense of authenticity.

Conclusion

Because it has long been essential for Ireland to present its heritage, culture, and arts as the expression of a distinct people, the European training and inspiration of many Irish artists from the late 19th and early 20th centuries has tended to be under-assessed. The European connection of Irish impressionists or cubists has often been highlighted to evidence the modernity of Irish art. However, as this paper has tentatively suggested, most Irish artists received some artistic education abroad and found their inspiration in foreign models. The ethnographic genre and artistic regionalism which developed throughout Europe provided a major source of inspiration for young Irish artists committed to cultural or, in some cases, political nationalism. Distinctively Irish scenes contributed to constructing the nation by reviving local folklore and traditions. These scenes were nonetheless filtered through European eyes. Regionalism, nationalism, internationalism should therefore be reconciled for Irish art history to be more deeply anchored in a broader art history. David Hopkins' concluding remarks in "Folklore beyond nationalism" seem relevant to the analysis of Irish art: "If the wicked fairy of romantic nationalism stood as one godparent to the infant folklore, so did the benign fairy of internationalism, and the legacy of the latter would also flower in the twentieth century, for example in the League of Nations' Commission des Arts et Traditions Populaires" (Baycroft and Hopkins, 2012: 392). The nation-state should not indeed be the primary concept underlying the analysis of Irish art as regional, national and continental expressions of ethnicity and belonging interacted and overlapped.

Abbreviations

DSMA	Dublin Metropolitan School of Art
NGI	National Gallery of Ireland
RHA	Royal Hibernian Academy

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National identity and judicial interculturality in Ireland: The Dáil Courts experience (1919–1924)

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Abstract

Due to its past colonial status, Ireland has strived to oppose its national identity to the heritage of British rule as it gradually severed ties with its former rulers. Nationalism being a political notion, it is normally reflected in the country's institutions, the latter getting their legitimacy by constitutional means, and this is how the national/foreign, and identity/interculturality dichotomies were shaped. This paper will examine a particular case of these oppositions in the context of the first Republic (1919–1923) whose judicial institutions competed with the existing British court system during the War of Independence, under the tutelage of Gilles Deleuze and Félix Guattari's political and philosophical critique of the State (*A Thousand Plateaus*, 1980). It will deal with the setting up of a system of courts, called the *Dáil Courts*, and how they came to represent some sort of Irish identity in the making, something that Deleuze and Guattari called a “becoming”, while aggregating both British and foreign legal features. The fate of this singular system will first be examined as the setting up of a Deleuzian war machine challenging the rigid structure of the colonial State apparatus (1919–1920); the second part will analyse how the new court system efficiently replaces the old institutions by adopting an unusual “rhizomatic” structure (1920–1921); finally, the third part will show how the Dáil Courts were absorbed by the Irish Free State's Apparatus of Capture that reinstated a more familiar, traditional Common Law system (1921–1924).

Keywords: Dáil Courts – war machine – State apparatus – rhizome – war of independence – institution – Dáil Éireann – Common Law

Résumé

En raison de son statut d'ancienne colonie, l'Irlande n'a cessé d'opposer son identité nationale à l'héritage britannique au moment où le pays coupait les liens institutionnels avec l'ancien occupant. Le nationalisme, notion politique, se reflète dans la mise en place d'institutions autonomes légitimées par l'adoption d'une constitution, construisant ainsi des dichotomies du type national/étranger, identité/interculturalité. Le présent article examinera le cas particulier de la mise en place d'un système judiciaire autonome lors de la formation de la première république irlandaise pendant la guerre d'indépendance (1919–1923), celui des *Dáil Courts*. Ces dernières participèrent de la création d'une identité politique irlandaise, d'un « devenir » agrégeant des éléments du droit irlandais et anglais, pour reprendre le concept élaboré par Gilles Deleuze et Félix Guattari dans leur critique politique et philosophique de l'Appareil d'État (*Mille Plateaux*, 1980). Le destin de ce système singulier sera tout d'abord analysé comme la mise en place d'une « machine de guerre » deleuzienne défiant la structure rigide de l'appareil d'État colonial (1919–1920). La deuxième partie examinera comment ce nouveau système judiciaire a remplacé efficacement les institutions existantes en adoptant une forme plus inhabituelle, plus « rhizomatique » (1920–1921). Enfin, la troisième partie montrera la manière dont l'*Irish Free State*, issu du Traité Anglo-Irlandais de 1921, a capturé et absorbé les Dáil Courts et a adopté un système judiciaire plus traditionnel calqué sur celui de la Common Law (1921–1924).

Mots-clés: Dáil Courts – machine de guerre – appareil d'État – rhizome – guerre d'indépendance – institution – Dáil Éireann – Common Law

I say it to my countrymen, as The Nation said to them in 1843, “You have it in your power to resume popular courts and fix laws, and it is your duty to do so. If you resort in any of your disputes to any but your own judges, you injure yourselves and commit treason to your country”.

Arthur Griffith, *The Resurrection of Hungary, A Parallel for Ireland* (1905)

Introduction

Like most former colonies, Ireland inherited its judicial system from military conquest; Common Law superseded the old Brehon tradition that had hitherto structured its society up until the Treaty of Limerick was finally signed in 1691 giving complete control over the destiny of the island to the Crown of England. The passing of repressive statutes, known as the Penal Laws, against the Irish Catholics enhanced Irish people's distrust of colonial institutions in general, and justice in particular. This was reflected in the verses of the former court poets, reduced to the status of itinerant hedge schoolmasters; in his 1780 poem known as *Cúirt an Mbeánoiche* [The Midnight Court], Brian Merriman fiercely criticizes the English legal system as an instrument of pillaging and theft in the hand of the ruling Anglo-Irish gentry. The quest for emancipation did not subside with time, and in the late 19th century, a literary and cultural revival, combined with political agitation, accompanied the 1916 Easter Rising and the War of Independence. Political leaders did not all pursue the same agenda, and radical Republicanism, embodied by the banned Irish Republican Brotherhood, coexisted with more moderate autonomist approaches, like the Home Rule Party, and socialism, as embodied by James Connolly's Socialist Party of Ireland. Arthur Griffith, the founder of Sinn Féin, advocated a complete but gradual empowerment of the Irish people by encouraging grassroots initiatives that would eventually loosen England's political control over Ireland. His model was the Compromise signed between Hungary and Austria in 1867 granting the two states equal status within the Austro-Hungarian Empire, hardly a call for a complete breakaway from Great Britain. Part of his plan was to encourage the setting up of local laws and local courts; this pointed toward the redefinition of Ireland's legal identity and judicial tradition, bearing in mind that Common Law had been established for so long that any trace of legal influence from the distant Celtic past or of the legal system that operated in Ireland before the conquest had been obliterated.

This complete disappearance contrasts with the survival, however precarious, of the Irish language and cultural tradition at the turn of the 20th century, the launching of the literary revival known as the Celtic Dawn or the renewed popularity of Gaelic sports, all of which had been promoted by a generation of scholars, writers and poets from the Anglo-Irish middle-class or landed gentry. The paradox of Ireland in the

wake of its insurrection was that nationalism was supported mostly by members of the Ascendancy, who had been educated in the English tradition. Moreover, the distinctive Northern Irish identity is undeniably the result of the blending of Scottish Presbyterianism, of political loyalty to the English Crown during the wars of succession to the throne of Britain, of the systematic Plantation of Ulster in the 17th century resulting in a feeling of alienation among the Irish Catholic population. One can therefore argue that interculturality had fundamentally shaped the intellectual, social and cultural landscape of today's Ireland; however, it seems that the Common Law tradition could neither be offset nor made to harbour any trace of interculturality. Yet, in the short period between the beginning of the War of Independence in 1919 and the immediate aftermath of the Civil War in 1924, a system of courts of law, known as the Dáil Courts, was established by the first illegal Dáil Éireann¹ parallel to the setting up of the Irish Republican Army which fought against the Royal Irish Constabulary and the British troops. It succeeded in hearing cases, keeping court registers and carrying out sentences in very troubled times while the proceedings of the official Common Law courts were suspended. These courts developed across the country as the expression of the people's will, and they disappeared as rapidly as they were set up. One possible explanation for this short-lived and intense experience may be found in their spontaneous “rhizomatic” nature, as analysed by Gilles Deleuze and Félix Guattari in *A Thousand Plateaus* (1980). The authors identified a recurring opposition in all forms of sociopolitical systems, that of the “State apparatus” and of the “war machine”. If the former corresponds to a static, symmetrical structure based on dichotomies (men/women, work/leisure, legality/illegality, etc.), the latter is a nomadic and temporary assemblage occupying a smooth, unchartered space out of the reach of state institutions. This analysis will serve as a theoretical background to the present contribution, the aim of which is to describe the Dáil Courts' structure and foundational legal principles and determine the historical landmarks that punctuated their expansion and demise.

One can identify three stages in this evolution: the first one, between 1919 and 1920, fostered the creation of such courts. These were known then as “Sinn Féin courts”, and symbolized the endeavour to offset the established British legal system, seen as the expression of colonial state power. The second stage (1920–1921) saw the Dáil Courts emerging as the expression of a national state in the making, and were gradually absorbed, captured by the budding Irish state apparatus in the wake of the Anglo-Irish Treaty. Finally, the last stage (1921–1924) witnessed the newly established Free State aligning itself along British legal rules. Ireland thus chose to uphold the continuity between the two political entities, with the Treaty as the pivotal moment when the “war machine” of the revolutionary Dáil Courts was absorbed and neutralized.

¹ The first Irish Parliament, set up in January 1919 by the Irish nationalists in defiance of British rule.

I— Setting up a war machine: the Sinn Féin courts v. the British state apparatus

I. What is a “war machine”?

This concept is central to the political theory of Gilles Deleuze and Félix Guattari as exposed in *A Thousand Plateaus* (1980) and discussed in later works by Gilles Deleuze. It is defined as an assemblage of individuals characterized by its nomadism, its mobility, its capacity to morph into different combinations of individuals and its opposition to any State apparatus and the control it imposes on its polity. However, it should not be assumed that its aim is to conduct warfare, but instead, to depart from the social space controlled (“striated”, as the authors put it) by the State and move along an unplanned trajectory in a hitherto unchartered (or “smooth”) space (Deleuze 1990: 50). Warfare seems to be a possible consequence, rather than the cause, of the emerging of a war machine in a revolutionary context. In spite of its diversity in form, a war machine is clearly exterior, even in thought, to the State. In Ireland in the wake of the war of Independence, what kindled the insurrection was the agrarian unrest that was simmering in the West of Ireland, with occasional bouts of violence. The matter was political and legal pertaining to land ownership, which had passed into the hands of the landed gentry since the imposition of the Penal Laws in the 17th century. The land issue was closely linked to a situation akin to other colonisation issues, with land seizures and rents that were associated to injustice. This prompted the setting up of alternative forms of justice steeped in a long tradition that preceded the imposition of the English Common Law, namely the Brehon courts; however few accounts of Brehon procedures were reported in the aftermath of the complete conquest of Ireland. Nevertheless, alternative courts sprang up in the course of the 18th and the 19th centuries, like the Repeal Association arbitration courts, the Ribbon Association courts, the Land League courts, or the United Irish League courts (Laird 2005: 23). These were of course local, unofficial structures that held secret hearings, but insisted on the formality of their proceedings. They were war machines in every respect, because they remained exterior to a State apparatus that had no legitimacy among the Irish peasantry, while reinforcing their own legitimacy by resorting to procedural instruments borrowed from the official courts or elaborating on them (Laird: 26). They also followed the evolution of the land wars and the successive insurrections that tried to offset the Crown’s political supremacy (The United Irishmen in 1798, the Ribbonmen, etc.). The Dáil Courts did not come from nowhere, but were probably the first court system that flourished locally during troubled times, gained support from a fledgling government and were given some official recognition by the revolutionary government in Dublin as well as unofficial attention by the Crown forces and administration. All these courts shared one common sense of injustice regarding the land issue, based on an unfair rent system, a systematic policy of evictions of

those who could not or would not pay those rents (“rackrent” as they were known), and a system of landownership (landlordism) that was increasingly at odds with the local situations in the Irish countryside.

2. The land issue

The Irish Land Act 1870, introduced by Prime Minister Gladstone, reformed some unfair contractual aspects of land tenancy, which were particularly hard on the Irish farmers. One of the purposes of the Act was to give equal rights to Irish and English tenant farmers all over the United Kingdom. However, one condition was that the rents could be substantially raised, which was agreed by both landowners and tenants. The lease was also reduced to one year, and the effects of the Act impacted the Irish negatively during the Long Depression of the 1870s. This resulted in a series of upheavals, characterized by rent strikes, “cattle drives” and “monster meetings”.² This caused landlords to retaliate by evicting unwilling tenants from their lands, which in turn resulted in a protracted conflict, known as the Land War, between the Land League and the police forces, sometimes backed up by the British Army. There were some sporadic murders of landlords or of their agents, but the most effective means of putting pressure on the landed classes and the British government was the boycotting – or ostracizing – of unpopular people.³ At Common Law, this was not unlawful and there was no legal remedy against it, since it was implied, negatively, in the very right to engage or not in a commercial transaction or in any form of socialization. The Land War finally subsided when a series of Acts were passed between 1870 and 1909 that gradually granted tenant farmers more rights and entitlements to their freehold and eased off the transfer of property from the richer “absentee landlords” to the Irish farmers.⁴ The rural population of Ireland organised itself into an entity that shares some characteristics with the Deleuzian war machine, in that it was the result of a grassroots initiative that had loosened the grip that the State apparatus had on its “space” represented by land ownership. Besides, it was able to adapt to the local context, unlike the State institutions that

² Cattle belonging to landowners were occasionally refused grazing on the tenants’ holdings and moved along the roads, with no access to water or hay. “Monster meetings” were huge rallies gathering hundreds of angry farmers, usually addressed to by a member of the Land League, founded by Michael Davitt in 1879. Its aim was to struggle for fairer rent, fixity of tenure and free sale of land to tenant farmers (the “Three Fs”). The first meeting took place in 1879 in Claremorris in Co. Mayo.

³ The name comes from a landlord’s agent called Charles Boycott. The idea was not to engage in commerce with the designated person or his family, to shun them. It was a voluntary act, and the aim was clearly punitive. Whoever broke a boycott became also the target of ostracism or other forms of shunning.

⁴ The most notable ones were the Ashbourne Act of 1885 giving tenants the right to buy their freehold, and the Wyndham act of 1903 that allowed this purchase through UK loans.

followed rules and procedures upheld by the courts. This swiftness and adaptability became the norm when the War of Independence broke out. What characterized this conflict was the determination with which the insurgents engaged in the destruction of state institutions and symbols, and replaced them with a budding, mobile and efficient military system, and a fledgling Government comprising a clandestine Cabinet, an illegal parliament, and an outlawed court system. This was mainly the result of the Irish Volunteers' military and governmental activity across the country.

3. The Volunteers' "rhizomatic" network and the boycott of the established courts

By 1916, Sinn Féin, a hitherto minority party promoting a vague nationalist agenda, turned out to be a household name for the liberation of Ireland, as the confrontation between bands of angry men and women and law enforcement troops spiralled into violence (Kotsonouris 1994: 18). In January 1919, the feud took a more radical turn when a local group of armed men assassinated, on its own initiative, officers from the Royal Irish Constabulary (RIC) in Soloheadbeg in Co. Tipperary. This was the first spectacular episode in a long series of attacks on police barracks by IRA Volunteers and "flying columns", which became official IRA policy as of January 1920. This type of organisation can be described as a "pack" or "band-like" assemblage, both flexible in numbers and characterized by its speed and mobility, something reminiscent of the Deleuzian war machine (1980: 360–61).

In local towns the role of the Volunteers was to maintain public order, thus replacing the RIC whose depleting forces were no longer able to do so. This was particularly the case in the West of Ireland, in counties Clare, Mayo and Sligo for example. Parallel to guerrilla actions, local papers increasingly voiced the growing nationalism of the population as the official response became increasingly severe, with the proclamation of the Defence of the Realm Act (DORA) in 1920, which imposed martial law in many western districts. What characterized these nationalist feelings was the diversity of their sources, which included local farmers, political activists and members of the clergy. Regular courts and military tribunals had to deal with acts of agrarian vandalism, possession of firearms and other forms of public unrest. One interesting fact was that there was general public outcry at all the sentences imposed on the offenders (Kotsonouris 1994: 19), and a gradual boycotting of those courts.

Indeed, there was a progressive shift from the local courts of Petty Sessions judging local disputes, to the setting up of impromptu "People's courts" under the supervision of Sinn Féin's local leaders and IRA Volunteers, based on a long tradition of subversive law and alternative courts or tribunals set up and inaugurated by the Land League (Laird: 36). The aim was political and judicial at the same time: first, it

became necessary to show that Ireland was ready to take its destiny in its own hands, so these newly set up courts became a political instrument; secondly, they expressed a grassroots distrust of the established institution of justice which symbolized oppression and injustice. Meanwhile, Sinn Féin became a leading political force that sent candidates for the General Elections of December 1918 and won 73 seats out of 105, in spite of the fact that it was a banned organisation. The British attempt to impose conscription in 1918 contributed to the result, after thousands of people had signed the Sinn Féin and Cumann na mBan sponsored "anti-Conscription pledges" (McCarthy 2014: 94). General discontent had morphed into a motley reunion of varied interests, which even included the landowners, who had appealed to Griffith himself (the then Secretary for Home Affairs in the Dáil Cabinet) to help solve the land disputes that the courts and the police could not (Kotsonouris 1994: 19). This unlikely alliance can be defined along the lines of what Deleuze and Guattari named the "rhizome":

Multiplicities are rhizomatic[...]. A multiplicity has neither subject nor object, only determinations, magnitudes, and dimensions that cannot increase in number without the multiplicity changing in nature (the laws of combination therefore increase in number as the multiplicity grows) (Deleuze & Guattari 1980: 8).

This rhizomatic nature of the grassroots organisation is indeed reflected in the haphazard manner in which the Sinn Féin courts were set up, in the jurisdiction they were given, the rules of procedure they adopted, and the clandestine manner in which they operated.

4. The first "Arbitration Courts"

The political agenda pursued by Sinn Féin was to show that Ireland was ready to take its destiny into its hands and form a viable system of government. This being proclaimed illegal by the British authorities forced them to act underground and to replace the failing institutions wherever possible; thus the Volunteers started acting as police constables in western rural areas (Kotsonouris 1994: 20). Beside their self-proclaimed powers in investigating offences, the Volunteers pressed for the resort to some sort of "rule of law", by which the communities were locally administered by a Sinn Féin leader. Parallel to these power-grabbing initiatives, official judges, justices of the Peace as well as Poor Laws guardians either resigned or pledged allegiance to the newly elected (and clandestine) Irish government known as the "First Dáil Cabinet". However, the local administration of justice largely escaped the control of the revolutionary rulers, as well as the established British government (Kotsonouris

5 Cumann na mBan was the all-female support group for the IRA during the War of Independence.

1994: 22–23); and if the Dáil had provided for the creation of arbitration courts as early as June 1919, these were instead firmly in the hand of the IRA. The latter took some measures like policing the local communities, issuing warrants to anyone suspected of breaking public order, and concerned themselves with arbitrating local land disputes. They were presided by local IRA figures. The courts had jurisdiction over parishes and districts, which were the newly-formed administrative units, but the composition of their members was completely novel to the traditional personnel of justice; indeed members of the clergy usually participated in the debates, and women were also deemed eligible to the position of judges. The courts thus filled a vacuum, and served also to demonstrate that the budding Irish Republic was gradually taking shape and forming a strong political regime that would gain credibility in the eyes of the British press as well as high-ranking British politicians and MPs (Kotsonouris 2013: 9). The unusual features of those courts were their *ad hoc* nature, the fact that they created a jurisdiction out of the local problems that needed attention and authority, irrespective of what a distant and sometimes inefficient government might decide. They also resorted to hitherto unknown sentences, like banishment from the community, or the restitution of land. Somehow it meant that those Sinn Féin courts, which were controlled by the war machine of the IRA, were not only defying the British judiciary, but also challenging the authority of the civilian government of Dáil Éireann (Kotsonouris 1994: 23). Some Cabinet members like Austin Stack, Minister for Home Affairs in 1920, began to think that the authority of the elected government needed to assert itself over the power exercised by the IRA supported by Cathal Brugha in the Cabinet; although this was not completely achieved, the government decided to move one step further in administering justice in all its areas by establishing the local arbitration courts as part of an organized judiciary under the auspices of Dáil Éireann.

II– The Dáil Courts (1920–21): from the war machine to the Irish State apparatus

1. The First Dáil Éireann

On 21 January 1919, following Sinn Féin's success at the General Elections of December 1918, the first unicameral parliament of the Irish Republic was convened at the Mansion House in Dublin. The Sinn Féin candidates had refused to swear the oath of allegiance to the British Crown and take their seats at Westminster. They met on the same day as the War of Independence officially broke out, as a gesture of defiance to the British government. During that first session, the only one that was conducted entirely in the Irish language, the Dáil made a formal Declaration of Independence, wrote a Message to the Free Nations of the World and, most

importantly, drafted and voted the first Irish Constitution ever.⁶ It comprised only five articles and was very general and sparse in scope. It nonetheless established its first Cabinet on a democratic programme. Cathal Brugha became Ceann Comhairle, or President of the Ministry⁷ along with four Secretaries with a limited number of portfolios: Finance, Home Affairs, Foreign Affairs and National defence; Arthur Griffith was appointed Secretary for Home Affairs. The situation across the country was that of a war, with increasing dangers for those acting on behalf of the Dáil and a mounting number of casualties.

On 20 March 1920, de Valera, released from jail was now President of the Ministry and, while visiting the United States to get support for the Irish rebellion, he stated that the Dáil assumed authority over the IRA, which also acted as the Republican Police (Kotsonouris 1994: 26) on behalf of the government. This did not reflect the complexity of the situation, since the IRA had a lot of influence over some Government members, as it was a key player in the conflict. Cathal Brugha had become the Minister for Defence and Austin Stack Minister for Home Affairs on 16 January 1920. The latter set himself the task of organising a sustainable system of courts under the authority of the Ministry. This did change the outlook of the Arbitration Courts, which were based on a decree of June 1919, but remained largely out of Dáil's control. This time, the administration of justice, which had hitherto been limited to land disputes in the form of arbitration, would include broader civil and criminal jurisdiction (Kotsonouris 1994: 29). This was a dramatic change, in that the Cabinet was openly challenging the British court system in its regal prerogatives. Indeed, arbitration did not compete directly with the established Common Law courts, except for the fact that the latter's activities were drastically curtailed due to the boycott to which they were submitted. Any impingement on criminal jurisdiction merely consisted of the Volunteers deciding the fate of informers and traitors during hearings. Stack's decision changed the situation in a radical manner, because its purpose was political: it aimed to promote the legitimacy of the Irish Republican Government in the eyes of the international public opinion. Indeed, the furthering of the independentist agenda meant that the aspiring new nation had to adopt the forms of government that were widely accepted by most democracies, including Great Britain and the United States in the context of political negotiations; Sinn Féin's political propaganda astutely confronted the British courts with their contradictions when it came to decide cases of alleged terrorist activities involving Irish Volunteers (Margulies 2011: 836 and Foxton 2008: 381–382).

⁶ Published online at http://www.firstdail.com/?page_id=51 (accessed 15/02/14).

⁷ This would correspond to the position of Head of Government, the equivalent of the British Prime Minister. The President of the Irish Republic was Eamon de Valera.

This gradual integration of the Sinn Féin courts (otherwise known as The People's Courts) into State-dominated courts of law had important cultural results. The Sinn Féin courts had no particular agenda concerning procedural matters except that they should distance themselves from their Common Law counterparts; it really meant that they should operate differently in matters of substance and procedure. As far as substance was concerned, only the local conditions and disputes dictated the courts' agenda, which explains why the largest number of cases concerned land disputes. Since the avowed aim was also to reflect the spirit of the nascent Republic, the choice of arbitration was culturally adequate. It was a distant reference to the Old Brehon courts, which operated before the English conquest of Ireland. These courts heard civil matters and decided cases opposing parties that may or may not have been of equal social status. Because of the hierarchical nature of Irish society then, matters were settled by means of an elaborate system of compensation established on the monetary worth of the litigants, and this included compensation for deaths, be they accidental or intentional (Kelly 1988: 214–16). This reminds us of the current American separation between the civil and the criminal aspects of a given case that can be decided either on the basis of a criminal prosecution, or on the basis of a civil claim, or both. In a way, arbitration represented something that was deeply rooted in Irish judicial identity, but yet was very inspired by republicanism in its French or American form. Somehow the Sinn Féin courts were the direct expression of the “government of the people, by the people and for the people” that interacted with the cultural legacy of the ancient, pre-conquest legal system. As such, it was formed on an ad hoc basis, with procedures that varied from place to place, in a very nomadic manner, as Deleuze and Guattari put it when they compare the State institutions to a chess board and the nomadic war machine to a game of Go: “Go pieces are pieces of a non-subjectified machine assemblage with no intrinsic properties, only situational ones” (1980: 353). The impression that the Sinn Féin courts had a distinct Irish identity is sustained by the sudden manner in which they appeared and found adequate solutions to grassroots issues, while challenging an existing state-controlled system. But this situation is invariably unstable, and when the Dáil Cabinet decided to take over the administration of justice, it had to deal with it on the basis that the courts should be the emanation of a State apparatus; in so far as that apparatus was competing for complete power with British rule, it initiated a gradual capture of the existing courts, which morphed into another intercultural hybrid called the Dáil Courts.

2. The Dáil Courts as intercultural hybrids.

Dáil Éireann enacted two decrees that granted it nationwide authority over the local Sinn Féin courts: the first one, issued on 13. May 1920, officially established a national Arbitration Scheme as well as an official hierarchy of courts. The legal system was to operate on a geographical scale with, at the bottom, Parish Courts

forming districts (which corresponded to parliamentary constituencies) over which a District Court had mainly civil jurisdiction; however, another layer was added to the District Courts in the form of three-yearly Circuit Sittings, which “would have unlimited jurisdiction both in civil and criminal cases” (Kotsonouris 1994: 30). Finally, a Supreme Court in Dublin would serve as the final appellate jurisdiction; it also had original jurisdiction in “prerogative writs such as *certiorari*, *prohibition* and *habeas corpus*” (ibid: 31).⁸ The legal terms used to define the courts' jurisdiction signal that entire legal areas had been borrowed from the Common Law tradition. It could also take cases on its own accord from the Land Commission, given the sensitivity of those matters across the country.

In matters of procedure and jurisdiction, these courts shared many characteristics with the official Petty Sessions (for the Parish Courts) and County Courts (for the District Courts), for which jurisdiction was determined by the maximum amount of damages it could award, just like any Common Law court (Kotsonouris 1994: 31). However, notable differences concerned the sources of law and the personnel of the courts. The applicable law was what the Dáil had enacted as of 21. January 1919, which eliminated all British statutes and case law, but not legal principles, as was mentioned above. Finding some sources of law that would help create a legal continuity with the old Irish tradition was politically motivated. In the Code of Rules of the Dáil Courts, it was clearly stipulated that “citations may be made to any court from the early Irish Law Codes, or any commentary upon them in so far as they may be applicable to modern conditions and from the Code Napoléon or other codes, the Corpus Juris Civilis,⁹ or works embodying or commenting on Roman law; but such citations shall not be of binding authority. Save as aforesaid, no legal textbook published in Great Britain shall be cited to any Court” (Hanna J. 1929: 30). The language used in this quote is itself influenced by the Common Law, especially with terms like “binding authority” (a reference to the doctrine of *Stare Decisis*), “applicable to modern conditions”, “cited to any court”, which was not surprising, considering that many of the leading drafters of the Dáil decrees and Dáil representatives had been legally trained at Inns of Courts. The attempt to rid Ireland of all traces of Common Law necessitated the reference to other sources of law that had equal prestige (Code Napoléon or Corpus Juris Civilis), thus making the Irish legal system very intercultural in its quest for judicial identity. As to the personnel, the text of the decree did not stipulate that any legal training was necessary at Parish Court level; each was composed of three elected judges,

8 A writ is a court order; a writ of certiorari is issued by an appellate court, at its discretion, directing a lower court to deliver a record for review. A writ of prohibition is issued by a higher court to prevent a lower court from exceeding its jurisdiction or to prevent a non-judicial officer or entity from exercising a power. A writ of Habeas Corpus is generally issued so as to bring a person before a court, usually to ensure the person's imprisonment or detention is not illegal (Black's Law Dictionary, 2009 edition).

9 Literally “the body of civil laws”, a compilation of laws issued between 529 and 534 AD by Justinian I, Eastern Roman Emperor.

most of them prominent IRA Volunteers or local Cumann na mBan leaders, or Trade Councils members. They were presided over by local parish priests. Each local authority (the Council) elected five District Court justices, who presided over the District Courts, except for the Circuit Sittings, which were composed of three legally-trained judges only. As to the Supreme Court, it was made up of two justices appointed by the Dáil and of four District Court judges. The Land judges were separate from the other personnel of the courts, in that they reported to the Ministry for Agriculture. The system was completed by the setting up of a Registry in the hands of a network of registrars, often lawyers trained in the Common Law tradition, who acted as civil servants under the supervision of the Ministry for Home Affairs. Their task was to copy down and collect court decisions and transfer them to the Ministry in Dublin. Their mission was rendered difficult as the war degenerated into a series of attacks and brutal acts of retaliation; the clandestine courts had to hear cases in makeshift courthouses that were constantly under the threat of British raids (Mitchell 1995: 207). This is a key feature common to war machines, in that they tend to act secretly (Foxton 2008: 187–190), and combine characteristics of underground State apparatuses and nomadic structures (Deleuze & Guattari 1980: 440). However, they kept serving notices to defendants and enforcing court orders throughout the war and after martial law was suspended, pending the signature of the Anglo-Irish Treaty that would put an end to the hostilities. This proved to be a real turning point both politically and judicially, first because it paved the way for the creation and recognition of an autonomous Ireland, then because, by doing so, it gave the newly-created State apparatus the means to deconstruct the intercultural identity that the war had helped create.

III—The end of Irish judicial interculturality: the Treaty and the Irish Free State (1922–24)

This period marks not only the transition between war and peace, but also the emergence of an official Irish Free State. Between the end of the military operations symbolized by the Truce signed on 11 July 1921 and the ratification of the Anglo-Irish Treaty by the Dáil on 7 January 1922, the Irish provisional government underwent some major changes: first, all traces of “illegality” in the process leading to independence had to disappear in order to acquire equal status with the British Crown in peace negotiations; secondly the passing of sovereignty – even in a limited form – had to uphold institutional continuity; and thirdly, nationalist feelings had to be won over this reigning-in of the war machine, and this took the shape of a “capture” by the Irish Free State, to the detriment of its newly-acquired judicial identity exemplified by the Dáil Courts.

1. From war machine to State apparatus; the formation of the Irish Free State.

The most notable effect of the signing of the Truce in July 1921 was the lifting of martial law and the end of armed operations between the belligerents and reprisals against the civilian population. It also inaugurated a period of negotiations with a view to finalising the passing of the Crown's authority from Britain to Ireland, subject to a few important concessions, among which it was agreed that Ireland would remain within the Commonwealth, and that the island would be partitioned between the Northern loyalist province of Ulster (minus three counties) should the Province decide to withdraw from the Irish Free State within a month of the Treaty coming into effect.¹⁰ Besides, Britain would retain some sovereignty over specific areas like the lighthouses on the coastal lines as well as some ports. Most importantly, the terms of the Treaty should take precedence over the newly-drafted 1922 Constitution of the Irish Free State. The latter was undergoing a dramatic transformation, from a war machine in the literal sense of the term to becoming a party to an official negotiation. Indeed it became necessary for the two belligerents to acknowledge the existence of the Dáil Cabinet while giving it the attribute of a government in the making, on British terms. Thus some kind of “exchange”, of bargaining, was being set up, which was designated to prepare for a transfer of sovereignty, but each delegation came to the negotiation table with different perceptions of what such “exchange” could be. In Deleuzian terms, an “exchange” can only be defined in relation to its “limit”, beyond which it loses its value and interest for the parties. The horizon is set on the “penultimate” stage of the negotiation, the penultimate item that serves as a litmus test for the exchange's mutual acceptability (Deleuze & Guattari 1980: 437–438). For the British, the limit was set on the legal form that the government of Southern Ireland should take, which should preserve the symbols and structure of the established British regime albeit with more autonomy. The Irish, on the other hand, wanted to transform the country into a Republic, which would completely secede from the United Kingdom. This corresponds to another paradigm, that of the “threshold”, beyond which one moves from one type of social assemblage (British rule) to another (the Irish Republic), two different forms of State apparatus. In spite of these diverging positions, one common point emerged, and that was the necessity to create a structure of self-government for Ireland. It implied the transformation of the rebellion, of the all-out opposition to the British institutions, into a State that could

¹⁰ The Treaty gave effect to the Government of Ireland Act 1920 (10 & 11 Geo. 5 c. 67) which provided notably for the creation of two Parliaments, one in Northern Ireland, the other one in Southern Ireland. Interestingly, the provisions under the Act were already obsolete before the end of the War of Independence, as the status of dominion was no longer acceptable in its forms for the Volunteers and the First Dáil, who favoured the creation of a Republic. The remaining provisions of the Act were repealed in 1998 with the signing of the Good Friday Agreement.

only exist if it captured it beforehand and started striating the smooth, uncharted space where the nomads (the IRA Flying Columns and clandestine institutions like the Dáil Courts) roamed, and filled the vacuum, created by the war (Deleuze & Guattari 1980: 385–386). Due to the negotiations in preparation for the signing of the Treaty, most features that characterized the British justice system were officially reintroduced in Ireland; the interlude that had recently brought features of Irish judicial identity to substantial and procedural law was over. Judicial identity was meant to be confined to the political authority. However, the Treaty generated some ambiguities pertaining to the nature of the political regime that was being established, which postponed the disappearance of the Dáil Courts until 1924.

2. The Irish Free State's judicial system, between change and continuity

If the Truce, followed by the negotiations that led to the Anglo-Irish Treaty of 1921 was a relief for most people, one crucial political issue was never officially addressed by the provisional Irish government at that time: which political form would the Irish Free State take within the framework of the Treaty and in time to be? The Volunteers had explicitly fought for the establishment of a Republic, and the word “Republican” was present in every political statement made by the Dáil Cabinet (Kotsonouris 1994: 66). In spite of the fact that the Treaty imposed the reinstatement of British courts throughout the country, the government was reluctant to dismantle the Dáil Court network because it would send people the signal that what they had fought against since the Land Wars was being recanted. The period between 1921 and 1924 sanctioned the coexistence of a dual system of courts, one Republican, the other British, to the effect that the Irish officials in charge of the administration of the Dáil Courts saw the situation was soon to become untenable (Kotsonouris 1994: 67–68). In practice, local law enforcement officers, mostly Volunteers, continued to challenge the jurisdiction of British courts, others hesitated in prohibiting Dáil Court hearings. The confusion created by the provisional Irish government (under Treaty terms) only emphasized the contrast between the two judicial identities that were competing with each other at the time. Two groups were actively participating in the dispute: on the one hand, the Volunteers and those in charge of the Dáil Courts, on the other hand, the legal professions and the judiciary who had been removed from office by the War. The Free State was emerging as a State apparatus from Treaty provisions and had to assume the role of the State authority within a British political framework, by organizing the transfer of British authority and guardianship of the institutions. However, the situation was becoming volatile: the Government of Ireland Act 1920 provided for the creation of an Irish Parliament, but it existed already and operated as Dáil Éireann; the new legitimacy of the institution would be established by means of general elections, but the transfer of judicial authority meant that the Dáil

Courts would be illegal under the new arrangements. To make matters even more complicated, the 1921 Proclamation by the Dáil had forbidden the dismissal of court employees and judges formerly appointed by the British: this power struggle between those who supported the Treaty as a temporary arrangement and those who rejected the very idea that Ireland could be anything but a Republic were the seeds for the Civil War that broke out in 1922. The newly-formed Irish State was necessarily shaped like any other State apparatus: it took the same arborescent form as the British State (Deleuze & Guattari 1980: 17), even if semantic differences aimed to underline the crucial differences between them, like using the word “Republic” as a signifier that had little reality from a governmental point of view; inevitably it gradually absorbed the judicial rhizome of the Dáil Courts and their distinct cultural identity.

3. From the Rhizome to the Tree: the end of judicial identity, and a new intermediate form of interculturality

As the budding Irish Free State was taking shape, it became essential to assert its authority across the country, particularly in the areas that had been controlled by the Volunteers; the issue was of political legitimacy, a concept that corresponded to a top-down control of space and implied the establishment of striated zones where this authority was exercised. This was a difficult process to implement: after all, the Irish State, whose binding document was a British Act, albeit approved by the Dáil, was endowed with instruments of sovereignty: a bicameral Parliament that could enact binding legislation, a Constitution that could only be superseded by the Government of Ireland Act 1920. Officially, the transfer of authority moved from the British, and within a British institutional framework, to the Irish, who accepted the status of a Dominion. In reality, this transitional period inaugurated the gradual establishing of independence for Ireland, who would draft a Republican Constitution in 1937 to eventually become a Republic in April 1949. Meanwhile, Sinn Féin's agenda (“Ourselves Alone”) clashed with this gradual shift in power, as the matter was essentially one of appearances: for the British, it had to look as though they were granting rights to Ireland,¹¹ while the anti-Treaty were ready to continue the fight for the official existence of the Republic, since the successive Irish governments (the first Dáil 1919, the second Dáil 1921 and the third Dáil 1922) were the emanation of the will of the Irish people.

¹¹ From a British perspective, only a Westminster Act of Parliament could give effect to any modification of the Treaty. The Statute of Westminster 1931 stipulated that the British Parliament was not allowed to legislate for the Dominions anymore.

As far as the courts were concerned, the Irish government finally decided to take some measures to wind up the Dáil Courts in 1923, as the Civil War had begun its destructive impact on the fledgling Irish nation. On 8 August 1923, the Dáil passed an Act “to provide for the appointment of Commissioners to dispose of cases which were pending in courts established under the authority of Dáil Éireann, to establish a Register of decrees of such courts and to make other provisions for the purpose of winding up the courts aforesaid, and relieving certain hardships and anomalies which have arisen in connection with those courts” (Kotsonouris 2004: 86). The parliamentary language implies that somehow the Dáil Courts represented an episode that had been both a necessity and an impediment to the establishment of an Irish State. It may be that the gradual return to the Common Law tradition had a lot to do with the training of the legal professions, the lack of time to devise a new legal system (both substantial and procedural), and the pressure from the political and military events during the War of Independence. The Act established a Commission that would take over the cases that had been referred to the Dáil Courts, both civil and criminal; it is estimated that their number reached 5,000 approximately (Kotsonouris 2013: 28). What was never explicitly said in the provisions of the Act, or in its long title, was that the Commission had superseding powers to declare that a case was indeed a Dáil Court case and take it over; in reality it amounted to the temporary reinstatement of the said Dáil Courts in another guise. However the war machine that had willed them into existence had been absorbed by the State institutions, in spite of a long, protracted battle within the Government and Dáil Éireann itself and public figures like William Cosgrave expressing their faith in a truly Irish justice system (Kotsonouris 1994: 110). This reflected the rift within the Irish nation concerning the attitude to adopt vis-à-vis the Treaty and its legal, as well as political consequences. On 1 May 1925, the Dáil Éireann Courts (Winding-up) Act became operative and effectively transferred the judicial authority from the Commission to the newly-established court system of the Irish Free State. Again, what was to associate with these courts depended on a myriad of personal or professional interests: unsolicited women’s groups pressed for the non-criminalisation of children, following the example of Canada with its juvenile courts. Members of the polity (farmers’ associations, trade and county councils, the legal professions) were invited to make recommendations too. But this was indeed a far cry from the sudden, revolutionary setting-up of the “People’s Courts” in the wake of the War of Independence. The overarching position of the State and of the Treaty meant that justice in Ireland would remain firmly anchored in the Common Law tradition: according to the Courts of Justice Act 1924, the changes concerned the courts’ names, but the jurisdictions remained equivalent to their British predecessors; only the existence of a written Constitution evidenced the passing from monarchy to a Republic that would not say its name until after World War II.

Conclusion

The sudden emergence of an Irish judicial identity, based on an assemblage of Brehon traditions, and influences from Canon and Civil Law was rendered necessary by Ireland’s struggle against colonial institutions. This motley rhizomatic creation only obeyed the logic of the war machine and adopted its chaotic and swift unpredictability. One may say that this enterprise was doomed from the outset, since the very idea of a legal system is the emanation of a State apparatus, whose aim is to control (striae) the territory of the polity. The Dáil Courts attempted to deterritorialise this striated space and give it an Irish flavour, but a mixture of circumstances decided otherwise. The history of judicial identity follows a strict pattern of recognition: in the words of H.L.A. Hart, the essence of the law is to be found in what the officials say it is (Hart 1994: 101–102) and this precludes many forms of discontent, be it popular or generated by dissident factions. One may also reflect on this short and intense moment of judicial experiment and wonder why interculturality in law is both marginally important and centrally non-existent. Unlike other sensitive issues like culture, language, education, it does not seem to need change to adapt to new political circumstances. Sadly, the Dáil Courts, otherwise known as the Sinn Féin or the People’s Courts were relegated to history books, since they were of little importance to the building of the current Irish legal system, so much so that leading legal textbooks do not mention their existence beyond their names, although they devote at least a few paragraph to the old Brehon Law (Byrne & McCutcheon, 2009: 27); this of course vindicates Deleuze’s remark that the war machine can never be part of history and of knowledge because it is part and parcel of a process of destruction that ends either in the abolition of the State or of itself (Deleuze 1996: 171).

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III : INFLUENCES ÉTRANGÈRES SUR LA POLITIQUE IRLANDAISE ET NORD-IRLANDAISE

The role of the OECD peer review process in Irish education policy in the 1960s

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Résumé

Les historiens de l'éducation ont beaucoup cité et analysé le rapport *Investissement dans l'éducation* (1965), cependant celui de l'OCDE (1969) n'a fait l'objet d'aucune étude détaillée. Ces deux documents font partie du processus d'examen du système éducatif irlandais par les pairs de l'OCDE. À travers sa contribution, l'auteur examine le pré-rapport de 1965, *Investissement dans l'éducation*, le rapport de l'OCDE de 1969 ainsi que l'évolution des rôles du ministre, du ministère et des évêques devant les réformes suggérées. Il apparaît finalement qu'en dépit des résistances de la part du Ministère des Finances et de l'Église catholique, le processus d'examen par les pairs de l'OCDE a légitimé des réformes prévues par les pouvoirs publics, telles que le système de collège unique ainsi que des programmes et des examens identiques dans toutes les écoles du second degré. Cet article apporte une contribution supplémentaire à l'histoire irlandaise en s'appuyant sur des documents d'archives, sur le rapport de l'OCDE de 1969 et sur des entretiens menés par l'auteur au cours des vingt-cinq dernières années auprès d'acteurs de premier rang du système éducatif irlandais.

Mots-clés : examen par les pairs de l'OCDE – OCDE – éducation irlandaise – Investissement dans l'éducation – écoles du second degré – écoles secondaires – écoles techniques – Irlande

Abstract

Although much has been written about the *Investment in Education* report, the 1969 OECD review has not received any detailed attention. As both are part of the OECD peer review process in Irish education in the 1960s, this paper explores the 1965 background report called *Investment in Education*, the 1969 OECD review and the evolution of the roles of the minister, the department and the bishops and their reactions to the reforms suggested by the OECD review process. The author concludes that despite resistance to change mainly by the Department of

Finance and the hierarchy, the OECD peer review process legitimated policies and educational reform that the Prime Minister, the Minister for Education and senior Department of Education officials wanted to implement, for example, a common curriculum and examination (Intermediate Certificate) in all second level schools in Ireland and also the comprehensive school system which included existing secondary and vocational schools and also new comprehensive schools. This paper contributes to the historiography of the period by exploring the 1969 OECD Review, archival material and interviews with important actors in Irish education which the author has conducted over the last twenty-five years.

Keywords: OECD peer review process – OECD – Irish education – Investment in Education – educational planning – comprehensive schools – secondary schools – vocational Schools – Ireland

In 1989 when I was beginning my research on Irish secondary education policy, I was informed that an OECD team was preparing a report on Irish education. As the OECD is based in Paris, I took the opportunity to interview the members of the OECD involved in January 1990. They gave me a copy of the review which had been finished in December 1989. This document was however only published in June 1991, apparently because the Irish State wanted to delay it¹ (OECD, 1991). The 1991 OECD Review is well known in Ireland and has been commented on by many academics. The background to this report coordinated by a Department of Education Review Team was not published although it was made available to researchers and educationists (DoE, 1989).

The author will use her knowledge of the process of publishing the 1991 OECD report to focus on the role of the OECD peer review process in Irish education policy in the 1960s. The review process took place in several steps as shown later. The influence of the OECD review process is often referred to as soft law or soft policy (Schäfer, 2006) as opposed to legally binding instruments or laws. Pagani explains that the “effectiveness of peer review relies on the influence and persuasion exercised by the peers during the process” and that “when the press is actively engaged with the story, peer pressure is most effective” (Pagani, 2002). This article will explore the OECD peer review process to see whether the international body introduced innovative policies in Irish education or whether it legitimated policies already planned by the Irish national government but which only the authority of an international organisation could enable it to implement. We will concentrate on the background report *Investment in Education* (Investment, 1965) and the OECD Review (OECD, 1969) and lastly we will explore the evolution of the roles of the minister, the department and the bishops and their reactions to the reforms suggested by the OECD review process. The 1969 Review is not well known in Ireland and has not been studied in any detail by any specialists of Irish education. By contrast, the background report called *Investment in Education* prepared by the Irish team is the most famous document in the history of Irish education. According to a well-known historian of Irish education, it is “one of the foundation documents of modern Irish education” (Coolahan, 1981).

¹ Confidential information.

The Background to the OECD Review

The OECD² which officially came into being on 30 September 1961, encouraged investment in human capital (education) to promote economic prosperity, greater employment and social cohesion (CERI, 1998). The apparent technological superiority of the Soviet Union in the 1950s gave impetus to educational expansion in Western countries (Loxley et al., 2014). The first phase of OECD education policies in the 1950s and 1960s can be called the cold war and “big science” phase. At the time, research into space, nuclear and military technology permeated everything, including education policy (Rinne et al., 2004). In October 1961, Ireland was represented at the OECD policy conference in Washington on Economic Growth and Investment in Education by senior civil servants from the Departments of Finance and Education (Walsh, 2009).

Expenditure on education was seen as an investment which would contribute to economic expansion (Hyland, 2014). Ireland was the first Member country to follow up the proposal made at the Washington conference to undertake a national survey in connection with the adapting of its educational system to the present and future requirements of scientific progress and economic growth (OECD, 1969). The OECD established a process to report on education in a nation state in six stages (Kallo, 2009) and this was implemented for the first time in the case of Ireland as follows:

1. Agreement on the need for the study (1961)
2. Background report prepared by the country concerned (December 1965)
3. Visit of the review team (June 1966) which prepares a draft report
4. Confrontation meeting at the OECD Education Committee (October 1966)
5. Producing the final report (1966–67)
6. Distribution of the report (1969).

The background report was prepared by a survey team of Irish people appointed by the Irish Minister for Education. The director of the survey team was Patrick Lynch, a Lecturer in Economics in UCD and a former civil servant of the Department of Finance. William (Bill) Hyland was the statistician. He was Irish but he had spent ten years working in the United Nations in New York (Hyland, 2014). Martin O’Donoghue was a lecturer in Economics in TCD. Pádraig O’Nuallain was an inspector of mathematics. Charlie Smith was secretary to the team and Áine Donlon³ was the research assistant. This committee has been referred to as “cultural strangers” (O’Sullivan 1992: 447). Denis O’Sullivan has defined cultural strangers as “non-native commentators” (O’Sullivan, 1996) and as “non-indigenous

² Organisation for Economic Co-operation and Development.

³ She later married William (Bill) Hyland and became Áine Hyland.

commentators” (O’Sullivan, 2005: 461). He was well aware of the fact that the members of the *Investment in Education* survey team were Irish, but for the purposes of his article, he stated that they were “conventionally represented as working to an OECD agenda” (O’Sullivan, 1992). This can be seen as the general perception of *Investment in Education* in Ireland. It suited the State that it should be represented as such for reasons that we will see later. In fact they were all Irish even if Bill Hyland, the statistician who wrote most of the report, had spent ten years working in the United States.

The survey team worked under the guidance of a fourteen-member steering committee which was chaired by Seán Mac Gearailt, Assistant Secretary of the Department of Education. The Reverend Jeremiah Newman, who was a professor of sociology at the University of Maynooth, was also a member. The other members represented the Departments of Finance, Agriculture, Industry and Commerce, the Economic Research Institute and the Central Statistics Office, the Congress of Trade Unions, industry (Bord Fáilte and the ESB), agriculture and the universities. The steering committee met a few times during its first year of existence and rarely met after that and it would appear that no official minutes were produced for these meetings (Hyland⁴, 2014). The description of its functions (Investment, 1965) did not mention any number of meetings and it would appear that meetings between the chairperson of the steering committee and the survey committee director were the main mode of communication between both committees (Hyland 2014).

The Irish survey was carried out during the period 1962 to 1965 with the help of the OECD and within the framework of its Educational Investment and Planning Programme (EIP). Before publication, the total draft report was subjected to a series of technical reviews and discussions by the group of national planning directors in the EIP Programme (OECD, 1969). The final draft of *Investment in Education* was finished in early 1965. The two-volume background document was published in December 1965 in Dublin and in 1966 in Paris. It is indeed very unusual for the OECD to publish the national background survey to the OECD Report. The terms of reference were very precise and included an inventory of skilled manpower, framing of educational targets for the following ten to fifteen years, assessment of demand for educational facilities, estimates of future enrolments, of educational resources needed (teachers, buildings, equipment) and evaluations of expenditure necessary, consideration of arrangements necessary to review the position and the additional statistical data needed (Investment, 1965).

4 Áine Hyland, the author of this article, was the research assistant on the *Investment in Education* survey team.

Main findings of Investment in Education

The survey team surveyed the manpower patterns and estimated the composition of projected employment and the size and qualifications of the potential working population available to fill such jobs. The team identified types of education deficit: (1) deficiencies in basic education, (2) need for re-training arising from redundancy and change of occupation and the need for updating knowledge due to the rapid growth in new knowledge (*Investment in Education*, 1966). It estimated that there would be a future shortage of people with the necessary educational qualifications for the needs of the economy. Using the *Training of Technicians* in Ireland study and the teams’ own statistics, it accepted that the number of suitably qualified technicians was inadequate (OECD, 1964). The author was careful to use words like “may” to show that the conclusions were not prescriptive and the team was not making decisions on policy: “The discussion in this chapter suggests that there may be a need on manpower grounds for providing more education and training, not only to persons in the educational sector, but also to those who are already in the labour force” (Investment, 1965). The team’s purpose was to analyse the existing provision for education and to provide a statistical basis for decision-making in education. These statistics were widely interpreted as in fact suggesting the necessary policies for the future.

The statistics in *Investment in Education* showed high levels of social and geographical inequalities and in particular a very low participation rate in post-compulsory education by children of the lower social groups. One third of children did not receive any second level education. Only half of children aged 15 were at school, a third of 16 year olds, a quarter of 17 year olds and less than 10% of 19 year olds (see Table 1). The top three social groups (ABC) represented 45% of the population but their children formed 64% of the entrants to secondary school, 68% of those sitting for the Leaving Certificate and 85% of university entrants in 1963, whereas the corresponding figures for the children of the lower social classes (DEFGH) were 36%, 32% and 15% (Investment, 1965). Although *Investment in Education* claimed to be a neutral technical study, these statistics obviously pointed to the need to provide more educational opportunities at secondary and at university level for the lower social classes.

Table 1: Rates of School Attendance 1963–1964 and projection for 1970–1971 (percentages)

Age	1963–1964	projection for 1970–1971
11	58	60
12	98.8	99.5
13	94.6	98.4
14	66.4	95.8
15	51.5	69.7
16	36.8	48.6
17	24.8	32.7
18	14.5	18.6
19	8.8	12.2
20–24	6.6	6.3

Source: Adapted from OECD 1969 and *Investment in Education, 1965*, tables 1.2 & 3.2.

There was a large number of small primary schools, located mainly in rural areas, and a small number of larger urban schools. 38% of national schools had less than fifty pupils and 76% had less than 100 pupils. The smaller schools with less than 100 pupils employed 50% of the teachers to cater for 38% of the pupils. Larger schools of over 200 pupils catered for 45% of the pupils with 34% of the teachers. Pupil-teacher ratios were much lower in the smaller schools, class sizes were higher in the larger schools. Over 50% of the pupils in larger schools were in classes of fifty or over. Classes of over forty were the norm for the large schools (Investment, 1965).

Although the background report did not officially recommend new policies, the statistics on primary schools made it obvious that the closure of small primary schools in rural areas was one way of reducing inequalities as these schools cost more to run given the low pupil-teacher ratio. The author attended one of these small rural schools and as the teachers had generally four classes to teach at the same time, the curriculum could not be as wide and varied as in a larger school with one teacher per class. It was also necessary to reduce class sizes in large towns and cities as over half of the nation's pupils were in classes of over fifty and many more were in classes of over forty.

The situation at second level was different. Secondary schools were private. The Catholic secondary schools were generally run by religious orders or diocesan

priests, although a few were run by lay people. The protestant secondary schools were also private foundations. There were a large number of small units (64% of secondary schools had under 150 pupils) and they were spread unevenly over the various regions. The curriculum was limited and was of a classical grammar type. Schools lacked specialised facilities and teachers for science, mathematics and modern languages. Secondary schools were fee-paying and children had to travel long distances to school. In secondary schools in 1962–63, modern languages were studied by 45% of boys and 83% of girls in the Intermediate Certificate and by 21% of boys and 64% of girls at Leaving Certificate, whereas Latin was studied by 95% of boys and 48% of girls in the Intermediate Certificate and 88% of boys and 39% of girls at Leaving Certificate. Science was taken by 74% of boys and 25% of girls in the Intermediate Certificate. Chemistry was studied by 22% of boys and 2% of girls and physics by 29% of boys and 2% of girls (Investment, 1965). *Investment in Education* brought attention to the fact that most schools lacked a varied curriculum and also that a relatively low percentage were studying modern languages and science compared to Latin. There were not enough teachers of mathematics and science who had studied these subjects at degree level. These statistics showed a need for the improvement of the teaching of modern languages, mathematics and science, even if there were differences between the sexes.

Table 2: Percentage of secondary school pupils studying certain subjects

Subject	Boys		Girls	
	Intermediate	Leaving	Intermediate	Leaving
French	45	21	83	64
Latin	95	88	48	39
Science	74		25	
Chemistry	–	22	–	5
Physics	–	29	–	2

Source: Adapted from *Investment in Education, 1965*, table 10.12, p. 276.

The Investment Report purported to be a technical study of trends in Irish education and of the use of human and material resources in that system (Investment, 1965) but it was much more than that as it contained very detailed statistics on all aspects of primary and secondary education. In the last chapter of Investment, the authors explain that their report is essentially analytical and that “it contains no recommendations on policy”. On the same page we find that the only formal recommendation of the document is the proposal to create “in the Department of Education an educational development unit” (Investment, 1965). The idea was to initiate and plan the development of education policy rather than

be content to manage routine administrative tasks. Chapter Twelve of the report contains sophisticated policy options and costings for increasing the participation rates in secondary education taking into account efficiency considerations. Many of these were used by policy-makers in the 1960s. The attempt to play down the effects of the survey and to say that it was not involved in policy would appear to have been written to avoid controversy. The civil servants would have been very aware of the fact that the politicians in government decided on policy and they did not want to be seen to interfere even if in fact the very presence of the statistics in this study helped to bring about change. Sean O'Connor, head of the newly-created development unit in the Department of Education, remarked that Investment "signposted the direction of educational reform and, by highlighting our deficiencies, has offered a challenge that cannot be ignored" (O'Connor, 1968).

The Second Programme for Economic Expansion promoted the idea of investment in education: "Better education and training will support and stimulate continued economic expansion. Even the economic returns from investment in education and training are likely to be as high in the long-run as those from investment in physical capital" (GoI, 1963). The *Investment in Education* survey was well publicised in the newspapers at the time. In February 1963, the *Irish Times* published an article about a speech by Patrick Lynch entitled "Wide Expansion of Education Planned":

Mr. Patrick Lynch, director of the Irish educational project, sponsored by the OECD, and supported by the Minister for Education, Dr. Hillery, announced yesterday at a conference in Dublin, that the report will be ready in about 18 months. It will give a picture of education in Ireland today which will assess the needs of education in about 10 years' time (*Irish Times*, 12/2/1963).

The article went on to mention a wide expansion in all education in Ireland and the fact that "the son of the working man will have the same right of entrance to all forms of education as others". The article also announced that as techniques would become obsolete with the development of automation, mechanisation and the computer, it was necessary to introduce a modern curriculum in mathematics, physics and chemistry. In reply to questions, Patrick Lynch stated that the Irish language was not a barrier to technical education. Concerning free education, he did not make any promises but stated that Ireland was not as rich as Britain and France. He appealed to schools, universities, parents, trade unions and industry to provide information which would be treated confidentially. This was no doubt an exercise in communication to get the necessary level of co-operation to carry out the survey. The article went on to mention that the project was undertaken as a result of a suggestion from the OECD. The paper mentioned the names of the survey team and also that a representative steering committee under Seán Mac Gearailt had been appointed. Nine days later, another article appeared with the title "Must invest in right kind of education" (*Irish Times*, 21/2/1963). Patrick Lynch

is reported as having said that no student should have to choose between practical skills and a liberal education and that vocational education should have a greater emphasis on liberal subjects (*Irish Times*, 21/2/1963). The government trusted Patrick Lynch, who had formerly worked as a civil servant in the Department of Finance, to publicise the idea of investment in education.

The opposition parties also wished to reform the education system. Fine Gael announced that investment was needed in secondary education and Labour promised free education as far as university entrance (*Irish Times*, 22/2/1963). An article written about Minister Hillery⁵ opening a European conference on education under the auspices of the education investment and planning programme of the OECD quotes him as having said, "I have no doubt that education is [...] the most decisive element in economic growth". The presence of Henning Friis, Chairman of the Committee for Scientific and Technical Personnel in the OECD is also mentioned (*Irish Times*, 25/5/1963) and showed that key figures in the OECD were advising the Irish survey team. The *Investment in Education* report was welcomed by all parties in the Irish parliament as can be seen for example in Senator Sheehy-Skeffington's remarks:

I turn now to *Investment in Education*. This is an excellent report which we have, and to me, as to other Senators who have spoken, it seems a quite remarkable document—one might say a unique document—and one which provides a basis for our thinking about education, and the basis for the Minister's policy proposals. I think he has taken it very closely into account. It is also the basis for the Fine Gael policy put forward in their document. As I read it, it is a well-coordinated and coherent presentation of well-documented facts about Irish education, many of which have never been put together so clearly, or even collected. It also gives the implications of these facts, and a wide variety of alternative methods, or "strategies" for eradicating demonstrable defects (Seanad Éireann, 1967).

Garret Fitzgerald's article on Investment, published in the periodical *Studies*, was typical of the reception that the report received:

[...] it is to be hoped that in the months ahead this report, which is a tour de force that will command a considerable audience among educational experts abroad as well as in Ireland, will become a subject of debate, discussion and critical analysis so that we may make the most of this immense contribution to the evolution of educational policy in Ireland. (Fitzgerald, 1965)⁶.

⁵ Dr. Patrick J. Hillery was Minister of Education from June 1959 to April 1965.

⁶ Garret Fitzgerald was a Fine Gael (opposition) deputy.

Minister Hillery continued to make speeches about education as an investment and he is quoted as having said “our returns from investment in education are likely now to be as high in the long run as our returns on capital investment” (*Irish Times*, 27/9/1963). He also defended the project when it was criticised (*Irish Times*, 21/11/1964). Members of the survey team also spoke to the media and the study received regular coverage in the newspapers as articles with titles such as “Investment in Education – Inadequate date is a problem” (*Irish Times*, 18/3/1964), “Investment in Education – Startling results not expected” (*Irish Times*, 19/3/1964), “Proposed expansions in education” (*Irish Times*, 1/3/1965). The idea of investing in education was popular and the media was obviously prepared to report on the survey team and on speeches made by the government and the opposition on this theme. The *Investment in Education* team contained only Irish people and the report was mainly written by Bill Hyland who was the statistician in the group (Hyland, 2014). The OECD international group of examiners spent a week in Ireland in June 1966 to assess Irish educational policy and planning in preparation for the confrontation meeting held in October 1966 in Paris as part of the programme of the OECD Committee for Scientific and Technical Personnel (OECD, 1969). *Investment in Education* was the background report for the OECD study *Reviews of National Policies for Education, Ireland*, which was published in 1969.

Contents of 1969 OECD Review of Irish education

The 1969 OECD Review contains the examiners’ report, an account of the confrontation meeting and appendices, which include a summary of the *Investment in Education* survey. Most of the review is about the problems arising from a planning point of view at each level of education and the overall strategy of educational development having regard to the aims of economic and social development in Ireland (OECD, 1969). The 1969 Review includes sociological perspectives on participation rates in education. According to Papadopoulos, European sociologists of education contributed to the social aspects of OECD policy on education, with the result that the economic aspects are counterbalanced by the social policy agenda (Papadopoulos, 1994). The group of examiners consisted of Professor Henri Janne, former Belgian Minister of Education, Bernhard von Mutius, director of the Permanent Conference of Ministers of Education of Germany and Arthur Tremblay, Deputy Minister of Education of Quebec. The American rapporteur, Beresford Hayward, was the Head of the OECD–EIP Programme Section. They spent a week in Ireland in June 1966.

The confrontation meeting, which lasted for two days (19–20 October 1966), was organised at the OECD headquarters in Paris. The examiners were joined by 38 members of the OECD Committee for Scientific and Technical Personnel

who came from 21 countries including 17 European countries, as well as Canada, Japan, Turkey and the United States. They were joined by a representative of the Council of Europe and of EURATOM. The delegation from Ireland included Terry Ó Raifeartaigh, the Secretary of the Department of Education, Sean O’Connor assistant–secretary, M.J. O’Flanagan Chief Inspector for Technical Education, who was also a member of the steering committee of Investment in Education and three members of the *Investment in Education* survey team, Martin O’Donoghue, lecturer in economics, Bill Hyland, statistician and Charlie Smith, secretary to the team (OECD, 1969). The Minister for Education did not attend this meeting whereas Mary O’Rourke, Minister for Education, attended the Paris meeting for the 1991 report on 30 November 1989. The examiners defined a list of seven specific issues for discussion during the confrontation meeting: the planning mechanism for education; manpower planning and targets; social participation; primary education; post–primary education; higher education; and adult education (OECD, 1969).

During the confrontation meeting, the examiners noted the aspects of the Irish education system which were common to all countries: the problem of financial resources, of establishing priorities, of re–defining the role of the State when using planning and programming methods for education, raising participation rates, locating schools to avoid excessive scatter and wasting resources, improving the training of teachers and the pupil/teacher ratio, providing equipment and developing the teaching of mathematics, science, technology and modern languages, facilitating access to higher study for all young people of ability, promoting technical teaching, developing higher education and research (OECD, 1969).

They also drew attention to some specific features of Irish education. Firstly, the educational system was decentralised and private institutions or bodies played an important role. Secondly, there was the problem of teaching a national language little used in the population’s ordinary life but of great cultural importance and thirdly, many of the country’s graduates emigrated. The examiners noted that, even with its limited resources, Ireland provided much more prosperous countries with technical assistance by sending them substantial numbers of graduates (OECD, 1969).

The head of the Irish Delegation, Dr. T. Ó Raifeartaigh began by saying that Ireland’s economy was open in particular to Great Britain and the United States. He added that Irish freedom of movement to these countries certainly had advantages for the individuals concerned, but it also entailed serious difficulties from the point of view of educational planning; for example, it was impossible for the very short term to establish an exact correspondence between the number of medical graduates which should be produced and the country’s own requirements. Dr. Ó Raifeartaigh emphasized that Ireland’s policies reflected the pride attached to the individual’s well–being and rights as compared with the State’s demands on its

citizens (OECD, 1969). This still remains a problem today as many doctors trained in Ireland emigrate to English-speaking countries. It would appear that the idea of encouraging or making newly-qualified doctors work for a few years in Ireland in order to repay the cost of their training and to avoid shortages of qualified doctors was not even considered.

As regards the Irish language, Ó Raifeartaigh said that while it was national policy to preserve and promote it, they intended to develop continental European languages with a view to Ireland joining the European community (OECD, 1969). The teaching of modern languages was modernised later and more emphasis was placed on the oral aspect (Coolahan, 1981). As one of the criticisms of the examiners was the extent of the general academic education, Ó Raifeartaigh added that Ireland was also developing technical and science teaching. In fact the curriculum and examinations of all second-level schools were unified from 1963 (Bonel-Elliott, 1994). Vocational schools, with their emphasis on technical education, could now prepare pupils for the Leaving Certificate and entrance to university or technical colleges. Science teaching was also being developed at second level and more schools were being equipped with science laboratories (Coolahan, 1981).

As regards the question about the role of private institutions in a decentralised system, Ó Raifeartaigh answered by saying that one of the fundamental objectives of Irish educational policy was to establish as rapidly as possible quality educational opportunity for young people from all areas and all social classes. He accepted that the decentralised nature of Irish second-level schools was a difficulty, but said that they sought to associate the local educational authorities and the teachers (OECD, 1969). He completely eluded the main interest group, which was the Catholic Church. The senior civil servant was very active in helping successive ministers to avoid conflicts with the Church while reforming second-level education to enable all young people to benefit. This is clear in much of the bishops' correspondence available in the Dublin diocesan archives (Elliott, 2015a). Most secondary pupils (89%) were enrolled in Catholic secondary schools which were owned and run by religious orders and diocesan priests (Cannon, 1966) and the Catholic bishops were hostile to the State reforms announced in 1963, and in particular to setting up comprehensive schools and to enabling vocational schools to prepare pupils for the Intermediate Certificate (Bonel-Elliott, 1994). Reforming second-level education involved asking schools to co-operate and to share specialist equipment (Colley, 1966). This was not easy as the schools were in competition and they felt threatened by these recent developments (Coolahan, 1981, Randles, 1975). In the sixties, talking openly about the role of the Catholic Church in education in Ireland was taboo and the Irish delegation obviously had no desire to be quoted as criticising the Church in an international report. It was far easier to speak about the proposed development unit in the Department of Education.

As education planning was a relatively new concept, much of the discussion was about the planning mechanism set up in the Irish Department of Education called the development unit as the examiners felt that Ireland would be an example for other countries. Details were discussed about the membership of this unit, set up in 1965–1966. Sean O'Connor became assistant-secretary and was appointed as head of the development branch in 1965 (O'Connor, 1986) and Bill Hyland was also appointed as statistician in 1966 (Hyland, 2014). By the time of the confrontation meeting at the OECD headquarters in Paris, this unit was already in existence. S. O'Connor replied to the questions of the examiners about setting up and running an educational planning or development branch, the technical machinery, the investigations and the research programmes needed for educational planning and how the community was to be associated with the preparation and realisation of policies (OECD, 1969).

When a British delegate suggested that an inspector was necessary to establish communication between the planners and the teaching world, S. O'Connor was not favourable as he feared that people of high qualifications would produce strong differences in points of view and delay decision making. He did not mention the fact that he was afraid of conflict between the administrators⁷ and inspectors⁸ even if it is fairly obvious from his comments. The same delegate noted that experts of a high calibre were necessary, even if this made the work of those supervising them more difficult. He noted with satisfaction the presence of a “statistician of high repute” in the development branch. S. O'Connor also noted that a new research unit attached to one of the Dublin teacher-training colleges had been set up. A research programme in the development unit was awaiting the recruitment of a sociologist. The Department of Education also planned to provide financial assistance for research for Master Degrees on topics related to problems of priority in education (OECD, 1969).

As regards the technical machinery, B. Hyland replied that the development unit intended to use computers to help them to introduce a modern system of educational data assembly and processing. The development unit aimed to carry out surveys to fill in the gaps in the information required for planning. S. O'Connor explained that the public would be consulted in every county about the reorganisation of post-primary education (OECD, 1969). These county surveys were organised and meetings were held in every county. Later this senior civil servant said that he felt that these meetings achieved very little (S. O'Connor, 1986). Secondary school teachers and indeed religious orders were worried about co-operation and about losing control of private schools (Randles, 1975). When the international experts

7 Those who joined the Department of Education straight from school and who had risen through the administrative ranks.

8 Former teachers who had university degrees.

asked questions about the level of priority given to the elimination of educational inequalities between regions and social classes, the civil servants provided a careful reply. Free second-level education had been announced to journalists by the Minister for Education in September 1966, a month before the confrontation meeting (Bonel-Elliott, 1997). It is generally agreed that he had the approval of the Prime Minister but not of the government for this announcement. The civil servants would have been aware of the position and in the report we find: “As this plan had not yet been the subject of a final government decision at the time of the meeting, the Irish Delegation was not in a position to state its content definitively” (OECD, 1969).

The OECD, the Minister, the Department and the Bishops

In the early 1960s, it was very hard for an Irish Minister for Education to establish that his role was to plan the education system, as an oft-quoted speech by a previous minister, Richard Mulcahy, appeared to show that the role of the minister was subsidiary:

Deputy Moylan has asked me to philosophise, to give my views on educational technique or educational practice. I do not regard that as my function in the Department of Education in the circumstances of the educational set-up in this country. You have your teachers, your managers and your Churches and I regard the position as Minister in the Department of Education as that of a kind of dungaree man, the plumber who will make the satisfactory communications and streamline the forces and potentialities of the educational workers and educational management in this country. He will take the knock out of the pipes and will link up everything. I would be blind to my responsibility if I insisted on pontificating or lapsed into an easy acceptance of an imagined duty to philosophise here on educational matters (Dáil Éireann Debate, 1956).

Dr. Patrick Hillery saw his role very differently (McManus, 2014). He was thirty six years old when he became Minister for Education and he was keen to reform the education system for social and economic reasons. He was helped by civil servants who wanted to improve the education system: “They were pretty demoralised. I was at a dinner one night [...] and a young middle way up inspector Tomás Ó Floinn said to me the real name of this department is éadóchas (despair) not oideachas (education)” (Hillery, 1991). The Irish language was widely used in the Department of Education and the inspector played on the close pronunciation of both words in Irish. The minister understood that the civil servants in the department were unable to bring about reforms as they were “refused by everyone” (Hillery, 1991).

In 1962, the minister set up a secret internal committee of civil servants from the Department of Education to advise on the changes needed. Five school inspectors under the chairmanship of Dr. Maurice Duggan sat on it. The Duggan Committee was confidential. It was unknown to school managers, school trustees, teacher unions and the public generally. Even the members of the *Investment in Education* survey team who worked in the offices of the Department of Education from October 1962 were unaware of its existence (Lynch, 1993). Its conclusions were never published by the Department of Education and they only came to light when the senior civil servant, Finbarr O’Callaghan, who, as secretary to the committee, had written the document, gave a copy to the author in 1993 (Bonel-Elliott, 1996). Dr. Hillery used the Duggan Report to help him to prepare to reform the education system. The Committee proposed a common curriculum at junior cycle level and this reform was announced by the minister in May 1963 (Bonel-Elliott, 1996).

Some of the senior civil servants also aspired to reform the system and when they were informed that the OECD was about to sponsor studies of education systems, they felt that this was an opportunity to give education a greater profile and to be able to finance reform:

One day S. Mac Gearailt came (they knew what I wanted – I had told them and I had written it down) and he said that there was this OECD study (they had done under-developed countries and now they were doing developed countries). I said but Seán, I know what I want, but he said this is the way to get it and he was right. Now you had the force of an international body. So we picked a steering committee... (Hillery 1991).

The minister and the Department wished to get involved in the OECD study as they faced so much obstruction to educational reform. Indeed although the chairman of the main association representing religious orders, Father John Hughes, was of the opinion that Catholic school authorities should cooperate to the fullest extent with the *Investment in Education* committee, his association instructed him to seek the views of the Hierarchy on the matter (Hughes, 1963). The bishops delayed giving instructions to the schools and decided to put the “Lynch questionnaire” for the OECD on the agenda for their June 1963 meeting. The Bishop of Achonry was worried that the Catholic private secondary schools would lose out if they did not fill out the forms on the cost of running their schools (Fergus, 15/5/1963). Archbishop McQuaid, put a handwritten note on the letter adding: “Mr McGearailt, without any reference to his chief Mr Lynch, refused to leave for an extension. Mr Lynch cannot publicly disown him. But I have arranged with Father Hughes who saw Mr Lynch to inform schools unofficially that they have until 15 July” (McQuaid, 16/5/1963). The bishops therefore used delaying tactics but fearing that Catholic private secondary schools would lose out on funding decided to cooperate with the survey team.

The Minister for Education announced a reform of second-level education in May 1963 (Keogh, 2005). All second-level schools would have a common curriculum and would take the same examination, the Intermediate Certificate. A new type of school financed by the State, a comprehensive school, was to be established in areas where there was no provision for post-primary education. The bishops put pressure on the State and obtained the financing of buildings for private secondary schools. The representatives of the Catholic Headmasters Association were worried about losing their private status if they accepted State money for their buildings. The secretary of the Department of Education stated the official position on the role of the State:

The Minister for Education is the person on whom is placed the final responsibility for the programme followed and the work done in the schools. While it is true that recognised secondary schools are under private ownership, they have, of their own volition, in return for State convention, elected to form part of what must be regarded as an official public service. In discharging such a service they cannot operate as if they were private individuals. The Minister, on whom, as mentioned, the final responsibility in the matter falls, must reserve his right to take on occasion a decision, when the public good demands that, without prior consultation with any particular group or groups (Ó Raifeartaigh, 1963).

The Minister and the officials of the Department were making clear that the State could decide on education policy and that even if they consulted the Church, each party had a different role. This was revolutionary in Ireland where the Church had taken most decisions concerning secondary education from Independence in 1921 up to 1963. The fact that the Department was willing to get the OECD to organise a survey of the Irish education system marked a change in attitude. After the prime minister made a speech announcing a new type of post-primary school, the bishops voiced their opposition to State second-level schools in October 1962: “[...] The bishops would naturally view with grave concern any proposal what would appear to be the establishment of state secondary schools” (Hierarchy, 1962). The two Bishops in charge of education matters were deputed to interview the Department on the matter, and to report back. John Charles McQuaid, Archbishop of Dublin was of the view that the new schools were contrary to the constitution (McQuaid, 5/1/1963). The Bishop of Elphin, Vincent Hanly, who was more aware of international changes in education, was more pragmatic:

In my humble opinion the bishops should enter the field immediately as other parties are getting active. If possible the bishops should take a hand in framing the proposals for new legislation as the authorities appear to be friendly and anxious to invite suggestions. Some form of comprehensive education – free for all – is due to come and we should be ready to welcome it and direct it into proper channels (Hanly, 1963).

The Catholic Hierarchy objected to vocational schools having the right to propose the same examinations as the secondary schools (Fergus, 20/2/1963). The bishops, especially the Archbishop of Dublin, considered that co-education was not acceptable for Catholic children: “The Bishops would oppose anything in the way of mixed education as well as any system of transport where boys and girls would be obliged to travel together” (Hierarchy, 1963). Martin O’Donoghue, a member of the *Investment in Education* survey team, remembers that the Church representative on the Steering Committee, Dr. Newman, objected to the State organising transport to schools on the grounds that the Church would not accept teenage boys and girls travelling together. Bill Hyland suggested dividing the buses into two parts, one for boys and the other for girls. As he had lived in the United States, he was aware of the international debate about apartheid on school buses. His suggestion caused some conflict and was probably one of the reasons the Steering Committee did not often have meetings with the survey team (Hyland, 2014).

The Church wished to maintain its influence over secondary schooling and the private status of its schools. By referring to “proper channels”, Bishop Hanly meant that the Church should cooperate with the State to obtain Catholic comprehensive education in single sex schools run by priests and religious orders. The bishops based their position on the fact that they represented Catholic parents who wanted denominational schools:

Our system of both primary and secondary education is quite different from that in England and Wales. Article 42 of our Constitution recognizes that the Family, not the State, is “the primary and natural educator of the child”. Hence, speaking constitutionally, our schools are Family or Parental institutions. And in fact the parents – Catholic, Protestant and Jewish – have chosen religiously-controlled schools. We Catholics especially, under the British regime, have fought a prolonged and finally successful campaign against State undenominational education. The Constitution is the final record of our victory. Article 42 further declares. “The State shall not oblige parents, in violation of their conscience and lawful preference, to send their children to Schools established by the State or to any particular type of School designated by the State” (“Memorandum”, 1963, p. 1).

In parliament, George Colley⁹, a member of the party in government, in a statement in parliament, showed clearly that referring to the rights of parents was often hypocritical:

A lot of lip service is paid to the primary rights and duties of parents in regard to education. I do not think it unfair to say that interest by parents in education is actively discouraged by the teachers, the Churches, and the Department... Indeed, they are regarded as interlopers. This is a shocking state of affairs, especially in a Christian country where we are taught as part of our religion, that the obligation, the responsibility and the right of educating one's children is vested primarily in the parents, and that the State has no right to interfere except to lay down certain specific standards (Colley, 1964).

Despite the opposition of the Church representatives, the Minister and the Department of Education continued with the OECD survey and with the plans for reform. Almost three decades later, the former minister remembered the difficulties: "There was definite Church obstruction. It is hard to understand it now. They have survived and private schools have survived". (Hillery, 1991). Although in fact there is no evidence that the State ever tried to manage schools or to force private schools to become State schools, the religious congregations were genuinely worried as Sister Eileen Randles a secondary school principal explained in her book (Ó Buachalla, 1988, Randles, 1975). Instead the Department of Education worked hard on increasing access to second level education and controlling expenditure. This was a time when some senior civil servants dared to criticise the role of the Church and Sean O'Connor, head of the development unit, stated clearly that he felt that the Church had equal rights to other partners; "No one wants to push the Religious out of education; that would be disastrous, in my opinion. But I want them in it as partners, not always as masters" (O'Connor, 1968). Bill Hyland felt that after the OECD process, the Department of Education developed a new concept of the right of children to certain educational facilities whereas up to then, the role of the Department was to facilitate the providers (Hyland 1991). Until the early 1960s, secondary education was in private hands and the Department of Education saw its role as facilitating the financing of those schools. Tom Garvin states that the "Church insisted on having a monopolistic control of the education of young people in a Church-owned and state-financed system" (Garvin, 2004). It was not until 1963 that the State announced that publicly-funded schools such as vocational schools and the comprehensive schools could provide secondary education.

When I wrote an article entitled "Lessons from the Sixties: Reviewing Dr. Hillery's Educational Reform" in 1994 (Bonel-Elliott, 1994), the bishops' correspondence was not available to researchers. Marie Clarke has stated that my opinion in 1994

9 George Colley was Minister for Education from April 1965 to July 1966.

about Minister Hillery's use of communication is negated by the existence of the bishops' correspondence (Clarke, 2010). The fact that the representatives of the Church were in contact with ministers and civil servants was well known in Ireland as several authors had done some research on the subject, for example Cooney, Inglis, Titley and Whyte. Moreover Noel Browne had attributed the failure of the implementation of the Mother and Child scheme mainly to the role of the Church in his autobiography¹⁰ (Browne, 1986). I was well aware of this and the content of my interviews with ministers and civil servants confirmed the role of the hierarchy, but I could not provide any written proof in 1994¹¹. My reference to "open communication" was to the fact that Minister Hillery had made a speech at a press conference to inform the population of the plans for reform while at the same time "he dissimulated the real nature of his reform when he announced in a veiled sort of way during his speech that he was setting up a comprehensive system in 1963, by making the vocational school equal to the secondary school in terms of curriculum and examinations" (Bonel-Elliott, 1994). The prudent speech, written by a civil servant, "enabled the Minister to announce a comprehensive system in such an obscure manner" (Bonel-Elliott, 1994) that it was not obvious to those who were not involved in the discussions what the details of the reform were. I used the term "open communication" as it is referred to in management theory (Griffin, 1990, Daft, 2010) which means that a manager, or in this case a minister, communicates his plans. That does not mean that he gives all the details but his communication is purpose-directed towards the desired goals of the organisation and influences people to act in a way to achieve the goals (Daft, 2010). And it must be remembered that the hierarchy were not the only actors resisting change.

Minister Hillery informed the author that the Department of Finance had tried to obstruct his reform (Hillery, 1991). Civil servants felt that "the Department of Finance would not tolerate the idea of the spending necessary, that the Church would obstruct it and would not like to see the State coming into the field of education" (Hillery, 1994). In an earlier interview he said that "the big opposition of the Church was the excuse for the others" (Hillery, 1991). By this he meant the Department of Finance, the Minister for Finance and the government (Horgan, 1997). Minister Hillery informed the author that Sean Lemass, Prime Minister, supported him in his efforts to reform education:

¹⁰ He also mentioned the role of the doctors, but with far less detail (Brown 1986).

¹¹ Sean O'Connor, a Department of Education official, stated in an interview in 1986, that although there was strong opposition on the part of the bishops in 1963, "they never made it public" (Mulcahy & O'Sullivan, 2014).

At the time it would be difficult to get [a reform] through the government. But you'd have to say that Sean Lemass [...] was positive. If you came up with ideas, Lemass was for you. Jim Ryan was Minister for Finance. At some stage I came to Lemass. Now, I had been doing this through the channels, [but] it was most disappointing, being turned down, turned down, turned down. And the officers of the Department were quite demoralised when I got there. They didn't expect to get anything through. I remember being out in Dun Laoghaire one night [...] and I said I'd try once again. I tried Lemass and he got Jim Ryan and he said "Jim Ryan, you and I'll talk". and that's [when] Jim Ryan and Lemass came in on it so that it wasn't a matter of going through the civil service of Finance, it wasn't a matter of going through the government with it... Lemass said to me "you won't get this through the government, announce it" (Hillery, 1991).

Professor Brian Farrell did considerable research into Sean Lemass's management style as prime minister and stated that he used the "technique of mobilising popular support as a means of accelerating executive action" (Farrell, 1983). It would appear that this was also the case for Hillery's reform in 1963 (Elliott, 2015b). The OECD review process in education in Ireland in the sixties played a key role in facilitating the implementation of reforms as the Minister and the Department of Education were keen to bring about changes and the press was also active in relaying the ideas expressed about "investment in education".

Conclusion

The OECD peer review process corresponds to a period of new policy formulation and fresh perspectives on the roles of the different actors in Irish education. From Independence until the 1950s, the Ministers and the Department of Education did not have a pro-active stance. Instead they deferred to the most powerful interest group, the Catholic Church and also to the Department of Finance which was not well disposed to increasing spending on education. The very fact that the Irish government invited the OECD to survey the education system demonstrated a radical approach and a desire to depart from the status quo. The government and the Department of Education shared the view of the OECD on investment in education. The Church also wanted more finance for schools but on its terms, insisting on the private nature of its secondary schools, the necessity to have separate schools for boys and girls, and to avoid having State second-level schools. The *Investment in Education* survey team highlighted the need to expand the Irish education system to have more qualified manpower but also to provide equality of educational opportunity. It also focused on the need to improve the teaching of mathematics, science and modern languages.

Although *Investment* was theoretically a technical study, it provided the statistical basis to show the need for reform. The OECD idea of investment in education was publicised by the media following on speeches by members of the government and by Patrick Lynch. This background report was used as a basis for the 1969 review. During the confrontation meeting in Paris, the OECD members present were very interested in the development unit in the Department of Education. There was broad consensus on most questions and the Irish delegation provided suitable replies to questions and avoided any controversy. No mention of the role of the Church appears in the review although it was the major actor in the education system. Both the Church and the Department of Finance operated to retain the status quo but for different reasons.

The minister, Dr. Patrick Hillery wanted to formulate and implement expansionist policies in education. The OECD process was used to get approval for more spending on the education system. Although the chairman of the Catholic Headmasters Association was favourable to cooperating with the survey team, the bishops used delaying tactics but finally decided that it was in their interest to provide the necessary information. Parallel to the *Investment in Education* survey team, a secret internal committee of civil servants worked on the contents of reform. Members of the survey team were unaware of the existence of this Duggan Committee. Reforms – new State-funded comprehensive schools in rural areas, common curriculum and examinations for all second level pupils – were introduced from 1963. The bishops objected to some of the content of the reforms, basing their claims on the fact that they represented parents.

The *Investment in Education Report*, the background report to the OECD Survey, got great coverage in the media and was discussed in parliament. By the time the confrontation meeting organised by the OECD was organised in Paris in October 1966, free secondary education had just been announced and the Department of Education and the Minister were busy trying to convince the government and the Department of Finance to implement it. Moreover, the contest for the replacement of Sean Lemass as Prime Minister (Taoiseach) would have taken up a lot of time in the government party until Jack Lynch finally became Taoiseach in November 1966. The main purpose of the government had been to survey the education system in order to provide the statistical basis to justify reform and the OECD legitimated spending on education as an investment. The timing of the *Investment of Education* report and its contents suited the purpose of the minister and the Department of Education.

The 1969 Survey was published very late – four years after *Investment in Education* – and by the time it appeared, the department had taken on board the findings it needed to justify expanding the education system, improving the teaching of science, mathematics and modern languages, but it had no desire to upset the status

quo too much by questioning the rights of private, mostly clerical, schools or asking graduates who emigrated to reimburse the cost of their university education. The OECD influenced Irish policy but at the same time the Irish government used the OECD to legitimate policies that originated in Ireland. Kjell Eide from the OECD stated in 1990 that the OECD review process was used as a starting point for education reforms in several countries including Ireland (Kjell Eide, 1990). According to Ioannidou, the instruments used in the OECD reviews have always been based on consensus and shared values (Ioannidou, 2007). Contrary to what is often written, the *Investment in Education* report was written by Irish people and even if they participated in international meetings with OECD experts, they were not foreigners. The 1969 Review was an international document written mainly by an American who was the OECD rapporteur. The examiners came from three different countries, Belgium, Canada and Germany, and not less than twenty one countries were represented at the confrontation meeting in Paris.

At a time when the Department of Finance was opposed to investing in education and the Church only accepted changes on its own terms, there is no doubt that the OECD peer review process legitimated policies that the Prime Minister, the Minister for Education and senior Department of Education officials wanted to implement. The presence of representatives of the OECD at meetings in Ireland and the references to the international body enabled the Irish State to justify its ground-breaking education policies. The role of the OECD in promoting the idea of education as an investment to improve the economy and the relaying of this idea in the media thanks to speeches by the government and the leader of the *Investment in Education* team helped to justify the increase in spending. The expansion of the provision of secondary education was generally welcomed by parents as it provided more opportunities for young people. The OECD peer process provided the statistical basis necessary for a future minister to introduce the most popular of all education policies: free secondary education for all from September 1967.

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Community development: origins and hybridization in Northern Ireland

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Abstract

This article will study the emergence of community development (CD) as a peacebuilding strategy in the 1970s in Northern Ireland. It will demonstrate that CD went through a successful *hybridization* process in the early 1970s. *Hybridization* refers to the process of cross-fertilization between international peacebuilding activities and local practices. It takes place when peace activists locally reshape international models through everyday practices (Richmond & Mitchell 2011). In Northern Ireland, CD stands as a case in point as the initial model, which was conceived by the Colonial Office in order to empower local communities and elites in the colonies, was adapted to local circumstances by the members of the NICRC (1969-1974) and was then readily adopted by community activists on the ground. This article will also demonstrate that CD was conceived as a peacebuilding strategy which tried to prevent the occurrence of violence in the late 1960s and early 1970s. Its promoters believed that CD could represent an alternative to violence as it was based on the needs of the community and sought to develop organisational skills.

Keywords: community development – Northern Ireland – peacebuilding – history of the 1970s

Résumé

Cet article propose d'étudier l'émergence de *community development* (CD) en tant que stratégie de construction de la paix dans les années 1970 en Irlande du Nord. Il démontre que CD a subi une étape *d'hybridation* au début des années 1970. *L'hybridation* fait référence au croisement entre les activités internationales de construction de la paix et les pratiques locales quotidiennes. Il a lieu lorsque des praticiens de la paix remodelent des pratiques internationales en les adaptant à leurs défis et pratiques quotidiens (Richmond et Mitchell 2011). Le modèle original, conçu par le Colonial Office britannique en vue d'émanciper les élites locales dans les colonies, fut adapté en Irlande du Nord aux circonstances locales par les membres de la NICRC (1969-74) puis repris avec enthousiasme par les militants associatifs sur

le terrain. L'un des objectifs de la stratégie de CD consistait à prévenir le recours à la violence localement en développant les compétences organisationnelles permettant in fine de répondre aux besoins des populations.

Mots-clés : *Community development* – Irlande du Nord – construction de la paix – histoire des années 1970

The origins of CD: from the colonies to Northern Ireland

Community development was developed in the 1970s in Northern Ireland. Although community activism was already prevalent, the name (CD) and the theoretical approach came from outside influences. In a context of deep political and social turmoil in 1968 and 1969, the Northern Ireland government in Stormont agreed to create a Community Relations Commission (CRC) and a Ministry of Community Relations. The president of the Commission Hywel Griffiths¹ and its chairman Maurice Hayes² transferred the theories and practices of CD into Northern Ireland. The influences were diverse, including the Irish example of *Muintir na Tíre* who promoted and supported the concept of active community participation and championed the idea of community development in rural Ireland since 1937 (Tierney 2004). The core principles were self-help and self-reliance. But, surprisingly, CD mainly originated in the colonial experience. This article will examine what this initial model was and assess why it successfully hybridized into local practices in Northern Ireland.

The colonial experience

The practice of CD emerged in the 1940s and 1950s in British African colonies such as Northern Rhodesia (now Zambia), Kenya and Nigeria but also in Malaya (now Malaysia) and India. CD was introduced by the colonial administration in the 1940s and 50s. In a way, it represented a transition from colonial administration to self-government and showed an intention to withdraw from the countries. The link between CD in the colonies and CD in Northern Ireland is literally embodied by the president of the CRC, who worked in both situations. In fact, his past experience had remained untold until an interview I conducted in 2005 as part of my doctoral thesis project. This shows that the policy developments of the early period of the Troubles have been little studied, in spite of their importance in shaping path dependencies for future policy frameworks³.

¹ Hywel Griffiths (Wales) worked for the Department of Integrated Rural Development in Northern Rhodesia (now Zambia) for six years. Griffiths then worked for the British Council in Africa for two years. He then taught community development courses at the University of Manchester before being recruited as president of the CRC in Northern Ireland in 1970.

² Maurice Hayes (Co Down) was a town clerk in Downpatrick when he was appointed Chairman of the CRC.

³ This idea of path dependency – also developed by McGrattan (2010) – will be developed in a forthcoming publication on the origins of community relations/community development policies in Northern Ireland (1969–1988).

In the 1960s, Hywel Griffiths worked for six years for the Department of Integrated Rural Development which was in fact administered by the Colonial Office (CO)⁴. In 2005, Griffiths confirmed that CD emerged in the context of decolonisation:

The idea of community development originated during the Second World War. A group of highly placed government officials and academics were asked to come together and think about what would happen after the war with regard to the colonial empire and what should be done about it. They forecasted the end of empire and anticipated the emergence of independent democratic states (Griffiths 2005).

The focus was on developing organisational skills at a local level in the colonies. As stated by the CO, the aim was to seek: “[...] active participation, and if possible on the initiative of the community, but if this initiative is not forthcoming spontaneously, by the use of techniques for arousing and stimulating it” (Colonial Office 1958: 2). As Griffiths explains:

The problem was that most of the countries concerned were still largely ruled according to traditional customs which were anything but democratic. A policy was therefore required to develop the skills of democracy from the base up. That is how ‘community development’ came into existence. It was intended as a programme for political development to create a critical mass of democratic activities and skills at community level from which a viable structure of national politics could emerge in due course (Griffiths 2005).

However, the practices of CD as defined by the Colonial Office were not clearly stated. Griffiths said in 2005 that: “the concept of CD was being talked about very much at that time and it came into Northern Rhodesia [now Zambia] and the Department of Integrated Rural Development and became part of that and I became part of that” (Griffiths 2005). Besides, independence was granted sooner than expected and did not allow CD to bear its fruit. Although administrative skills were developed in the fields of health, social services, education and agricultural methods, political skills were not, as they required long term engagement (Central Office of Information 1966). The context of decolonisation in the 1960s prohibited such an engagement.

⁴ The CO had been the British Department in charge of colonial issues since 1854. It was later transformed and integrated into the Foreign and Commonwealth Office in 1968.

Despite this relative failure, the United Nations promoted CD in a European context in the 1970s (United Nations 1971). This, in the United Kingdom, was taken over by certain groups of social workers who were seeking to develop a more radical approach based on self-help (Biddle 1965). In that context, Hywel Griffiths was teaching CD courses at the University of Manchester in the late 1960s when he was appointed president of the newly-created NICRC in 1970. But what was this new form of social work and why was it perceived as a relevant approach for Northern Ireland?

CD as a new form of social work in the United Kingdom

At the end of the 1960s there was a desire among social workers to see radical changes. In the United Kingdom, CD was taken over by social workers from 1957 on (Batten 1957). The following proverb was often quoted: “Give a man a fish and you feed him for a day. Teach him how to fish and you feed him for life”. This implied that the people decided what their needs were, and they developed their decision-making and organisational skills. The question that was raised by the new generation of social workers was: who is best capable of conducting the necessary reforms, the State or civil society? Supposedly, collective work was placed at the core of the strategy. This was a process of empowerment and eventually self-government. But this new approach remained vague as stated by Griffiths in 1972:

[...] it is still difficult to find in British literature any agreed statement concerning the aims and objectives of community development. There is to be found a good deal of information and assessment of methods, techniques, participants [sic] settings and, which might be called, process values. But on this one question concerning what the business is all about there is generally very little (Griffiths 1972: 88).

Arguably, this evasive definition led community groups to embrace the notion in Northern Ireland. Jackie Hewitt, a community worker from Ainsworth in Belfast, contended that “it was fortunate that it happened that way, that we didn’t have any preconceived notion of the rules of CD” (Hewitt 2005). This, he argued, meant that CD was a flexible, inclusive strategy.

Besides, the fact that CD stimulated participation from below is another reason why it appealed to community workers and activists in Northern Ireland. How did it do that? Essentially, the NICRC employed Community Development Officers (CDOs) who, contrary to traditional social work approaches, provided ‘guidance’ (Biddle 1965: 90–91). ‘Guidance’ is a non-invasive approach. The following episode illustrates what that is. It was narrated in a 2005 interview by community worker Jackie Hewitt, who attended a residents meeting with CDO Joe Camplisson in the early 1970s:

I said ‘Look I know somebody who has got a hall, I’ll go and see them and I’ll get you that hall’. And then they [residents] said ‘What we’ll need then is to notify people’, ‘Leave that with me, I’ll get that printed for you’. And that’s the way the whole thing went on and after the meeting we came out, and I said to Joe ‘That was a good meeting’, and Joe says ‘Do you know what you have to do?’ and I said ‘To get a hall, to get the leaflets printed, to get them circulating’. And he said ‘Do you know what they have to do: nothing!’ So, lesson learned. That definitely wasn’t CD (Hewitt 2005).

‘Guidance’ methods enhanced leadership and organisational skills at the micro-level. This libertarian approach was well-received by community activists in Northern Ireland, who developed several initiatives accordingly.

How was it adapted in Northern Ireland?

CD became a central part of the strategy of the CRC, as explained by Griffiths in 1974: “the Commission decided to allow the community to determine the pace of development by adopting a community development programme as an alternative and more realistic strategy” (Griffiths 1974a: 6). CD offered new possibilities in the field of problem management, which, in the context of the early 1970s, appealed to the leaders of the CRC. There was a strong level of involvement in community activism even before the CRC was created in 1969, so the new strategy of CD rapidly gained support among activists in Northern Ireland.

The importance of direct practice and the key role played by CDOs

There was a team of ten CDOs in 1970 in Londonderry/Derry, the Dungannon/Armagh/Newry/Lurgan area and Belfast. The *direct* practice identified as working with people directly was a key aspect of their policy. In a 2004 interview, Maurice Hayes explained how the CRC members got in touch with community activists: “You looked for who was there. I had a sort of background in sports through which a lot of people knew me. At least you had a face that people recognised. And I think it has to be personalised in a little way” (Hayes 2004).

Thanks to the CDOs’ guidance work, each community group pondered on the most adequate means of reaching its goals. The people involved in community work were given the opportunity to define the problems and to analyse them by themselves. This type of discussions could lead to choosing non-violent modes of action. Hayes confirmed in 2004:

you were creating a civic culture of discussion and of organisation which would enable them to deal with the problems without having recourse to violence and then hopefully they would see under new circumstances that violence was counterproductive and then hopefully they would see after a bit that they did actually have common interests with Protestant groups on the other side of the wall and that they would tackle those common interests together (Hayes 2004).

CD was seen as a method that could enhance peace and good community relations and was in accordance with its general mission aiming “to encourage the establishment of, and assist others to take steps to secure the establishment of, harmonious community relations” (Community Relations Act 1969). For example the CRC supported bodies involved in community relations work, such as Corrymeela (NI Community Relations Commission 1971: 13), but they also focused on emerging initiatives seeking to establish community centres or to organise residents associations (Fortnight 1974: 1). They also developed a series of more audacious initiatives with the aim of tackling paramilitary activism. These ‘facilitation’ activities implied cross-community exchanges between paramilitary activists from both sides.

Facilitation activities

It must be noted that very little has been written on the NICRC’s facilitation activities. My doctoral research project has uncovered some examples, which will be described in this part. They will shed light on some crucial questions related to the nature of paramilitary activism and its complex relation to peacebuilding policies.

The facilitation approach of the NICRC was described in 1976 by former CDO Boyle:

[...] the idea was to use the strength of the community association movement, and to invite a range of people including representatives of, and persons proposed by, the main paramilitary groups, under the ‘community’ ticket. This would help to prevent any direct confrontation, make it easy for paramilitary representatives to attend, and expose representatives to the experience of a community conference (Boyle 1976: 41).

For example, members from Loyalist and Republican groups were invited to attend a conference in Port Saloon, Donegal, in 1974. The idea was to “to test their perceptions of each other and to explore what ‘common ground’ if any existed between them.” (Community Conference Council ‘74 1974: 2). Jim Fitzpatrick, a

lawyer who helped organise this event, recalled in a 2005 interview that “they were trying to stop the feuding between the different groups. [...] The Port Salon type of conference opened up the thinking of the paramilitaries to a much broader outlook of what they should be doing.” (Fitzpatrick 2005)

This was a rather audacious strategy. In 2005, Hywel Griffiths explained that he met Loyalist paramilitary activists in 1974 as he felt he had to “do something”:

I certainly felt that after 1974 when there was a collapse of government and the Ulster Workers’ Strike and so on and I went down there because I thought ‘I have to do something’ and I went down and I talked to some of these people, some of the ones I knew, and they were telling me how they were creating some kind of free state. They were taking over the facilities; they were ready to go to war (Griffiths 2005).

Griffiths believed that he could deter these militants from organising violent actions by helping them develop alternative forms of activism such as CD. Members of the CRC believed that CD could enable marginalised communities to develop non-violent means of addressing their needs. CDO Joe Camplisson confirms that he saw “dramatic changes in attitudes taking place” (Camplisson 1974: 31). On some occasions, the guidance work provided by the CDO enhanced problem-solving techniques based on self-help. This, in turn, might have deterred activists from using violence. A link was established between the development of organisational skills and preventive work in the field of peace. In hindsight, this corresponds to the general definition of peacebuilding which, according to the United Nations (UN), “is aimed at preventing the outbreak, the recurrence or continuation of armed conflict” (UN 2001). In that sense, CD had a great potential as a peacebuilding strategy, even though that sort of phrasing was not used at the time. But how successful was this strategy?

Assessment

Interestingly, the impact of the work of the Commission could be felt on Loyalist groups. For example, CD was adopted by activists who assembled under the umbrella group UCAG – Ulster Community Action Group – linked with the Ulster Defence Association (Woods 1989, McCready 2001). The UDA were trying to develop a more coherent political and social strategy, in the aftermath of what they considered to be the successful 1974 strike – successful in the sense that it led them to be better organised. Loyalists wanted to develop their skills in order to mark a difference with traditional Unionist elites. They now focused on their working-class identity and were willing to develop ‘political’ and ‘community’ roles, as opposed to paramilitary ones only. One of the founders of the UCAG said in 1995:

The people that I was dealing with were under threat and they didn’t have any sort of clear-cut political objectives but they were reactive. So in an attempt to politicise their role and to set some objectives of a positive nature that could be attained politically, UCAG became the community oriented aspect of the UDA (Lovett, Gillespie, Gunn 1995: 25).

The intention of distancing themselves from violence echoes the NICRC’s philosophy. Clearly, the UCAG founder explained that they were trying to “give an alternative expression to the paramilitary voice – an alternative to violence” (Lovett, Gillespie, Gunn 1995: 25). This suggests a connection with Griffiths’ intention to ‘do something’ to deter violent activities, as stated earlier.

However, the involvement of paramilitary leaders in community activism might have represented a calculated attempt to fortify their leadership in the community. In other words, community groups were a channel through which they might develop paramilitary activities particularly as the links between paramilitary combatants and community activists were tenuous. Griffiths acknowledged that they represented “two different species of the same phenomenon” (Griffiths 1975: 196).

Moreover, it is difficult to assess the impact of the CD strategy given that the NICRC was disbanded abruptly in 1974 and its policies abandoned thereafter. Gradually, the substantial CD strategies as encouraged by the NICRC ceased to exist after 1979 for different reasons⁵. Mainly, both military/security and paramilitary activities increased to unprecedented heights in the 1970s. As the conflict intensified, the need to encourage peaceful forms of activism was no longer perceived as a priority, let alone a possibility. Besides, as a result of political upheavals between 1972 and 1975, decision-making shifted from the councils and Stormont to central departments and regional bodies. Under such circumstances, as local means of action were neutralised, CD was gradually abandoned. Generally, CD did not get the necessary support to grow and become a durable practice. As it became slowly marginalised by more conventional approaches under direct rule, policy makers tended to disregard peacebuilding mechanisms devised locally⁶.

⁵ A more comprehensive account of community relations/community development policies (1969–1998) in Northern Ireland will be published by the author in 2016.

⁶ See forthcoming publication on community relations/community development policies (1969–1998).

Concluding remarks on the history and legacy of CD

Most initiatives described in this article were abandoned in the late 1970s; CD remained dormant in the 1980s and 1990s. Although the 1986 founding text for new community relations policies mentioned the relevance of CD as a strategy to improve community relations (Fitzduff & Frazer 1986: 132–133), this approach was revitalised under a consensual form. For instance, CD has now become the remit of the Department for Social Development (DSD) who promotes CD activities in order to “meet needs and build better relationships within and between communities” (DSD Website). The radical, political intentions of the 1970s have given way to wider ‘good relations’ objectives and, generally speaking, the practices encouraged through the DSD do not put the emphasis on empowering local communities, nor on working with people directly.

According to Frazer, this has happened because CD work implied working with local community groups which were seen as suspicious because of their possible links with Republicanism and, to a lesser extent, Loyalism. In that sense, Frazer argues that it was “a political issue” (Frazer 2006). This hints at an underlying yet pervasive feeling of mistrust between public bodies and local community groups during the Troubles, as a result of the possibly close links binding paramilitary and community activism. Yet policy makers did not take this element into consideration when they developed peacebuilding programmes in the 1990s and 2000s.

More generally, the example of the origins and transformation of CD during the Troubles shows that there is little knowledge of, and little interest in, the history of the policies devised in Northern Ireland. The decisions that were made and the paths that were favoured in the mid-1970s affected policy-making durably. More importantly, it is the paths that were discarded that defined the scope of possible policies, such as when CD was considered superfluous as a potential mechanism to prevent the escalation of violence at the local level. From then on, such initiatives were perceived as either unnecessary or impossible to organise. This, I argue, has remained a feature of peacebuilding initiatives since 1998 as, during the peace process, policy-making has tended to favour macro-level approaches at the expense of micro-level initiatives. Examples can be found in the 2000s showing that policy-makers were reluctant to support facilitation initiatives developed locally (Etchart 2011). The assumption is that a more diversified approach combining both macro and micro-level projects could strengthen peace efforts.

Incidentally, local government will be reinforced from April 2015 under the Local Government Act 2014 and a number of powers that were previously the responsibility of central government will be transferred to local councils. One of them is ‘community development’. This might represent a good opportunity to learn from past experiences and encourage the creation of consistent peacebuilding initiatives at the local level.

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International Human Rights and the Northern Ireland Constitutional Identity

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Abstract

In his farewell address given on 14 January 1981, Jimmy Carter declared “America did not invent Human Rights. In a very real sense, Human Rights invented America”. Couldn’t this statement be applied to Northern Ireland whose constitutional inception was based upon the concept of Human Rights? It has been repeatedly asserted that the thirty years of escalating violence, commonly called “The Troubles”, were fuelled by systematic Human Rights violations. For a long time, Human Rights were an unknown notion in Northern Ireland simply because such rights were not defined in any legal document, hence they were unprotected. The new constitutional framework for Northern Ireland hinged upon Human Rights values which were eventually enshrined in the Good Friday Agreement in April 1998.

This paper intends to demonstrate how international Human Rights documents have helped introduce new concepts into Northern Ireland and incorporate them into Northern Irish constitutional law, especially the governmental framework of consociationalism designed by Dutch political scientist Arend Lijphart. It will seek to show how such international influence came to bear upon the Peace Process. It will provide evidence on the peace situation which has prevailed since 1998 thanks to models borrowed from outside the UK, notably with the reforms of the police service and of the criminal justice system. How can a culture of Human Rights help Northern Ireland start a “new departure” and therefore invent a new Northern Ireland?

Keywords: human rights – constitutional law – Good Friday Agreement – consociationalism – police service – criminal justice

Résumé

Dans son discours d'adieu prononcé le 14 janvier 1981, Jimmy Carter déclarait: « L'Amérique n'a pas inventé les Droits Humains. En réalité, ce sont les Droits Humains qui ont inventé l'Amérique ». Peut-on dire que cette affirmation s'applique à l'Irlande du Nord dont la Constitution a été fondée sur les principes des Droits Humains? On n'a cessé de répéter que les trente années de violence endémique, que l'on nomme communément « les Troubles », ont été entretenues par les violations systématiques des Droits Humains. Ceux-ci furent longtemps méconnus en Irlande du Nord car aucun document officiel ne les mentionnait et n'offrait donc aucune protection. Le nouveau cadre constitutionnel conçu pour l'Irlande du Nord se fonde sur les valeurs propres aux Droits Humains qui furent finalement intégrés à l'Accord du Vendredi Saint en avril 1998.

Cette article se propose de montrer comment les textes internationaux sur les Droits Humains ont permis d'introduire de nouveaux concepts en Irlande du Nord afin de les adopter dans la nouvelle Constitution, notamment le principe de consociationalisme, un format de gouvernance conçu par le politologue néerlandais Arend Lijphart. Il montrera aussi comment l'influence de modèles internationaux a pesé sur le processus de paix. Il démontrera comment des modèles étrangers ont permis d'instaurer un climat de paix depuis 1998, en particulier dans le cadre des réformes de la police et de la justice pénale. Enfin, comment une culture fondée sur les Droits Humains peut-elle aider l'Irlande du Nord à envisager un « nouveau départ » et par conséquent contribuer à construire une Irlande du Nord différente?

Mots-clés : droits humains – droit constitutionnel – consociationalisme – police – justice pénale – Accord du Vendredi Saint

Many observers have often asserted that the three decades of Troubles in Northern Ireland stemmed from repeated human rights abuses. Throughout the years of negotiations leading up to the signing of the Good Friday Agreement (GFA) in April 1998, the language of Human Rights reached a prominent position among politicians and stakeholders. That historic period offered Northern Ireland the opportunity to introduce international principles, norms, values along with reforms of the most sensitive institutions (such as those in the police and the criminal justice system) that borrowed models that had previously been implemented elsewhere in jurisdictions emerging from long and violent conflicts. The Agreement itself rested upon a consociational structure that had been designed by Dutch political scientist Arend Lijphart and had often been previously introduced in conflict zones. Since Human Rights were at the heart of the peace process and of the future constitutional framework, Northern Ireland – whose culture of division had prevailed since its creation – was, for the first time, offered a neutral space where traditional enemies could be brought together and reconciled around a new set of international values that had been designed, not within Northern Ireland itself, but at an international level to be later implemented throughout the world. As we will see, the internationalization of the peace negotiations in the run-up to the final agreement was a means to depart from internal considerations which would otherwise have led nowhere.

The negotiations leading to the final agreement did offer Human Rights a central position. “Human Rights have been at the heart of the conflict in Northern Ireland and they must be central to any realistic resolution of the conflict” stated The Friends of Ireland on St Patrick’s Day in 1997.¹ In a speech given in 1998, the United Nations High Commissioner for Human Rights, Mary Robinson, described the Good Friday Agreement as

[...] conspicuous by the centrality it gives to equality and human rights concerns. Few documents emerging from divisive and difficult political negotiations have so well captured the importance of fairness in creating rights relationships. In its preambular paragraphs, throughout the text, and indeed in all the new institutions and mechanisms established as a result of the Agreement, concerns around fairness and justice are a recurring theme.²

¹ Statement by the Friends of Ireland on St Patrick’s Day in the House of Representatives, Monday 17 March 1997.

<http://www.gpo.gov/fdsys/pkg/CREC-1997-03-17/html/CREC-1997-03-17-pt1-PgE485-2.htm> (accessed on 08/05/15)

² Mary Robinson, “Equality and Human Rights—Their Role in Peace Building”, Speech at the Stormont Hotel (2 Dec 1998).

It was noticeable that the way in which Human Rights were addressed by the major actors of the peace process proved a radical change in the way in which they approached the resolution of the conflict.

This paper intends to show that Human Rights principles were introduced into the Northern Ireland conflict resolution years before the Agreement was signed. It will demonstrate that Human Rights instruments brought in new values that were enshrined in the Agreement and Northern Ireland constitutional law. It will seek to show how international influence came to bear upon the peace process, moving the traditional lines of local identity towards a larger dimension encompassing foreign influences. Finally, opening up to foreign models of governance and Human Rights principles introduced intercultural influences which offered Northern Ireland the opportunity to start a new beginning. Though it will be a very long process, we can assume that identities may and will be reconstructed around common values within a globalized legal framework, Human Rights being universal.

1 – The development of Human Rights in Northern Ireland

Though the demand for civil rights for all had been in the forefront of the 1968 demonstrations that started three decades of escalating violence in Northern Ireland, the successive governments had never responded favourably through new legislation, but had continued to rely on emergency laws and practices that had been found to have violated international human rights law.³ However, in the aftermath of the IRA and Loyalist ceasefires in the summer of 1994, the Human Rights issue was raised repeatedly by the Human Rights community both in Ireland and Britain as they felt that an unprecedented opportunity for change existed in Northern Ireland.

Still, introducing Human Rights in the UK was no easy task, even though a group of British lawyers had taken part in the drafting of the European Convention on Human Rights under the guidance of Sir David Maxwell Fyfe, the former Nuremberg prosecutor and Chair of the Council of Europe’s legal division. The Conservative government in power from 1951 resisted the right to petition to the European Court of Human Rights on the grounds that British Common law would come under scrutiny from an international court. It was only in 1966 that British citizens were given the right to take their cases before the European Court of Human Rights. Over the following three decades, several leading judicial and political figures such as Lord Scarman and Lord Hailsham, as well as former Home secretary Lord Roy Jenkins, along with active national organisations such as *Liberty*

³ Derogation from Article 5 of the ECHR.

and Charter 88, appealed through stronger calls and campaigns for incorporation of the European Convention on Human Rights into British law. However, the process was slow owing to the reluctance of the Conservative governments of Margaret Thatcher and John Major, which remained distinctly unenthusiastic about anything linked to Europe, even though the Convention and the Court of Human Rights have nothing to do at all with the European Commission. However, in 1993, the then Labour Party leader, John Smith, committed the next Labour government to a “new constitutional settlement, a new deal between the people and the state that puts the citizen centre stage” (Forman 2002: 327). Once the Labour government took office in 1997, Tony Blair, the new Prime Minister, honoured John Smith’s commitment, with the Human Rights Act becoming a major piece of legislation in England’s legal history. In 1998, when it completed its passage through the Houses of Parliament, it was, according to the then Home Secretary Jack Straw, a “historic day” for rights in Britain.⁴ *The Human Rights Act 1998* is now enshrined in the English Constitution along with the Magna Carta.

On 10 December 1994, five prominent Human Rights groups⁵ produced an optimistic analysis called *The Declaration on Human Rights, the Northern Ireland conflict and the Peace Process* in which they echoed the hopes of the public opinion in declaring that “at this historic moment, there is a unique opportunity to put in place new structures which will defend and promote human rights”.⁶ As local Human Rights activists later testified:

The groups called for the recognition, on the part of all those involved in negotiating a new political framework in Northern Ireland, of the centrality of Human Rights in the search for a just and lasting peace. New systems of justice were called for that would address the injustices of the past and ensure proper investigation of future violations. These systems included a Commission on Policing, an independent system for the investigation of police complaints, the introduction of a Bill of Rights, a reform of the criminal justice system that had been badly undermined by successive emergency legislations, a Commission of Investigation to examine Human Rights abuses arising from the emergency legislation and the introduction of Human Rights education into the school curriculum. The end of all forms of discrimination and the strengthening of anti-discrimination legislation were also keenly demanded. (Magean & O’Brien 1998: 1501).

4 Ward Ben, “This insidious assault on the Human Rights Act”, *The Independent*, 9 February 2009.

5 Committee on the Administration of Justice (CAJ), Liberty, the Irish Council of Civil Liberties, the Scottish Council of Civil Liberties and British Irish Rights Watch.

6 CAJ et al, *Declaration on Human Rights, the Northern Ireland Conflict and the Peace Process* (1994).

Several conferences were organized in Belfast to which representatives of the Irish and British governments and of civil society were invited to discuss the proposals made in the 1994 Declaration (Magean: 1502) An examination of the Human Rights aspect of the Agreement reveals that the proposals contained in the 1994 Declaration were met and the agenda the Human Rights community had put together had obviously had an impact on the various negotiators of the Agreement. Clearly the nationalist/catholic stakeholders had paid great attention to the definition and protection of rights in the peace process (Magean: 1502–1503).

Even though most unionists had always been reluctant to embrace Human Rights issues which they always considered alien to their culture but traditionally rather part of nationalists’ demands, some progressive elements within unionism saw the validity of providing extensive safeguards that all citizens from both communities would enjoy.

Five years after the GFA was signed, unionist mistrust of Human Rights was explained by Arlene Foster, then an MLA and member of the DUP, to *Fortnight Magazine*: “the human rights discourse still remains largely alien to most grassroots members of my community ... there is a world of difference between meeting up with unionists and telling them about human rights being good for all and actually trying to discover why human rights is like a foreign language to most of them”.⁷

A new influence was introduced by the Anglo–Irish Agreement of 1985 which is believed to have been the cornerstone of the peace process. It was considered as an external influence in the sense that it was designed by both British and Irish governments in order to settle the conflict and it allowed the Irish government to hold an advisory and consultative role in Northern Ireland’s government. The intention was to encourage the unionists into a power-sharing devolved government, but the presence of Irish civil servants incensed them. Both British and Irish governments reaffirmed their commitment to a society “free from discrimination and intolerance and with the opportunity for both communities to participate fully in the structures and processes of government”.⁸ An intergovernmental conference was set up under Article 2 of the Anglo–Irish Agreement which was given authority to deal with “legal matters, including the administration of justice”. The intergovernmental conference was also to address the “avoidance of economic and social discrimination and the advantages and disadvantages of a Bill of Rights in some form in Northern Ireland” (Article 5). It was stressed that security accepted there was a need for measures to improve relations between the security forces and

7 *Fortnight Magazine*, *Protestants need rights explained to them*, January/February 2003, p. 13.

8 “Agreement between the Government of the United Kingdom of Great-Britain and Northern Ireland and the Government of the Republic of Ireland”, 15 Nov 1985, U.K.–Ir, Cmnd.9657.

the community (Article 7). Article 8 admitted the importance of public confidence in the administration of justice. Eventually, all these issues were addressed in the Agreement.

Similarly, the Downing Street Declaration of 15 December 1993 included the acceptance by the then Taoiseach, Albert Reynolds, that the exercise of the right of self-determination on the part of the Irish people must “respect the democratic dignity and the civil rights and religious liberties of both communities” including a number of basic rights which were eventually fully listed in the Agreement five years later.⁹

Moreover, once elected in 1997, the new Labour government made Human Rights a cornerstone of its foreign policy. Foreign Secretary Robin Cook declared that if “Britain is to carry credibility when we talk to other governments about their observance of Human Rights, we must command respect for our Human Rights record”¹⁰. In her speech to the Labour Party annual conference in 1997, Mo Mowlam, Secretary of State for Northern Ireland, insisted that “the principles of fairness, justice and equality of opportunity ... should be used to resolve the problems of Northern Ireland”.¹¹ She talked of the legacy of unfairness and injustice that haunted both communities, announced the incorporation of the European Convention on Human Rights into British law, changes to the policing, changes to emergency legislation and measures to combat employment inequality.¹² Indeed, Britain had been criticized on several occasions for its Human Rights record in Northern Ireland, which may have led to changes in policy since the official position was that such criticism should be avoided in the future. In March 1998, the US Congress passed a resolution stating its view that any peace agreement in Northern Ireland “must recognize the state’s obligation to protect human rights in all circumstances”¹³ after describing Human Rights violations and the lack of accountability by those responsible for such violations.

As Human Rights experts emphasized, such initiatives undoubtedly had an impact on the negotiations and those engaged in them. Therefore, the two governments and the US administration realized the important role that Human Rights could play in assisting the negotiation process. Even though there had been a widely held view that the rights agenda was mostly a nationalist one, both nationalist and, to some extent unionist, communities eventually shared an interest in the promotion and protection of Human Rights. Both believed in basic rights like freedom of

9 The Joint Declaration by an Taoiseach, Mr Albert Reynolds, T.D. and the British Prime Minister, the Rt Hon. John Major, M.P., 15 December 1993, U.K.-Ir., Cm 2442

10 Robin Cook, Speech at the Labour Party Conference, July 1997.

11 Mo Mowlam, Speech to the Labour Party Conference, Nov. 1997.

12 Mo Mowlam, Speech to the Labour Party Conference, Nov. 1997.

13 144 Cong. rec. H1196-01, 17 March 1998.

expression and religion, freedom from discrimination and other fundamental liberties. Moreover, most political parties were then committed to the introduction of a Bill of Rights (Maegan: 1513).

2 – Human Rights instruments introduced new values

No doubt, Human Rights provided neutral ground in the negotiation process and it was therefore easier to go forward since the international standards for the protection of Human Rights already existed. Basic human rights principles are set out in a number of international instruments, notably the *Universal Declaration of Human Rights*, the *European Convention on Human Rights (ECHR)* and the *1966 International Covenant on Civil and Political Rights (ICCPR)*. Building on these are a range of declarations, principles, codes of conduct and guidelines which elaborate on specific areas. In this way, the various means provided to defend those rights were externalized and therefore alien to the potentially divisive nature of an internal debate in Northern Ireland.

Apart from the establishment of a “democratically elected Assembly capable of exercising executive and legislative authority”, one of the safeguards in Strand 1 of the Agreement concerns the incorporation of the European Convention on Human Rights (ECHR), a Bill of Rights for Northern Ireland, a Human Rights Commission, arrangements to ensure that key decisions and legislation are proofed to ensure that they infringe neither the ECHR nor any Bill of Rights, and a possible Equality Commission. It was an important step for the British government to incorporate the ECHR into domestic law: this means litigants are now able to rely on protections offered by the ECHR in local courts. Whenever it is necessary, the government must legislate to ensure compliance with international obligations.

In addition, the coupling of Human Rights with a concern for “safeguards” made it clear how a commitment to Human Rights had to underpin any long-term resolution of the conflict. While Human Rights protections are vital in their own right, as a matter of principle, it is also recognized that they are necessary to create the framework within which political accommodation can be reached and peace ensured. Thus, regardless of whatever structures emerge, each community and the individuals within each community should be assured that their Human Rights will be respected.

The rights listed in the Agreement are those that were previously inserted into the Downing Street Declaration signed between the Irish Republic and the British government on 15 December 1993. In the Agreement, “parties affirm their commitment to the mutual respect, the civil rights and the religious liberties

of everyone in the community. Against the background of the recent history of communal conflict, the parties affirm in particular:

- the right of free political thought,
- the right to freedom and expression of religion,
- the right to pursue democratically national and political aspirations,
- the right to seek constitutional change by peaceful and legitimate means,
- the right to freely choose one's place of residence,
- the right to equal opportunity in all social and economic activity, regardless of class, creed, disability, gender or ethnicity,
- the right to freedom from sectarian harassment and
- the right of women to full and equal political participation.”¹⁴

These are the basic fundamental rights that the whole community is invited to enjoy in Northern Ireland in order to establish a fair, stable and peaceful society. Negotiations were driven by an agenda agreed on by the parties to address matters on which there was already an element of consensus. This mode of dealing with Human Rights issues ensured that the vindication of Human Rights would be seen as an integral part of the process as opposed to being part of political horse-trading accompanying the peace process.

3 – External influences

External influences played a major role in the peace process though it is difficult to determine to what extent talks participants in Northern Ireland learned from the successes and failures of similar processes in foreign jurisdictions. With the Human Rights issue in mind, the parties to the talks process often looked to the experiences of other jurisdictions that were emerging from conflicts. In the Preamble to the Universal Declaration of Human Rights, it is stated that: “it is essential if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law”. It also stresses that: “the inherent dignity and equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”.¹⁵ Several international institutions dedicated to the protection of Human Rights (such as the UN Human Rights Commission) confirm the link between repeated Human Rights abuse and violent conflict.

¹⁴ Good Friday Agreement, Rights, Safeguards and Equality of Opportunity, Human Rights.

¹⁵ Universal Declaration of Human Rights, U.N. Doc. A/810 (1948).

Experience in other affected jurisdictions has obviously provided empirical support to the claim of NGOs and international documents. It has been clearly established that it was the massive and widespread violation of Human Rights that fuelled the conflict in apartheid South Africa. It has also been estimated that the relative success of the transition from apartheid to a multi-racial democracy had been based on the centrality of Human Rights and mechanisms for their protection. Not only did the 1994 South African Constitution detail the fundamental freedoms that are to be protected, but it also went even further in trying to develop a Human Rights culture throughout the country. It also directed all South African courts “to promote the values which underlie an open and democratic society based on human dignity, equality and freedom”.¹⁶

A quick examination of peace processes in the world tends to support the idea that the introduction of Human Rights concerns in the negotiating process made it easier to reach an agreement in Northern Ireland. In Guatemala, the agenda for negotiations set up in 1991 between the government, the army and the main guerrilla groups included “human rights, the identity and rights of indigenous peoples, socio-economic issues, a truth commission and the role of the army during peacetime”.¹⁷

Obviously, there was an international institutional presence in the talks process in Northern Ireland in the role of Senator Mitchell and the co-chairs of the talks process, Mr Harry Holkeri from Finland and General John de Chastelain from Canada: in this way, the debate could never be internally focused.

Many times, the conflicts in Northern Ireland, South Africa and the Middle East were compared and common features were identified while the peace processes were carefully launched.¹⁸ Given the Human Rights language and commitments that ultimately ended up in the Good Friday Agreement, it appears that the general international trend towards linking the protection of Human Rights to peace was followed by most of the talks participants in Northern Ireland.

The notion that international involvement is a prerequisite in seeking to resolve longstanding political conflicts has increasingly become an established principle in conflict resolution. Peacemaking, in particular, requires, so it seems, sustained and strategic international support and encouragement.

¹⁶ South African Constitution 1996, Par.39(i).

¹⁷ Wilson, R., *The People's Conscience? Civil Groups, Peace and Justice in the South African and Guatemalan Transitions*, Catholic Institute for International Relations (CIIR), London, 1997.

¹⁸ Gidron, B., Katz, S.N., Hasenfeld, Y., *Mobilizing for Peace: Conflict Resolution in Northern Ireland, Israel/Palestine, and South Africa*, Oxford University Press, 2002.

On the whole, international interest has been central to the process of peacemaking in Northern Ireland. During the conflict, it seemed the issue was so complex and unique that it was intractable. Placing the Northern Ireland peace process on the international stage was crucial in removing that belief. International influences at all levels of the negotiations were essential. Changes in the international political configurations, including the collapse of the Berlin Wall indicating the end of the Cold War, the end of apartheid in South Africa, the willingness of an American administration to become directly involved, certainly changed the context in which the negotiations occurred.¹⁹ Northern Ireland was no longer an isolated territory left to itself, to deal on its own with its conflict resolution. It was open to outside expertise and influences. The constitutional architecture of the Agreement itself drew heavily upon international experience and the work of Dutch political scientist Arend Lijphart. Indeed, he himself argued that the intellectual precedence of such arrangements can be traced to include the work of Dutch politicians in 1917, Lebanese politicians in 1943, Austrian politicians in 1945, Malaysian politicians in 1955, Colombian politicians in 1958, Indian politicians in the 1960s and 1970s, South Africa in the early 1990s, and Northern Ireland in 1973: clearly the Good Friday Agreement was international in its essence, a sort of global entity.²⁰ Moreover, the process of completing the negotiations and managing the post-conflict transformation concerning a number of particularly difficult issues has been explicitly internationalized, notably the most sensitive issues such as the reform of policing or the decommissioning of paramilitary weapons.

In the same way, the various bodies created from Human Rights considerations were new experiments in Northern Ireland imported from external sources, thus creating diversity.

Clearly, the provisions in the area of equality of opportunity were probably the most innovative in the broad range of Human Rights provisions. New statutory provisions and statutory schemes were to promote equality of opportunity. They were to be developed further since the Equality Commission has no authority since it is limited to making recommendations.

Obviously, the GFA provided for the Northern Ireland Human Rights Commission, a body which was formally established under the Northern Ireland Act 1998 on 1 March 1999. It comprises a full-time Chief Commissioner and nine part-time Commissioners, all of whom were appointed initially for a three-year period.

19 Guelke, A., "The International System and the Northern Ireland Peace Process", *IBIS Working Paper* No.21, University College Dublin, 2002.

www.ucd.ie/ibis/filestore/wp2002/21_gue.pdf (accessed on 08/05/15).

Cox, M., Guelke, A., Fiona, S., A., (eds), *Farewell to Arms? From Long War to Long Peace in Northern Ireland*, December 2000, Manchester University Press.

20 O'Leary, B., "The Nature of the Agreement", *Fordham International Law Journal*, Volume 22, Issue 4, 1998, page 1629, footnote 5.

The Commission adopted the following Mission Statement based on its statutory duties and powers:

The Northern Ireland Human Rights Commission will work vigorously and independently to ensure that the human rights of everyone in Northern Ireland are fully and firmly protected in law, policy and practice. To that end the Commission will measure law, policy and practice in Northern Ireland against internationally accepted rules and principles for the protection of human rights and will exercise to the full the functions conferred upon it to ensure that those rules and principles are promoted, adopted and applied throughout Northern Ireland.

In carrying out its functions, the Northern Ireland Human Rights Commission will be independent, fair, open and accessible, while maintaining the confidentiality of information conveyed to it in private. It will perform its functions in a manner which is efficient, informative and in the interests of all the people of Northern Ireland.²¹

Apart from advising the Assembly on new legislation that had to comply with the European Convention on Human Rights (ECHR), the new Northern Ireland Human Rights Commission would have to consult and to advise in order to define, in Westminster legislation, rights supplementary to those in the ECHR, to reflect the particular circumstances of Northern Ireland, drawing as appropriate on international instruments and experience. These additional rights are to reflect the principles of mutual respect for the identity and ethos of both communities and parity of esteem, and – taken together with the ECHR – to constitute a Bill of Rights for Northern Ireland to help secure peace by protecting the rights of everyone. So far, the Northern Ireland Human Rights Commission has done a lot of work and submitted a draft Bill to the British government which has not yet responded.

The Irish government also committed itself to "ensure at least an equivalent level of protection of human rights as will pertain in Northern Ireland".²² In concrete terms, the Irish government agreed to establish a Human Rights Commission in the Republic with a remit and mandate equivalent to that in Northern Ireland. In 2003, the Oireachtas passed the *European Convention on Human Rights Act 2003*, which was an explicit commitment made by Ireland under the Good Friday Agreement. In doing so, Ireland became the last State in the Council of Europe to have incorporated the European Convention into domestic law, (although it had

21 <http://cain.ulst.ac.uk/othelem/organ/docs/nihrc.htm> (accessed on 08/05/15).

22 GFA, Rights, Safeguards and Equality of Opportunity, Human Rights, Comparable Steps by the Irish Government, §9.

been one of the first countries to sign and ratify the Convention in 1953). Strand 3 of the British–Irish Intergovernmental Conference made it clear that the Irish government would continue to have the opportunity to raise issues of concern on human rights matters with the British government through this conference.

In addition, there would be a joint committee of representatives of the two Human Rights Commissions, North and South, as a forum for consideration of Human Rights issues in the island of Ireland. “The joint committee will consider among other matters, the possibility of establishing a Charter, open to be signed by all the democratic political parties, reflecting and endorsing agreed measures for the protection of the fundamental rights of everyone living in the island of Ireland”.²³

Nevertheless, most of these provisions remain to be implemented. However, the two major reforms scheduled in the Agreement were implemented and drew heavily upon external influences.

4 – Policing and Justice

The Agreement referred to “a new beginning to policing with a police service capable of attracting and sustaining support from the community as a whole”.²⁴ The RUC was largely composed of Protestant officers and was seen as a tool of state oppression by the nationalist/republican/Catholic community. An independent commission on Policing was appointed in June 1998 with Chris Patten as chairperson. Thousands of people attended a series of consultation meetings throughout Northern Ireland which revealed the amount of hope people were vesting in the work of the Policing Commission. The Commission visited a number of police services in the Republic of Ireland, Great Britain, Canada, South Africa, Spain and the United States. They also visited the Council of Europe in Strasbourg and attended a number of policing conferences and conferences concerned with human rights (Patten Report 1999: para 2.3, 11). The influence of these international experiences was

obvious throughout the Patten Report, released in November 1999. For example, the Patten recommendations on public order policing and the District Policing Partnership Boards drew considerably upon the South African experience. The recommendations regarding the policing board and Police Ombudsman referred to similar concepts in Canada, and much of the “partnership” discussion in the Report drew heavily on the U.S. community policing experience.

²³ Human Rights, A Joint Committee, §10.

²⁴ The Good Friday Agreement, 1998, Rights Safeguards and Equality of Opportunity, Policing and Justice (i).

Clearly, the Patten Commission put Human Rights at the centre of policing asserting that “the fundamental purpose of policing should be, in the words of the Agreement, the protection and vindication of the human rights of all” (Patten Report: para 4.1) The Patten Report recommended a comprehensive programme of action to focus policing in Northern Ireland on a human rights–based approach (Patten: para 4.6). It underlined the importance of training police officers in the fundamental principles and standards of human rights, and in the practical implications of these principles and standards for policing (Patten: para 4.9). No other policing oversight body in the UK had had that role previously. The Patten report added that “awareness of and respect for human rights should be part of police officers’ appraisal system” (Patten: para 4.10). It is clear then that protection of human rights and civilian oversight became institutionalized as a result of the reforms.

Northern Ireland’s police reform is often held up as a model for other post–conflict countries. Indeed, the transformation of the Royal Ulster Constabulary (RUC) into the Police Service of Northern Ireland (PSNI) has been mostly successful. Close to 30% of the PSNI is now made up of individuals from a catholic background.²⁵ Following the reforms, the PSNI emerged as a more accountable, professional and legitimate police service than its predecessor. However, despite the significant gains made in transforming the police, the events of the past continue to resurface.

While the Patten Report was largely silent on dealing with the past, the PSNI has been at the forefront of initiatives to tackle the unsolved murders and abuses committed during the almost thirty–year period of conflict in Northern Ireland known as the Troubles.²⁶

The lack of consensus on how to deal with the past, from addressing victims’ needs to investigating unsolved crimes, remains a significant obstacle for peace–building as well as policing a divided post–conflict society. Crucially, the disputes over

contested parades, the illegal flying of flags, and the legacy of the past conflict have continued to test the strength of the reformed police service. The Patten report noted the contentious nature of the history of policing and outlined the need for stronger community involvement. In requiring greater community participation, the PSNI became susceptible to political and civil society demands to police the past in order to secure continued community support to police the present.

²⁵ In 2011, Secretary of State Owen Paterson ended the “50–50” recruiting system. “Police 50–50 recruiting system is to end”, BBC News, 28 March 2011.

²⁶ Marijan, B., & Brennan S., *Policing the Past and Present in Northern Ireland*, 18 September 2014, <http://www.ssrresourcecentre.org/2014/09/18/policing-the-past-and-present-in-northern-ireland/> (accessed on 08/05/15).

As a result, the PSNI has found itself unable to address the competing narratives and political battles over the past. While the nationalist/republican/catholic community pushes for more investigations into the intervention of the state during the conflict, the unionist/loyalist community calls for more attention to be paid to crimes committed by the republican paramilitary groups. For example, Sinn Féin condemned the Historical Enquiries Team (HET) – established in 2005 by then PSNI Chief Constable Hugh Orde to investigate unsolved crimes – for being too lenient on state violence. On the other hand, unionist politicians criticized the police for focusing on past loyalist violence while ignoring republican crimes. At the same time, families of victims have also criticized the police for not doing enough to discover who killed their loved ones.

In response to such criticisms, a 2013 review by Her Majesty's Inspectorate of Constabulary found that the police investigated past crimes involving state actors with "less rigor" than paramilitary related murders.²⁷ In August 2014, this led Sir Hugh Orde to claim HET was "set up to fail" by the Inspectorate, Dr Patricia Lundy, and, as a consequence, "the police could not resolve" historical crimes "alone".²⁸ PSNI responded to unionist and victims' criticisms and arrested Sinn Féin's president Gerry Adams, in relation to the historical murder of Jean Mc Conville, another reminder of unresolved issues from "the Troubles".

In an attempt to regain community confidence, the new PSNI Chief Constable, George Hamilton, highlighted the need for politicians and civil society to start addressing the history of the conflict and remaining contentious issues, such as historical enquiries, the flying of the Union flag, and parades. He argued that: "action is needed if policing, and indeed our peace process, is not to be dragged backward".²⁹ Recent events in the peace process demonstrate that, despite positive reforms and improving confidence in policing, the PSNI continues to expose its own shortcomings in trying to police a still deeply divided society. Despite much progress made in Northern Ireland, tensions remain within the devolved government and between the unionist and nationalist communities. Many nationalists continue to press for more progress in the area of Human Rights and equality, arguing in particular that Northern Ireland needs its own Bill of Rights. Meanwhile, unionists remain concerned with the sectarian mode in which parades are managed.

In July 2013, the Northern Ireland Executive appointed former U.S. diplomat and special envoy for Northern Ireland, Richard Haass, as the independent chair of inter-party talks aimed at tackling some of the most divisive issues in Northern Ireland. In particular, Haass was tasked with setting out recommendations by the

27 "Historical Enquiries Team treats state cases with 'less rigour' ", BBC News, 3 July 2013, <http://www.bbc.com/news/uk-northern-ireland-23161353> (accessed on 08/05/15).

28 *Ibid.*

29 "PSNI chief warns ignoring the past will have consequences", *Irish Times*, 7 September 2014.

end of 2013 on dealing with the past and the sectarian issues of parading, protests, and the use of flags and emblems.

At the end of December 2013, Haass released a draft proposal outlining the way forward in these areas, but he was unable to broker a final agreement among the Northern Irish political parties participating in the talks. The parties had been unable to reach consensus on any new policies surrounding the display of flags or emblems.

Following the lack of agreement on the Haass proposals, several events in 2014 highlighted the fragility of relations between the unionist and nationalist communities and renewed concerns about the stability of the devolved government. In early 2014, controversy arose over a past deal over "on the runs", individuals suspected of paramilitary offenses or escaped paramilitary prisoners.³⁰

After months of turmoil and tense negotiations under the aegis of Haass, Northern Ireland's political parties and the British and Irish governments announced on 23 December 2014, that a broad, multifaceted agreement, named the Stormont House Agreement, had been reached which addressed financial and welfare reform, governing structures, and the contentious issues of parades, flags, and the past. Concerning the legacy of the Troubles, the Stormont House Agreement announced the creation of a number of new agencies such as the Historical Investigations Unit in order to examine unsolved murders carried out during the Troubles, the Independent Commission on Information Retrieval to help families learn more about the fate of their loved ones. Perpetrators with knowledge of killings during the Troubles would be able to give the Commission information on the basis of limited immunity from prosecution.

However, the UK government suggested that the powers of parading should be devolved to the Northern Ireland Assembly and new legislation should be drafted accordingly. Concerning disputes over flag flying, the Stormont House Agreement essentially endorsed the idea, put forward by Richard Haass, to set up such a commission to be established by June 2015. This commission will be composed of 15 members (seven to be appointed by Northern Ireland's main political parties and eight to be drawn from outside the government) and will be expected to report on its findings within 18 months.³¹

In addition, the Stormont House Agreement calls for the creation of two other entities to help address the legacy of "the Troubles". By 2016, the Northern Ireland Executive is expected to establish an Oral History Archive to provide a central

30 "Richard Haass warns NI violence could re-emerge without progress", 12 March 2014, www.bbc.co.uk/news/uk-northern-ireland-26535987 (accessed on 08/05/15).

31 The Stormont House Agreement, www.gov.uk/government/uploads/system/uploads/attachment_data/file/390672/Stormont_House_Agreement.pdf (accessed on 08/05/15).

place for people from all backgrounds to share experiences and narratives related to “the Troubles”. An Implementation and Reconciliation Group (IRG) will also be set up to oversee work on themes, archives, and information recovery in an effort to promote reconciliation and reduce sectarianism. Under the terms of the Stormont House Agreement, up to £150 million (roughly \$226 million) will be provided over five years to help fund these various new bodies focused on dealing with the past. Even though a major step has been made through the December 2014 Agreement, future developments will tell in what ways these provisions have brought significant changes towards peace and reconciliation within a divided society.

Alongside the Commission on Policing, the Agreement promised “a parallel wide-ranging review of criminal justice”.³² However, the review was not required to deal with emergency legislation, which was left to the British Government. The review was launched in June 1998 and it reported in March 2000. Members of the Commission visited other jurisdictions to see how other justice systems worked, to find out their strengths and weaknesses and to determine what lessons could be learned for their work: they visited Belgium, Canada, England and Wales, Germany, the Netherlands, New Zealand, the Republic of Ireland, Scotland, South Africa and the United States. Foreign models were therefore scrutinized as they appeared helpful and stimulating.

The Commission declared Human Rights central to the criminal justice system (Review of the Criminal Justice System in Northern Ireland 2000: para 3.1) since the fundamental principle is that people have basic rights by virtue of their common humanity (Review: 3.2). Three themes that underlie international human rights standards in the field of criminal justice were identified:

- 1) the protection of the individual against ill-treatment at the hands of law enforcement authorities
- 2) the protection of individuals against arbitrary arrest, detention, trial or punishment
- 3) the need for individuals to be protected against threats to their bodily integrity, liberty and dignity (Review : 3.4).

During the consultation process, several other themes emerged that the people expected would be addressed by the review team: fairness, justice, respect for victims, accountability, transparency, accessibility, independence and impartiality, prevention and efficiency.

Among other proposals, the Commission recommended that Human Rights issues should become a permanent and integral part of training programmes for all those working in criminal justice agencies, the legal professions and the relevant parts

³² The Agreement, Policing and Justice.

of the voluntary sector (Review: 3.25), that lawyers should receive appropriate training in human rights principles before starting to practice (Review: 3.56). Outside influences clearly proved helpful. However, devolution of justice – but of policing too – to Northern Ireland was going to be a slow process owing to a lack of consensus of the local political parties.

Finally, on 4 February 2010, after 10 days of intense negotiations, the DUP and Sinn Féin announced that they had reached a deal on the devolution of policing and justice authority from London to Belfast. The resulting “Hillsborough Agreement” set 12 April 2010, as the date for this transfer of power, which was approved on 9 March by the Northern Ireland Assembly. On 12 April, as agreed and for the first time in 38 years, London transferred power over policing and justice affairs to Belfast. That same day, David Ford, of the smaller, cross-community Alliance Party, was elected as Northern Ireland’s new Justice Minister. It was seen as a significant step towards completing the full implementation of the Good Friday Agreement and securing a lasting peace in Northern Ireland.

Conclusion

The examination of the Agreement illustrates the extent to which Human Rights language and principles invaded all aspects of the Peace Agreement as well as the subsequent reforms of the police and criminal justice systems. Clearly, those notions and principles were borrowed from external sources, international documents and mechanisms which provided neutral ground to the antagonistic communities offering them new but common values, offering them the same protections for the same rights. In addition, the shared government format adopted in Northern Ireland was inspired from foreign experiments emerging in post-conflict states. The involvement of foreign key actors sensitive to Human Rights values at the various stages of the talks has also been instrumental to the achievement of the peace process. The local Human Rights organizations and the Northern Ireland Human Rights Bill that will hopefully be adopted in the future are all symbols of a new beginning, even though the recent violent events show that the past still weighs heavily upon the present. Further, the Human Rights values adopted throughout the various reforms such as that of the police have introduced new common goals despite the numerous difficulties to implement the various recommendations of the Patten Report or address the more recent problems such as dealing with the past, underlying violence, parading and flag flying.

US diplomat Richard Haass, the architect of the Stormont House Agreement, stressed that when “you walk down parts of Belfast, you are still confronted by concrete barriers separating communities. Upwards of that, 90% of young people still go to divided, single tradition schools, neighbourhoods are still divided... I don’t see society sowing the seeds of its own normalization, of its own unity, if

neighbourhoods and schools are still divided”.³³ Clearly, Northern Ireland remains a largely divided society, with Protestant and Catholic communities existing in parallel. So Human Rights values are offered as a common framework, although fear, suspicion, mistrust and resentment still prevail on both sides. So each community will only take what best fits their cultural background.

However, many initiatives – albeit minor and often marginal ones – deserve to be mentioned and praised for the efforts made over the years to bring young people from the two adverse communities together so that they meet and get to know each other. For example, “Spirit of Enniskillen” over the years brought hundreds of teenagers together allowing them to talk and discover each other through common experiences.³⁴ A more recent project called “Together: Building a United Community Strategy”, launched in May 2013, is a vast legislative programme that seeks to address persistent sectarian segregation in education and housing, as well as economic inequalities. The Strategy outlines a vision of “a united community, based on equality of opportunity, the desirability of good relations and reconciliation – one which is strengthened by its diversity, where cultural expression is celebrated and embraced and where everyone can live, learn, work and socialize together, free from prejudice, hate and intolerance”.³⁵ This new programme, clearly based upon Human Rights principles, provides the framework for government action in “tackling sectarianism, racism and other forms of intolerance while seeking to address division, hate and separation”.³⁶ This programme is mostly aimed at children and young people with the creation of 100 summer schools projects to be run in 2015,³⁷ the creation of 10 shared educational campuses and the organization of cross-community sporting events. The idea is to involve the younger generation, raise awareness among them and help them “discover” their counterparts from the other side, sharing the same interests and the same fears. The idea is to move from contested spaces to shared spaces. It is an ambitious project which unfortunately lacks a dynamic motivation to implement it in due time as it was initially presented. In spite of persisting tensions and divisions, such projects offering young people from both communities a common purpose participate in the search for unity and reconciliation.

33 “Richard Haass warns NI violence could re-emerge without progress”, BBC News, 12 March 2014, www.bbc.co.uk/news/uk-northern-ireland-26535987 (accessed on 08/05/15).

34 Unfortunately, Spirit of Enniskillen closed down in March 2013. “The primary reasons are the fall in value of property and also an increasing deficiency in the trust’s pension commitments”, www.thedetail.tv/articles/the-spirit-of-enniskillen-trust-has-closed (accessed 08/05/15).

35 <http://www.ofmdfmi.gov.uk/review-good-relations-indicators-2014-consultation.pdf>, *Together: Building a United Community Strategy*, p.2 (accessed on 08/05/15).

36 <http://www.northernireland.gov.uk>, *The Panel of Parties in the NI Executive on parades and Protests: Flags, Symbols and Emblems and Related Matters and the Past*, Terms of Reference, p.1. (accessed on 08/05/15).

37 *OFMDFM launch summer camps pilot programme*, 17 April 2015, <http://www.nihe.gov.uk/news-ofmdfmi-launch-summer-camps-pilot-programme> (accessed on 08/05/15).

In the wake of the Good Friday Agreement, the various Human Rights institutions and documents along with the protections they contain offer a common framework to everyone with a wish to enjoy them equally. It will take time in such a deeply divided post-conflict society. The several bones of contention such as dealing with the past, parading and flag flying, can only be solved in the light of Human Rights principles and protection, as presented in the Northern Ireland Bill of Rights which is still in limbo. Obviously, in the long term, such values are bound to become part of every Northern Ireland citizen’s cultural background, hence of their identity, no matter what community they belong to. Human Rights are a universal legacy.

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