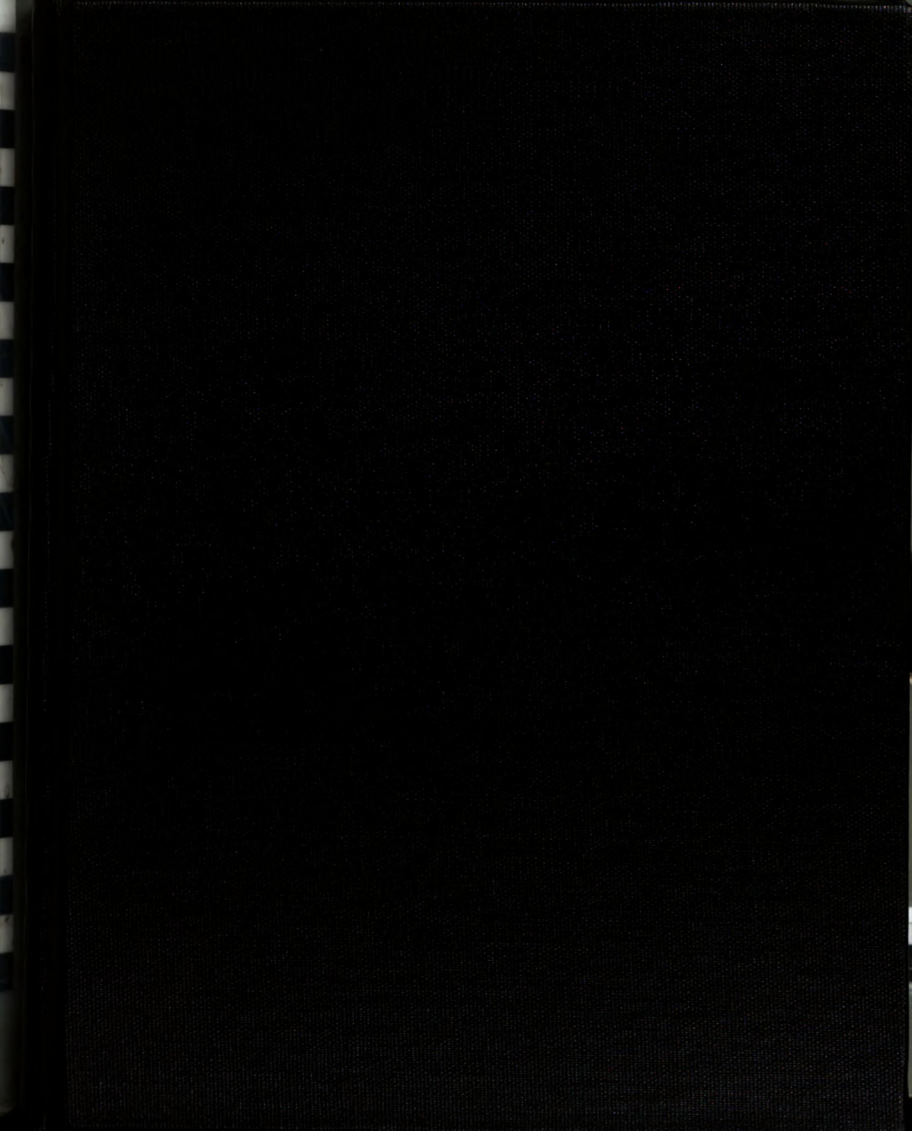
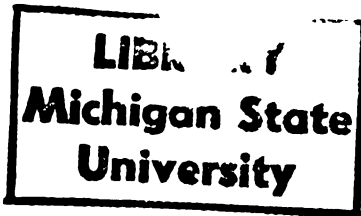






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The State, Citizenship and Nationalism
in Britain's Celtic Periphery

presented by

John Patrick McKay

has been accepted towards fulfillment
of the requirements for

Doctoral degree in Sociology

Christopher K. Vanderpool
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**The State, Citizenship and Nationalism
in Britain's Celtic Periphery**

Volume I

By

John Patrick McKay

A Dissertation

**Submitted to
Michigan State University
in partial fulfillment of the requirements
for the degree of**

DOCTOR OF PHILOSOPHY

Department of Sociology

1989

**The State, Citizenship and Nationalism
in Britain's Celtic Periphery**

Abstract

In the sociological literature on socio-political change and nationalism primacy has often been given to the role that allocative resources (control over material facilities, including material goods and the natural elements that can be utilized in their production) play in the structuring of a social order and concomitant political institutions, sentiments and oppositions. Such a view is expressed in both historical materialism and in liberal theories of industrial society. Each considers the main forms of conflict to be economic in origin, and in each case these are due to be transcended - in the first case by socialist revolution, in the second by the maturation of industrialism as such. Neither school of thought has come to terms theoretically with nationalism, especially national-separatism.

The main objective of this dissertation is to contribute to the development of a sociological perspective for the study of national-separatism and social change by emphasizing the use of authoritative resources (control over human beings) by the English state in Ireland, the development of a reflexive public policy (conceived of in terms of both state control over conduct and rhetorical understandings of the world) toward Ireland over the last several centuries and the consequences of this, through the operation of the dialectic of control, for the development of Irish national-separatism. Two central concepts are used to guide the historical

narration: sovereignty - linked to surveillance and impersonal administration in the institutions of the British nation-state; social power - conceived of as policy which legitimates and is mediated through the institutions of the nation-state.

The thesis, which moves toward a comparative view of national-separatism by discusssing separatism in Scotland and Wales, suggests that a sociological explanation of national-separatism must be analyzed in terms of the marshalling of both authoritative and allocative resources by social and political institutions. The actual configuration of a particular nationalism can be seen only as an historically grounded admixture of social, economic and political processes that come to characterise relevant political institutions and social movements.

For my parents
Elizabeth C. McKay
Patrick J. McKay
In gratitude and promise

ACKNOWLEDGEMENTS

This is a well traveled dissertation. It began life in East Lansing as a proposed work in political economy and was initially drafted over the following eighteen months in Heidelberg and Augsburg, West Germany and in West Berlin. Research was carried out in Dublin and Belfast; it was in these cities that the lengthy process of rewriting was begun. The lion's share of the rewriting was done back in East Lansing. Along the way many debts were incurred.

I would like to thank my advisor, Chris Vanderpool, for his constant support, encouragement and guidance over the years. He has always helped me most when he has agreed with me least. I would also like to thank my committee members, Martin Marger, James McKee and Frederick Waisanen for their timely and careful reading of the thesis. Robert Bell of the Linen Hall Library, Belfast, Eddie Kerr of the Derry Unemployed Workers Group, and Bill Neil of Queen's University, Belfast generously helped me find my way in Ulster.

Thanks also to the many friends who provided support and encouragement, especially Judy Thompkins and Jim McAllister. Special thanks to Sofia Mitropoulou, who helped in every way she could - in both Ireland and East Lansing, and to my brother, Tim McKay, for his unfailing kindness and generosity. The greatest debt is acknowledged in the dedication.

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WE live in a world for which the traditional sources of social theory have left us unprepared - especially those forms of social theory associated with liberal or socialist politics. The world totters on the edge of nuclear disaster, veering out of control. What Marx called the "anarchy of the market" appears in our time as an international phenomenon. We live in what Wallerstein calls a "world capitalist economy" in which capitalist economic relations pertain on a world scale. But even more important we live in a world nation-state system that has no precedent in history, in which a fragile equality in weaponry of the two major superpowers is the only brake upon the political anarchy of the international order.

Anthony Giddens, 1984b

Ireland is a small country where the greatest questions of politics, morality and humanity are fought out.

Gustave De Beaumont, 1839²

This dissertation seeks to contribute to the study of nation-states and nationalisms in the contemporary world by analyzing British policy and national-separatism in the Celtic periphery of the United Kingdom - Northern Ireland, Scotland and Wales. It is a study of national-separatism - a phenomenon which spans the globe from Brittany to Zaire and whose effects are felt in countries with such diverse socio-political systems as Great Britain, the USSR, and South Africa. But in a deeper sense it is a study of the linkage of 'states' and 'societies' in the modern world and of a fundamental problem facing these societies: that of their democratization.

1) This chapter draws heavily from the recent work of Anthony Giddens, especially 1984b and 1985.

2) Quoted in Rose, 1971:7.

Nationalism is not a notion that comes neatly gift-wrapped, making no demands upon its student other than that its contents simply be unpacked. For Hobsbawm (1977:3) nationalism is "like the cloud with which Hamlet taunted Polonius ... (and) can be interpreted according to taste as a camel, a weasel or a whale, though it is none of these." Much the same could be said about the notion of democracy - the growing role of the common person in the affairs of the state. In mid-nineteenth century Europe these two concepts tended to merge, in so far as the nationalist movements of the period became mass movements, and the radical nationalist leaders of the time thought that the two were identical. But the interests of the poor and the rich, the privileged and the unprivileged, the English and the Irish, are evidently not the same; even if some suppose them to be, the 'people' (or the Irish) will not consider public affairs in the same light as the wealthy (or the English). This was reflected in a fundamental dilemma of nineteenth century liberalism: it was dedicated to constitutions and sovereign elected parliaments, but found it necessary to sidestep them by being undemocratic, by excluding the majority of the citizens from the vote and the right to stand for election. Indeed the very foundation of liberalism was the distinction between what the French referred to as 'the legal country' and 'the real country' [*le pays lègal, le pays réel*] (Hobsbawm, 1987). From the time when the 'real country' started to penetrate the political fortifications of the 'legal country', protected by the walls

of educational and property qualifications for participation and by institutionalized aristocratic privilege, the social order of liberalism was threatened, most strikingly in the revolutions of 1848.³

As it is today the notions of nationalism and democracy stand in uncertain relationship to one another and to the contents of this thesis. But for their coincidence in Europe in the mid-nineteenth century the world would be much different today. Hobsbawm (1975:5) writes that

eighteen forty-eight was very far from being 'the turning point that failed to turn.' What Europe failed to do was turn in a revolutionary manner. Because it did not, the year of revolution stands by itself, an overture but not the main opera, a gateway whose architectural style does not quite lead one to expect the character of what we shall find when we go through it.

What we find when we pass through that portal is the Paris Commune and its brutal suppression, the First World War, the Spanish Civil War, the Second World War - a "universal

3) In 1848, a year of deep and widespread economic depression, Europe, still in the throes of the French Revolution, was swept by a wave of revolutions from which only a few, largely peripheral countries escaped. England, economically modern and constitutionally liberal, absorbed the assaults of 1848 with no real damage to its political system. Indeed Hobsbawm (1975;23) notes that the major innovation brought about by the 1848 revolutions is that the forces of conservatism now had to learn to defend themselves in new ways; they would have to learn the politics of the people.

The absence of revolt in Ireland in 1848 was due not to any lack of a tradition of rebellion, nor solely to the lingering legacy of the moderation of constitutional nationalists such as Daniel O'Connell, but also to the enervating results of famine. "In England and Ireland, the 'revolution of 1848' cannot be said to have failed because in each country for very different reasons, it never got started". In each case the government's repression was more than equal to the challenge. (Palmer, 1988:482).

concentration camp, a Europe of torture and prisons"⁴, and the division of Europe into two (nuclear) armed camps. Perhaps more than any other - or at least as much as many others, an understanding of the relations between England and its Celtic periphery, especially Ireland, can help us to come to terms with the tenuous relationship between nationalism and democracy in the contemporary world.

A central concern of this thesis is with understanding some of the ways in which the English state has side-stepped democracy in the Celtic periphery and shaped political oppositions, and the direction of social change as citizenship rights have been extended beyond the ranks of the propertied and the titled since the end of the eighteenth century. I argue that theories of national-separatism have thus far given insufficient weight to states, conceived of as nation-states, existing in relations of potential or actual antagonism toward other nation-states, and as reflexive organizations.⁵

Most contemporary social theory sees 'the state' and 'society' as separate social categories, each describable

4) Albert Camus, acceptance speech for the Nobel Prize in literature. Quoted in Giddens, 1985:294.

5) In this work I stress the explicitly political nature of nationalism by linking it to its structural base: the nation-state. There is, of course, a rich literature which covers other dimensions of nationalism; its ethnic and cultural dimensions, for example, or the relation between nationalism and economic structures and the exploitative aspects of capitalist underdevelopment (Hechter, 1975, Marger, 1985; Nairn, 1981; See, 1986). My concerns are rather different. I view nationalist movements as being primarily involved in an institutionally structured form of politics. To focus on ethnicity, culture, class or underdevelopment is to minimize the fact that nationalism is about politics, and that in the modern world politics is about sovereignty and power - i.e. about control of the state (cf. Breuilly, 1982).

independently of the other, but related through various mechanisms of causal linkage, most notably through law or public policy. This is clearly reflected in the liberal and the Marxist traditions, by writers who divide the world into spheres, including, among others, the social and the public (cf. Parsons & Smelser, 1956:284-94; Miliband, 1977:89-93). 'Society' becomes the primary realm of social experience. What is directly and genuinely important to people, such as desire and its satisfaction or frustration, occurs there. This is the realm of production, commerce, the family, the market. Public policy or law, by contrast, is handmaiden to society in this portrayal, a distinctly secondary body of phenomena. It is a specialized realm of state and professional activity that is called into being by the primary social world in order to serve that world's needs (Gordon, 1984:60-65).⁶

Underlying this view are assumptions shared by many liberal and Marxist sociologists. One could expect the majority of such scholars to accept most of them, although one could also expect that any individual writer might wish to qualify or even object to any of them. Briefly, these assumptions are: that entities called 'societies' have 'needs'; that there is an objective, determined, progressive social evolutionary path which social change follows; that

6) There are two generally accepted approaches to legal history: the formalist and the realist. The former focuses exclusively on the development of legal doctrine, the latter considers doctrine as one component of a general, if not always well coordinated, policymaking enterprise. The analysis developed herein follows the second of these approaches (cf. Gordon, 1984).

legal systems, policies and laws should be described and explained in terms of their responsiveness to social needs, particularly those of integration or social control; and that legal systems, policies and laws adapt to changing social needs (Gordon,1984; Palmer,1988:xix; Wilkinson,1981).

At times, some writers may criticize various aspects of this adaptive, straightforward functionalism, arguing that particular groups or individuals have wants or interests, to which the law responds, but that no meaningfully organic society has either needs or wants (Kolko,1963); or that public policy is more responsive to certain interests than others. For example, those of men rather than women (Estrich,1986), of economic elites (Scheiber,1973), of lawyers and bureaucrats (Rhode,1981). Still others believe that a variety of legal responses will meet the requirements or the desires of individuals or subgroups equally well (Friedman,1973), while others emphasize the ambiguity of defining the society that may or may not have 'requirements' (Chandler,1977). One can concede that the law apparently responds differently to the same needs, or one can expand the list of needs until we no longer have a clear definition of a society's character and needs from an actual detailed description of its practices (Kelman,1987).

An alternate view, drawing from critical legal studies, hermeneutics, and the theory of structuration, blurs the distinction between epiphenomenal law and 'real' society by holding that in the modern world law and society are

interpenetrating and inseparable.⁷ This point is underscored if one defines law "in terms of both state control over conduct and rhetorical understandings of the world" (Kelman, 1987:253). Traditional views of the relationship between law and society that ignore this second characteristic almost invariably make law seem both more important than it is - by supposing that particular social structures require particular policies (public policy as determinist discourse) - and less important than it is (policy as intentionalistic discourse) - by ignoring its basic politically constitutive nature.

Public policy, in addition to providing key elements of public discourse: categories, arguments, reasoning modes, rhetorical tropes, and procedural rituals, is constitutive in the sense that it defines the historical agents who are often portrayed as the social bases that influence law. It is almost impossible to describe any set of basic social practices without describing the legal relations among the

7) Hermeneutics is "the art of interpretation which aims to disclose an underlying coherence or sense in a text, or a text-analogue, whose meaning is in one way or another unclear" (Connerton, 1976:102). Whether beyond this it is possible to speak of single science of hermeneutics is a matter of debate. Habermas (1988:163), in a discussion of Gadamer, writes: "Hermeneutic knowledge has three moments in common with the political-ethical knowledge that Aristotle distinguishes both from science and from technique. First, practical knowledge has a reflective form: it is also self-knowledge.... (Second), practical knowledge is internalized. It has the power to determine drives and to shape passions.... Practical knowledge links up with and continues a process of socialization. This makes the third moment understandable as well: practical knowledge is global. It does not refer to particular goals that can be determined independently of the means of their realization." It is these three moments that link hermeneutics to the theory of structuration and to the policy analysis developed below.

people involved - legal relations that do not simply condition how the people relate to one another, but to an important extent define the constitutive terms of the relationship: lord-peasant, master-slave, owner-worker, soldier-enemy (Gordon:1984). E. P. Thompson (1975), for example, notes that the underlying economic activities that some Marxists might refer to as the 'base' would look quite different if legal rules were changed. Neither eighteenth century English farming nor quarrying would have been carried out in the same manner without prevailing legal ideas concerning what was held in common; those with 'interest' in the eighteenth-century forest are determined by reference to the first-line legal interests in the forests. Similarly, in sixteenth century Ireland the population was divided into two categories: the 'obedient Englishry' who were subject to the sovereign jurisdiction of the English crown, and the 'disobedient Irishry' who were beyond the realm of the crown's jurisdiction. By the seventeenth century, when both communities in Ireland were considered to be subjects of the Crown, the Dublin parliament began to legislate Irish society into two separate and decidedly unequal parts. A series of proscriptions, concerned with access to economic resources, especially land, and known collectively as the Penal Laws, were designed to create an apartheid-like system in which Anglicans would be guaranteed special privileges while

1. The first part of the document is a list of names and their corresponding addresses. The names are listed in a column on the left, and the addresses are listed in a column on the right. The names are: John Doe, Jane Smith, Bob Johnson, Alice Brown, and Charlie White. The addresses are: 123 Main St, 456 Elm St, 789 Oak St, 101 Pine St, and 202 Cedar St.

2. The second part of the document is a table with two columns. The first column is labeled "Name" and the second column is labeled "Address". The table contains the same data as the first part of the document.

Name	Address
John Doe	123 Main St
Jane Smith	456 Elm St
Bob Johnson	789 Oak St
Alice Brown	101 Pine St
Charlie White	202 Cedar St

3. The third part of the document is a list of names and their corresponding addresses. The names are listed in a column on the left, and the addresses are listed in a column on the right. The names are: John Doe, Jane Smith, Bob Johnson, Alice Brown, and Charlie White. The addresses are: 123 Main St, 456 Elm St, 789 Oak St, 101 Pine St, and 202 Cedar St.

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Name	Address
John Doe	123 Main St
Jane Smith	456 Elm St
Bob Johnson	789 Oak St
Alice Brown	101 Pine St
Charlie White	202 Cedar St

Catholics, and to a lesser degree Presbyterians, would be consigned to positions of permanent inferiority.⁸

This view of law/policy ties in closely with the view of the state as a reflexive entity. "All states," writes Giddens (1985:17), "involve the reflexive monitoring of aspects of the reproduction of the social systems subject to their rule."⁹ Law and public policy are reflexive in that both are linked with discursive and practical consciousness and emerge from a 'feedback effect' in system reproduction, "where that feedback is substantially influenced by knowledge which agents have of the mechanisms of system reproduction and employ to control it" (Giddens, 1984a:41-45, 376; cf. Kelman, 1987:253ff.).

Britain offers a special opportunity for such a study. The military conquest by the Normans and the country's modest size contributed to its early administrative centralization. England's state bureaucracy was not consolidated as quickly or as formidably as, say, that of France, but with the crown,

8) The constitutive character of legal relations is not only relevant to class-divided societies, despite the argument that in modern societies differences of legal status are not supposed to define social relationships, but merely to channel and facilitate them. In theory, one can, in liberal society, choose one's legal status to suit one's underlying material, functional purposes; with freedom of contract one even gets to create that status within the limits of public law. But, of course, such a view ignores the powers delegated to those who contract that allows them to coerce performance: proprietary rights and corporate charters for example. Nor does it take into account the fact that people can struggle to improve their position vis-a-vis others by changing the rules that define their legal entitlements, but that does not change the fact that bundle of legal endowments that they start out with positions them for the struggle (cf. Gordon, 1984:104-6).

9) To say that the state is involved in reflexive monitoring is to say that it acquires information and expertise through surveillance and that it learns and adapts accordingly.

army and navy, treasury, parliament and courts of law, England was undeniably a unified state by the mid-sixteenth century. However, Britain is not only of interest because it is among the first of the modern states, but also because within its borders exists the only lasting and successful national-separatist organization modelled on the early nineteenth century conspiratory brotherhoods, the Fenians or Irish Republican Brotherhood, better known through its governing council: the Irish Republican Army. Consequently, by looking at Britain, not only can contemporary public policies be readily linked to their historical predecessors, but also to the social problem that first inspired this statutory action, Irish nationalism (Hobsbawm, 1962:163; Palmer, 1975, 1988).

Thus the primary focus is on Northern Ireland. Almost twenty years have passed since the current civil strife in Ulster first made world headlines, and although many things have changed during the intervening years, the divisions between the Catholic and the Protestant communities are deeper, wider, more bitter, and seemingly more insoluble than ever. My concern is to trace the role of the British state in the establishment and the perpetuation of these divisions. The analysis of Northern Ireland will be placed alongside similar analyses of Scotland and Wales in order to clarify understanding of regional strategies and goals of the British state.¹⁰

10) A key part of the argument developed below is that the deeply layered ideological ramifications of nationalism can be traced to the fact that the conditions involved in the reflexive monitoring of the modern state, as a surveillance

A preoccupation with power forms a major thread of this project. 'Power' in its most general sense means "transformative capacity" - the capacity to intervene in a given set of events so as in some way to alter them. As such, it is bound up with the notion of agency. 'Agency' or 'action' does not refer to a series of discrete acts linked together, but to a continuous flow of conduct. Giddens (1979:56) defines action as "a stream of actual or contemplated causal interventions of corporeal beings in the ongoing process of events-in-the-world." The concept of agency, involving 'intervention' in a potentially malleable object-world, relates directly to the more general notion of Praxis (Marx, 1976; Lukács, 1971) and cannot be fully understood outside of the context of historically located forms of activity. Legal texts, the working papers of parliament and the final acts and statutes, are understood as primary constitutive, ideological, and symbolic elements of the social context under consideration here.

The logical connection between agency and power is of great importance for social theory, but the general sense of power thus implied requires conceptual refinement if it is to be employed in substantive analysis. Power is regarded as generated in and through structures of domination. There are two major types of resources that enter into such structures:

apparatus, are the same as those that generate nationalism. Since the focus is on national-separatism, the analysis developed below will be primarily concerned with the development of republican nationalism in Ulster (cf. Giddens, 1985:220-21).

the allocative and the authoritative. The first refers to control over material facilities, including material goods and the natural elements that can be utilized in their production. The second concerns control over the activities of human beings themselves. Resources involved in the reproduction of social systems that have some continuity across space and time comprise aspects of the structural properties of these social systems (Giddens,1985:7).

In the sociological literature on socio-political change primacy has often been given to the role that allocative resources play in the structuring of society and concomitant political institutions. Such a view is fully expressed in historical materialism. There history is understood in terms of the expansion of the forces of production, underlying both the institutional organization of various types of society and processes associated with their change. But it is by no means only in historical materialism that such an emphasis appears. It is characteristic of practically all those theories that are classified under the rubrics of cultural or social evolutionism. Such theories attempt to understand social change in terms of differential adaptation of forms of society to their 'environment'. This view has been extensively criticized and I can only note some recent contributions to that critique (Foucault,1978; Giddens,1984a:227-281). Suffice it to say that, according to the standpoint informing this thesis, no account of history that gives to allocative

resources some type of determining role in either social/political organization or social change can be endorsed.

To argue this does not mean moving to the other extreme and placing the weight of the emphasis upon authoritative resources. If there are no 'prime movers' in human history the problem for social science becomes that of analyzing a variety of relations between allocative and authoritative resources. In the theory of structuration there are four institutional clusterings associated with modernity that provide the contexts for such relations: heightened surveillance - the collation of information relevant to state control of the conduct of its subject population and the direct supervision of that conduct; capitalistic enterprise; industrial production; and the consolidation of centralized control of the means of violence. None is entirely reducible to any of the others (Giddens, 1985:5).

Of these four institutional orders only two have received sustained attention within the social sciences. Marxism has concentrated primarily on the interpretations of past development and potential future transformations of capitalism giving primacy to class conflict as the medium of social change. Within liberal theory there have been many explanations of the impact of industrialization and technology upon social life in the modern world. But with some noteworthy exceptions, neither the expanded role of surveillance, nor the altered nature of military power with the development of industrialized war have been central to

developments in either tradition of social theory (cf. Creighton & Shaw, 1987; Finer, 1975).

That this is so seems quite curious. For the period of the emergence of the 'capitalist world economy', over the past three or four centuries, has also been one in which the nation-state has become the predominant form of political unity the world over. The expansion of capitalism has been closely linked to the military power - especially sea power - of the West. Nationalism has come to be one of the most important influences in the modern world, associated with social movements and governments ranging from fascism to left-wing radicalism. Warfare and violence have achieved a hitherto unknown level in the twentieth century, which has witnessed two 'world wars' and the calculated destruction of millions of people in other wars. Yet these usually go unmentioned in sociology, whatever the perspectives of the authors involved.¹¹

One reason for this situation might be the academic distinction between 'sociology' and 'political science', the analysis of the state being considered the subject matter of the second of these. But even within political science the analysis of the state has been lacking, being largely concerned with the internal dynamics of democratic polities (Truman, 1951), processes of legislative agenda building (Browne, 1988), or conceptually circumscribed decision-making processes (Lamb, 1984). The literature on the 'development of

11) This and the following paragraph draw from A. Giddens, 1982b, ch. 7 and Gramsci, 1971:243-45.

underdevelopment' is of considerable importance in understanding the formation of the modern world system (Amin,1976; Emmanuel,1972a; Frank,1967). But for the most part it is concerned with economics, as though the sole significant influences in the world system were the production and exchange of goods. For an explanation of how these emphases have come to prevail, we must look to the intellectual legacy bequeathed to sociology from the eighteenth and nineteenth centuries. Both Marxism and the liberal social theories were strongly influenced by the idea that the development of modern industry substitutes peaceful economic exchange relations for the militaristic order of feudalism (cf.Durkheim,1962; Spencer,1961; Marx & Engels, 1964). Each considers the main forms of conflict to be economic in origin, and in each case these are due to be transcended - in the first case by socialist revolution, in the second by the maturation of industrialism as such. In neither tradition of thought is the modern state thought to be connected in an essential way to the propagation of military violence, or with the administrative control of a delimited area of sovereignty. The state, in short, is not conceived as a nation-state, existing in relations of potential or actual hostility toward other nation-states. Marx also failed to anticipate the enormous impact that ideals of nationalism have had throughout the contemporary period; though ironically, nationalist sentiments have propelled some of the major

[illegible]

twentieth century social revolutions installing socialist governments.

Nor has the essential importance of surveillance as a medium of power been grasped by either school of thought. In each case this is due to the same emphases that tend to obstruct a useful account of the control of the means of violence in structuring social organization and change. Economic exchange is taken as the binding, integrative force in modern societies. In Marxism, oppressive forms of rule are analyzed in relation to class dynamics and in some sense or other traced to the impact of class domination. Marx's analysis of Bonapartism is a case in point. The autocratic power that the state developed under Louis Bonaparte is explained as originating in the 'balance' between contending classes which allowed the state to step in (Marx, 1974). Subsequent Marxists have gone through all kinds of conceptual twists to acknowledge the administrative power of the state while still finding its origins in class domination (e.g. Poulantzas, 1973). For liberal writers state power is associated with bureaucracy, bureaucratic regulation being necessary to coordinate the economic framework of a complex division of labor (Deutsch, 1980; cf. Horkheimer, 1985).

Neither school of thought considers surveillance, or the mechanisms of the control associated with the administrative consolidation of the modern state to be a central concern. Surveillance does interact in varying ways with class domination, but it is not derivative of it. Bureaucracy

[illegible]

involves forms of surveillance activity, in both senses of the term. But the themes upon which most writers have concentrated when analyzing bureaucratic administration tend to marginalize those which I wish to explicate. "Bureaucratic power, as conceived by Weber at any rate, is the power of the expert and the specialized official. The problem of surveillance, in the overall context of the nation-state, is rather different", linked as it is to the policing of 'deviance', the administration of welfare, the actualization of citizenship rights, and techniques of sequestration (Giddens, 1985:308).

Surveillance is an independent source of institutional clustering in all modern societies. In nation-states it reaches an intensity quite unparalleled in previous types of social order; it is made possible through the generation and control of information, through developments in communication and transportation, and through forms of supervisory control of 'deviance'. Deviance is not a set of activities or attitudes separate from the surveillance operations of the state, but is formed in and through them (Davis & Anderson, 1983; Goffman, 1961). This is why Giddens (1985:312) notes that in 'traditional' states the concept of deviance makes very little sense, except within the restricted locales of the ruling groups. These developments are in various ways strongly influenced by the expansion of capitalism, but are neither reducible nor inevitably tied to it once they have come into being. "In stimulating the development of a class

system not based upon the direct control of the means of violence on the part of the dominant class, in which violence becomes extruded from the labour contract, the emergence of capitalism serves to accentuate some key trends in the modern state." The attempts at monopoly of the means of violence in the hands of the state authorities is the other side of surveillance in the work-place and the control of deviance.

Social movements that are oriented to the expansion of democratic participation either within the polity or by attempting to form their own state can be viewed as always - "in greater or lesser degree, and with various admixtures of other aims" - oriented towards redressing imbalances of power involved in surveillance - understood as the reflexive monitoring of social reproduction. What democracy means here has to be understood as inherently a part of the very conflicts that such groups promote. "The intensification of surveillance, which is the basis of the development of organizations in modern societies and the world system as a whole, is ... the condition of the emergence of tendencies and pressures towards democratic participation". Modern social movements exist in the same arenas of historicity as the organizations they oppose, seek to modify or create (Giddens, 1985:314; cf.Gadamer,1976).

Thus the study of national-separatism can benefit from a shifting of conceptual gears, away from notions of political relations as primarily determined by class relations (Nairn, 1981), cultural relations (Hechter,1975) or relations between

state and capital (Rawkins,1979), toward a consideration of the notions of sovereignty and social power, organized as surveillance techniques and public policy, embodied in the nation-state as an organization - an organization being a collectivity in which knowledge of system reproduction is reflexively used to influence, shape or modify that system reproduction (Giddens,1985:12). All modern forms of administrative bodies are organizations in this sense (Giddens,1984a; Kirchheimer,1965; Manning,1982; Tilly,1983). Indeed, the expansion of attempts at reflexive self-regulation is one of the central characteristics of the contemporary world; it underlies two of the most pervasive types of social mobilization in modern times: the nation-state and the secular social movements (Giddens,1979:79).¹²

The job of linking the development of Irish nationalism to the surveillance activities of the English state is made easier by the discontinuous nature of power development. The history of the English state in Ireland is characterized by a series of leaps, attributable to the development of new organizational techniques that greatly increased its capacity

12) Throughout the twelfth and thirteenth century in England, for example, royal commissions were established to inquire into routine problems encountered in the establishment of monarchical power. Over the next centuries the absolutist state was partly institutionalized through the extensions of commissions into a disparate number of juridical and economic matters - into mercantile law, the recruitment of military forces, church lands, the raising of taxes, and the prevention and suppression of riots. Despite these initiatives however the degree of state involvement in the everyday life of its subjects was miniscule when compared to that of the nation-state. See e.g. Burton & Carlen, 1979, ch. 1. For a classic example of the reflexive monitoring activity of a state administrative agency, see Sir Eyre Crowe, 1928.

The figure consists of 15 small diagrams arranged vertically, each showing a grid of points and lines. The diagrams illustrate the steps of the proposed algorithm, which involves finding, merging, splitting, and deleting points. The sequence starts with a single point and ends with a complex grid structure.

to control people and territories. These include changes in Crown jurisdiction, territorial centralization, and geopolitical diplomacy, along with enhanced and concentrated military capability. Such a view of social development is what Mann (1986:3) has termed "neo-episodic". Basic socio-political change occurs, and human capacities are enhanced, through a number of 'episodes' of major structural transformations. The episodes are not part of a single evolutionary process, but do have a cumulative impact on social organization.

HISTORICAL BACKGROUND

.... It seems history is to blame.

James Joyce, 1922

Northern Ireland, as a distinct political entity, was created by the Government of Ireland Act (1920). This Act granted Dominion status to Ireland while permitting Ulster to opt out of a united Ireland and remain part of the United Kingdom. The six north-eastern counties (with a two-thirds Protestant anti-nationalist population) were grouped together and given a parliament and government of their own, not because anyone in the area wanted - let alone demanded - such an arrangement, but because the British government, operating in circumstances of intense political instability, saw this as a temporary way of reconciling the rival aspirations of the two Irish parties (Beckett, 1971; Darby, 1983). It was

intended as part of a wider settlement which never materialized. The Act proposed two states in Ireland, one for the six counties and the other for the remainder of Ireland. Each was to have its own parliament to deal with domestic matters; each was to have representatives at Westminster. As a gesture to nationalist sentiments the Act proposed a Council of Ireland to deal with matters of common interest "with a view to the eventual establishment of a parliament for the whole of Ireland and to bring about harmonious action between the parliaments and governments." In fact the terms were implemented only in Northern Ireland, and the Council of Ireland never met.

The 1920 Act proposed a home rule for the Ulster Unionists, one which they had never sought. They soon concluded, however, that a separate administration in Ulster could strengthen their position vis-a-vis the island wide Republican majority - about whom the Unionist political leadership had become quite apprehensive. For some months it had been obvious that the Irish Republican Army had broken British rule in the south of Ireland. It was also apparent that Lloyd George's coalition government hoped to strengthen the more moderate wing of the Irish nationalist movement, which held office in Dublin and was prepared, if necessary, to sacrifice the Ulster Unionists.

The doubts about Britain's long term intentions toward Ulster, along with the continued existence of the IRA (although through most of the Northern Irish state's history

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it was too feeble to be considered a real threat) and the almost total consensus in the South that partition should be terminated, gave some external and internal basis to the often noted 'Unionist seige mentality'.¹³ The adoption of a stridently anti-Catholic position by Protestant politicians in an effort to maximise Unionist cohesion was also a factor, but it was the operation of the Unionist administration - the infamous 'Protestant state for a Protestant people' - which was largely responsible for that mentality. By openly demonstrating its distrust of Catholics, by excluding them from all but the most menial kinds of government employment, by maintaining a form of exceptional legislation - the Special Powers Act - enforced by an armed police force, the Royal Ulster Constabulary with a paramilitary wing, the B-Specials, whose particular role it was to protect the state from subversion, by operating an openly partisan judicial system, and by gerrymandering electoral districts to ensure that loyalist representatives were in the majority in council areas where, numerically they were in the minority, the Catholic minority was completely alienated and frustrated (Bew & Patterson, 1981; Farrell, 1976).

13) Recent survey research indicates that Catholic and Protestant communities in Northern Ireland are polarized on questions that go to the core of the political situation there: 83% of Catholics think that Ulster should become part of the Republic of Ireland; 71% of the Protestants reject this goal and wish to remain a part of Britain; 74% of Catholics think that there is substantial discrimination against Catholics, an equal number of Protestants deny that such discrimination exists. See Rose, 1979.

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These practices were, of course, the result of British policy. Despite the devolved administration - until its prorogation in 1972, Northern Ireland remained an integral part of the United Kingdom and the supreme authority of the parliament at Westminster has always been as full and complete there as it was in England. The sphere within which the Ulster parliament was entitled to exercise a subordinate and delegated authority was a quite narrow one. It had no control over the armed forces, the upper levels of the judiciary, or the postal services; its authority in fiscal matters was very closely restricted, and almost its entire revenue was derived from taxes imposed and collected under authority of Whitehall (Beckett, 1971).¹⁴

British policy toward Ireland from 1920 forward has been described as part of a general policy of appeasement that marked the conduct of Britain's foreign and imperial relations after World War I (Canning, 1985). But this view brushes aside the fact that Ireland was part of a colonial empire, a place where 'social experiments' could be performed for which English public opinion was not ready. In Palmer's (1988:xx) words "Ireland was the theater for innovations in police (and other matters) in the British Isles." Such had certainly been the case throughout the nineteenth century: sundry experiments

14) Under Section 75 of the Government of Ireland Act (1920) Westminster retained supreme authority over Northern Ireland: "Notwithstanding the establishment of the Parliament of Northern Ireland, or anything contained in this Act, the supreme authority of the Parliament of the United Kingdom shall remain unaffected and undiminished over all persons, matters and things in Northern Ireland" Oliver, 1982:60; Greaves, 1974:27.

in administrative centralization were carried out in Ireland - in public education, in public health and hospital services, and in police systems - at a time when the tide of English opinion was flowing in the direction of decentralization and laissez-faire (Dangerfield, 1976). Strategic considerations, also, had long been a concern to British authorities, one that the years 1914-1945 did nothing to diminish; by 1949 this was quite being made quite plain by Whitehall (Bew & Patterson, 1981; Bowman, 1982). In that year the Labour government received this civil service recommendation:¹⁵

... it has become a matter of ... strategic importance to this country that the North (of Ireland) should continue to form part of His Majesty's Dominions. So far as it can be foreseen, it will never be to Great Britain's advantage that Northern Ireland should form a territory outside His Majesty's jurisdiction.

The result of this was the Ireland Act (1949), which for the first time gave statutory assurance that Northern Ireland would not cease to be part of the United Kingdom without the consent of the Northern parliament. The apparent duplicity involved here was not unusual in Anglo-Irish relations. In 1916, while negotiating for a settlement to the Anglo-Irish War, Lloyd George - then in the Home Office - promised Unionist leader Sir Edward Carson that the exclusion of the six Ulster counties from Home Rule Ireland would be permanent; he had also made a promise to nationalist leader John Redman and his colleagues that it would be only temporary (Dangerfield, 1976:223-243).

15) PRO, CAB 129/32 part I, ff 24-32, CP (49) 4. Quoted in Cronin, 1981:235.

In Northern Ireland political positions and loyalties continued to harden. Division within the Labour party demonstrated the weaknesses of the anti-Unionist forces; the formation of the Anti-Partition League in 1945 and the existence of groups that expressed concern over the lack of British standards of democracy in Ulster did nothing to decrease discrimination against Catholics in the province. The ignominious failure of the IRA's military campaign to end partition (1956-62), the Dublin government's active role in repressing the IRA, and Dublin's eagerness to improve and liberalize trading relations with Britain, indicated to some that the Irish question as historically posed was no longer relevant.

But by 1968 things had changed considerably. That year was witness to the death of Che Guevara in Bolivia; the demise of Dubcek and the reformers in Czechoslovakia; widespread student and civil rights dissent in Italy, Spain, France, West Germany, Mexico, and the United States; and a fundamental challenge to the Unionist system in Northern Ireland. The Northern Ireland Civil Rights Association (NICRA), founded the previous year, served as the focal point of opposition, stressing as it did a policy of non-violent direct action and struggling for the more pressing social problems such as housing and unemployment rather than issues of personal liberty. These had received assistance from the opposition within the Northern Irish government: the Northern Irish Labour Party had proposed a private member's Bill to outlaw

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religious discrimination in 1964, and had moved a resolution demanding reform of the local government franchise in May 1967. Both met predictable defeats. Henceforth political action switched to the streets, and the inexorable progression from the constitutional to the paramilitary level was under way (Arthur, 1984; Coogan, 1980).

In August 1969, the Catholics protested against their situation in the then current Civil Rights fashion to the tune and the inspiration of 'We Shall Overcome' rather than 'The Soldier's Song', and Britain gave the appearance of moving in a new direction to redress long standing grievances. British Prime Minister Wilson met with the Northern Irish Prime Minister Chichester-Clark, a cousin of previous Northern Irish Prime Minister O'Neill, who had fallen in the uproar of Unionist disapproval of his reformist policies. Following the meeting Wilson issued the Downing Street Declaration.

This Declaration stated that Catholics were to become equal under the law, that local government was to be democratized, and that housing was to be reallocated. But, and it was very clear to the drafters of the communique that it was a very big 'but', to the Unionist, "anything in the way of a fair share for a Catholic meant less of a share for a Unionist". But while the Declaration threw a light on specific Catholic grievances, it was drafted in such a way that very little light was shed on nationalist aspirations. So far as the link with England was concerned the Declaration was a clear extension of the 1920 Government of Ireland Act

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and its lineal descendant the Ireland Act of 1949. In the established spirit of giving with one hand, and taking back with the other, the Declaration both emphasized Britain's responsibility for security and stressed that its military presence was not limitless. To the Protestant and the Catholic extremist the Declaration was taken as encouragement to try and push Northern Ireland in the direction either desired (Coogan, 1980:441-445).

METHODOLOGICAL CONSIDERATIONS

But let us beware of a misunderstanding from which the comparative method has only too frequently suffered. Too often people have believed or affected to believe that its only aim is to search for similarities....On the contrary, the comparative method, rightly conceived, should involve specially lively interest in the perception of the differences, whether original or resulting from divergent developments from the same starting point.

Marc Bloch, 1967

The empirical data examined in this study are British state policies which concern the Celtic periphery of the United Kingdom: Northern Ireland, Scotland and Wales. Emphasis is on the emergency legislation by which Northern Ireland is governed, particularly The Prevention of Terrorism (Temporary Provisions) Act (1984) and The Northern Ireland (Emergency Provisions) Act (1987), The Anglo-Irish Agreement (1985), The Scotland Act (1978), and The Wales Act (1978), along with the reports of the commissions of inquiry upon which these acts are based. These documents are especially relevant to an assessment of periphery nationalisms in the

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U.K. - insofar as they have contributed to their formation - and viewing them as statements which reflect attempts on the part of the British state to consider, organize, and enact the social environment in which it operates might allow us to uncover some interesting pathways, some fruitful speculations on the politics of European national-separatisms.

Most of the analysis will focus on Northern Ireland because the extreme political situation in that beleaguered province can tell us much about the resource management of a modern state apparatus, its administrative power and methods of internal pacification, and its relations with others. Northern Ireland is surely special, but in the menu of Western states and their violent oppositions all items must share some factors and a few, no doubt, are quite similar. The presence of national-separatist movements in Scotland and Wales offers the opportunity for a comparative look at the characteristics of public policy and collective social action in the Celtic periphery by studying these characteristics at their various locations within the same nation-state. A chance to make, in Bloch's (1967:47-48) terms "a parallel study of societies" that are neighboring and contemporary, exposed throughout their history to the action of the same broad causes, and owing their existence in part at least to a common origin. A conceptual awareness of these characteristics as aspects of the relationship of this nation-state to the world nation-state system must be maintained. This is a conceptual space defined largely by the organization of social power and

sovereignty in the world nation-state system (Tilly, 1984: ch.4).¹⁶

The Prevention of Terrorism Act (1984) and The Northern Ireland (Emergency Provisions) Act (1987) are the central response in British law to terrorism, particularly of the Irish variety. They are the latest in a series of laws that have consolidated the emergency powers which have been the foundation of the day-to-day security operations in Northern Ireland since the passing into law of the Civil Authorities (Special Powers) Act (1922). These include: arrest without charge, detention without trial, and the authority to search premises without warrant and to disperse any assembly of three or more persons. The 1984 act also provides for exclusion orders, allowing the Home Secretary to create a travel barrier around the province restricting travel between Ulster and mainland Britain, and special powers of arrest, detention and removal. The 1985 Anglo-Irish Agreement, which allows the Republic of Ireland a voice in the governing of Northern Ireland, represents a dramatic shift in British policy. Since 1922 Britain has attached the highest importance to maintaining British jurisdiction over the affairs of Ulster. The 1985 accord establishes an intergovernmental conference, which is to meet on a regular and frequent basis and regularizes communications between various governmental departments, most prominently those concerned with security operations. The Scotland Act (1978) and the Wales Act (1978)

16) Charles Tilly calls this type of comparison 'encompassing comparison'. cf. R. Bendix, 1978:15-16.

establish regional assemblies, and in the case of the former a regional executive, and give effect to proposals on devolution and federalism within the United Kingdom.

Burton and Carlen (1979), in their study of official publications, concern themselves with the reports of investigative committees that have addressed problems in the administration of law and order. These documents, they argue, represent a system of intellectual collusion whereby selected, frequently judicial, intelligentsia transmit forms of knowledge into political practices. The effect is to replenish official arguments with both established and novel modes of knowing and forms of reasoning. By linking state functionaries with the lay intelligentsia, official discourses on law and order become one part of the constant renewal of hegemonic domination, one practice among others in the process of reproducing specific ideological relations. This form of intellectual collusion is a strategy of discursive incorporation through which legitimacy crises are repaired and the reforms they engender are publically presented.

I am more concerned with evaluating the direct consequences of the administration of law and the maintenance of public order - the most direct linkage between state and people. The methodology employed is comprised of bibliographic documentation and textual analysis.¹⁷ Using

17) Paul Veyne, 1984:106) uses the term 'textual analysis' to refer to the study of a collection of texts "in order to extract ideas from them." In this sense textual analysis is central to any critical sociological work. However, I wish to add another dimension to textual analysis. I want use the term to refer to the type of policy analysis attempted below;

primary and secondary sources, I shall explore the meanings for nationalist groups of key policies and the execution of these policies by authorities. If nationalism is the "cultural sensibility of sovereignty, the concomitant of administrative power within the bounded nation-state" (Giddens, 1985:219), then governmental policies are manifestations of that power. We can link an important form of nationalism to its organizational structures - the nation-state and the world nation-state system - through policy analysis if we determine what these policies mean to those to whom the discourse is directed. Such meanings cannot be firmly established by discussing only the world-historical contexts of these policies [in order to try to 'get behind the backs' of the social actors whose conduct one seeks to understand], but from being aware of the way that people respond to them and from what they do about them.

Mead (1934:78) writes:

Symbolization constitutes objects not constituted before, objects which would not exist except for the context of social relations wherein symbolization occurs. Language does not simply symbolize a situation or object which is already there in advance; it makes possible the existence...of the situation or object, for it is a part of the mechanism whereby that situation or object is created. The social process relates the responses of one... to the gestures of another, as the meanings of the latter, and is thus responsible for the rise and existence of new objects in the social situation. Meaning is not ... to be conceived ... as a state of consciousness, or as a set of

to study public policy as one of many political institutions that are constitutive of consciousness, that help to delimit the world and make only certain types of discourse sensible, thus legitimating existing political structures and relations (cf. P. Ricoeur, 1981:145-165; Kelman, 1987:242-68).

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organized relations existing or subsisting mentally outside the field of experience into which they enter; on the contrary, it should be conceived objectively, as having its existence entirely within this field itself. The response of one organism to the gesture of another in any given social act is the meaning of that gesture

The context of this 'symbolization' may be referred to as its 'setting'. As part of each setting we must include its wider spatial and temporal background - which makes some types of acts, some types of discourse and their particular settings acceptable and other types unacceptable. The setting in its broadest sense creates the perspective from which individuals and collectivities will view an act and so contributes to the meaning of that act. Thus, a pragmatic definition of a political setting must recognize it as whatever is background and remains over a period of time, shaping perception and response. It includes, along with space, land, etc., the social characteristics that are fundamental to symbol formation: those 'cues' that social actors use in order to attach meaning to an object or a situation and which are anchored in the behavior of others (Edelman, 1964:103). It is important to emphasize that the reflexive monitoring of action includes the monitoring of the setting of interaction, and not just the behavior of the particular agents taken separately (Giddens, 1979:57).

The role of distanciation as an influence on symbolic meanings is well known:¹⁸ essential to a political symbol's potency is that it is set apart, omnipresent as a threat or a

18) cf. Sapir, 1934:492-495.

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succor, yet not susceptible to effective influence through individual action. One element involved here is the distinction between referential and condensation symbols. Every symbol signifies something other than itself, and it also evokes an attitude, a set of impressions, or a pattern of events associated through time, through space, through logic, or through imagination with the symbol. A fundamental distinction among symbols groups them into two distinct types. Referential symbols are economical ways of referring to the objective elements in objects or situations: the elements identified by different people in the same way. Such symbols are useful, they allow logical thinking about a situation and its manipulation. For example, the number of houses searched by security forces between 1970 and 1982 and the record of violence occurring between 1969 and 1982 in Northern Ireland are referential symbols, though they may also be condensation symbols. Condensation symbols evoke the emotions associated with the situation. They condense into symbolic events, signs, rituals, acts, ethnic pride, anxieties, remembrances of past glories or humiliations, promises of future greatness: some one or all of these (Edelman, 1964:6).

A state, in its attempts to organize and enact its environment, establishes (or does not establish) public policies. Policies create a space in which to act; to formulate a policy is in part to create a setting, to provide background assumptions and limits that will persist over time and influence not only the quality of political actions, but

their content and direction as well. Virtually every policy that is controversial or regarded as especially important is bound to serve in part as a condensation symbol. It evokes a quiescent or an aroused mass response in so far as it symbolizes a threat or reassurance. The meaning of such policies depends only partly upon their objective consequences - in the case of law and order policies these are both pedagogic and repressive. Meaning also comes from the needs, the desires of the respondents, and it can be known from their responses (Edelman, 1967:103).

For Ricoeur (1981:204-6) the objectification that Mead refers to is made possible by some inner traits of an action which are similar to the structure of a discourse and "which make doing a kind of utterance." Just as the fixation of writing is made possible by a dialectic of intentional exteriorization immanent to the speech act itself, a "similar dialectic within the process of transaction prepares the detachment of the meaning of the action from the event of the action." It is the propositional content of action - which can be identified and reidentified as the same - that gives a basis to the dialectic of event and meaning. But it is the noematic structure which may be fixed and detached from the process of interaction and become an object to interpret. "In the same way that a text is detached from its author, an action is detached from its agent and develops consequences of its own."

This autonomisation of human action constitutes the social dimension of action. An action is a social

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phenomenon not only because it is done by several agents in such a way that the role of each of them cannot be distinguished from the role of the others, but also because our deeds escape us and have effects which we did not intend.... The kind of distance which we found between the intention of the speaker and the verbal meaning of a text occurs also between the agent and its action.....With simple action ..., the meaning (noema) and the intention (noesis) coincide or overlap. With complex actions some segments are so remote from the initial simple segments, which can be said to express the intention of the doer, that the ascription of these actions ... constitutes a problem.... The course of events plays the role of a material thing which 'rescues' the vanishing discourse Some actions are events which imprint their mark on their time. But on what did they imprint their mark? Is it not in something spatial that discourse is inscribed?... An action leaves a 'trace', it makes its 'mark' when it contributes to the emergence of such patterns which become the documents of human action.

These documents of human agency have much in common with the notion of 'locale'. Locale refers to the settings of interaction, including the physical aspects of settings -their architecture - within which systematic aspects of interaction and social relationships are concentrated. The proximate aspects of settings are continuously employed in the constitution of interaction, a matter of no small significance to its 'meaningful' qualities (Giddens,1985:12).

In Northern Ireland the documents of social action includes segregation, violence and direct surveillance on the part of state authorities and paramilitary groups. On several trips to Northern Ireland I have used photography to record some of the fragments of these documents: 'peace' walls; Housing Executive estates; police operations; social activities; political graffiti and rituals; Irish republican social clubs; traditional Protestant gable murals; and

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republican murals which are a much more recent tradition, owing more to the Paris émeutes of 1968 than to the battles of the seventeenth century. My objective is not to furnish evidence nor to justify or record incriminates, but to illustrate the analysis of public policy. The photographs are included as an appendix to the dissertation.¹⁹

HISTORY MEDIATED BY CONCEPTS

...what we are referring to by any given concept shapes up in a different way in each empirical instance. We have to accept, develop and use the distinctive expression in order to detect and study the common....The concept must guide one in developing a picture of (this) distinctive expression.

Herbert Blumer, 1954

The notions of social power and sovereignty are central to the following analysis. I do not view these as merely 'empty boxes' for quantifiable empirical data as, for example, the Tillys do with their concept of collective violence in *The Rebellious Century*. They define collective violence as "actions in which at least one formation (a group acting together) above a certain size - twenty or more in Germany, fifty or more in Italy and France - took part, and in which at least one group seized or damaged persons or objects not belonging to itself" (Tilly, Tilly, Tilly, 1975:313). These specifications, precise, but unwieldy, are required to ensure

19) Although it is more firmly established as a methodological tool in anthropology, photography has a long association with sociology and social criticism. See e.g. N. Denzin, 1989:ch. 9; X. Bunster B., 1977; G. Freund, 1980; P. Hockings, 1975; and J. Riis, 1890.

[illegible]

the serviceability of the universal concept in data collection. But the concept retains a high degree of imprecision; it is capable of incorporating such diverse events as a political demonstration, an economic strike, a coup, or a drunken brawl (cf. Bonnell, 1980).

I conceive of social power and sovereignty as, similar to Weber's ideal types, much more elusive and intangible, existing as they do in the realm of social agency and inter- and intra-nation-state relationships. As concepts, they are, like Tilly's collective violence, universally applicable, a circumstance that may be an obstacle to empirical research. Paraphrasing Reinhard Bendix (1964:4) we can say that universal concepts such as sovereignty and social power require specifications that will bridge the gap between concept and 'empirical' evidence, but such specifications have a limited applicability. It is more illuminating to learn in what ways the dimensions of sovereignty and social power in one region differ from those in another than to reiterate that both regions are influenced by sovereignty and social power. Concepts and theories are often difficult to relate to research problems, and much research is devoid of theoretical significance. This study attempts to steer a course between this Scylla and Charybdis by relying on familiar concepts as a base line from which to move forward. History is mediated through concepts and when discussing nationalism - a modern phenomenon²⁰, but always rooted in the history of a 'people' -

20) The word itself first appeared at the end of the nineteenth century to describe right-wing ideologists in

[illegible]

it is important to establish categories that are neither too precise nor too comprehensive.

In this study, the concept of sovereignty is linked to the notion of impersonal administrative power in the institutions of the nation-state. With regard to social power, we can say that the nation-state can be seen as incorporating and expressing modes of domination and this concept provides the central point for the study of power. Social systems that have some degree of regularized existence across time-space are 'power systems' - they exhibit forms of domination, in the sense that they are composed of relations of autonomy and dependence between agents or collectivities of agents. Power may be at its most intense and durable when running silently through recurring institutionalized practices, but in its extreme - when even only partially applied as a sanction of force - it offers the observer a glimpse into the potential for totalitarianism that exists in the ordinary types of rule in contemporary nation-states (Giddens, 1985:8).

Any social system of any duration involves an institutional mediation of power. That is to say, "domination is expressed in and through the institutions that represent the most deeply embedded continuities of social life." But in the context of any collectivity or organization, domination is expressed as modes of control, whereby some agents try to achieve and maintain the compliance of others. More or less

France and Italy, replacing the more clumsy 'principle of nationality' which had been used since the 1830s.

stable types of control are referred to as forms of rule. Forms of rule are relatively stable relations of "autonomy and dependence in social systems and are sustained by the routine practices that those in superordinate positions employ to influence the activities of others." As such they can be analytically separated from the institutional mediation of power. For example, a given type of organization may generate a high level of power in the sense of transformative capacity. This is the case with the nation-state as judged in terms of both the allocative and the authoritative resources it commands. However, the capacity of any individual or group to control what happens in the organization is not a direct extension of the 'amount' of power generated. An individual may be in a powerful position in the sense that s/he has the authority to deploy a range of resources. But the extent to which these resources can be successfully deployed depends upon securing compliance from others (Giddens, 1985:9).

A means by which state authorities attempt to consolidate a form of rule is through legal discourse. This discourse is saturated with symbols, categories and images that for the most part rationalize and justify in myriad ways the existing social order as natural, necessary and just. It also has legitimating power because it sketches pictures of widely shared, wistful, inchoate visions of an ideal - a society of dealings between genuinely free and equal individuals, one so ordered that we could cooperate with others without having to worry about extreme and negative consequences; one so

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structured as to be continually open to question the legitimacy of its hierarchies. Law is a source of images and ideals that challenge and urge us to revise the current arrangements as well as justifying them. In ordinary uses of law, however, the revisionary images are realized in scattered fragments and otherwise muted and repressed (Gordon, 1988:16; Brittan, 1981).

In 'ordinary' circumstances - when power does run quietly through institutionalized practices - law is not uniquely the tool of the powerful. Power is strictly regulated, considered to be legitimate (or is not 'legitimately' challenged) and is based on generally accepted precedents and principles (or these are not 'legitimately' opposed); everyone invokes the authority of the law in everyday interactions. The content of law records many concessions to groups struggling for change from below as well as to the wishes of the politically and economically dominant. In 'ordinary' circumstances the law can confront and appropriate the "unofficial versions of discreditable episodes" and so reestablish its legitimacy. In 'emergency' situations, however, when power no longer runs quietly through institutions, the underlying technical guarantees of judicial objectivity are rendered 'impractical'. In many places in today's world, including Northern Ireland, the law clearly exhibits the discursively pragmatic nature of juridical precedent. Far from the state's subjects being held solely within the conceptual net of precedent and principle we can see "how easily the space occupied by the state and its

judicial mediators is one of pragmatic instrumentality" (Burton & Carlen, 1979:83).

Foucault (1980) and others (Edelman, 1975) have argued that an essential role of law in the modern era is to fix the legitimacy of social power. Much official discourse and public policy - conceived of as the realization of power fashioned from the discourses of law, epistemology, social science and common sense - serves to efface the domination that is intrinsic to power in order to present power, on the one hand, as the legitimate right of sovereignty, and on the other, as the legal obligation to obey it. If this is the case, then by focusing on social power and sovereignty, an analysis of the role of British policy in shaping nationalist movements in Northern Ireland can take us away from the more strictly regulated and legitimate forms of power to a concern with power at its extremities; the raw margins that force ordinary people to live on the dangerous edge of events, where the violent and the extreme become commonplace. In Northern Ireland, in its regional institutions and its paramilitary organizations, power surmounts what are considered to be the 'normal' rules of law, which serve to organize and delimit it - it extends beyond them. Power in Northern Ireland has become firmly embodied in the state's techniques and instruments of surveillance and in its violent attempts to organize and enact its social environment. This environment is not, however, usefully viewed as a single object existing apart from the organization - it is largely a symbolic domain, a 'social

texture' within which people live, establish meanings and formulate discourse, i.e. ways of perceiving, speaking and thinking.

Habermas has suggested that the modern state represents monopolistic discourse. But, as Burton and Carlen point out, official discourse maintains that the legitimacy of state practice can be justified against critique. State discourse does tacitly accept and propagate the 'ideal speech situation' in which validity claims over justice can be 'discursively redeemed'. And Habermas' (1975:107-8) definition is ideal-typical:

Discourse can be understood as that form of communication that is removed from contexts of experience and action and whose structure assures us: that the bracketed validity claims of assertions, recommendations or warnings are the exclusive object of discussion; that participants, themes and contributions are not restricted except with reference to the goal of testing the validity claims in question; that no force except that of the better argument is exercised and that as a result all motives except that of the cooperative search for truth are excluded.

The analysis of British state policies herein views the state as exploiting this ideal-typical definition of discourse in pursuance of repressive practices far removed from the 'cooperative search for truth'. The problems engendered by such apparently contradictory practices are resolved by an "official discourse which continuously redefines the knowing subjects and known objects of the state and its apparatuses" (Burton & Carlen, 1979:89).

There are necessary, and often mutually contradictory, functions that a capitalist state must try to fulfill

(O'Connor, 1973), but there are no necessary relations between the conditions of existence of state policies and their actual material productions - there are only desirable ones, desirable to state authorities that is. These desired relations may be realized in public policy and this desire takes the form of the strategic calculation of political effect. Official discourse, as embodied in acts, statutes, and parliamentary papers, seeks to anticipate and offset political crises, at least in part, by confronting and appropriating unofficial versions of discreditable events.

This political calculation of effect necessarily draws on existing modes of knowledge and reasoning, both ideological and scientific; official discourses - particularly those dealing with law and order - are products of the articulation of knowledge as power relations. The textual formulations of official discourse are, typically then, "derivations and creative reconstructions of the discourses of law, epistemology, social science and commonsense...(and attempt) the paradoxical task of undermining the Other, its extra-discursive conditions of existence, while simultaneously elevating these conditions as guarantors of the discourse's validity." The general form of appropriation is to reconstruct the narrative within a discourse that coincides with current ideological practices (Burton & Carlen, 1979:44). In Northern Ireland, however, although argued in terms of essential justice, the changes in the technical guarantees of judicial objectivity remain but a part of the syntagmatic

strategy which orders the boundaries of the typical law mode towards a unity of discursive object: "the discursive appropriation of an official world whose Otherness is beyond Recognition" (Burton & Carlen, 1979:84).

The implications of the analysis of these processes lie primarily in emphasizing the integral tie of political behavior to the underlying and extensive organization of social power as reflected in public policy. If we are to make a start toward understanding the modes of discourse which help to shape state power, an exploratory approach that probes the interface between key policies and a concrete historical trajectory may help to push discussion away from abstract conceptual disputes toward meeting the challenge of explaining actual historical developments. Consequently, this study should be judged as a stimulus to further reflection rather than anything approaching an exhaustive analysis of the issues it raises.

SUMMARY

This is a study of national-separatism in the Celtic periphery of the United Kingdom. It is also a study of the democratic processes of a modern nation-state, of the ways in which state institutions and authorities, through law and public policies, can control, contain, and contribute to the formation of their political oppositions. Its major concern is with sketching some of the ways in which the British state

has shaped and fragmented its opposition in Northern Ireland, Scotland and Wales.

Most theories of social change have concentrated on the role that allocative resources (resources associated with material production, including material goods and the natural resources required for production) have played in the structuring of social and political institutions, including social movements. I am concerned, however, with delineating some of the processes associated with the concentration of authoritative resources (the means of dominion over human beings) in these same structures and institutions. The institutional clusterings that are of interest here are heightened surveillance - the collation of information relevant to state control, and the consolidation of centralized control of the means of violence in the military and policing institutions of the state.

Surveillance is made possible through the generation and the control of information. Nationalist movements in Northern Ireland are seen as orienting themselves toward redressing the balances of power involved in surveillance - understood as the reflexive monitoring of social reproduction. The intensification of surveillance in the nation-state has a corollary: the condition of the emergence of tendencies and pressures toward democratic participation.

National-separatism is considered in light of two concepts: sovereignty - organized as surveillance techniques and linked to the impersonal administrative power in the

institutions of the nation-state; and social power - organized as public policy, which serves to fix the legitimacy of sovereignty in the nation-state. The implications of the analysis lie primarily in understanding the inherent linkage of political behavior to the underlying and extensive organization of social power as reflected in public policy and national-separatist social movements.

The second chapter reviews the major theoretical positions on nationalism within social theory and clarifies the two concepts which will guide the narration of subsequent chapters: social power and sovereignty. These are seen as analytical categories through which national-separatism in the United Kingdom can be fruitfully observed in so far as domination and surveillance in large part constitute what it is that the British state, or any state for that matter, does as it goes about the business of 'governing', not incidentally, but as an intrinsic element of the characteristic activities of modern states. The next three chapters are historical narratives which deal with the formation of structure in Ireland from the early modern period. They are concerned with tracing the reflexive expansion of the state and of social movements in Ireland from the fourteenth century; they 'set the stage' for the analysis of public policy in the following chapters. Structure, understood as rules and resources involved in the "form of collectivities of social systems reproduced across space and time" (Giddens, 1987:218), is the medium of the human element

of human agency. The nature of agency in relation to historical understanding can be fully understood only if we have a grasp of concepts of structure and structural constraints as well as that of agency itself. What these chapters attempt to do is link the actions of human agents to 'history' as it is increasingly guided by its own reflexive appropriation. The resources necessary for such reflexive appropriation are available to, in the first instance, state-makers and then, as the institutional circuits of power (including symbolic power) expand, to the 'lower levels' of society, including the peasantry which is furthest removed from these institutional circuits. Chapter three deals with the nature of power and the formation of sovereignty in early modern Ireland - focusing on the contexts and policy decisions of government agents. Chapter four continues this discussion through seventeenth century and chapter five through the period of the union with England. What these narratives attempt to show is that as the drive toward sovereignty generates a consolidation of resources in the state, it stimulates a generalized awareness among subordinate social groups of the collective capabilities upon which political power depends; they must then represent their programs as being in the 'national' interest. Chapter six continues the analysis, focusing on the contemporary conflict in Northern Ireland, and chapter seven moves toward a comparative view by looking at Scottish and Welsh perspectives on national-separatism and state policy.

II NATIONS, STATES, AND NATIONALISM¹

'Scappa, che arriva la patria' (Run away, the fatherland is coming).

Italian peasant woman to her son²

The terms 'nation-state', 'nation' and 'nationalism' are often, even typically, used in social scientific and historical literature as if they were synonymous (e.g. Munck, 1986). But it is necessary to distinguish between them. A 'nation-state' is a set of "institutional forms of governance maintaining an administrative monopoly over a territory with demarcated boundaries, its rule being sanctioned by law and direct control of the means of internal and external violence" (Giddens, 1984b:165). Two things must be noted about this definition or it risks being confused with Max Weber's analysis of the state, which was developed first of all with reference to the modern era, and then generalized backwards. First, the boundaries of nation-states actually do mark effectively the administrative realm of the state. Second, control of the means of violence [usually existing as something less than a monopoly] became possible only with the internal pacification of the nation-state (cf. Weber, 1958, 1978: 56).

Nationalism' is a phenomenon that is primarily psychological - "the affiliation of individuals to a set of

1) This chapter draws on the recent work of Giddens, especially 1979, 1981, 1984b, and 1985.

2) Quoted in Hobsbawm, 1987:142.

symbols and beliefs emphasizing communality among the members of a political order" (Giddens,1985:116). Although sentiments of nationalism very often coincide with the actual distribution of populations within states, and while those who hold power in modern states seek to promote such sentiments, there is not always a clear correspondence between them. A 'nation' is a "collectivity existing within a clearly demarcated territory, which is subject to a unitary administration, reflexively monitored both by the internal state apparatus and those of other states" (Giddens,1985:116).

What makes the 'nation' central to the nation-state is not the existence of sentiments of nationalism, but the unification of a state administrative apparatus over precisely specified territorial bounds in a complex of other nation-states. This administrative unity came about once the traditional city-countryside relations had been transfigured by the commodification of production that prevailed over the segmental structures of pre-capitalist societies and the central-sovereign state with its standing armies, permanent bureaucracy, systems of national taxation and codified systems of law had prevailed over the segmental polities that preceded it (Polanyi,1957). Both the nation and nationalism are distinctive features of modern states and in the context of their European origins as well as elsewhere there is more than a casual connection between them. There can be no nationalism without the formation of nations, although the reverse

relation is a much more problematic one (Giddens,1983; Worsley,1984).

All states - as state apparatuses - can be distinguished from the wider societies of which they are a part. What is outside the scope of the state has, since the eighteenth century, been understood in varying ways as 'civil society'. Durkheim takes the main feature of the state to be its role as a "organ of social thought" - an agency of communication with the rest of society. This does not mean that all social thought springs from the state. One source is to be located in "the sentiments, ideals, beliefs that the society has worked out collectively and with time"; the other is rooted in "the thought processes" of the state. "There is something spontaneous, automatic, something unconsidered, about day-to-day social life", Durkheim writes, but "deliberation and reflection ... are features of all that goes on in the organ of government.... There all is organised increasingly to prevent changes being made without due consideration" (Durkheim,1957:79-80). Durkheim goes on to say that the state thereby inevitably represents the interests of those that it rules, except in unusual and "pathological" circumstances. He treats the nation-state as a simple "extension of state power in general" and he tends to underestimate the degree to which the state apparatus can become a source of power independent of the remainder of 'society' (Giddens,1985:18).

Similarly for Hegel, civil society cannot exist without the state; the former is composed of atomistic, self-seeking

individuals, and by virtue of its nature is incapable of achieving universal freedom. The modern state embodies reason, not by incorporating civil society but by guarding certain of the universal qualities upon which it is predicated. The state is, Hegel writes, "the Universal that has expressed its actual rationality", representing "the identity of the general and the particular will". It is the "embodiment of concrete freedom, in which the individual's particular interests have their complete development, and receive adequate recognition of their rights."³

Marx, in reversing Hegel, argues that the state rests upon civil society, which it does not transcend but whose class composition it reflects. He extends the concept of civil society to include not merely the 'economic', but all that lies outside the immediate scope of the state apparatus. The result, as Weber (1978:65-68,100-107) noted, is a grave misconception in the logical interpretation of the state/civil society relation and in the presumption that the state can be superseded in socialism. Civil society, for Marx, is something distinct from the state in origin and character, to which the state owes its existence and its structure. His view sacrifices an essential element of Hegel's insight into the *bürgerliche Gesellschaft*, however dubious the conception of the state as the 'realization of the universal'. For Hegel sees that civil society, as *bürgerliche Gesellschaft*, is in great part created by the modern state, or as Giddens (1985:

3) G. W. F. Hegel, *The Philosophy of Right*. London: Bell, 1896: \$261. Quoted in Giddens, 1985: 21.

21) more accurately puts it, "the two come into existence in conjunction with one another."

The point here is that with the formation of the modern state, 'civil society' is no longer that which coexisted with previous forms of states. In 'traditional' societies there are large segments of the social order that retain their independent character regardless of the rise of a state apparatus. This is what Giddens (1985:21) means when he writes that in such societies "the political centre lacks the capacity to regularly shape the day-to-day lives of those who are its citizens." It is also why in 'traditional' societies, city and countryside while in some ways interdependent, have a contrasting and differentiated character as compared with each other (cf. Marx & Engels, 1976). The 'countryside' is not the same as 'civil society' but much of what the latter concept refers to may be found there, in the realms of agricultural production and local community life. With the rise of the modern state, and its culmination in the nation-state, "civil society in this sense simply disappears" (Giddens, 1985:21). What is outside the scope of the administrative arm of the state cannot be comprehended as institutions which remain unabsorbed by the state.

Social scientists usually think of 'societies' as necessarily clearly bounded and distinct entities. Traditional societies were not like this (Eberhard, 1965), and if modern ones are, it is not because of anything intrinsic to social association in general, but a result of distinctive forms of

social integration associated with the nation-state, which from the beginning has never existed in isolation but as part of network of other such states - as part of a system. The notion of integration refers to the degree of inter-dependence of action, or 'systemness', that is involved in any type of system integration. Integration is defined as regularized ties, interchanges or 'reciprocity of practices' between either individuals or collectivities. The 'reciprocity of practices' should be understood as involving regularized relations of relative autonomy and dependence between the actors concerned. Integration is not synonymous with either cohesion or consensus. Social integration refers to 'systemness' expressed in face-to-face interaction, a primary manifestation of the time-space presence in social organization - what Goffman (1974:13) refers to as the 'organization of experience'. Systemness at this level occurs for the most part through the reflexive monitoring of action as part of the rationalization of conduct. System integration, on the other hand, is concerned with 'systemness' expressed on the level of social systems or collectivities, and while it presupposes social integration, the mechanisms governing the latter cannot necessarily be derived from those governing the former (Giddens, 1979:76-81). The more inclusive social system cannot be understood as the social relationship writ large even though the latter is a major prop of the former, through the reproduction of institutions in the

duality of structure which links the items of day-to-day behavior to attributes of the more inclusive social system.

System integration has to be examined in conjunction with the generation of social power - conceived of in its broadest sense as the ability to pursue and attain goals through the mastery of one's environment (Mann,1986:6). Power is generated in and through the reproduction of systems of domination and by the concentration of resources in what Giddens (1985:13) has called "power containers" - locales or circumscribed arenas for the generation of administrative power.

A locale is a power container in so far as it permits a concentration of allocative and authoritative resources. In what I shall call class-divided societies, castles, manorial estates - but above all cities - are containers for the generation of power. In the modern world, the administrative settings of organizations - business firms, schools, universities, hospitals, prisons, etc. - are centres for the concentration of resources. But the modern state, as nation-state, becomes in many respects the pre-eminent form of power container, as a territorially bounded (although internally highly regionalized) administrative unity.

The 'political' aspect of organizations concerns their ability to marshall authoritative resources or administrative power. All organizations have political features. But only in the case of states do these involve the consolidation of military power in conjunction with control of the means of violence within a range of territories. A state is "a political organization whose rule is territorially ordered and which is able to mobilize the means of violence to sustain that rule" (Giddens,1985:19-20).

All states are in some sense 'information centers' in that the generation of state power presumes reflexively monitored system reproduction, involving the organized gathering, storage, and control of information applied to administrative ends. The nation-state, unlike traditional state forms, has borders instead of frontiers; its political center maintains an administrative monopoly over carefully demarcated territorial bounds. Within its boundaries the administrative scope of the nation-state is simultaneously intense and wide. The intensity of administrative control refers to the sanctions that can be invoked to secure compliance, the most extreme being command over life and death. A variety of possible relations exist between the scope and the intensity of control. Many traditional rulers, for example have possessed complete power over their subjects, in the sense that the subjects are obligated to obey the ruler's commands under the pain of death. But such power does not yield a wide scope of actual domination over the conduct of the subject population. Ruling groups in traditional states lack the means of systematically influencing the daily life of their subjects. In light of this it seems as if terms such as 'absolutism' and 'despotism' are likely to be misleading in reference to the power that rulers were capable of wielding over their subjects in pre-capitalist societies.

One of the major characteristics of the modern state, by contrast, is a great expansion of the capability of state officials to influence even the most 'private' features of

daily life. Traditional states simply do not 'govern' in this sense (Giddens, 1985:57). In his discussion of the loose, indirect rule which typified European feudalism, Michael Mann (1986:391) describes the feudal state as "an agglomeration of largely autonomous households." If a vassal owed allegiance to more than one superior, usually for different parts of his estates, then this indirect rule was even weaker, composed, as it was, of a series of overlapping interaction networks rather than a hierarchical pyramid of military and political power. It is reasonable to hold that the absolutist state truly 'governed' in a way that previous state forms did not. As Williams comments, the absolutist state created "a government whose decisions were really carried out (that is, an effective government)." But it is also correct to say, as Williams does, that even eighteenth century Europe "was still in the thrall" of institutions "which had been brought to life in the Middle Ages" (Williams, 1970:2&14).

The administrative power of the nation-state is generated through an information base that is the means of its reflexive self-regulation. The modern era is witness to an unprecedented interpenetration of the state and civil society; there are no significant spheres of society (administration, education, family, production, etc.) that have retained a character independent of the state. Central to this is surveillance, both in the workplace, and with regard to the massive expansion of the surveillance activities of the state in the eighteenth and nineteenth centuries and the internal

pacification of the emergent nation-states. Again 'surveillance' refers to two closely related phenomena. One is the collection and the organization of information that can be stored by agencies or collectivities and can then be used to monitor the activities of the administered population. The second is the direct supervision or control of the activities of subordinates by superiors in a particular organization or range of social settings (Giddens,1984b:167-8).

The emergence of a disciplined labor force was associated with increasingly successful modes of industrial management, operating with a number of partly novel surveillance techniques (Marglin,1974). This was one key dimension of internal pacification and it has since been entangled with citizenship rights or what Marx more bitterly called 'bourgeois freedoms'. But the creation of the management of free labor occurred in the broader context of the expansion of disciplinary power in the institutions of the state. Disciplinary power, as Foucault (1977) has shown so clearly, contrasts with the exemplary power of violence characteristic of previous eras. Violence is no longer a display, an exhibit, sanctioning power through its very presentation. Violence, controlled by state authorities, becomes an underlying sanction - "a hidden but available threat" (Giddens, 1984b:169) - while control is maintained primarily through the disciplinary power of surveillance.

Foucault (1977:220-221) writes,

If the economic take-off of the West began with technique that made possible the accumulation of

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capital, it might perhaps be said that the methods for administering the accumulation of men made possible a political take-off in relation to the traditional ritual, costly violent forms of power, which soon fell into disuse and were superseded by a subtle, calculated technology of subjection.

The supersession of the "ritual, costly, violent forms of power" was decidedly important to the internal formation of the nation-state. But the maintenance and consolidation of these forms of power became an inherent trait of the nation-state system. As Wallerstein (1974) points out, in precapitalist military empires the scope of military sanctions basically determined the boundaries of economic relations between and within those societies. With the advancement of capitalism the situation is reversed: the capitalist state maintains control of political and military power within its own borders, but the world system that it initiated is essentially influenced by capitalistic processes operating on a world scale (Giddens, 1984b:170).

Giddens (1985:198-209) links the centralization of the European nation-state with the development of three strands of citizenship rights and their corresponding organizational foci: civil rights, the primary organizational focus of their administration being the legal system; political rights, having as their focal points the institutions of parliament and local government; and economic rights, which lack a comparable organizational focal point and have usually been achieved by subordinate classes only after their political and civil rights have been established.

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These categories of citizenship rights are interpreted as arenas of conflict over public policy and discourse. In this context the term 'discourse' refers to a complex of categories: manners of speaking, ways of perceiving and rules governing which aspects of phenomena should be emphasized and spoken about. It also refers to restrictions, that is, rules about what should not be discussed in open speech, and also societal institutions that indoctrinate members to see and speak in certain ways and that create, sustain and deny legitimacy. Members of a society generally take its discourses for granted as the natural, inevitable ways of seeing, speaking and thinking (Foucault, 1971; Davis & Anderson, 1983).

Each of these categories of citizenship rights is linked to a particular type of surveillance where that surveillance is both necessary to the power of superordinate groups and an axis for the exertion of control by the less powerful over the more powerful in established modes of social interaction. The types of surveillance that correspond with the relevant citizenship rights are: economic rights - surveillance as the management of production; civil rights - surveillance as policing; political rights - surveillance as the reflexive monitoring of state administrative power. Surveillance techniques may lead to the sequestration of a population that the state has determined to be 'deviant' or 'insurgent'. Surveillance operations call forth counter strategies from the sequestered populations which affect the socio-spatial

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organization of these communities and so, in turn, subsequent surveillance techniques.

NATIONALISM AND SOCIAL THEORY

Nationalism is not the awakening of an old, latent, dormant force, though that is indeed how it presents itself. It is in reality the consequence of a new form of social organization, based on deeply internalized, education-dependant high cultures, each protected by its own state.

Ernest Gellner, 1983

The concepts of sovereignty and a balance of power between those states capable of exercising overall dominance are generally considered to be the primary elements of the reflexively monitored system of states (Morgenthau & Thompson, 1952). Another factor, which emerged toward the end of the absolutist period also links international and domestic politics with one another. Indeed, it is the bond which links them most closely: what we call 'nationalism', but what Europe through the nineteenth century referred to as the 'principle of nationality'. Nationalism is probably the most powerful political phenomenon of our time, and one whose importance continues to grow. The nineteenth century was witness to the maturation of nationalism in Western Europe and the beginning of its spread to the rest of the world, a process which continues to this day as nationalism imbues the entire globe with undiminished intensity. Indeed, among the prevailing ideological currents in the twentieth century is unique, in that "it has become so universal that it has ceased to

distinguish countries from one another. Only the most backward, culturally malintegrated states of the world do not experience it today; and even among those, it is at least of growing strength among individual regions or ethnic groups within their borders" (Chirot,1986:141).

The great war to which nationalism led Europe in 1914 served only, in the long run, to strengthen it. None of those who came to know the carnage of the First World War, including Max Weber, foresaw just how savage and destructive some of the forces characteristic of the modern age would become - or how soon the first great war would be succeeded by the second and totalitarianism. But nationalism has also been associated with theories and struggles of progress and liberation - all the social revolutions since 1789 have been after all at one and the same time 'social' and 'national'. Nationalism is ambiguous, in Tom Nairn's words, it is the "modern Janus (b)oth progress and regress are inscribed in its genetic code from the start" (Nairn,1975:17).

But despite the pervasiveness of nationalism, analysis has found it remarkably difficult to come to terms with. Hugh Seton-Watson, author of the widely respected *Nations and States* (1982:5), and heir to the tradition of liberal historiography and social science, unhappily notes: "I am driven to the conclusion that no 'scientific' definition of the nation can be devised; yet the phenomenon has existed and continues to exist." And Nairn, author of the seminal *The Break-Up of Britain* (1981:329), and heir to the Marxist

tradition of historiography and social science, frankly admits that "the theory of nationalism represents Marxism's great historical failure." But these remarks are somewhat misleading, in so far as they can be taken to imply the regrettable result of a long, self-conscious search for theoretical clarity on the part of these intellectual traditions. It is more correct to say that nationalism has proven to be a disconcerting anomaly for most social theory. At least part of the problem is that nationalism is outside the analytic models of the writers concerned. As Hobsbawm (1972:385) notes, "had (nationalism) not obtruded itself, they would have been happy to take no notice of it."

In its beginnings in Europe nationalism is commonly interpreted as one aspect of a class based movement which found political expression in a general struggle for democracy; manifesting itself most clearly in the American Revolution - interpreted by some (Lipset, 1974) as the 'first new nation'- and in the French Revolution, which together gave rise to a model of a new type of political system embodying the ideas of 'citizenship' and 'popular sovereignty' (Bottomore, 1979:99-116). Other theorists (cf. Smith, 1971) stress the relations between culture, industrialism, systems of communication, and/or the intelligentsia and nationalism; but almost all tend to interpret nationalism as a more or less spontaneous identity forged at the lower levels of society which, now that it "has spread into the farthest corners of the earth", continues to shape "human thought and society

according to its image" (Kohn,1944:vii). This is true even of those, such as Kedourie (1966), who find the principle source of European nationalism in European philosophy - in Kedourie's case that of Kant and Fichte - which stresses the idea of self-determination, and the 'filtering down' of this idea into European culture following the post-feudal breakdown of traditional ways of life and stable communities.

Theories of nationalism are typically more specific applications of general interpretations of social change - most of which have shown no more than a tacit interest in problems of nationality or nationalism (cf. Smith,1983). Until recently social-scientific inquires into the nature of nationalism were informed primarily by either Marxism-Leninism or by, what Giddens terms, 'the theory of industrial society'. The latter term does not refer to a precise set of established principles shared by a specific group of scholars, but to a group of concepts and generalizations which attempt to summarize the various transformations of social life attendant upon the rise of industrialization and the nation-state since the eighteenth century, and are affiliated with liberal political ideas.

MARXISM AND NATIONALISM

What (Marx and Engels) foresaw was not the complete disappearance of all national distinctions whatever, but specifically the abolition of sharp economic and social differences, economic isolation, invidious distinctions, political rivalries, wars, and exploitation of one nation by another.

Solomon Bloom, 1941

If Marx had no elaborated theory of the capitalist state, as writers of all political persuasions are likely to admit, even less did he develop an analysis of the nation or of nationalism. His approach is premised upon the historically transitory phenomenon of the nation as an expression of the bourgeois epoch. As an historical expression of bourgeois political ideals, and the immediate political unit for the development of the capitalist mode of production, the nation-state was a temporary phenomenon, one that was to be superseded by international communism. For Marx and Engels (1964), nationalism and national self-determination are seen primarily with regard to the role they play in the advancement of this aim.

Subsequent writers, influenced by these ideas, wrote a great deal more about nationalism than Marx and Engels did, but it cannot be said that the literature thereby generated has done a lot to illuminate the nature of nationalism. Particularly important are those writers who were interested in the fragmentation of cultural and linguistic groups in the period of the First World War and its aftermath; their

concerns, however, were primarily tactical. Lenin, for example, considered the issue of national self-determination to be of fundamental strategical significance for the context of the Russian Revolution. His critique of Rosa Luxemburg's anti-nationalist position - an expression of the great import he attached to the national question for the revolutionary socialists in the emerging periphery of monopoly capitalism - proclaimed as its ultimate premise the doctrine of proletarian internationalism (1970:595-649); but the integration of class and national struggle was, for Lenin, a practical and necessary strategy for the security of the revolutionary process. Once the revolution was consolidated the nation as an economic and political unit would 'wither away' and it would "assume the character of a cultural and linguistic unit only...." (1971:112).

Lenin appreciated the power of nationalism as a weapon of the bourgeoisie in Eastern Europe and as an anti-colonial force throughout the world. But there was little attempt to formulate a theory of nationalism in his many writings. Stalin's essay of 1913 which defines the nation in both "objective" and "subjective" terms (Marx stressed only the former) is no more than an outline of a theory and offers little that is new (Stalin, 1953).

Subsequent Marxist works on nationalism have strongly emphasized the connection between the rise of the bourgeoisie and the emergence of nation-state (Bloom, 1941; McMichael, 1979; Vilar, 1979). The most substantial contributions are those of

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the Austro-Marxists - particularly Otto Bauer and Karl Renner - who had to confront the problems of national self-determination and nationalism in an especially acute form in the Austro-Hungarian Habsburg Empire (Bottomore & Goode, 1978: 103-135). Bauer (1924) writes that

every new economic order creates new forms of state constitution and new rules for demarcating political structures....with the development of the capitalist mode of social production and the extension of the national community...the tendency to national unity on the basis of national education gradually becomes stronger than the particularistic tendency of the disintegration of the old nation, based upon common descent, into increasingly sharply differentiated local groups.

The Austro-Marxists were also concerned to trace the later development of nationalism, especially its transformation into the ideology of imperialism, at the end of the nineteenth century. Renner (1917) argued that as "capitalism is now passing from its industrial to its finance-capitalist stage so the old principle of nationality...the democratic, nay revolutionary principle of the unity, freedom, and self-determination of the nation is over and done with," and the dominant national idea is now that of "national imperialism" promoted by the ruling classes. At the same time, however, Renner feared that the widespread and intense national feeling which the First World War had revealed might be leading to what he called "social imperialism": imperial-istic sentiments diffused throughout an entire population.

The Austro-Marxists broke away from orthodox Marxism-Leninism. Bauer, unlike Lenin and Luxemburg, considered that the national community embodied values which were quite

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compatible with socialism. He suggested a form of federation as an intermediate step toward national self-determination and put much emphasis on the psychological and cultural factors in the constitutions of nations; his formulations of the latter, however, were hopelessly vague.⁴ With his conception of a 'community of character' born of a 'community of fate' or shared experiences, he attempted to inject elements of culture that he saw as repudiated by classical Marxism. His work, along with that of Renner and Max Adler (1978), moved toward what today might be called an ethnic theory of nationalism - with the state increasingly involved in the reproduction of culture. But it falls quite short, being more reminiscent of eighteenth century monocausal hypotheses - the 'community of character' as the product of "one and the same effective force" from past history, for example - posited without much evidence (Bottomore & Goode, 1978:102-109).

The Austro-Marxists practically excluded classes and class struggle from the sphere of national culture - Bauer's aim, for example, was to give the working classes access to cultural advantages from which they were excluded by capitalism. He considers cultural values as completely neutral and devoid of class content. The complex relations, for example, between the working-class and the middle-class national culture are reduced by Bauer to an act of appropria-

4) For Bauer national characteristics reflect "diversity of Purpose, the fact that the same stimulus can provoke different responses and that the same external situation can lead to different decisions." Bauer, *Die Nationalitätenfrage und die Sozialdemokratie*, p. 104, quoted in M. Löwy, 1976:93.

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tion, or perhaps rather passive acceptance (Löwy, 1976:95; cf. Sennet & Cobb, 1972). This work was heavily criticized by other, more orthodox, Marxists, particularly for its tendency to 'nationalize' socialism and the workers movement. Consequently, Marxian influenced writers - especially those whose subject was Europe - tended until recently to rely on a variant of the classical Marxian canon on the subject: that nationalism was a kind of masked expression of the interests of the dominant class, either a temporary "bourgeois passion" or, more negatively, - and as in the case of the rivalries between English and Irish workers - both aberrant and abhorrent (Bloom, 1941:80).

LIBERALISM AND NATIONALISM

The nation-state ... is still the chief political instrument for getting things done. The main basis of its power is ... the consent of the governed.... Nation-preserving, nation-building, and nationalism or the preference for the ... interests of one's own nation and its members - these still remain a major and even a still growing force in politics, which statesmen of good will would ignore at their own peril.

Karl Deutsch, 1966

Industrial society theorists have shown a curious lack of interest in nationalism, despite the concerns with fascism expressed in some of Parson's essays during the second world war. Park, Thomas, and Znaniecki studied immigration and cultural assimilation, subjects adjacent to nationalism (Smith, 1983:24-25); but only Louis Wirth (1936) wrote on the forms of nationalist movements and the nature of nations. The

post-war social-scientific literature on social change was dominated by an 'orthodox consensus', an approach which reflected, logically - influenced as it was by positivism, methodologically - influenced as it was by functionalism, and socially - influenced as it was by the impact of the Cold War and the simultaneous emergence of Third World nation-states as prominent actors in the wake of the disintegration of the European colonial empires, the lack of an established tradition of social scientific inquiry into the nature of nationalism.

Those scholars whom are generally linked to the theory of industrial society have advocated at least some of these notions: the most significant changes to be found in the modern world have to do with the transition from 'traditional' agriculturally based societies to industrial societies, based on mechanized production and exchange of goods; the transition from tradition to modernity represents a progressive movement in history; class conflicts - such as those witnessed in Western Europe in the nineteenth century - are the result of strains involved in the transition from an agrarian social order to an industrial society; the rise of the liberal state is an essential element accompanying the transition from tradition to modernity; there exists an essential unity to the industrial order wherever it emerges; the conception of industrial society is closely associated with so-called 'modernization theory' with regards to non-industrialized societies in the world. The key idea in modernization theory

is that underdeveloped societies are trapped within traditional institutions, from which they must break free if they are to approach the economic prosperity achieved in the West. This view sees the world economy as essentially a group of dynamic interacting national economies which are basically similar in their objectives and which can be analyzed as a complex of national economies. It is a world in which the central problems, which are ones of growth, are essentially soluble everywhere by the same methods of economic engineering because they are all equally 'economies' (Giddens,1982; Tipps, 1973; Hobsbawm,1979).

This perspective portrays nationalism as either an ideology which facilitates the transition from a 'traditional' to a modern utilitarian culture (Deutsch,1969; Gellner,1983; Kedourie,1960), or as a movement that is initially disruptive but which becomes integrated into the new political system and eventually is represented by established political parties and the state (Breuilly,1982; Eisenstadt,1965; Geertz,1967; Parsons,1969; Smelser,1968). This is the literature of 'nation-building'; it offers rich descriptions of the relationships between nationalism and the rise of industry and market economies, the development of complex communicative processes and 'modern personalities', and the common boundaries of cultural differentiation and state structures (Deutsch,1966; Lerner,1958; Gellner,1964 & 1981). However, it suffers not merely from its basically 'single-step' model of history, but even more from its striking failure to predict

the fusion of social and national elements in the liberation struggles of the twentieth century and the great importance of such movements in non-European countries. The 'modernization theorists' also tended to extrapolate the experience with nationalism of Europe in its liberal era to other contexts while at the same time ignoring the more pernicious characteristics of European nationalism - its association with fascism, and with the waging of wars (e.g. Deutsch, 1969:12ff.)

The modernization approach generally views nationalism as pre-eminently a beneficent force - one closely connected to the gaining of economic and political rights in new states of the third world. Given their emphasis on the cohesive effects of nationalism and their consideration of national consciousness as but one facet of the developmental process, which is in turn defined in such simple uni-directional terms as "expanding control over nature through closer interaction among men" (Rustow, 1968), theories of modernization are not surprisingly puzzled by separatist forms of contemporary western nationalism, which are, by definition, divisive rather than integrative (Hobsbawm, 1972:387).

A paradox of European nationalism that tends to be underrated is that the state, in forming its own nation, 'automatically' tended to create the counter-nationalism of those it forced into the choice between assimilation and inferiority. One obvious reason why members of some nationalities refused to assimilate is that they were not allowed to become full members of the official nation. An

extreme case is that of the native elites in European colonies, educated in the language and culture of their masters so that they could administer the colonials on the Europeans' behalf, but patently not treated as equals. In this regard the Irish experience foreshadowed the ideology and practice of English colonization elsewhere, particularly in the Americas. The main presumption that persisted was that the most profitable and useful form of colonization involved not only the establishment of commercial relations, but also the creation of more or less self-sufficient communities of 'Englishmen' around the world to acquire territorial possessions, and then to govern them (Fredrickson:1981:13ff.).

Modernization theorists tend to view the link between liberalism - as reflected in the modern, liberal, progressive and de facto bourgeois society - and nationalism as singular and lasting. Historians note, however, that the liberal trend in European and North American nation-building had been thwarted by 1848; in the rest of the world it simply was never established. As the European revolutions of 1848 - which were primarily urban middle-class affairs - made rapid progress, many conservative landowners, rural workers, and even middle class moderates drew back in alarm. Then, too, while the liberals could appeal to national sentiment, so could the conservatives. Before long the masses of people, rural and urban, were being encouraged to shore up their tottering governments for the sake of national strength and prestige. By the 1870s an "international outburst of hysteria among the

rulers of Europe and among its terrified middle classes" was provoked by the short lived Paris Commune of 1871 (Hobsbawm, 1987:84). The suppression of the commune - during which photography, employed by the Paris police in their murderous roundup of the Communards, was first used by a state as a tool of surveillance and control - was followed by the massacre of Parisians on a scale which up until that point in a nineteenth century European state would have been inconceivable. After this nationalists everywhere showed themselves all too ready to sacrifice liberalism for national ends; during the next decades they tended to invoke 'blood and iron,' rather than 'liberty, equality, and fraternity.' By 1914 the circumvention was complete (Hobsbawm, 1975; Hayes & Cole, 1949; Sontag, 1977:5).

To sum up, nations and states are linked, in the first instance, through the unification of a state administrative apparatus, not through sentiments of nationalism. Such sentiments have political, ideological, psychological, and symbolic characteristics, the content of which cannot be presumed but must be linked to the institutions of the particular nation-state. The unprecedented consolidation of the nation-state as a form of governance, and the type of self-reflexive system integration which this state form entails, signals the end of 'civil society' as that concept was understood by nineteenth and early twentieth century social theorists, especially those working within the liberal or socialist traditions. The notion of system integration, or

the interdependence of the actions of collectivities, has to do with the generation of power through structures of domination in what Giddens (1985:13) refers to as 'power containers'- circumscribed arenas for the generation of administrative power. Such integration must be understood as part of the reflexive monitoring activity of the nation-state and the nation-state system.

The administrative power of the nation-state depends on the concentration of the means of violence within its institutions and an unprecedented level of information gathering by its surveillance agencies. Together these form the base that is the means of its reflexive self-regulation. This is similar to industrial management, which occurred within the broader context of the disciplinary power in the institutions of the state. Linked to these processes is the development of citizenship rights, their corresponding organizational foci, and means of surveillance: civil rights, which are administered largely through the legal system and entail surveillance by policing; political rights, which are administered by parliamentary bodies and entail surveillance as the reflexive monitoring of administrative power; economic rights, which lack a comparable organizational foci and entail surveillance as the management of production. These categories of citizenship are interpreted as arenas of conflict over public policy and discourse. 'Discourse' refers to a complex of categories: manners of speaking, ways of

perceiving, and the rules and restrictions governing which aspects of phenomena should be emphasized.

Marxism and the theory of industrial society generally minimize these concerns. These schools of thought tend to regard social change as the progressive emergence of traits that a particular type of society is presumed to have within itself from its inception. The origins of political struggles are traced to sources immanent to a society's production processes: either the nature of capitalistic economic enterprise or the transformative capacity of industrialism is the main force transforming the contemporary world. In their analysis of the nineteenth century European nation-state both assume not only that this new entity was 'national', but that it was also (for Marxists, sometimes) progressive, i.e. capable of developing a viable economy, technology, and state organization. That it was in fact the 'natural' (or the 'historic') unit of the development of the modern, liberal progressive bourgeois society (Giddens, 1979; Hobsbawm, 1979).

The founding of these states is commonly viewed as the consequence of a program based on sentiments of nationalism. The most prominent forms of nationalist sentiments, however, tended to emerge in those states that relatively early on developed fixed capitals, indicating that the means of propagating symbols from a 'national' cultural center was quite likely as important as any more spontaneous identity forged at the lower levels of society. The universality and the homogeneity of these identities initially in countries

such as England and France cannot be taken for granted - except perhaps among the institutions and culture of the ruling classes or the educated elite. However powerful national feelings and allegiances were - as nations turned into states, or the other way around - these were not just historically novel, though embodying the things (traditions, myths, etc.) members of some ancient human groups had in common, or thought they had in common, as against 'foreigners'. These actually had to be constructed, not in ethnic or linguistic communality but in the state's mobilization of different classes and strata for the struggle against a common enemy. Thus the crucial importance of the institutions which could impose national uniformity; this meant primarily the state, especially state education, state employment, and state military conscription (Giddens, 1985; Hobsbawm, 1975; Barrow, 1956).

More promising than Marxism or modernization theory for the study of nationalism is a perspective that explicitly introduces the international dimensions of the world nation-state system; one which stresses the political nature of nationalism and the systemic interaction of economic and political struggles and structures on a global level, including preparation for and participation in war. Either of the above approaches can easily assume 'external factors' under the definitional view that the state has a responsibility for maintaining the integrity of its 'society'. The pursuit of wars, diplomacy, treaties and alliances, covert

actions against other governments, the exchange rate and balance of payments are factors that are central to a state's existence, but, in these views, once recognized they do not need to be examined explicitly. A 'domestic bias', whether justified in these terms or not, does foreclose the chance of developing a theory that can account for the complexities of modern nationalisms and their varieties, which exist, after all, within the context of the world nation-state system (Dale, 1984).⁵

NATIONALISM AND THE WORLD SYSTEM

States are ... visible, functioning organisms. There exist also visible, functioning collectivities of collective identification - call them nations or ethnic groups or what you will - whose boundaries may be constantly changing, but whose existence at any given point in time can in fact be empirically measured. But where can we find 'societies' other than in the minds of the analysts, or of the orators?

Immanuel Wallerstein, 1984

There are two types of theories which focus on the 'world-system' as a unit of analysis; yet neither frequently impinges upon the theory of the nation-state as an explicit issue. One consists of Marxian influenced accounts of the spread of capitalism; the other is the kind of theory favored by political scientists who specialize in international relations, according to which the world is populated by state

5) Atheoretical generalization leads to problems; for example, the two major sociological works on nationalism, unfortunately, turn generalization into taxonomic intoxication, creating a staggering plethora of types and sub-types. See A.D. Smith, 1971, 1973; cf. Worsley, 1984.

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actors pursuing their goals, partly through cooperation and partly through conflict. In the former perspective, states appear as instruments of class domination or as facilitating the development of capitalist enterprise, but their territoriality is essentially unexplicated. In the second view, the territoriality of the state and its geo-political entanglements are given primacy - being regarded as the central influence shaping the development of the world system; relations between countries are confined to a specified international sphere where transactions between two or more essentially separate but similar entities are carried out on the basis of implicitly agreed rules. The transformations brought about by the global expansion of capitalism form a, more or less, vague backdrop to the activities of states (Morgenthau, 1967; Morgenthau & Thompson, 1952; Dale, 1984; Russett & Starr, 1985).

Each of these two positions is inherently incapable of fully explaining the nature of the modern world system and the nature of social power - each fails to come to terms with what the other demonstrates to be important; but, with regard to nationalism, both have further shortcomings as well. Neo-Marxian discussions such as those by Michael Hechter (1975) and Tom Nairn (1981), authors of the most influential recent accounts of national-separatism in the United Kingdom, minimize geo-political and military concerns and do not satisfactorily incorporate the concept of sovereignty into their analyses. The theorists of international relations,

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relatively unconcerned with economic matters and with what occurs within states, tend to underestimate the importance of internal struggles on external policies.

To conceive of the state as an 'actor', as this second school of thought does, is no more than a simplifying notion, to help one understand the complexity of relations between states; conceptually 'the state as actor' need not be given more significance than it merits (Nettl, 1968; Macpherson, 1977). However, nation-states are more like 'actors' than traditional states were for several reasons. They are clearly demarcated administrative unities, in which policies adopted are binding upon entire populations. As involved in a system of states, reflexively monitored by all, governments routinely negotiate with others in reaching policy decisions. Like other organizations, states have legally defined 'personalities' in which they are represented as equivalent to individual agents. However, the 'actor like' qualities of modern states have to be approached in terms of the essential characteristics of the nation-state rather than being taken primarily as a representative of the interests of capital or as a pre-established starting point for the study of international relations. To do otherwise obscures the fact that the interests of Western states are not always the interests of organized capital, that policy decisions are often highly contested within governments, and that 'governments' are not the equivalent of 'nation-states' (Giddens, 1985:289).

Nairn and Hechter stress the idea that the spread of capitalism is marked by the development of strong capitalist powers which penetrate into politically and economically weaker areas in such a way that the latter's peoples are exploited and their economies become unbalanced, distorted and dependent. It is the culturally and geographically based conflict that is induced by this process that serves as the basis of nationalist movements. They view nationalism as a response to the uneven development of the modern world, ranging from the reactions of fragmented European nationalities to the last, newly independent former colony. In Nairn's version the nationalism of the exploited nourishes that of the exploiter, who, in turn, develops a more conscious and bombastic great power nationalism. Nairn views this territorial conflict as the primary division implanted by capitalism, more intense and important than the conflict between classes. Hechter develops his ideas through a critique of 'diffusionist' theories of development which, according to him, postulate that states typically undergo an evenly spread growth of industry and commerce drawing all the population into a single integrated national culture. He argues that development typically favors a core region and a core ethnic group and reinforces or creates boundaries between this and subordinate ethnic groups. Hechter's is strictly speaking a theory of regional imbalance and ethnic identity but he is not surprised by the development of Celtic nationalism and much of the impact of his work

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derives from its use in explaining these phenomena (cf. Orridge, 1979).

Nairn and Hechter situate their analyses of nationalism within the context of the capitalist world economy, and so help us to understand the nature and the limits of the European 'world-system' that emerged in the sixteenth century. Ireland, like the Americas, can be regarded as one of those areas that was being directly integrated into a capitalist world economy as part of the colonized periphery or semi-periphery - an expanding hinterland for the core European states that functioned as a source of essential commodities that could be produced very profitably by repressive labor systems.

This capitalist world-economy, however, is abstracted apart from the world nation-state system and so their analyses of political and social relations are largely confined to internal, institutional processes. Nairn's conceptualization of the relevant level of power is systemic - his concern is with the social intervention of the capitalist state. Hechter's, on the other hand, is structural - his concern is with the internal organization of the bureaucratic state. Both theorists, though, focus on nationalism as a provider of collective identity and cultural pride; they see it as being based in relative deprivation and voluntarism. As theorists of nationalism, in short, they offer little that is new. The analyses they present, however, can be made more dynamic by carefully delineating the concepts of social power and

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sovereignty, along with those of unequal exchange and regional exploitation.

Since the 1960s world capitalist development has entered another major structural crisis with reduced and sometimes negative growth rates and tendencies to accentuate inequalities between and within countries. The analyses offered by Nairn and Hechter, focusing on the concentration of allocative resources, help us to conceptually link these trends with national-separatism. But this period has also been witness to a shifting of authoritative resources in the world nation-state system and heightened political tensions between the powers of east and west. On both sides there has been an increased emphasis on the likelihood of war and on the need for peace-keeping forces and military readiness. This has been accompanied by new waves of ideological contestation and increases in covert political activities on the part of state authorities in virtually every part of the world (Halliday, 1983; Petras, 1983).

Similarly, the period from the 1960s coincides with the introduction of a new trend in military policy within the Western alliance - 'low intensity conflict', or 'LIC' as it is known among Pentagon and NATO circles.⁶ LIC begins with counterinsurgency, and extends to a wide range of other

6) The term derives from military planners' image of the spectrum of conflict - a division of armed conflict into low, medium and high levels, depending on the degree of force and violence. Guerilla wars and limited conflicts fought with irregular units are called 'low intensity conflicts'; regional wars fought with modern weapons are 'mid-intensity conflicts'; a global non-nuclear war or a nuclear engagement are 'high-intensity conflicts'.

politico-military operations, both overt and covert and including civil/military coordination, particularly in the field of community relations. For Western policy-makers and war planners low intensity conflict has come to mean far more than a specialized category of armed struggle; it represents a strategic reorientation of Western military establishments, along with a renewed commitment to employ force and diplomatic and political tactics in a global campaign against 'insurgent' movements and governments (Adams, 1987; Burton, 1978; Derry Educational Workers Association, 1980; Hamill, 1986).

The Western adherence to LIC strategies stems from a consensus among policy makers and military planners that along with preparations for a large scale conflict in Europe, the smaller scale wars in the Third World and elsewhere should not go unattended. In the mind-set of many senior officials, the decisive battle of the late twentieth century is now unfolding in the "long twilight struggle" between Western LIC warriors and the revolutionary combatants of the periphery. There is a perspective that identifies peripheral insurgencies - not Soviet troop concentrations in Europe - as the predominant threat to Western security; it is, moreover, a perspective that allows Western governments to take the offensive - in contrast to the passive policy of 'deterrence' - to overcome potentially revolutionary opposition (cf. Klare & Kornbluh, 1988).

This deemphasis of conventional military tactics intersects with two closely related reasons for the emergence

of LIC doctrine - gearing paramilitary units toward and preparation for facing popular movements before they become openly insurgent, and the search for a politically acceptable means of waging war in sensitive spots around the world should violent opposition develop. All Western governments are engaged in such activities, but must, especially since the domestic conditions surrounding America's debacle in Vietnam, at times conduct such business under constraints imposed by the reality of an international and domestic environment inhospitable to the bald assertion of military power. Low intensity conflict offers an attractive solution to this dilemma: the prospect of waging a war not defined as such - but usually referred to as 'counterinsurgency' or 'peace-keeping' activities, with few soldiers directly deployed, and even fewer casualties.

Although the terminology and some of the tactics of current LIC doctrine are original (cf. Kitson, 1971:1-9), much of the intent is consistent with previous episodes in the history of core Western states, particularly since the end of World War II. With the Truman Doctrine in 1946, for example, the United States began to develop a rudimentary counterinsurgency strategy for use against Communist guerrillas in Greece. In 1947 the clandestine organizations that had been engaged in 'special activities' behind enemy lines during the war were reorganized under the National Security Act as the Central Intelligence Agency. Under successive administrations, the CIA became deeply involved in paramilitary

activities in Europe, the Middle East, Southeast Asia, and Latin America.

In the early 1960s U.S. armed forces were ordered to expand their Special Forces detachments and to step up training in counter-guerrilla operations. Inter-agency committees were established to coordinate State Department, Defense Department, CIA, and USIA political, economic, and psychological operations. The "near-obsession with guerilla warfare" in the Kennedy administration gave rise to the doctrine of counter-insurgency, which inexorably led the United States into Indochina. Vietnam was to be the first 'test-case' of America's counter-insurgency capability under realistic battlefield conditions. In his last year in office, Kennedy authorized an increase of Special Forces advisors, the deployment of U.S. combat aircraft, and the start of a broad 'civic action' program in South Vietnam in order to counter expanded guerilla activity by the North Vietnamese. "Here we have a going laboratory," General Maxwell Taylor informed Congress in 1963, "where we see subversive insurgency, the Ho Chi Minh doctrine, being applied in all its forms" (quoted in Klare & Kornbluh, 1988:9-10).

The British army has also been involved in many limited conflicts and counter-insurgency campaigns since 1945. These include Palestine, Malaya, Kenya, Oman, Cyprus, Aden and, of course, Ireland. The special warfare in Northern Ireland came into full operation about five years after the current troubles began there in 1969. The situation stems from

Ireland's tormented history, where there has never been any form of democratic tradition. Indeed, the agencies of the British state whose function is to counter and contain political movements, and so serve as braking devices to slow the movement of the political machine toward democracy, were first established in Ireland, and continue to be developed there. The urge to administrative consolidation that characterized other European states in the eighteenth and nineteenth centuries was blocked in England - in 1830 the French government, for example, had 930,000 salaried officials, its Ministry of Interior, 200,000; by contrast Britain's government employed 21,000, its Home Office, 29. This urge, however, did find an outlet in a less fortunate land. Ireland became a "social laboratory in which Englishmen were willing to experiment ... on lines which they were not prepared to contemplate or tolerate at home" (Palmer, 1975:411). MacDonagh (1977:43) has pointed out that in education, public works, medicine and public health, local government, and especially police and prisons the British government practiced centralization in Ireland long before employing it at home. He writes that

Ireland showed in macrocosm some of the forces making for collectivism everywhere. Slowly it became apparent that, however vast the differences between the two countries, many were differences of degree rather than kind; and that so far from bringing Ireland painfully to the stage at which laissez-faire might be safely loosed, the Irish trend merely anticipated, not to say abetted, a similar trend in Britain. The pressures were stronger in the weaker island, but they worked in both.

For example, in 1786, faced with strong opposition, from within the Dublin parliament which contributed to a general sentiment within British governing circles that if Ireland kept to its current course either separation from or union with Great Britain would become an inescapable choice, Britain engineered the passage of the Dublin Police Act. The bill created a single police district under the central control of a commissioner and the Home Office, forty three years before a similar plan would be in place in London.

Similar designs are at work in the north of Ireland today, the British still take a stance of towering above the Irish factions. Under the rubric of 'low intensity operations' various strategies are employed, among others: special operations, torture, provocations, manipulation of dissident resistance groups to discredit others, and psychological operations. Indeed, Ireland, as an experimental field for British policy, has been described as a "godsend to counter insurgency theorists" (Faligot,1983:4) who see the clear possibility of employing at home techniques developed for use in the third world. Ireland is in Europe and yet is separate from it because of its geographical isolation, economic underdevelopment, culture, traditions, and history. The British play upon this unique ambiguity, which they created: Northern Ireland is simultaneously foreign - thus military methods can be used against its people without shocking British public opinion - and an integrated part of the United Kingdom. Also, there is a large Irish community in

England. More than others - particularly since the IRA's British bombing campaigns of the early- to mid-1970s, the Irish are the internal enemy that enables infiltration into Britain of techniques used elsewhere. The chairman of a session on the role of armed forces in peace-keeping for the 1970s, organized by the Royal Institute for Defence Studies in 1973, echoed Maxwell Taylor when he stated that (Faligot, 1983:3):

...if we lose in Belfast we may have to fight in Brixton or Birmingham. Just as Spain was a rehearsal for a wider European conflict, so perhaps what is happening in Northern Ireland is a rehearsal for urban guerrilla war more widely in Europe, and particularly in Great Britain.

However, before assessing the problems of nationalism in the periphery of the United Kingdom, some conceptual and substantive observations should be made with regard to the notions of social power and sovereignty. The task at hand is to link these nationalisms to their organizational 'backdrop': the British state. The concepts of sovereignty (the notion of impersonal administrative power in the institutions of the nation-state) and power (which is institutionally mediated) can lead to an understanding of Anglo-Irish relations as a form of rule institutionally designed, despite its devotion to constitutions and popularly elected assemblies, to keep the masses of people from full and equal participation in political life.

SOCIAL POWER

Only complete political confusion and naive optimism can prevent the recognition that the unavoidable efforts at trade expansion by all civilized bourgeois-controlled nations, after a transitional period of seemingly peaceful competition, are clearly approaching the point where power alone will decide each nation's share in the economic control of the earth, and hence its people's sphere of activity, and especially its worker's earning potential.

Max Weber, 1898⁷

In its most general sense, power is the ability to pursue and attain goals through mastery of one's environment (Mann, 1986:6). Social power carries two more specific senses. The first restricts its meaning to mastery exercised over other people. Weber, for example, writes that "power is the probability that one actor within a social relationship will be in a position to carry out his own will despite resistance, regardless of the basis on which this probability rests" (1978:53). This is a notion of power as a phenomenon of willed or intended action. It is also found in the writings of Thomas Hobbes⁸ and in the pluralist school of political science, the works of Robert Dahl (1958, 1961) and Nelson Polsby (1960, 1963), for example. Here power is defined in terms of the capacity or likelihood of actors to achieve desired or intended outcomes. But, as Parsons pointed out, such definitions restrict power to its distributive aspect, power by A over B. For B to gain power, A must lose some -

7) M. Weber, "Die Ergebnisse der Flottenumfrage," *Münchener Allgemeine Zeitung*, 13 January 1898. Cited in W. Mommsen, 1984:77.

8) For Hobbes (1968:35), the power gained by one 'resisteth and hindreth the power of another'.

their relationship is a 'zero sum game' where only a fixed amount of power can be distributed among participants. Parsons correctly noted another collective aspect of power, whereby persons in cooperation can enhance their joint power over third parties or over nature. In most social relations both aspects of power, distributive and collective, exploitative and functional, operate simultaneously and are interlaced (Parsons, 1960).

According to this second formulation - which is shared by such otherwise diverse figures as Schattschneider (1960) and Poulantzas (1978) - power is specifically a property of the social community, a medium whereby common interests or class interests are realized. These are effectively two versions of how power structures may be constituted, and two versions of domination [each of which may link the notion of power to that of conflict, but neither of which necessarily does so]. The first tends to treat domination as a network of decision making, operating against an unexamined institutional backdrop; the second regards domination as itself an institutional phenomenon either minimizing power as relating to the active accomplishments of actors, or treating it as in some sense determined by institutions.

There have been various attempts to reconcile these two frameworks, primarily by exposing the limitations of the pluralist decision-making approach. The capability of actors to secure desired outcomes in interaction with others, according to Bachrach and Baratz (1962, 1963, 1970) is only 'one

face' of power; but power has another face, which is [in Schattschneider's (1960:71) phrase] "the mobilization of bias" built into organizations. The latter is a sphere of 'non-decision-making'; of implicitly accepted and undisputed practices surrounding the formation of a political agenda [in David Truman's (1951) words, "the rules of the game"].

The idea of non-decision-making, however, is only a partial and inadequate way of analyzing how power is structured into organizations, and it is framed in terms of the action approach that it is supposedly subjecting to critique. Non-decision-making is still basically regarded as a property of social actors, rather than of social organization. Bachrach and Baratz (1970:39,44), after all, [following Dahl] define a decision as "a set of actions related to and including the choice of one alternative rather than another... or, more simply, a choice among alternative modes of action"; a non-decision is a "decision that results in suppression or thwarting of a latent or manifest challenge to the values or the interests of the decision-maker."

Perhaps the most notable critical assessment of these issues is that of Lukes. Power, according to him, is not merely schizoid; it does not just have two faces, but three. He accepts that the non-decision-making [institutional] approach marks an advance over the decision-making [pluralist] view. The former of these, in contrast to the latter, is two dimensional because it does not simply concentrate upon the enactment of decisions, but also points to ways in which

issues are prevented from reaching the political agenda at all. As Lukes (1974:21-22) correctly notes, the specific limitation of the two dimensional view is that it is still too closely linked to the standpoint which it opposes. "The basis of the [social] system is not sustained simply by a series of individually chosen acts, but also, most importantly, by the socially structured and culturally patterned behavior of groups, and practices of institutions." Consequently, in place of the two dimensional view, Lukes (1978:669) introduces his view of power as three dimensional. This formulation, he argues,

allows for consideration of the subtler and less visible ways in which potential issues are kept out of politics through the behavior of groups and practices of institutions [which may not be analyzable in terms of individuals' decision making and may indeed be manifested by individuals' inaction].... Consideration of the third dimension of power opens up the whole question of how and to what extent the internal acceptance of rules of authoritative reasons and rules of recognition may be imposed by the superordinate upon the subordinate.

Lukes' three dimensional view invokes the notion of interests; he redefines power as the capability of one actor or party to influence another in a manner contrary to that other's interests (1974:33). However, there seems to be no reason to suppose that power is exercised only when A affects B in a way that is contrary to B's interest - as opposed to when A affects B in a way that is irrelevant to B's interest, or when A affects B in a way that accords with B's interest. The second of these, as Giddens notes, could only be excluded as a case of power if B always behaved in her/his own

interests, regardless of anyone else's intervention. But people do not always act in their own interest. It seems that the concept of interest, like that of conflict, is not logically connected to power, although substantively, in actual social life, the phenomena to which they refer have a great deal to do with one another. In any event the attaching of the idea of interests to the one- and two-dimensional views, which is Lukes strategy, does not in fact address the problem of how to incorporate socially constructed conduct within a theoretical treatment of social power; Lukes does not suggest that interests are a group, class, or structural entity rather than one that is attached to individual actors. By merely adding on another dimension to the decision-making and non-decision-making approaches Lukes unsuccessfully attempts to overcome the traditional distinction between 'voluntaristic' and 'structural' notions of power (Giddens, 1979:88ff.; Miliband, 1980).

In subsequent publications Lukes acknowledges this dilemma and addresses the problem directly. He argues that power in social theory is intricately connected to human agency; an individual or party who wields power could have acted otherwise, and the individual or party over whom power is wielded would have acted otherwise if power had not been exercised. Lukes uses the concept in the same sense as Giddens, as expressing a major mode of connection between action theory and structural analysis. 'Agency' does not refer to a series of discrete acts combined together, but to a

continuous flow of conduct; regularized acts are treated as situated practices. It is a necessary feature of action that, at any time, the agent could have acted otherwise: either positively in terms of attempted intervention in the process of events in the world, or negatively in terms of forbearance. He (1977a:6-7) writes that

to use the vocabulary of power...in application to social relationships is to speak of human agents, separately or together, in groups or organizations, through action or inaction, significantly affecting the thoughts or actions of others. In speaking thus, one assumes that, although the agents operate within structurally determined limits, they none the less have a certain relative autonomy and could have acted differently.

In representing structure as placing limitations or constraints on the activities of agents, however, Lukes tends to repeat what Giddens calls 'the dualism of agency and structure'; Lukes (1977:18) writes of "where structural determinism ends and power begins", and is unable to deal satisfactorily with structure as implicated in power relations and power relations as implicated in structure (Giddens, 1979: 91; Alford & Friedland, 1986).

However, power can be conceptualized within the context of what Giddens refers to as the 'duality of structure', that is to say, structure as both the medium and the outcome of the conduct that it recursively organizes. Structural properties of social systems do not exist outside of action but are continually implicated in its production and reproduction (Giddens, 1984:374). Furthermore, it is wrong to treat power itself as a resource as many social theorists do. Resources

are, as Mann (1986:6) argues, the media through which power is exercised and structures of domination are reproduced. If the resources which the existence of domination implies and the exercise of power draws upon are viewed as structural components of social systems, then the exercise of power is not just a type of act, "rather power is instantiated in action, as a regular and routine phenomenon" (Giddens, 1979: 91).

This notion of resources as structural components of social systems figures prominently in recent theoretical treatments of social power (Foucault, 1980; Giddens, 1981; Mann, 1986). The conceptualization of social power as both 'transformative capacity' [the characteristic position held by those viewing power in terms of the conduct of social actors], and as 'domination' [the primary focus of those who concentrate on power as a structural feature], depends upon the employment of resources; thus, it is useful to regard each view as implying the other. Resources do not automatically enter into the reproduction of social systems, but operate only in so far as they are drawn upon by contextually located actors. They are the media whereby transformative capacity is utilized as power in the routine course of social interaction, but they are simultaneously structural elements of social systems as systems, built up through their employment in social interaction. Giddens (1979:92) writes,

This is therefore the correlate, in respect of power, of the duality of structure in respect of the communication of meaning and of normative sanctions: resources are not just additional elements to these,

but include the means whereby the meaningful and the normative content of interaction is actualized. 'Power' intervenes conceptually between the broader notions of transformative capacity on the one side, and of domination on the other; power is a relational concept, but only operates as such through the utilisation of transformative capacity as generated by structures of domination.

Resources involved in the reproduction of social systems that have a degree of continuity across space and time form components of the structural properties of those social systems. Giddens identifies two types of resource, both of which enter into structures of domination: a) allocative resources - or dominion over material facilities, including material goods and processes and the natural forces that may be harnessed in production; b) authoritative resources - or the means of dominion over the activities of human beings themselves. These two types of resource combine differently in different types of society. The generation of allocative resources is undoubtedly influenced by the forms of technology available in any society; their level of concentration, however, depends primarily on factors creating authoritative resources (Giddens, 1985:2-16; Tilly, 1985).

There are at least four such factors: a) surveillance - the control of information and the management of the activities of some groups by others. Surveillance tends to be maximized in modern types of organization and is the key to the expansion of authoritative resources through which modern organizations - in particular the modern state - systematically study and utilize materials relevant to their own reproduction; b) a specialized administration staffed by

vocational officials; c) the facilitating of the scope and the intensity of sanctions, especially in the development of permanent armed forces, within two locales of overwhelming historical significance - the city in 'traditional' societies and, in modern societies, the nation-state; d) the existence of conditions of system integration [bearing in mind that societies are both social systems and consist of social systems] that influence the formation of ideology and social action and also encourage the acceptance of particular symbolic orders by different publics within these societies. Particularly relevant are those 'traditions' or rituals that establish or legitimize institutions, status, or power relations, those that establish or symbolize social cohesion or the memberships of social groups, or those that inculcate beliefs, value systems, or conventions of behavior (Giddens, 1985; Hobsbawm & Ranger, 1984; Lukes, 1977b).

Power within social systems that maintain continuity over time and space presumes regularized relations of autonomy and dependence between individuals or groups in contexts of social interaction. But all types of dependence offer up resources whereby those who are subordinate, even though organizationally outflanked, can influence the activities of their superiors. This phenomenon, termed 'secondary adjustments' by Goffman (1961) and 'the dialectic of control' by Giddens (1979), is an intrinsic feature of regularized relations of power within social systems. For examples of this we may look to the Goffman's treatment of the 'underlife' of total

institutions or to the analysis of class conflict in modern capitalism. No such analysis is possible here, but we can regard the early days of the labor movement as a type case of the operation of the dialectic of control. The 'free' labor contract, as Marx noted in his critique of political economy, served to consolidate the power of capitalists over workers. However, the workers subsequently were able to turn the labor contract into a resource [albeit an increasingly limited one] of their own, through the collective withdrawal and bargaining of labor (Giddens, 1979; Habermas, 1975; Portes & Walton, 1981).

SOVEREIGNTY, STATE MAKING, AND CITIZENSHIP

But as the progress of democracy is the result of general social development, an advanced society, while commanding a greater share of political power, will, at the same time, protect the State from democratic excesses. If the latter should anywhere prevail, for a time, they will be promptly repressed.

Sir T. Erskine May, 1877⁹

The state - or apparatus of government - is often linked to the notion of an impersonal and privileged legal or constitutional order with the capability of administering and controlling a given territory. This notion found its earliest expression in the ancient world [particularly in Rome], but it was not to become a central concern of political thinkers until the development of the European state system from the sixteenth century onward. The development of this type of

9) Quoted in Hobsbawm, 1975:106.

political order - a legally circumscribed structure of power with supreme jurisdiction over a territory - was improbable while political rights, obligations and duties were closely linked to feudal property rights and religious tradition. Similarly, the idea that human beings as 'individuals' or as members of a 'nation' could be active citizens of this order - citizens of their state - and not simply dutiful subjects of a monarch or emperor was unlikely to develop under such conditions. Power in medieval Europe was dispersed throughout a system of overlapping power networks, loosely focused on Christendom, but never ideologically or politically whole. Eberhard (1965) describes medieval China in similar terms, as multitiered - composed of many layers on top of one another and many small 'societies' existing side by side.

The historical changes that contributed to the transformation of medieval notions of political life were tremendously complicated. Struggles between monarchs and lords over the domain of rightful authority; peasant rebellions against the burdens of excess taxation and social obligations; the extensions of trade, commerce and market relations; the flourishing of Renaissance culture with its renewed interest in classical political ideas [including the Greek city-state and Roman law]; the consolidation of absolute monarchies in England, France and Spain; religious strife and the challenge to the universal claims of Catholicism; the struggle between church and state - all played a part. As the grip of feudal corporatism was loosened, the nature of

political power, law, rights and duties - and their organizational embodiment - emerged as a preoccupation of European political thought. By the eighteenth century the concept of 'the state' had become the central object of political analysis (Held, 1968; Macpherson, 1977).

The works of Jean Bodin (1530-96) and Thomas Hobbes (1588-1679) directly express the concerns that accompanied these developments. In his work *De Cive* (1642), Hobbes states that his aim is "to make a most curious search into the rights of states and the duty of subjects" (quoted in Held, 1983). Until challenged by, among others, Karl Marx in the nineteenth century the idea of a modern state came to be associated with "a form of public power separated from both the ruler and the ruled, and constituting the supreme political authority within a certain defined boundary" (Skinner, 1978:353). But the nature of that power and its relationship to ruler and ruled were the subject of controversy, a focus of ideological confrontation, and a constant sparking point of struggle.

Some light can be shed on the distinctive nature of this public power, its development, and its claim to legitimacy by following the progressive shaping of the concept of sovereignty from the sixteenth through the eighteenth centuries. It is a concept that can help us to pry open the discontinuities that separate the modern world from prior epochs. 'Sovereign' suggests an etymological connection with the idea of an individual ruler but this is not its primary origin, which helps explain why it was easily transferred to

an impersonal form of 'sovereignty'. Prior to Bodin, the term 'sovereign' had been applied to any individual of rank, including the heads of ecclesiastical organizations. However, the word was more usually applied to the characteristics of organizations themselves - three sovereign courts of law were recognized in France, for example (Giddens, 1985:94).¹⁰

In asserting that there can be only one sovereign, Bodin and Hobbes were not merely asserting the transcendent authority of the individual monarch, they were describing, advocating, and helping to constitute a co-ordinated system of administrative order and a novel type of reflexively monitored state system, signalled by the formation of the absolute state and subsequently maximized in the nation-state. Indeed, neither the fact of a non-monarchical regime, nor the various theories of republicanism and libertarianism associated with the English revolution could have come about without the prior establishment of the 'discourse of sovereignty'. Within the political theory of the time, the concept of 'sovereign' was open to elaboration in that it juxtaposed the assertion of the supreme authority of an individual to a more generalized interpretation of state power, in which there was no necessary

10) Bodin is generally credited with being the first Western political thinker to ask the question 'What is a state and how is it constructed?' He broke with convention by arguing that the unqualified right to command is the distinguishing mark of the ruler. This characterization of the sovereign in terms of power marks the break with the traditional view of the king as the embodiment of justice. For Bodin, "(s)overeignty is that absolute and perpetual power vested in a commonwealth.... A perpetual authority ... must be understood to mean one that lasts for the lifetime of him who exercises it.... all power is conveyed to him and vested in him." Jean Bodin (1955, bk. 1, ch. 8). cf. Benn (1955).

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place for kings or monarchs at all.¹¹ As the drive toward sovereignty engendered a centralization of resources in the hands of the territorial ruler, it stimulated a general awareness that political power depends upon collective capabilities which the personage of the monarch may signify, but to which the traditional trappings of kingly rule have little relevance (Giddens, 1985:198-209).

For Hobbes, when men contract with one another to leave the state of nature, the equality of nature gives way to subordination to the ruler; the state is pre-eminent in social life in that it provides the conditions of existence in civil society. This it accomplishes through the powers of command of the sovereign - established in the legal system - and through the capacity of the sovereign to enforce the law - established through the coercive power of the military. Since the sovereign is the sole interpreter of both natural and historical law a unique relation of authority comes to exist, the relation of sovereign to subjects; and a unique political system is created, the exercise of sovereign power - the authorized [hence legitimate] use of power by the person established as sovereign (Sibley, 1970:351).

This idea that the sovereign could create and enforce new laws was reinforced by the promulgation of statutes designed to apply in impersonal fashion to the whole of the population,

11) For John Locke (1963) an absolute sovereign and the arbitrary use of authority are inconsistent with the integrity of individual rationality and its ultimate realization through society; sovereignty remains ultimately with 'the people' and is best exercised through a parliamentary body.

with (in theory) no exclusion for rank. In European feudalism the Estates claimed legal prerogative of a traditional nature that they also had the right to sanction, with the use of force if necessary. The ruler had similar rights but was required to enter into a compact with the Estates in any modification of the legal procedure. In the absolute states, bodies and organizations outside the central governmental apparatus became at most "a privileged audience whose individual components might be graciously exempted from the unpleasant effects [especially fiscal ones] of the new rules." But the Estates were no longer capable of seriously modifying or mediating his will, of screening the larger society from it (Poggi, 1978:73).

A second set of changes has to do with the content of the law, particularly with regard to private property. The recovery of Roman law played an important part in shaping these changes but its role has sometimes been exaggerated, especially if the characterization of its origin is taken seriously. Some features of late- and post-medieval 'Roman' law are not found in Antiquity at all, and others were substantially modified. According to Max Weber, Roman legal logic "utilized and manipulated numerous individual concepts with the greatest boldness in order to achieve actionability in the most diverse situations Property, in national Roman law, was by no means a particularly abstractly ordered institution, and it was not even a unitary one in general" (Weber, 1978:800-1). The process of the rediscovery of Roman

law then, also reformulated it.¹² In its reconstituted form, Roman law provided the means of separating private property from the public domain in a way that was not possible within the feudal order. Giddens¹³ (1985:100) writes that,

the differentiation of *jus* and *lex* ... rendered the formalizing efforts of absolutist administrations highly consequential for subsequent political and economic development. The latter gave a ready foundation for the attempts of rulers to clear away medieval licenses in favour of their own law-making capacity. But the former, at the same time and in some degree as part of the self-same process of law-making, helped engineer new possibilities of 'private ownership' of both land and goods outside the scope of state power. The claim that the effect of changes in the nature of law was simultaneously to shore up the overall dominance of the traditional feudal class, and help confirm the growing strength of commercial and manufacturing capital, is not a paradoxical one.

A third factor of major significance concerns changes in criminal law and in the types of sanctions appropriated by the state apparatus. During the period of absolutism law became separated from ethics, and a strict legal formulation of the idea of criminal culpability was established by placing it in close relationship with a legally defined 'fact'¹⁴; public

12) England, of course, developed under its system of common law and not the reformulated Roman law. Weber (1966:131) notes that capitalist development took place in England not merely despite its legal system but, perhaps, largely because of it. "These very elements of 'backwardness' in the logical and governmental aspects of legal development enabled business to produce a far greater wealth of practically useful legal devices than had been available under the more logical and technically more highly rationalised Roman law."

13) Giddens employs the distinction, common in legal discourse within the tradition of Roman law, between civil law - regulating the relations between citizens (*jus*), and public law - governing the relations between the state and its subjects (*lex*) (cf. Held, et al., 1983:313).

14) For Hobbes (1968:224) "A CRIME, is a sinne, consisting in the committing (by Deed or Word) of that which the Law

policies become a "claim to truth" (Gadamer,1976). There also occurs the beginnings of incarceration and the extension of sanctioning controlled by the state, supplanting the forms of local community sanction that had previously been relied upon. There are close associations between the first two types of juridical transformation mentioned and this third one. The idea that a unitary sovereign should replace feudal corporatism - as a condition of eliminating civil strife - found in variant form in Bodin and Hobbes, incorporates a stress upon 'order' or social discipline. For Bodin (1572), the "end of the state is to produce a well ordered life" (King,1974:71). For Hobbes (1968:ch.14), beyond the sovereign's sphere of influence there is the chaos of constant warfare; but within the territory controlled by the state, with some "fear of coercive power", social order can be sustained. This juxtapositioning of 'order' and 'anarchy' - also existing, albeit in different form, in the European state system - is intrinsic to the conception of sovereignty. It points the way not just to acknowledging the need for a generalized social discipline that would be monitored by the state, but to the formation of an idea of 'deviance'. 'Deviance', as already noted, is not a set of activities or attitudes separate from the surveillance operations of the state, but is cast in and through them. "The creation of 'deviance', within the modern state is contemporaneous with the fact of its suppression" (Giddens,1985:309).

forbiddeth, or the Omission of what it hath commanded. So that every Crime is a sinne; but not every sinne a Crime."

Although, as with most of the traits of absolutism, there were wide variations between countries, it was in the sixteenth and seventeenth centuries that carceral organizations tend first to become fairly widespread. These developments began in England - connected with the relatively early administrative rationalization of state authority there - with the building of houses of correction dating from an edict of 1575. A statute of 1676 required every French city over a certain size to establish an Hôpital Général based on the Parisian model.¹⁵ Far into the eighteenth century the houses of correction accepted convicts, vagrants, orphans, the aged, and lunatics without distinction. Little discrimination was shown in incarcerating people. Wherever imprisonment had been introduced those in power used it to remove 'undesirable' characters, often with no definite procedure being established but with work imposed as a moral rule, though not always with production in mind. What Dorner, after Foucault, terms the "epoch of the administrative sequestration of unreason" can reasonably be described as one in which the church could no longer, and bourgeois-capitalist society could not yet, encompass the various forms of the undesirable, especially the

15) Foucault (1965:40ff.) writes: "In its functioning, or in its purpose, the Hôpital Général had nothing to do with any medical concept. It was an instance of order, of the monarchical and bourgeois order being organized in France during this period.... A quasi-absolute sovereignty, jurisdiction without appeal, a writ of execution against which nothing can prevail - the Hôpital Général is a strange power that the King establishes between the police and the courts, at the limits of the law: a third order of repression."

poor and the deranged (Giddens,1985:101; Doerner,1981; Foucault,1975).

In their critique of classical liberal theory Bentham, Mill, and the Utilitarians provided the basis of nineteenth century 'English liberalism': the state was to have the role of the 'nightwatchman' or the 'referee' while individuals pursued their own interests according to the rules of economic competition and free exchange. Periodic elections, the abolition of the powers of the monarchy, and the separation of powers within the state along with the free market would lead to the maximum benefit for all citizens. The free market and the free vote were sine qua non. An essential presupposition was that the collective good could be properly realized in many areas of life only if individuals interacted in competitive exchanges, seeking their utility with minimal state interference. However, tied to the advocacy of a 'minimal' state whose scope and power were to be strictly limited, there was a strong commitment in fact to certain kinds of state intervention - the curtailment of the behavior of the disobedient, whether they be individuals, groups or classes. Those who challenge the security of property or the market society undermine the realization of the public good (Mill,1828) In the name of the public good, the utilitarians advocated a new system of administrative power for 'person management'. Prisons were a mark of this new age. Whenever laissez-faire was inadequate to ensure the best possible outcomes, state intervention was justified to re-order social

relations and institutions. The enactment and the enforcement of law, backed by the coercive powers of the state and the creation of new state institutions, was legitimate to the extent that it maintained utility (Held,1983).

Like all states the absolute state relied upon the widespread collection of taxes. In the period of absolutism, however, taxation becomes 'fiscal' in the modern sense of that term, involving the economic organization of a recognized public domain of finance and expenditure. In some ways the emergence of the modern 'tax state' typifies the development of impersonal sovereignty and the insulation of the political and the economic. The tax collecting activities of traditional states had a certain 'public' character, in so far as the administration was involved with the co-ordination of various segments of the population. But only in the modern state does the administrative purview of the state relate to all members of the population and attempt to integrate its activities with theirs. This involves the considerable expansion of administrative bureaucracy and the linking of taxation to the surveillance operations of the state (Giddens,1985:157). With absolutism tax policies came to be used both to monitor and to regulate the distribution and the activities of the population, and contribute to the expansion of surveillance operations. "Taxes", Braun writes, "(were) used as tools to increase population (tax burden on bachelors; tax reduction for children), to reduce laziness and force people to work, to check human vices, to influence consumption patterns ... and

so forth. The education or social goals of such taxes characteristically prevail over the fiscal goals" (Braun, 1975:246). But in the modern state taxation is also a means of underwriting the expenses of the state, since production is largely carried on outside the scope of its direct control.

Throughout the period of absolutism engagement in extended military confrontation entailed a massive drain on the resources of the major states. It has been estimated that in the late sixteenth century over three-quarters of the revenue of the Spanish state was being expended on military affairs. During the entire seventeenth century there were only seven years in which there were no major wars between European states. "War", in Clark's words, "became an industry of the state." States had, of course, always engaged in war making. But at a time when the waging of war became more expensive and complex, with technological advances in weaponry and changes in the recruitment and training of the military, the management of fiscal resources assumed other dimensions - including the cost of the disarming of potential rivals to royal power, begun in England under the Tudors and in France by Richelieu. Through these the early expansion of capitalism was given a significant boost by the demand for huge sums of money to finance military forces (Clark, 1947:98; Giddens, 1985: 222-243).

Rulers who waged war involved themselves not just in the extraction of taxes from the populations which they controlled, but also in the promotion of capital accumulation

by those who could help them borrow and buy. War making, extraction, and capital accumulation came together in European state making. Rulers did not undertake these consequential activities with the intention of forming national states - centralized, differentiated, autonomous, extensive political organizations, not did they ordinarily foresee that such states would emerge from them.

"Instead", writes Charles Tilly (1985:172),

the people who controlled European states and states in the making warred in order to check or overcome their competitors and thus enjoy the advantages of power within a secure or expanding territory. To make more effective war, they attempted to locate more capital. In the short run they might acquire that capital by conquest, by selling off their assets, or by coercing or dispossessing accumulators of capital. In the long run, the quest inevitably involved them in establishing regular access to capitalists who could supply and arrange credit and in imposing one form of regular taxation or another on the people and activities within their spheres of control.

As the process continued, rulers developed a durable interest in the promotion of capital accumulation. Differences in the difficulty of extracting resources, in the expenses required for the maintenance of the armed forces, in the amount of war required to stave off competitors, and so on resulted in the principle differences in the forms of European states. It began, as Hobbes reminds us, with the effort to organize and, if possible, monopolize the means of violence within a delimited territory proximate to a ruler's base.

The centralization and expansion of sovereign power, although unprecedented, was clearly limited in scope and throughout Europe "its development remained clogged by all

manner of medieval rubbish, seignorial rights, local privileges, municipal and guild monopolies and provincial constitutions" (Marx, 1977:217-218). However, many cities which had enjoyed considerable autonomy from the central political apparatus were brought under the regulation of mayors appointed by the crown. The authority of parliaments, where they existed, was curtailed and restructured. New official positions were created alongside long existing ones, resulting in a complex web of intersecting relations of authority, distributed both laterally and hierarchically. Estates were repressed, sometimes quite ruthlessly. Since these organizations were composed of nobility, gentry, and their representatives these changes are generally understood to indicate that the absolute state was based on collusion between the monarch and the commercial capitalist class. This was, in fact, the view expressed by Marx. According to him (Marx, 1977:217; cf. Hill, 1953)),

The centralized state power, with its ubiquitous organs of standing army, police, bureaucracy, clergy, and judicature - organs wrought after the plan of a systematic and hierarchic division of labour - originates from the days of absolute monarchy, serving nascent middle-class society as a mighty weapon in its struggles against feudalism.

There seems to be little doubt among historians that, in varying degrees, in France and elsewhere, urban corporations co-operated with the absolutist ascendancy in ways that the Estates did not. Cities were willing to relinquish a certain amount of administrative autonomy in exchange for the establishment of broader frameworks of law that facilitated

the expansion of commercial and manufacturing interests. The co-operative autonomy of the craft guilds, for example, represented a barrier to the use of free wage-labor as a means of expanding production. However, as important as anything was the fact that the city was outmoded as a defensive form in war - advances in military technology had rendered its role in this regard largely obsolete. The increasing redundancy of the city, in its traditional form, in political, military and economic terms is a particularly significant transition, initiated - but not completed - as part of the development of the sovereign absolute state.

The interpretaion offered by Marx has been called into question, even by historians largely sympathetic to Marxian analysis. Thus Perry Anderson 1979:18) accepts that the absolutist state "was never an arbiter between the aristocracy and the bourgeoisie, still less an instrument of the nascent bourgeoisie against the aristocracy" Rather, it is more accurately viewed as expressing the perpetuation of the class domination of the traditional, land-owning minority which became significantly transformed "largely as an unintended consequence of attempts to deal with threats internally and externally" (Giddens,1985:97).

Following that fragile, but well established, distinction between 'internal' and 'external' state making processes, the external processes involved in the development of modern states are much more significant than some major schools of thought of a left-liberal or socialist bent (those initiated

by the writings of Marx and Durkheim, for example) have been given to suppose. Internally, the most significant factors were, as Anderson suggests, efforts on the part of rulers to cope with changes that led to the partial dissolution of the autonomy of local peasant communities. The consequence was a "displacement of politico-legal coercion upwards toward a centralized, militarized summit - the Absolutist State. Diluted at the village level, it became concentrated at the 'national' level" (Anderson, 1979:19). The presence of the partially autonomous urban communes also was of great significance in preventing the post-feudal state from crushing the peasantry in time-honored fashion. And, as a result, a quite distinctive political order was thereby created (Giddens, 1985:97).

The impact of absolutism in fortifying the bureaucratic rule of a territorily bordered state should not be overstated. Marx's views notwithstanding, it is only with the development of the nation-state that a consolidated administrative apparatus of state power becomes "ubiquitous". If it can justifiably be considered as the most advanced development of the absolutist state, France under Louis XIV was still far removed from the nation-state form (Hayes & Cole, 1956:ch.34). In many ways it was the most homogeneous country in Europe. Although most of the inhabitants spoke the same language, there were still extreme differences in the dialects used in various provinces. Local communities retained a great deal of autonomy in the administration of their affairs and large

regional variations and overlapping criteria of application existed in both legal and fiscal administration. Even the ruler was not simply the King of France; in the South he was referred to as, and called himself, the Comte de Provence, and in Dauphinè he was Dauphin de Viennois (Giddens, 1985: ch.4; Cobban, 1957: ch.4).

It is against this backdrop that the development of absolutist legal and fiscal systems should be assessed. There is no doubt that they mark a crucially important step in the consolidation of the central state apparatus. But they were transitional, as were other aspects of the absolutist state. If absolutism were considered merely as the concentration of authority in the hands of the monarch, the changes in law could be seen as the overall subordination of the political order to the will of a tyrant. But if the absolutist state is regarded in terms of the co-ordination of 'sovereign administration', the extension of codified law appears in quite another light. It is then an essential part of a generalized apparatus of power (Giddens, 1985).

The absolutist state is a distinctive political order in several crucial respects, compared with previous forms of state organization. Along with fiscal, legal and military advances, absolutism marks another development in the history of European state organization: departure from the established pattern of the rise and fall of empires (Wallerstein, 1974). This entails, first and foremost, the formation of a new type of reflexively monitored state system, associated substan-

tively and conceptually with the notion of sovereignty. The conception of sovereignty, linked simultaneously to the position of the absolutist ruler and to the formation of an increased bureaucratic centralism, is one of the most important elements connecting the 'internal' development of the state with the 'external' consolidation of the state system - considered by contemporaries to be "reciprocal means and ends" (Meinecke, 1984:250). By its very nature this formulation of sovereignty creates a clear distinction between the authority of different sovereigns and accentuates the territorial demarcations between states. It also demands a substantial alteration in the nature of these demarcations: from medieval frontiers, chronically disputed, never clearly administered boundaries bearing little direct relation to the political or economic activity of the state concerned, to eventually borders - known geographically drawn lines separating and joining two or more states. Borders are found only with the emergence of the nation-state. The processes associated with the realignment of European states' boundaries did not culminate until well into the nineteenth century (Meinecke, 1984:50).

Standing diplomacy is perhaps the most notable expression of the fact that a new kind of state system had come into being, as ridden with conflict as its predecessor, but depending also on the recognition of each state as the domain of legitimate autonomy of others. Legitimacy in this context is the probability that other sovereign power holders will act to

confirm the decisions of a given sovereign power holder. In the modern world-system of states, legitimacy depends rather little on abstract principle or the assent of the governed. As Stinchcombe (1968:150) writes: "(those) over whom power is exercised (are) not usually as important as other power holders." Other power holders are much more likely to confirm the policies of a challenged authority that wields substantial force. "Not only fear of retaliation," Tilly (1985:171) writes, "but also desire to maintain a stable environment recommend that general rule."

The institution of permanent diplomatic corps, a creation of the Italian Renaissance, was quickly established throughout Absolutist Europe and just as the French state was the most powerful in Western Europe, so it was the leader in diplomacy (Mattingly, 1955). If Louis XIV was the epitome of the absolute monarch, his administration was also the most advanced in terms of diplomatic training and manoeuvring. The Comte d'Avaux, through his dispatches, generated something like a general account of the practice of the new diplomatic ordering of European states. The French secretaries of state accumulated a complex set of sources of information about the conditions and the fortunes of other states, contained in regular reports and memoranda. The specific relevance of this is that it marks the extension of surveillance operations into the sphere of 'international' relations. Nothing precisely comparable seems to have existed in the history of traditional state forms, and it is a key element in the watershed that

separates the modern nation-state system from previous types. By the beginning of the eighteenth century diplomacy in France was still arranged in a rudimentary fashion - Louis XIV continued to assign generals and clerics to important diplomatic missions. Professional diplomats had little in the way of training for their jobs, the more momentous tasks being almost solely the prerogative of high-ranking noblemen. By the end of the eighteenth century, however, most European countries had large corps of diplomatic staff, in country and abroad, permanently working on foreign affairs (Giddens, 1985: 83-116; Meinecke, 1972).

A particularly significant innovation of the absolutist period was the holding of congresses (Giddens, 1985: ch. 4). There were international gatherings in medieval Europe, most notably among ecclesiastics, and some of the protocol that characterized them survived into later times. These congresses were, however, essentially different, and Clark (1947: 135) appropriately describes them as "one of the great landmarks of the (seventeenth) century." The representatives of states had met before this, but the congress of Westphalia, at the end of the Thirty Years War, was in several ways very different (Gross: 1968). It was a general European congress, concerned with grounding the relations between the diversity of European states. The meetings took place in two cities, Münster and Osnabrück, and included were the representatives of every European state except those of the less central regions of England, Poland and Denmark. By 1715 nine other

congresses had been held, although none on such a scale as that of Westphalia. The plethora of treaties that emerged gave rise to a distribution of territorial state authority throughout Europe in each subsequent congress, ensuing wars and conflicts bringing other in their wakes. From the seventeenth century onward, the history of Europe has been decisively influenced by such congresses, usually following periods of protracted war, up to and including Yalta.

The idea of the 'balance of power' among European states has become such a common and prosaic one that it is at times difficult to understand just how new it was in the seventeenth century, or how significant it thereafter became in the state system of absolutism and in the world nation-state system. The treaties of Utrecht established its first firm foundation; subsequently it became a principle acknowledged by states both in order to wage war and to sue for peace. It was a principle of attainable equilibrium fully as important for the development of the modern world as that of the 'hidden hand' in the realm of economic relations. Its significance does not rely primarily on the idea of a balance of forces to be actively worked for by the power holders in a state, but on the explicit acknowledgement of the legitimacy of other states, none of which has the right to universalize its own administration to the detriment of others. It is a formula for organization (Giddens,1985). It is also a formula for anarchy - an absence of control from a specific center, not a total lack of control (King,1974:17) - in that each state, in

gaining acceptance of its own sovereignty, acknowledges the individual sovereign spheres of others. There is a paradoxical character to this system of states which is increasingly integrated but which none the less provides strong and clear recognition to the distinct legitimacy of all states thereby joined together (Manning, 1962).

The states of late medieval Europe fall into two categories: those capable of benefitting from the new doctrines and, through diplomacy and war, expanding, and those that, as a result lost large areas of territory or were eliminated altogether. The likelihood of war was increased rather than lessened in so far as diplomatic manoeuvring could lead to the rise of armed conflict when none was intended; and once started, the impact of federated alliances could lead to a much wider military confrontation than might otherwise have been the case (Meinecke, 1984). Most of the European efforts to build states ended in failure. There were some five hundred more or less self-directing political units in Europe in 1500, a number which had shrunk to twenty-five by 1900. As Tilly (1975:38) points out,

The enormous majority of the political units which were around to bid for autonomy and strength in 1500 disappeared in the next few centuries, smashed or absorbed by other states-in-the-making. The substantial majority of units which got so far as to acquire a recognizable existence as states during those centuries still disappeared. And of the handful which survived or emerged into the nineteenth century as autonomous states, only a few operated effectively - regardless of what criterion of effectiveness we employ.

The states that disappeared did so largely as a consequence of political and military defeat. As the European state system developed and as the territories of power holders became less scattered and diffuse and more continuous, the probability of the 'accidental' outbreak of war on a large scale grew. This likelihood was increased by the relative paucity of systematic information that states were capable of gathering both internally and about each other (Fisher, 1919:3-30).

Following the development of the primary elements of a reflexively monitored state system in the absolutist period, new borders began to be created between states, despite numerous remaining frontiers. Along with the replacement of borders for frontiers the character of the territoriality of the state became transformed. The emergence of the sovereign state has so often been treated as a strictly internal affair that it is worth stressing that it necessarily has external implications for the state as well. The state is to have complete authority within its own domain, all rights being conferred by the sovereign and revocable by him. This formulation marks a clear distinction between the authority of different states, and sets forth a new importance to the territorial demarcations between them (Giddens, 1985).

The development of sovereignty is of major significance in relating what initially appears to be quite opposing developments: the authority of the absolute monarchs and the emergence of the modern democratic states. While the movement

toward sovereignty generates a centralization of resources in the hands of the ruler, it simultaneously stimulates a general awareness of the collective dimensions upon which political power depends.

There are two contrasting explanations of the development of modern democracy. On the one hand there is the Marxist account, which attempts to explain the origins of democratic participation in terms of class dynamics. This version has been presented with varying degrees of subtlety, but its basic outline is clear enough. The main transformative influence shaping the emergence of democratic politics is the development of capitalism and the class struggle that this involves. 'Bourgeois freedoms' entail a range of civil and political liberties achieved through the conflicts that pitted the members of the rising capitalist class against the landed aristocracy. 'Bourgeois rights', which were proposed by their advocates as universal, in fact serve to legitimate the dominance of the capitalist class. While Marx might concede - especially in his more detailed political studies rather than his more abstract sketches - that struggles involving such rights may be substantively apart from class conflict, for the most part they are seen as the surface representation of class division (cf. Marx, 1974; Marx & Engels, 1964). An opposing view is presented by Marx's critics. Bendix (1978), for example, seeks to reverse the Marxist position, arguing that while struggles over civil and political rights were in certain historical circumstances linked to class conflicts,

the former have primacy over the latter. Neither the origins nor the consequences of the democratization of the modern state are in a significant way shaped by class conflict. The struggles that are taken by Marx to be illustrative of class conflict in nineteenth century Europe are seen, by Bendix, as endeavors on the part of excluded groups to become fully participating members in the democratic polity.

Few concepts are more fervently debated than that of democracy. I shall not attempt to trace the course of these debates but shall follow Lindbloom (1977:132) in regarding 'democracy' in its broadest sense as equivalent to 'polyarchy'. Polyarchy means "rule by (the) many", and involves "the continuing responsiveness of the government to the preferences of its citizens considered as political equals"(Dahl,1971:1-2). Electoral systems, as mechanisms of ensuring the responsiveness of government are the major, but not the only, procedural means of establishing polyarchy and courts of appeal the primary mechanism of sustaining it. It seems reasonable to include as courts of appeal not only legislatures and law courts, but also any sphere in which debate that influences policy decisions is carried on - in particular the press and the mass media. Lindbloom limits the notion of polyarchy to liberal democracies. Following Giddens, however, I wish to make it a more encompassing concept, such that liberal democracy is only one type of polyarchy. Although in the European nation-state polyarchic systems have ususally taken the form of liberal democracy,

other types of government in nation-states of all kinds tend strongly toward polyarchy. There is, in short, a generic connection between the nation-state and polyarchy.

Polyarchy, as Lindbloom makes clear, depends upon the existence of a range of rights associated with membership in a given population - Marx's 'bourgeois rights'. Bourgeois rights, in their classic formulations in the American and French Revolutions, are universal; even radical critics, such as Marx, took this for granted. As the manifestation of underlying economic transactions that are potentially universal in nature, they have no immanent connection with the boundaries of states. 'Bourgeois rights' have, however, only been realized within sovereign states and so are, perhaps, more appropriately regarded as 'citizenship rights' in the sense that the term is used above.

The association between the nation-state and polyarchy can be accounted for by their linkage to the dialectic of control and to the concentration of administrative resources in the nation-state. In 'traditional' societies the dialectic of control is characterized, given the limited administrative reach of state authorities, as a matter of segmental autonomy. The use or the threat of military power tended to be continuously at hand in sustaining the administrative reach of the state apparatus. In contrast, the administrative reach of the nation-state - generated as it is by the extension of surveillance in the various senses noted above - "marginalizes" the state's dependence upon control of the

means of violence as a medium of rule of subject populations.

However, Giddens (1985:201) writes,

administrative power that depends upon the mobilization of social activities via the expansion of surveillance necessarily increases the reciprocal relations between those who govern and those who are governed. The more reciprocity is involved the greater the possibilities the dialectic of control offers subordinate groups to influence the rulers. I take this to be the 'structural backdrop' against which polyarchy develops, first of all in the shadow of the absolutist state and then more openly and directly in the course of the transition to the nation-state."

Parson's (1964) notion of 'power deflation' is relevant to understanding the character of the nation-state. Parsons argues that systems of domination involve maintaining the confidence of those in subordinate positions in their rulers. When such confidence wanes, for whatever reason, the amount of power generated in the system diminishes - the system becomes ungovernable. It is only in such circumstances that the widespread threat of or use of force is necessary in order to maintain governmental control. As an interpretation of the roots of the nation-state's administrative power and its connections to polyarchy, this is useful and plausible, but some qualifications should be made. The majority of the population does not necessarily have to have confidence in the system of rule, only practical acceptance of their obligations to it. The use of violence is probably more directly involved in the establishment of the administrative order than Parsons seems to think; it is not just confined to conditions of power deflation. It is, however, in circumstances of power

deflation that polyarchic influences will tend to come under pressure or break down (Giddens,1985:202).

Generally, the conditions of power deflation are likely to be strongly influenced by struggles over citizenship rights. As noted above, each of these can be interpreted as an arena of conflict and linked to a distinctive type of surveillance, where that surveillance is both necessary to the power of supordinate groups and an axis for the operation of the dialectic of control. Civil rights are intrinsically linked to the modes of surveillance involved in the policing activities of the state. Surveillance in this context consists of the appartus of juridical and punitive organizations in terms of which 'deviant' conduct is controlled. Marx presents civil rights as the sphere of 'bourgeois rights' that legitimate the dominance of the institutions of capital over wage-labor. There is more than a small grain of truth to this, yet it is important to see that civil rights, and the more or less continuous struggles surrounding them, also have a general significance in the nation-state.

Like the other two types of rights, civil rights have their own particular locale - the law court. But it would be wrong to see the law court as the only setting in which struggles over the form and bounds of policing are enacted; they occur in virtually all situations in which surveillance of this type is carried out, including the sequestered contexts of disciplinary power. The same should be emphasized

about political rights, where the institutionalized locale of conflict - the legislature - is the formal setting for the discursive representation of rights but where any number of extra-legislative conflicts are likely, including struggles over cultural and symbolic matters, and so, 'history' itself.

Absolutism opened up a public sphere directly linked to the monitoring operations of the state. It was, however, confined to a very small public, both in terms of the size of the "generalized bodies of persons" - 'the public'- and the degree to which the operations of the state are "open to view" - 'are public'. Each of these aspects of the term helps emphasize the importance of writing in the development of citizenship. As Giddens (1985:209) writes,

A list, or file, or a text are of necessity 'open' in the sense that they become distanced from their authors in a way in which spoken communication cannot be - at least until the advent of electronic modes of information storage. Written documents also shed the contextual confinement of speech by virtue of that very distancing: they potentially reach an indefinitely wide audience. How far the existence of writing supports a public sphere in respect of state power may vary widely, depending on the scope of literacy, the nature of the documentation involved, and the communicative settings in which the information thus stored is utilized. But the development of states is necessarily convergent with the formation of modes of discourse which constitutively shape what state power is.

In agrarian states the discursive articulation of administrative power is limited, it does not reach most of the population. As a state's administrative power becomes consolidated as 'nation-state' and as the public sphere expands larger and larger segments of the population of that

state master an array of concepts associated with sovereignty. Such mastery need not be wholly discursive, except among those who are directly involved in administration. When Bodin, Hobbes and other political theorists of the time wrote about politics they were not merely describing a set of changes, nor even merely making policy recommendations; they were helping to constitute what the modern state is as an ordering of administrative power. The development of ideas of citizenship - membership in a large-scale political community - are linked to this. In many cases the majority of the populations of agrarian states did not know themselves to be 'citizens', nor did it matter especially to the continuity of power within these states. But the more the administrative sphere of the state penetrates the daily life of its subjects, the less true this is. As state sovereignty expands more of those subject to it become aware of their citizenship and of the rights and obligations that it confers.

The realm of the 'public', then, is substantially broadened by the development of printing and the extension of literacy: printing greatly expands the capacities of reflexive monitoring of the state and the distancing of communication from oral contexts. However, it is not until the period of the emergence of the nation-state that the potential of printing was fully recognized and utilized. The period in which the regularized collection of official statistics becomes established is the same as that in which

journals, newspapers and pamphlets appear, reaching mass audiences. As Gouldner (1976:94-95) observes,

At first, such publications were more likely to combine commentary on literature with 'news'. But by 1830 the news predominated, as parliaments and political centers became of wider interest, and as the spread of markets into national and international systems meant that distant events could affect local prices and supplies.... The emergence of the mass media and the 'public' are mutually constructive developments.... With the growth of mass media, exemplified at first by printing, numerous people were now exposed to a continuous flow of information, at more or less the same time. Information becomes decontextualized, for it must be made intelligible, interesting and convincing even to persons of diverse backgrounds and interests, persons who do not know one another and do not meet and interact.

Some of the major dimensions of ideology in modern states can be found in the nature and the scope of the discussion of information available in the public sphere.¹⁶ In the nation-state, the capability of different groupings to discursively formulate policies or agendas that express their interests and to make room in the public sphere for promoting them, are crucial. However, while all citizens share an array of concepts that are constitutive of the sovereign and polyarchic character of the nation-state, "these may be mainly ordered in practical consciousness rather than being available to be discursively formulated for action.... and strongly weighted in favour of the more privileged strata and, more generally, the dominant class" (Giddens, 1985:211).

16) On the transition from reliance on regional non-political agrarian reform movements to republicanism among the Catholic population of Ireland, Elliot (1982:17) writes: "There is nothing inherent in eighteenth-century Catholic society to explain such a sudden alteration in popular thinking, besides exposure to radical propaganda."

In addition to the degree and nature of the discursive formulation of interests, there are at least three more substantive aspects of those discursive formulations which influence the ideological shadings of symbol systems: a) the definition of what is to count as 'political', and so in principle open to intervention on the part of the state. There is a direct linkage here between the state and the class structure in capitalist societies, since the 'depoliticizing' of economic relations is basic to class domination; b) the definition of practices, agendas, and policies that are in the 'general interest', as opposed to those that favor the sectional interests of groups or classes; c) the articulation of 'historicity' in relation to planned or actual trends of social change. The reflexive monitoring of all states involves the invention of 'history' in one way or another - the documented interpretation of the past that provides an anchorage for anticipated developments in the future. But only in the modern state does 'history' become 'historicity' - the controlled use of reflection on history as a means of changing history (Giddens, 1985:211; Meinecke, 1972).

Neither Marxism nor modernization theory has much to say about the content of nationalism, which is considered to be more or less irrelevant to its nature or its appeal. But nationalist sentiments do tend to involve some common symbols: attachment to a homeland, associated with certain distinctive ideals and values, traceable to certain historically given characteristics of the 'national' experience. Most

psychological theories of nationalism link these notions with the need of individuals to be involved in a collectivity with which they can identify (Bardu,1966; Hertz,1944). Since groups which have fulfilled this need in the past, such as the local community or the kinship group, have largely disintegrated, the symbols of nationalism provide modern substitutes by appealing to a desire for an identity firmly anchored to the social group and in the past. The disintegration of traditional cultures by economic and political development creates a demand for revived forms of group symbolism, of which nationalism is the most powerful. Nationalism gives rise to a spirit of solidarity and collective responsibility which provides cohesion in the face of cultural decay (Apter,1963.1965).

Although the psychological dimensions of nationalism are indeed important, the origins and character of this type of assumed need for identity remain too nebulous for this type of theory to be sufficient for sociological explanation. It has little to say about why nationalism should be connected to states, or about how it relates to the uneven distribution of power, and so to ideology. Moreover, nationalist sentiments tend to ebb and flow; for most people most of the time they are not as large a part of the quotidian as those symbols connected with smaller groups which supposedly fill the same psychological needs: family and community.

Whatever their differences, nationalist ideals offer a conceptualization of the homeland - of territoriality - that

is linked to a myth of origins and confers a cultural autonomy on the community which is seen as the bearer of these ideals. "The solidarity that a nationalist desires is based on the possession of the land: not any land, but the historic land; the land of past generations, the land that saw the flowering of the nation's genius" (Smith,1979:3). Looking at the legitimacy of past generations as the source of cultural autonomy is what Breuilly (1982:336) terms 'historicism', and this is more than loosely connected to what Giddens (1985:212) refers to as 'historicity'. 'History' here is not merely writing about the past, but the means of comprehending the cultural bonds of a collectivity. Comprehending a culture and its course of development, involves approaching it in its totality, distinct from other, divergent forms of cultural organization. Language is of special import - it necessarily is the product of a community, existing prior to any specific generation and carrying within it the major dimensions that make a culture unique (Barth,1969:1-23; Giddens,1985:216).

At first glance these ideas might seem to be inconsistent with the bourgeois ideals of classical liberalism which, after all, have a universal character. But a closer look, in the context of the entanglement of such views with nationalist symbolism, indicates a strong, if subtle, relation between them, mediated by sovereignty and citizenship (Sibley,1970: 556ff.). In order to understand this relation, and the impact that ideas associated with it have had upon the world, we should view it as involving a three-way series of connections

rather than a two-way one. With regard to the social organization of cultural differences, one may regard the cultural accomplishments of a given population as so distinct and valuable that they are elevated to position of superiority over others. A 'historical mission' may be developed which, in certain circumstances, may offer a means of expressing an aggressive type of nationalism. But to regard this as the only course that can be cultivated on the basis of 'cultural historicism' is mistaken. Nationalist sentiment can also be employed to construct a union between cultural differences and concepts of political organization that do retain a universal character. Linguistically transmitted cultural values are the carriers of differring processes of history. But to be part of the community which is the reservoir for those values can be construed in an democratic fashion, since all are participants in the collective experience. Furthermore, while the distinctiveness of other collectivities might be acknowledged, these can be given equal status in what is seen to be the positive cultural diversity of humankind. "There are a series of possible ties and tensions between nationalism, sovereignty and citizenship, depending upon the direction in which these ideas are channelled." Where nationalism is channelled primarily towards sovereignty - especially in circumstances where there are several contenders for legitimacy, or where a state is particularly embattled or in decline - nationalist sentiments are apt to take an exclusivist turn, stressing the superiority of one 'nation'

over its contenders. In such a case citizenship rights are likely to be underdeveloped or constricted - particularly civil and political rights. Where citizenship rights are more firmly founded, they tend to influence the linkages between sovereignty and nationalism in the other direction, encouraging more polyarchic forms of nationalist sentiment (Giddens, 1985:216-217).

Many students of nationalism have pointed to this dimension - its Janus-faced nature, as generating both violent aggression and democratic ideals of enlightenment (Nairn, 1975; Debray, 1977). Psychologically, nationalist sentiments, as noted before, tend to flow and ebb and they are probably fairly remote from most of the activities of daily life, except in unusual or extreme, and often transitory, situations. Nationalist sentiments are often experienced and expressed in a diffuse manner; yet when they are strongly expressed there normally tends to be a leader or a social movement which in some way acts as a focal point for their expression. Giddens (1985:219) focuses on some of the regressive aspects of nationalism in his analysis of the psychological dynamics - based in the ontological insecurity and "morally meaningless" routines - of life in the modern world:

In circumstances where the ontological security of individuals is put in jeopardy by the disruption of routines, or by a generalized source of anxiety, regressive forms of object-identification tend to occur. Individuals are likely to be swayed by the influence of leader-figures, identification with whom is based on a relatively strong affective dependence. The regressive affiliation with

leaders, and with the symbols linked to their leadership, if the Le Bon/Freud theory of leadership is correct, is based on the heightened suggestibility produced by situations that generate high levels of anxiety....

Giddens rightly notes that nationalism is anchored psychologically in distinctive features of modern societies and its content is linked to the historicity they engender. Nevertheless, nationalist symbols and sentiments are not ideologically neutral. Nationalism is the cultural awareness that accompanies sovereignty. With the advent of the nation-state, states have a unity - administratively and territorially - that they did not have before. The unity cannot remain entirely administrative though because the coordination of activities presumes some level of cultural homogeneity.

The origins of oppositional nationalisms are no doubt influenced by the spread of industrial capitalism. Uneven development does take a regional-geographic form, in which peripheries both within states and within the world nation-state system are systematically disadvantaged. But nationalist movements are not merely one type of oppositional movement among others, protesting against the inequities of capitalism. They signal the injection of historicity into cultural realms where there was none before, and associate such historicity with the claim to administrative sovereignty.

Nationalist symbols can, and have been, manipulated by dominant groups to support their sectional interests, but outright manipulation is not always possible. Furthermore,

political perceptions have distinctive qualities that make them dynamically different from other perceptions. They develop and are mutually reinforced in large collectivities of people, evoking sometimes intense hopes and fears, threats and reassurances. Public policies and processes serve as cues that evoke particular changes in the direction and intensity of political cognition.

In addition to shaping the cognitions of large numbers of people in ambiguous situation, policies create beliefs about what is proper, perceptions about what is 'fact', and expectations of what is to come. In shaping expectations, government cues often encounter other, competing cues. To make these points is to seriously question what is a widely held assumption about political relations: that political arousal and quiescence depend upon how much of what they want from government people get. Instead, "political actions chiefly arouse or satisfy people not by granting or withholding their stable substantive demands, but rather by changing their demands or expectations" (Edelman, 1971:8).

The implications of this view, which is in accord with Mead's postulate that by anticipating their future humans create their world, is that expectations influence perceptions and interpretations of ambiguous facts, texts, and situations; and that the two together influence actions, attitudes and ideology (Edelman, 1971; Maines, et al., 1983).

SUMMARY

With the development of the nation-state - a set of institutional forms of governance maintaining an administrative monopoly over a territory with demarcated boundaries, its rule being sanctioned by law and direct control of the means of internal and external violence - we have the first truly effective government; one that has marshalled enough administrative resources to have its policies actually carried out and which increasingly envelops what was known throughout the eighteenth and nineteenth centuries as 'civil society'. The nation-state is, in Giddens' words (1985:13), "a container for the generation of power." This administrative power is generated through an information base that is the means of the nation-state's reflexive self-regulation. Its control is maintained through the disciplinary power of surveillance, and the hidden but ever present threat of violence.

The emergence of a disciplined labor force, associated with new and successful modes of industrial management from the eighteenth century on, operating with partially novel surveillance techniques, was a central dimension of the internal pacification of the nation-state. The consolidation of administrative power in the European nation-state has a corollary in the development of citizenship rights and their corresponding organizational foci. Each category of citizenship rights is linked to a particular type of surveillance where that surveillance is both necessary to the

power of superordinate groups and an axis for the exertion of control by the less powerful over the more powerful in established modes of interaction. The types of citizenship rights and their corresponding mode of surveillance are: political rights - administered by parliamentary bodies and involving surveillance as the reflexive monitoring of state administrations; civil rights - which are administered through the legal system and which involve surveillance as policing; and economic rights - which lack a comparable organizational focus and involve surveillance as production management. These citizenship categories are seen as arenas of conflict over public policy and discourse.

Nations - collectivities existing within a clearly demarcated territory, which is subject to a unitary administration reflexively monitored by the internal state apparatus and those of other states - and states - political organizations whose rule is territorially ordered and which are able to mobilize the means of violence to sustain that rule - are coupled through the unification of the state administration. This type of system integration is understood as part and parcel of the reflexive monitoring of the nation-state and the nation-state system.

The major theories of social change - Marxism and the theory of industrial society - tend to regard the phenomena as the progressive emergence of traits that a particular type of society is presumed to have within itself from its inception. The origins of political struggles are traced to conflicts

over the consolidation of allocative resources; these are conceived as either capitalistic economic enterprise or the transformative capacity associated with processes of industrialization. That these struggles are primarily national, progressive, and historic is usually taken for granted.

More promising for the study of nationalism is a perspective that explicitly introduces the international dimension of the world nation-state system and which stresses the political nature of nationalism and the systemic interaction of political struggles and structures on a global level. This means viewing the nation-state as an actor involved in a system of states reflexively monitored by all, and which relies upon sovereignty - organized as administration and surveillance techniques, and social power - as manifested in public policy and the authority to provide sanctions.

Social power is seen as both transformative capacity and as domination; each implies the other. Resources are drawn upon by contextually located actors. Resources are the media whereby transformative capacity is utilized as power in the routine course of social interaction, but they are simultaneously structural elements of social systems, as systems and established through their use in social interaction.

Two types of resources combine differently in different types of society. The generation of allocative resources is influenced by technological considerations. Their level of

concentration depends upon factors creating authoritative resources: surveillance, specialized administration, the facilitating of the scope and the intensity of sanction - especially in the development of the means of violence, and the existence of systems of integration that influence the formation of ideology and social action and which also encourage the acceptance of particular symbolic orders by different publics within a nation-state.

Power within social systems presumes regularized relations of autonomy and dependence between individuals and groups in the contexts of social interaction. But all types of dependence offer up resources whereby those who are subordinate, even though organizationally outflanked, can influence the actions of their superiors. This phenomenon - the dialectic of control - is an intrinsic feature of regularized relations of power within social systems.

Sovereignty is based in the co-ordination and the consolidation of such authoritative resources as: the right to create and enforce statutes, the right to determine the content of law, the right to decide what is criminal and how the criminal shall be disciplined. In the period of European absolutism taxation became fiscal in the modern sense of the term: the administrative purview of the state relates to all members of the population and attempts to integrate its activities with theirs. Tax policies came to be used to monitor and to regulate the distribution and activities of the population, and to contribute to surveillance operations.

They also came to be used to underwrite the expenses of the state - which was not capable of directing production.

Also during the period of European absolutism war became an industry of the state. Rulers who waged war not only involved themselves in the extraction of taxes from their subjects but also in the promotion of capital accumulation by those who could help them to borrow and buy. These involvements led rulers to a permanent interest in the promotion of capital accumulation, on an ever increasing scale.

The centralization and expansion of sovereign power that characterized absolutism, although unprecedented, was clearly limited in scope. 'Externally' rulers were limited by the threats of their competitors; 'internally' they were forced to cope with changes associated with the loss of autonomy of local peasant communities. The consequence, in Anderson's terms (1979:19), was "a displacement of politico-legal coercion upwards toward a centralized, militarized summit.... Diluted at the village level, it became concentrated at the 'national' level".

Along with fiscal, legal, and military advances European absolutism marks a departure from the established pattern of the rise and fall of empires. This involves, first and foremost, the formation of a new type of reflexively monitored state system, associated substantively and conceptually with the notion of sovereignty. Its most notable expressions were: the introduction of standing diplomacy, the regular holding of

international congresses, and the idea of the balance of power - the principle of attainable equilibrium. The notion of sovereignty also links the position of the the absolutist ruler to the development of increased bureaucratic centralism. This had the effect of creating a clear distinction between the authority of different sovereigns, accentuating the territorial demarcations between them, and altering the nature of these demarcations from frontiers to borders.

The development of soverieignty is of crucial importance in linking the authority of the absolute monarchs and the emergence of modern democratic states. As the movement toward sovereignty generates a centralization of resources in hands of the ruler, it simultaneously stimulates a general awareness of the collective dimensions upon which political power depends.

The association between the nation-state and polyarchy can be accounted for by their linkage to the dialectic of control and the concentration of administrative resources in the nation-state. In 'traditional' societies the dialectic of control is segmentalized. In the nation-state administrative power that depends on the mobilization of social action and the expansion of surveillance necessarily increases the reciprocal relations between those who govern and those who are governed. The more this is true, the greater the resources available to subordinates. When nationalist sentiments are geared toward sovereignty - especially when there are multiple contenders for legitimacy or when a state

is in decline, these sentiments tend to stress the superiority of one nation over another. Nationalist sentiments are generally experienced and expressed in a diffused manner. when they are strongly expressed there tends to be a leader or a social movement that acts as a focal point for their expression. This has been the case in Ireland at least since the agrarian unrest of the sixteenth century.

III SOVEREIGNTY AND POWER IN EARLY MODERN IRELAND

Nothing is today more greatly needed than clarity upon ancient notions. Sovereignty, liberty, authority, personality - these words of which we want alike the history and the definition; or rather, we want the history because its substance is in fact the definition.

Harold Laski, 1921

Every social science - or better, every well considered social study - requires an historical scope of conception and a full use of historical materials.

C. Wright Mills, 1959

In a work entitled *A Discoverie of the True Causes Why Ireland Was Never Entirely Subdued*, first published in 1612, Sir John Davies notes the times that English monarchs in the twelfth, thirteenth, and fourteenth centuries sought to extend the rule of their law to the Gaelic Irish. Royal decrees to this effect are quoted from the reigns of Henry II (1154-89), John (1199-1216), Henry III (1216-72), and Edward III (1327-77). "For the space of 200 years at least, after the first arrival of Henry the second in Ireland", Davies (1876:82) writes, "the Irish would gladly haue embraced the Lawes of England, and did earnestly desire the benefite and protection thereof".¹ He then asks why "untill the Beginning of his Maiefties² happie Raigne" the Gaelic Irish were considered to be 'aliens' and 'enemies' rather than 'subjects'. This

1) In 1155 Henry II obtained from Pope Adrian IV (an Englishman by the name of Breakspear) a bull allowing him, in return for recognizing extended temporal papal court, authority to conquer Ireland in order to reform the Irish church, with every Irish household paying the court one penny yearly (Marx & Engels, 1972:216).

2) James I of England (James VI of Scotland), 1603-1625.

question is central to Davies' argument that England's failure to fully integrate Ireland in the first four hundred years of formal rule was due not only to the lack of thoroughness with which the island was militarily subdued, but more importantly to the absence of effective civil government. It is a question which contemporary sociology, in its search for the underlying social causes of political action, has not directly addressed. While it is evident that the political instability and endemic warfare of early modern Ireland were animated by different ideals and reflected the material aspirations of different groups, it is less evident why these should be seen as primarily 'social' upheavals and regarded as in some way more 'fundamental' than those changes that are engineered by politicians and heads of government by constitutional and statutory means. We can say about Irish reform and nationalist movements what J. Elliott (1969:45) says about the political turmoil which accompanied the economic and intellectual 'crisis' of seventeenth century Europe, that "political disagreement may, after all, be no more (and, we might add, no less) than political disagreement - a dispute about the control and the exercise of power."

Most recent works in Irish historical sociology begin with a discussion of the Tudor conquest. Yet, the perspective from which the Tudor period in Ireland is usually examined tends to obscure a key part of its significance by focusing on Ireland's great sixteenth century rebellions - such as those by the Fitzgeralds of Kildare or Hugh O'Neil of Ulster - and

ignoring its constitutional revolution. The point of reference is typically established further on, in Elizabethan conquest and colonization. The earlier period is treated as a dark and tangled undergrowth in which the student gropes for strands of continuity with later developments. The uniqueness of the period, and the underlying continuity between English absolutism and the formation of the Irish nation, usually remain unnoticed. These emerge only when the reference point is situated further back, in the period of the medieval lordship which it unquestionably terminated, and the early subordination of the Irish political order to the coordination of sovereign English administration, as "part and parcel of a generalized apparatus of power" (Giddens, 1985:99). This chapter begins, therefore, with an attempt to situate the developments which are its main concerns - Irish political nationalisms - in the context of the background from which they emerged. The primary emphasis is on the changes in law and government which gave rise to much political agitation and ideology in the sixteenth century, and on those events which gave rise to subsequent movements for Irish political independence.

These changes were initiated by a series of fourteenth century statutes aimed at the reform of the Irish lordship and the establishment of a legal framework for the conduct of affairs between the Crown government, the Anglo-Irish colonials and the local non-feudal (Gaelic-Irish) community. The new policies were intended to provide the basis on which

the Crown government might begin to exercise sovereign power throughout Ireland. Their legacy, however, was a dual system of government, one that formalized and exacerbated the differences between the Anglo-Irish and the Gaelic-Irish communities. By the sixteenth century these had led to the development of constitutional nationalism among the Anglo-Irish, a position which formed the core of Irish opposition to English sovereignty until well into the nineteenth century and, in a transmuted form, into the contemporary era.

THE MEDIEVAL LEGACY

It is a proverb of old date, that the pride of France, the treason of England, and the war of Ireland, shall never have end. Which proverb, touching the war of Ireland, is like alway to continue, without God set it in men's breasts to find some new remedy that never was found before.

English Civil Servant, 1500³

The starting point is the strategy for the government of its Irish Lordship devised by the English crown in the latter half of the fourteenth century. The lordship was comprised of small and more or less independant political units whose number throughout the early modern period was increasing rather than diminishing as some of the larger split into factions between contending candidates for rule. Internally, the Irish Lordship had little of the political organization of a 'state'. Its administrative system was personalized and undeveloped. It was only after the new English strategy was

3) Quoted in Beckett, 1966:13.

introduced that a body of legislation and judicial procedures existed to provide a constitutional framework within which political reformers were to begin their search for an answer to the Irish question. Of central importance are the statutes passed by an Irish parliament at Kilkenny in 1366.

The goals of the statutes of Kilkenny have been the subject of a long-standing controversy. One relevant point that is beyond dispute is that the statutes represent a body of reform legislation: an attempt to eliminate abuses over the entire range of government in the lordship. Sixteen of the thirty-four acts dealt with problems of government common to both England and Ireland, such as the rights of the church, administrative corruption, problems of criminal and civil law, and of social intercourse. Many of these simply adapted or took over English legislation, a fact which underscores the idea that the Kilkenny statutes were considered to be part of a comprehensive policy of government reform in the colony. The remaining eighteen enactments dealt specifically with Irish problems, especially the relationship between the crown, the lordship, and the Gaelic-Irish community. It is generally accepted that the legislation did not mark a new departure in Crown policy but rather a shift in emphasis through the codification of the important parts of existing legislation (Lydon, 1973; Bradshaw, 1979). The question then becomes, what was the effect of this legislative code, and what was the policy behind it?

The interpretation offered by Edmund Curtis (1938;1950) has provided the context within which the contemporary debate on these issues has taken place. Curtis's thesis has three aspects. First, the strategic consideration behind the formulation of the statutes was a decision by the Anglo-Norman colonists to halt the conquest of Ireland as a whole and to concentrate instead on consolidating the colony within the area already gained. Second, the Kilkenny statutes express the colonist's conception of the political community they hoped to establish, a conception shaped by deep colonial prejudices. Thus, they shaped a political community in which legislation was concerned with the Englishry (to use the collective noun that occurs in contemporary documents) alone, in which the Gaelic-Irish had no status in law, and in which Gaelic culture and customs were proscribed. Third, the constitutional implications of the statutes for the two historic communities of Ireland were to effectively provide a system of legal segregation between a privileged colonial community and a Gaelic community which was so completely discriminated against so as to be placed entirely outside the law.

Subsequent research has called Curtis's interpretation into question. Recent authors have seen the statutes of Kilkenny as a mechanism of government rule rather than as strictly an instrument of aggressive colonial prejudice (Otway-Ruthven,1968; Hand,1966). The statutes, it is argued, were developed partly to meet a situation in which the well

established Gaelic community was threatening to undermine the cultural and political identity of a shrinking colonial community, and partly to secure stability in the political relationships between the two. Their effect was neither to sever the linkage between the two communities nor to place the inhabitants of non-fuedal Gaelic lordships beyond the law. They simply acknowledged the fact that they were beyond it. In practice the sanctions on social intercourse constituted a system of control, not a firm prohibition. Formal procedures existed to legalize intermarriage on an individual basis, and to grant full political status to members of the Gaelic community through patents of denization. Similarly, provisions concerned with political relationships were designed to curb arbitrary and unauthorized action against the Irish from the colonial community and to place the domain of political interaction between the two under the control of English law and the Crown government. Furthermore, in judicial matters the effect of the legislation was not to outlaw the Gaelic community, but to encourage practical accomodation to a situation of coexistence by offering protection and the means of initiating litigation in the Crown courts to the Gaelic-Irish. Finally, others have challenged the remaining aspect of Curtis's thesis. Lydon (1973:94-97), for one, rejects the view that the Kilkenny statutes mark the abandonment of the long struggle to reduce the entire island to subjection. "It was not in the nature of a king such as Edward III to abandon any part of his patrimony", he writes,

and he goes on to say that both Edward and Richard II continued to spend large sums of money trying to extend the area in which the royal writs were effective. In 1395, for example, Richard sent a major expedition from England with a directive to construct a legal framework for the conduct of crown government in Ireland.

In light of these criticisms it can be concluded that Curtis failed to establish the significance of the Kilkenny statutes for the crown's policy toward the late medieval lordship; and that he failed to distinguish between the problems of the colonists and the problems of the Crown in Ireland. It is a truism of colonial administration that the home government will tend to differ from the colonial population in its perceptions of problems and goals of administration. This was certainly the case in the late medieval lordship of Ireland. Self-interest narrowed the horizons of the colonists, while the Crown government set the problem of the colony in the context of the lordship as a whole.

The special problem of governing the medieval lordship was that a considerable part of it was in the control of Gaelic or Gaelicized Anglo-Norman lords who held their lordships without a grant of tenure from the Crown, and in many cases in defiance of a royal title conferred under feudal law. So long as the Crown was incapable of expropriating these, or alternatively of devising a formula for granting them tenure on mutually acceptable terms, the government could

not exercise sovereign jurisdiction in their territories. As Davies (1876:119-24) noted, the significance of the Kilkenny statutes is that they were framed in such a way as to apply specifically to those "living amongst the Englishry" because only in the Englishry, the area held under feudal tenure, did the full constitutional relationship of sovereign and subject exist. Only in that area did the law provide an effective tool of government, because only there was the Crown's claim to sovereignty accepted, and only there could the machinery for administering the law operate.

The government also addressed itself to the problem of governing the Lordship outside the colonial area. To apply the ordinary processes of government, parliament, statute, the administrative and judicial apparatus, to the government of the Irishry, a community which did not possess the status of subjects, was politically unrealistic. However, it was possible to make arrangements through which government of the Irishry might be exercised in a limited way, by means of ad hoc agreements with individual lords, based on the external jurisdictional relationship of protection entered into between an inferior and a superior ruler. Throughout the fourteenth century the government adopted the policy of extracting, whenever possible, formal indentures of submission from local Irish lords. The indentures, which did not concede the validity of the local lords' titles, provided for a simple act of fealty to the king as overlord, an undertaking to abide by the king's peace, and an agreement to render some modest form

of tribute, usually by way of military service. Although they did not settle any conflict over tenure, neither did they impinge on the lord's right to rule. Reciprocally, the act of submission committed the Crown to an obligation of protection toward the signatory. Gradually the policy emerged of establishing by this means a legal framework for the conduct of affairs between Crown government and the local non-feudal lordships throughout the island.

This policy was intended to stabilize relationships between the king, the colony and the Irish, complementing the provisions within the loyal area under the statutes of Kilkenny and to provide a legal framework within which the lordship might be governed on the basis of a provisional and expediential system of dual government. At the same time the policy was intended to provide the basis on which Crown government might aspire to exercise a measure of sovereignty throughout the island - in the event, for example, that Irish lords might become involved in foreign intrigue, particularly of the Spanish or the French variety.

Despite all this, however, Curtis was substantially correct in arguing that the statutes were conducive to political instability and the alienation of the Irish. This has not so much to do with the provisions of the statutes as with the dual system of government of which they were an instrument. As such they served to formalize and aggravate the difference between the communities. But the source of the alienation was not, as Curtis maintained, racial or cultural

in origin (although it had racial overtones and was culturally transmitted), it concerned the validity of tenure. Curtis emphasizes the legal and social disabilities arising from the failure to accord the Irish full status under the law. But from the fourteenth century forward there is no clear evidence of resentment among the Irish over the issue of personal status under the law (Hand, 1966). Henceforth, the crucial issue was the status of the non-feudal lordships. The criterion established by the Crown for legal title was inheritance under feudal law. Thus, all Gaelic lordships were excluded: even where twelfth century submissions could have been cited as a basis for feudal title, tenure was invalidated because the Irish system of succession did not accord with the feudal principle of primogeniture. Under Gaelic law a chief's rights in the lands he ruled was a limited one. There was no succession by primogeniture; its establishment would have violated the rights of the chieftain's clansmen. The Crown's criterion also invalidated all those Anglo-Irish lordships that were not held by feudal tenure, either because title was lost through non-recognition of primogeniture or because the lordship was established as an unauthorized settlement by Anglo-Norman interlopers (Quinn, 1938).

The formal indentures between the local lords and the Crown did nothing to resolve this problem. They were strictly ad hoc and implied no recognition on the part of the Crown of the legality of the lord's status or his title. The policy of coexistence was designed to maintain the constitutional

estrangement between the Crown and the most powerful Gaelic political figures in Ireland while simultaneously keeping open the Crown's claim to sovereignty through conquest. Although slight, the chance of a revival of a policy of conquest and expropriation prevented the emergence of a general sense of political security and it kept resentment simmering among the Irish well into the modern era.

The fifteenth century saw a shift in the strategy for the government of the lordship: the establishment of a Pale within the colonial area. This was a relatively small area encompassing Dublin and its hinterland - an area of about thirty miles long by twenty miles wide. Over the next century, with its defence works, military forces, and its dykes and castles, the Pale became the focus of the Crown's policy of consolidation. The same strategic thinking lay behind this development as produced the earlier policy of colonial consolidation. It was a further expedient to enable the Crown to govern on the realistic basis of its modest capabilities without sacrificing its ultimate ambitions. Legislation continued to be framed on the basis of its applicability to the area of the Englishry as a whole, and Crown government continued to aspire to exercise some measure of direct jurisdiction throughout the entire area. The Crown's strategy of government in Ireland at the beginning of the sixteenth century was conducted on the basis of a tripartite distinction between the Pale, the colony, and the lordship. However, in light of the limited administrative

capacities of the Crown, Irish politics, as distinct from Irish policy, were conducted on a very different basis (Quinn, 1938; Bradshaw, 1979).

By the late medieval period, as in modern times, the most obvious feature of Ireland's political structure was its partition. On the one side was the land of the Englishry - in constitutional terms "the king's faithful subjects". This characterization did not indicate an attitude of docile servitude but, on the one hand, the community's acceptance of the sovereign claims of the Crown and, on the other hand, the Crown's acceptance of the rights of the community as subjects. It also indicated, as a corollary, adherence to a particular type of political organization, one that corresponded to the English system in all its essentials. The legal and historic basis of all this was the feudal ties established between the English crown and the Anglo-Norman adventurers in Ireland in the late twelfth century (Quinn, 1987a).

On the other side of the partition was the land of the Irishry, otherwise referred to as "the king's Irish enemies". This characterization indicated not so much a state of open or continuous conflict with the Crown as one of acute estrangement based on incompatible constitutional claims. Among the Irish the twelfth century conquest and feudal law were not accepted as the criteria by which political status and tenure of property were established. Such titles were validated instead by Gaelic law and custom. As a corollary, the area was organized politically along the lines of the traditional

Gaelic system. As already noted, its most significant feature was the absence of any centralized political structure.

Organized around the local dynasty, it was more tribal than territorial in character.* Although the septs shared a common heritage of culture and social institutions which provided a strong sense of collective identity, the Gaelic system was integrated largely through military power and its use or the threat of its use. This fact produced an erratic pattern of personal political relationships, forming loosely bound clusters of lordships in which the more powerful dynasties provided the nuclei. This pattern was always shifting insofar as the nature of the relationship of overlord with lesser lords depended largely on their relative military strengths at any given time.

This last comment draws attention to the style of politics which the Gaelic system prescribed. Even though the claim of subordination of one lord to another was almost always asserted in the name of ancient rights and customs, and in many instances backed up by formal legal agreement, the

4) There did exist in early modern Ireland the concept of a high-kingship (Ard-Ri). The death of Brian Boru at the battle of Clontarf in 1014 marked the end of the most successful attempt to establish a kingdom of Ireland and created the political instability and strife over succession and supremacy which eventually allowed Henry II of England to intervene in Ireland. By the twelfth century the English had blocked the development of the high-kingship at the point of its transition from a particularistic supreme dynasty into a genuine national monarchy. It ceased to have any political impact after the disastrous experiment of conferring it upon the brother of the Scottish king, Edward Bruce, in 1314-1317. After the Scottish invasion failed to reestablish the high-kingship it became no more than a nostalgic memory in the encomiastic political verse of classical Irish (Lydon, 1987; Bradshaw, 1979; Elliott, 1978).

system lacked the clearcut structure of the feudal hierarchy. Consequently, the order and the composition of the local power structure was always open to question, and disagreements were practically interminable in the absence of central institutions of government to arbitrate and impose a settlement. Power lay not so much within the clear-cut boundaries of royal administration as in the less stable and definable supremacies of the lords. Its use was limited to the capacity of the lord to either exact the dues claimed from inferiors or to repudiate the exactions claimed by others upon him (Frame, 1977; Bradshaw, 1979).

The Gaelic system dictated an intensely local style of politics, focused on the issue of dynastic supremacy within local power chains. In terms of internal social stability, it appears to have worked well enough: Irish warfare, being the business of the elite and limited in scale and in style of operation - it was, for example, confined to an open season between late spring and early autumn - was fairly innocuous in character. The administration of justice was still what Giddens (1985:46) refers to as "semi-private" - the kindred of the injured party or the wrongdoer were collectively responsible for settlements under the rule of 'kincogish', which, Nicholls (1987:427) writes, "aroused the greatest hostility among the English legislators." Law and order was maintained at an acceptable level through the influence of tradition and convention as a sanction for the legal code and the influence of the lord himself who took responsibility for

the internal peace and security of his lordship. However, it lacked the institutions of centralized government, and consequently the means to control the disorder and violence that characterized the external political relations of the lords.

Although integrated largely through military power, the legal tradition of the Gaelic-Irish community contributed greatly to the sustenance of the Gaelic political system and Gaelic political identity. This is underscored by the "reverential awe" in which the professional class, the brehons, who applied Gaelic law were held (Bradshaw, 1979: 17).⁵ In the late medieval period the local lords became more involved in the making and the administration of law, thereby providing local mechanisms of social security and order normally associated with the machinery of centralized government. This arrangement seems to have been viewed by the Gaelic communities as both effective and legitimate, to judge by a early sixteenth century treatise on the reformation of Ireland. The author considered it necessary to meet the objection that there was no need for a reformation since the great Gaelic magnates such as O'Byrne, the McCarthys and O'Donnell "keepeth and preserveth...their room and countries in peace, without any hurt of their enemies, so that their

5) One of the earliest Anglo-Irish treatises of the sixteenth century on the subject of political reformation refers with envy to the situation in the Irishy where "divers Irishmen doth observe and keep such laws and statutes which they make upon hills in their country, firm and stable, without breaking them for any favour or reward." Baron Finglas, "Breviat of the getting of Ireland, and of decaie of the same," in W. Harris (ed), *Hibernica*, 1 (1747). Quoted in Bradshaw, 1979:17.

lands be tilled and occupied with the plough".⁶ The author met the objection not by rejecting the description of the lordships but by retorting that the magnates secured such conditions only the better to "despoil the people themselves by exactions and tributes" (Bradshaw, 1979:18).

In contrast, the feudal colony possessed both the concept and the institutions of a centralized government in addition to the full constitutional link with the Crown. However, all of this represented more "the potential for the creation of a cohesive polity than the actuality of one." It is not certain that the feudal lordships established by the Anglo-Normans ever cohered as a single political unit. Throughout the early modern period, at any rate, the picture is one of largely autonomous units fending for themselves, even in relations with bordering Gaelic communities, and of a central government scarcely in touch with them and, unable to fill the existing power vacuum, having no choice but to accept the situation in light of its own weaknesses (Bradshaw, 1979:18).

In the course of the next two centuries the two political systems underwent parallel developments, which increased the power of the great magnates, both Old English (as the descendants of the early Anglo-Norman colonists were commonly, if erroneously, called) and Gaelic-Irish.⁷ Significantly, the

6) State Papers, Henry VIII, ii, p. 1. Quoted in Bradshaw, 1979:18.

7) According to Beckett (1966:15) the term 'Anglo-Irish' did not come into general use until the eighteenth century, when it was used to denote the protestant ruling class. I will, as is common in current literature, use the term interchangeably with 'Old English'.

Old English adapted the devices that emerged within the Gaelic system for buttressing the power of the great lords. One was the recruitment of professional soldiers, making it possible to relegate the less efficient general 'hosting' to a secondary position. A second feature was the development of a method of clientship which enabled the landholder or petty lord to go over the head of his immediate suzerain and to secure the protection of a more powerful lord, as an indemnity against the lessor lord's oppression or neglect.

A further development was the diplomatic missions of the magnates furthest from the center - for example O'Neil and Tyrconnel of Ulster, in search of alternative overlords. These initiatives were, for the most part, undertaken on an individual basis with the emperor and/or with the kings of France and Scotland. From the point of view of changing political strategies among the great lords these individual initiatives provide an illuminating contrast to the collective alliance that attempted to install Edward Bruce, the brother of the Scottish king, as high-king at the beginning of the fourteenth century (Lydon, 1987). The result of these changes by the mid-fifteenth century was "a new equilibrium ... which had little to do with the Dublin government. The lords, Gaelic as well as Anglo-Irish, were organizing their communities to be as self-sufficient and autonomous as possible." With the continued ineffectiveness of central government Ireland was well on its way toward fragmenting politically into a number of sovereign dynastic principalities

by the time of the accession of Henry VIII (Lydon, 1973: 143).

The situation in Ireland was, however, not unique. Considered in terms of the Crown's effective sovereignty Ireland scarcely presented a greater challenge than did England and Wales, both of which, by the accession of Henry VII, had experienced similar developments: the enhancement of the power of the magnates at the expense of the monarch and lesser lords alike, facilitated by a new system of military organization which enabled the magnate to base his political power on a standing army rather than on a feudal host (Loades, 1974: 21ff). However, by the time of the death of Henry VIII (1547) the Crown's control of England and Wales was no longer a critical problem, though the work of consolidation was far from complete. But if the jurisdictional problem inherited by the Tudors was not substantially dissimilar in Ireland and England, the constitutional and the ideological problems were. The constitutional problem has been discussed, the ideological problem remains to be examined.

At this point historians have noted a problem with sources. Little in the way of personal correspondence, political tracts or speeches - the kind of sources to which political historians usually turn to for evidence of ideological attitudes - survives from medieval Ireland. However, a massive body of political documents of another kind is available: the genre of encomiastic verse of Irish bardic

poetry and other remnants of oral culture such as popular songs (Bradshaw,1979; Elliott,1978; Knott,1957).

The great tribal dynasties provide the focus of bardic encomiastic verse, each encomium being composed in honor of a particular magnate, to whom it is offered in anticipation of reward. The poets employed a great deal of hyperbole in praise of the subject of the poem and his lineage. His power was extolled by chronicling his prowess in exacting tribute and gaining booty. The security of his lands and their fertility is cited in praise of his virtuous rule. Recent historians of Ireland have emphasized that bardic encomiastic verse serves to illustrate the ideological climate of the colonial areas as well as those of the Irishry. Just as the Old English consolidated their power in the late medieval period by adopting the appropriate military and fiscal measures developed by the lords of the Irishry, so too they took enthusiastically to the cultural counterparts of these, bardic encomiastic verse. Although the historical and political references were adapted to suit the appropriate background, the sentiments expressed were the same, strongly particularistic and dynastic. The opening stanza of an ode to the earl of Desmond, from the mid-fifteenth century, is an example of the tone. "Of all the invasions of Ireland," chants the bard, "that of the Geraldines, the last, was the best". As in the odes to Gaelic lords the claims of the subject of the encomium to the rule of Ireland are urged as the height of flattery, although in the case of the colonial

magnates that glory is seen as residing in the office of king's deputy, not the high-kingship. The outlook that the bardic poets cultivated was congenial to their Old English patrons. How widespread it was in the Englishry is indicated in a treatise on the reformation of the feudal area dating from the 1520s. Here it was recommended that the first task should be that of changing the viewpoint of the "king's erroneous subjects which so far be in error of their natural duty of allegiance, not knowing their prince, but rather reputing their governors (i.e. the magnates) as their sovereign than the king" (Bradshaw,1979:22).

That there was a degree of social and cultural intercourse between the Old English and the Gaelic community during this period has been accepted by historians of Ireland for some time. Recent research, however, has served to emphasize that there was a very high degree of openness and social interaction between the two groups at all levels, and not only in the outlying Anglo-Irish earldoms but also in the towns and in the heartland of the Pale, the bastion of English culture. This calls into question a long-standing view that characterizes the Old English - Irish relationship as one of intense racial or ethnic conflict between a Gaelic 'native' ideology and an Anglo-Irish 'colonial' one. The former supposedly reflects resentment against the invader and an aspiration toward his complete expulsion; the latter abhorrence of native barbarity, and an aspiration toward complete conquest (cf. Jackson,1970).

Bradshaw (1979:25ff; cf. Beckett, 1966:43ff) citing contemporary encomiastic verse and the *Expugnatio*, the account of the original Anglo-Norman invasion provided by Giraldus Cambrensis at the end of the twelfth century, writes that the colonists adjusted themselves quite early on to the idea of coexistence with the Gaelic inhabitants. The objective of complete conquest was quickly becoming remote and unreal. Giraldus quoted scripture and old Gaelic prophecies in support of the view that the coexistence of the two races in Ireland was the design of divine providence. And the earl of Desmond, a prolific author of poetry in Irish, wrote poems apologizing to the Gaelic-Irish for making war upon them, protesting that this breach of friendship was forced upon him by the English king who suspected his Gaelic sympathies.

Without denying that both the Gaelic-Irish and the Anglo-Irish had a highly developed sense of ethnic identity and that it was an element in social disturbances between the two communities - especially when they were in close contact, it seems that these disturbances were not the result of deep-rooted cultural and social antagonisms. Instead, the record of political struggle spanning the twelfth to the sixteenth century is concentrated on issues of local dynastic hegemony and the internal disputes of the clans. There existed no native Gaelic movement of 'national liberation' nor any Anglo-Norman movement of colonial domination; neither was the ideological climate dominated by the theme of ethnic struggle. Both groups retained a strong sense of their cultural

identities, but while these could provide the material from which ethnic ideologies of Gaelic and Anglo-Irish nationalisms might emerge, the appropriate political and ideological conditions did not yet exist.

The twelfth century Anglo-Norman invasion did, however, impinge at the ideological and political level in the late medieval Lordship. Here, attention must, once more, be drawn to the distinction between the colonial community and the English Crown. This distinction was relevant within the Irishry since the source of Gaelic contention during this period was basically a constitutional issue between themselves and the English Crown regarding the validity of political and tenurial titles. The matter had no practical importance so long as the Crown refrained from exercising sovereignty in the affected areas. Nevertheless there remained an underlying sense of insecurity which is reflected in the political verse of the bardic poets. In these the 'paper charters' of the English king are strongly denounced, and the legitimacy of 'swordland' as the principle of tenure is vindicated. In his political verse the poet typically attacks the injustices of the English titles, pointing out that they were granted only to the Anglo-Irish so that it was obvious that under such charters none of the Gaelic would succeed to their ancient patrimonies. Secondly he attacks their legality. The Gaelic Irish first won the land by conquest, and ever since have appealed to the principle of swordland as the basis of their title: "The broad spear in the hand, the weapon of the

Vulcan's smithy, the sword, this is your charter" (Knott, 1957:71). That the poet here is treating a sensitive political issue is indicated by the way in which the sentiments of the ode are echoed a century later. When Lord Butler challenged McCarthy Reagh to submit the question of his tenure to the judgement of the Irish council he retorted "with a proud countenance that which he hath won with his sword, he will hold it with his sword." This incident occurred in 1535 in the aftermath of the Kildare rebellion, a time when considerable doubt about the government's good faith existed. A decision by the Crown to make an issue of the question of legal title suggests one situation in which an ideology of Gaelic 'native' nationalism would be apt to develop (Beckett, 1966; Bradshaw, 1979).

The constitutional implications of the link with the Crown also generated tension within the colonial community. These concerned two questions of jurisdiction. First, the relationships between the Crown and the feudal magnates were not satisfactorily worked out. In the latter half of the fifteenth century the struggle for control of Crown government in Ireland through ever shifting alliances among the magnates was significant. Secondly, the nature of the relationship between the institutions of Crown government in England and Ireland provided a key flash-point. Without challenging the constitutional position of the Crown itself in Irish government the colonists resented the subordination of their institutions of government to English jurisdiction. In the

fifteenth century there was a growing tendency toward separation - not from the Crown, but from English domination. A statutory declaration of the Irish parliament of 1460 might be the movement's manifesto:⁸

That whereas the land of Ireland is, and at all times has been, corporate of itself by the ancient laws and customs used in the same, freed of the burden of any special law of the realm of England save only such laws as by the lords spiritual and temporal and commons of the said land had been in great council or parliament there held, admitted, accepted, affirmed and proclaimed, according to sundry ancient statutes thereof made.

Since the struggle between king and magnates centered on the issue of control of the the Crown government in Ireland, the two questions of magnate power and institutional autonomy tended to blend together, though it is clear that at least a part of the reforming element among the Old English politicians saw the distinction clearly enough.

THE ORIGINS OF POLITICAL OPPOSITION

It behoveth the prince first to get the love of the people... and the chief cause to draw their love is to make it known that there is a disposition to have their griefs looked into.... Good government causeth good obedience, not contrariwise.

Sir James Croft, 1583⁹

By the early sixteenth century a liberal reform movement of no small importance had developed in Ireland among the

8) Statute rolls, Ireland, Henry VI, quoted in Bradshaw, 1979:29.

9) A discourse for the reformation of Ireland, 9 December 1583. Quoted in Quinn, 1958:28.

Anglo-Irish lords, it was particularly influential in the area of the Pale. It has escaped the notice of much social science largely because studies of government and society have envisaged the dynamism for reform as emanating primarily from the center (Hechter, 1975; Nairn, 1981). The remoter regions of the English periphery - the north, the west, Wales, and Ireland are depicted as backward and unruly. The achievement of Tudor government, so the argument goes, was to establish elements of reform in these areas and see to their development. Ireland, being the most remote, it follows that its plight was worst - culturally antiquated, intellectually stagnant, politically anarchic. Furthermore, it is readily taken for granted that the local stirrings of support for political reform were responses to actions taken by Crown government in Ireland.

Whatever may be the case in the other regions, these assumptions about the dynamics of political reform in Ireland are off the mark. The reign of Henry VII, for example, produced only one excursion into Irish reform on the part of the Crown. The result of this was Poynings' Law¹⁰, an act

10) In 1494 Sir Edward Poynings was dispatched to Ireland to render the Irish Lordship ineffectual as a springboard for pretenders to the Irish throne. His task had two aspects: to curb the loyally Yorkist Fitzgeralds, and to prevent the exploitation of the institutions of government in Ireland for subversive purposes. Poynings Law, passed by the Irish Parliament in 1494, required all Irish bills to be submitted by the chief governor and council in Ireland to the king and council in London where they might be approved, with or without modification, or suppressed altogether. Only those bills which had been approved and returned to Ireland under the great seal were presented to the Irish parliament, which might accept them or reject them as they stood (cf. Bradshaw, 1979:30ff).

whose original purpose had been to curb the independence of the chief governor, but whose major effects were the limitations it established on parliamentary initiative - and these were not fully felt as a grievance until the eighteenth century (Beckett, 1966:51ff). The later reign of Henry VIII follows a similar pattern. Apart from the single, unsuccessful expedition of Surrey in 1520-21 the crown's involvement in Irish government for the first twenty years of the reign suggests an attitude fluctuating between apathy and feeble interest. But there is evidence of sustained pressure for reform within Ireland itself from about 1510 forward. Hobsbawm (1973:17) notes that during this period of transition into the modern era "politics (e.g. liberalism) belonged to the cities and the rich". In this respect Ireland was no exception, the pressure for reform emerged from the 'power containers' of early modern Ireland - the castles, the manorial estates and the city of Dublin and its hinterland, the Pale. In social terms it reflected the political and socio-economic interests of the lesser nobility, the landowning gentry, and the town merchants of the Pale. (Bradshaw, 1979:58-83).

Although the Pale existed primarily as a strategic concept in Crown policy, it existed also as a socio-economic reality. For a variety of reasons that reality approximated more closely to conditions in the south of England than did any other area of the colony. Its economy was for the most part a monetary one, in contrast to the barter system which

prevailed in other parts of the island. Society was organized on an agrarian basis, with market towns, villages, and solid farmsteads, rather than on the largely scattered and less stable pastoral system that prevailed in the Gaelic and Gaelicized areas. The interest of the dominant social stratum showed the commercial enterprize and the enthusiasm for social and economic advancement exhibited by their peers in England. They had an interest in peace and stability and in the social and political fortunes of their shires: Dublin, Kildare, Meath and Louth. Above all, they were greatly and directly influenced by the fact that the Pale constituted the hinterland of Dublin, the seat of Crown government. The four shires constituted the area with which the central administration had been most intimately involved, and in which its machinery of government operated most efficiently and effectively. Thus it was the area most amenable to the jurisdiction of the Crown government, and also the area most immediately responsive to the cult of the sovereign. As a corollary it was the area least open to control by a feudal magnate, despite the strong influence of the earl of Kildare, whose seat was at Maynooth on its western border.

Amenability to government under the Crown, and to its system of centralized administration, was strengthened, not only by a concern over the steady accumulation of magnate power which threatened to undermine the existing form of government, but also by a tradition of participation in the operation of that government. The gentry of the Pale composed

a pool from which the Crown administration in Dublin was staffed. Among the more influential elements of the Pale community was a type of professional gentry who earned their living through their large landholdings and by careers in government administration or as lawyers in the crown courts. These men were required to go to England for professional training; their career outlets, as well as their landed interests, demanded a period in residence at the Inns of Court in London. Legal training, exposure to the cultural and intellectual scenes in London, and involvement in government all served to emphasize a sharpened political consciousness and a pragmatic reflection on the operation of the machinery of government. Thus an element of vested interest provided the initial impetus for the movement of political reform in Ireland. It started with the attempts of the gentry, along with the patrician class of the royal towns (Waterford, Cork, Limerick and Galway) to elicit political and economic concessions from the guarantor of their freedom and their security, the Crown.

The arguments of the early reformers are well represented in the writings of William Darcy, for many years the treasurer of the Dublin administration, and Patrick Finglas, the chief baron of the exchequer at about the same time (1500-1530?).¹¹ Darcy surveys the situation in the Pale, the four earldoms, Kildare, Ormond, Desmond, and Ulster and portrays the contemporary situation in terms of a deterioration from a

11) The discussion of Darcy and Finglas draws from Bradshaw, 1979:ch.two.

previous perfect state. He focuses attention on two factors which he considered at the root of all the trouble: Irish 'feudalism' and the irresponsible attitude in England toward the Irish Lordship. He argues that in the course of the fifteenth century the first three earldoms had been transformed into self-contained lordships, autonomously organized for military, tax, and judicial purposes. They had absorbed the adjoining shires in the process, thereby extruding the central government. At the same time English negligence accounted for the withdrawal of Ulster, with its adjoining shires. When the inheritance passed to English absentees, and eventually to the crown, they were so preoccupied with English affairs that they allowed their Irish inheritance to be overrun by Gaelic and unlawful Anglo-Irish encroachers who refused to acknowledge the sovereign jurisdiction of the crown.

Against this background Darcy highlighted the present situation of the Pale. The last bastion of the Crown's sovereignty was undergoing the same process as had occurred in the three earldoms. The magnates who had been allowed to act as lord deputies for the Crown were exploiting their authority to introduce the same organization of government in the Pale as existed in their own earldoms. The consequence would eventually be the annexation of the four shires in the same way as the outlying shires had earlier been annexed into the adjoining earldoms. The argument here was directed against Gerald FitzGerald (Garret Mór, or 'Gerald the Great', to the

Irish) the eighth earl of Kildare, who enjoyed a virtual monopoly of the office of lord deputy or King's Representative in Ireland, a position which carried with it control of the Dublin administration and the military forces of the Pale. However, there was also an underlying reproach against royal irresponsibility, since the four shires had always been under direct Crown control.

Subsequent treatises from the same milieu approach the political reformation from the same general standpoint. However, where Darcy described the decline simply in terms of the contraction of Crown government, later authors drew attention to other aspects of the situation of the Pale. Aspects such as the defence of the Pale borders, internal political disruption, and the spread of Gaelic culture within the colony. Finglas introduced the first of these to the discussion by noting that Leinster, the first Gaelic kingdom to be gained by the Anglo-Norman colonists in the twelfth century, was also the first to be lost. Like Ulster it fell through the neglect of the English absentees. The result was that the four shires of the Pale were now surrounded by Gaelic clans who preyed upon the local community and extorted protection money from them. With regard to the second problem, Finglas argued that the current internal political turmoil was due to Irish "bastard feudalism" (Bradshaw, 1979: 40). According to him the colony began to disintegrate from within when the magnates took over control of the defence and military organization of their areas. In pursuit of greater

military resources they joined Gaelic alliances, disregarded their common loyalty to the colony, and thereby eliminated the chance of a common policy supervised by the center.

The third factor, the increased Gaelicization (understood in the widest sense of the word as the Old English settlers tended to fall more and more into the native way of life) within the colony and the hostility of the Old English to this process, has long been considered by historians to be an important factor in sixteenth century Ireland. The traditional consensus here is that in contrast to the softening of the Anglo-Irish of the outlying earldoms to Gaelic cultural influences, the Anglo-Irish of the Pale retained their cultural purity and their prejudices. Their prejudice was founded upon colonial contempt and hostility (Edwards, 1961). Yet, as already noted, the evidence of widespread predilection for the Irish language and Gaelic cultural forms (e.g. fashion and mode of riding) at all levels of society within the Pale contradicts this conventional picture of contempt and hostility. The attitude of the reforming elite is, of course, another matter. It is largely through their hostility that we know of the biases of the majority. But their hostility may not have been as absolute and widespread as at first sight appears. Darcy's own behavior does not imply social or cultural intolerance. He was, like the vast majority of Pale gentry, bilingual, and he married off his daughter to a Gaelic magnate by the name of O'Donnell. Finglas shows a similar broad-mindedness. He did

not consider the Gaelic Irish to be primitive savages, as the Elizabethan colonizers did. He praised the industry of their "poor commons" and the respect for law which Gaelic society exhibited, comparing them favorably in this regard with the Anglo-Irish community (Bradshaw, 1979:41).

The point is that reform treatises against the trend toward Gaelicization, and its denunciation as a political evil, can be interpreted as being motivated by primarily political concerns, and not as essentially grounded in social and/or cultural trends. What was under assault was not the Gaelic community as a rival political community, but Gaelic dynasticism as a rival political system. Indeed, the priorities of the reformers show comparative indifference to the purely cultural forms of Gaelicization. They addressed themselves primarily to those features of the Gaelic socio-political system which were directly inimical to the stable and centrally governed community that they hoped to achieve, such as the Gaelic extractions known as coyne and livery which enabled a magnate to maintain a standing army. In fact the general attitude towards Gaelic culture - matters of language, dress and similar social customs - was tolerant and, in most cases, sympathetic. In Ireland long standing civil ethnic boundaries took on their modern significance only when they were drawn upon by the English state to construct its own official racism in the late sixteenth and seventeenth centuries (Bradshaw, 1979:43ff; Barth, 1969:9-10; Worsley, 1984: 245ff.).

The lines along which reform was approached reflected two general characteristics of Irish political discourse, variations of which were to predominate until well into the eighteenth century: a narrow range of interest and a conservative inclination. First, the reformers were interested in a 'particular' reformation as opposed to a 'general' one. By a 'particular reform' was meant a project of limited scope - the reform of the traditional colony, the political entity composed of 'the king's faithful subjects', while the term 'general reformation' referred to the reform of the Lordship as a whole - including 'the disobedient Irishy'. The conservative nature of the movement is reflected in the conceptual scheme that framed their political thinking which dated from the fourteenth century. Sir Patrick Finglas' treatise notes that Edward III, Duke of Clarence, made certain statutes at a parliament at Kilkenny "for the common wealth, for the preservation of English order ... (which) if they had been kept, this land had been obedient to the king's laws statutes hitherto" (Bradshaw, 1979:41).

The reformer's specific proposals fell into four major categories. The first concerned the curtailment of magnate power, especially the exploitation of the office of lord deputy. Another revived the traditional system of defence, the primary defensive burden was to be assumed once again by the great landholders of the locality rather than by the great lord of the region. The large retinues kept by the lord deputy and the magnates on the argument of defensive needs

could be eliminated, along with the imposition of Gaelic exactions to sustain them. Here some expansion of the colony beyond its present limits was envisaged, and the ominous theme of colonization was revived, although within the context of a 'particular' reform. What was involved was a plan to extend the colonial area to its strategic border, the natural boundary of the Shannon river. Thirdly, there were prescriptions for the maintenance of law and order, for the control of relationships with the Gaelic borders, and for the revival of trade and market towns. Lastly, there was a series of proposals aimed at revitalizing the machinery of crown government, both at the center and in the peripheries. Throughout these proposals, however, the notion of two substantive, coexisting communities, was retained: a community of subjects under the sovereign jurisdiction of the crown and a community beyond the law.

THE HENRICIAN 'NEW DEPARTURE': POLICY AND SOVEREIGNTY

The said Irishmen will not be brought to no good order, unless it be by compulsion, which will not be done without a great puissance of men, and great cost of money, and long continuance of time.

Lord Surrey to Henry VIII, 1520¹²

To turn from the treatises of the early Irish reformers to the volumes of Irish material in the state papers of the reign of Henry VIII (1509-1547) is to find much that is familiar, along with a radical new departure. The subject

12) State Papers Henry VIII, ii, p. 35. Quoted in Bradshaw, 1979:62.

matter is the same - reform in the Irish lordship - and so is much of the content: the crown's political system was falling apart, and the causes as well as the symptoms were clear enough. What makes the difference is a new concept, and this, in a word, is the commonwealth: the concept of a responsible state committed to social, political and religious reform (Elton, 1973:1ff; Bradshaw, 1979:49ff.).

The primary significance of the commonwealth concept was that it allowed a new conception of the problem of reform to develop within the reforming circles of the Anglo-Irish nobility. This was 'commonwealth liberalism', its advocates argued for the reform of the island's political infrastructure while leaving its superstructure intact. In practical terms this meant the assimilation of the non-constitutional lordships to the polity of the crown - constitutionally, jurisdictionally and socially, but without disturbing the existing framework of local leadership or of landownership. Reform and reformation were clearly in the air in the early sixteenth century and, like their counterparts throughout Europe, the Anglo-Irish reformers embraced the new ethos of Christian humanism implied by the terms, characterized as it was by an enthusiasm for social and religious renewal along with political gains. It must be emphasized, however, that in Ireland, as opposed to England, the concept upon which Tudor reformation was based was political unitary sovereignty, not royal ecclesiastical supremacy. Beckett (1966:19) writes that the religious divisions, which have played such a large part

in Irish politics since the early Stuart period, were not a clear-cut issue even at the end of the sixteenth century. Bishops and laymen alike accepted Henry's act of supremacy with few qualms, since no effort was made to enforce it, even within the Pale, and religious issues contributed little to the unrest that marked Henry's reign. Thomas Cromwell's comprehensive scheme for the reformation in Ireland, the Ordinances of 1534, merely instructed the lord deputy and the Irish council to arrange for the enactment of ecclesiastical legislation. Meanwhile, they were encouraged "to resist the said bishop of Rome's provisions and other his pretended and usurped legislation" on the basis of English statutes.¹³

The most influential elements within the Anglo-Irish movement for political reformation envisioned a bilateral solution based on the idea of coexisting communities that had emerged in the fourteenth century and been codified by the Kilkenny statutes. When this view was combined with the full implications of the idea of the commonwealth (the notion of a justly ordered and justly governed society), the goal of reform could no longer be conceived of as a limited one. In the contemporary terminology, the particular reformation could no longer be given precedence over the general one. Reform had to be concerned with providing effective government and prosperity for the island community as a whole.

The crown, however, saw the situation from a unilateral perspective whereby the Crown's sovereign jurisdiction would

13) *State Papers Henry VIII*, ii, p. 194. Quoted in Bradshaw, 1979:155.

extend throughout the island. Consequently, in the 1520s Henry launched what became known as his "new departure". Tudor rule of Ireland was to be strengthened as part of the general policy to bind Wales, Ireland and the northern areas of England more securely to the English state. Based on "sober waies, politique driftes, and amiable persuasions founded in lawe and reason,"¹⁴ this policy was designed not only to regularize relations between the Crown and the Anglo-Irish lords, but to allow the cooptation of the Gaelic Irish as well. Surrey was to soften up the opposition initially by diplomacy, winning some over by generous offers, bringing others to terms by force, and neutralizing the danger of joint opposition by keeping the lords at odds with one another. English law would be extended, in fact and not just in theory, to the Irishry, thereby transforming the ruling chieftains of the Irish septs "from a warrior oligarchy into civilian landowners" (Lustick, 1985:18). The cooptive intent of the policy as applied to Ireland is described by Bradshaw (1979:54) as follows:

The Gaelic and Gaelicized area was to be assimilated to the colonial one, more or less intact - constitutionally and jurisdictionally at first, and gradually culturally also. The 'Irish great landlords' were to receive noble status and a title of inheritance in their possessions under royal patent, and to "enjoy all the prerogatives of the king's parliament, as other lords doth". Lesser lords would receive a patent and knighthood, thus assimilating them to the colonial gentry class. All of this would be accompanied by assimilation within the crown's jurisdictional system also. They would attend parliament in virtue of their status, and

14) State Papers Henry VIII, ii, p. 51. Quoted in Bradshaw, 1979:63.

participate in the administration of the crown's judicial machinery as justices of the peace in their localities.

Although Henry's new departure was noted with great interest by various Gaelic lords, the plan - a classic example of 'royal liberalism' - was never implemented. Bradshaw (1979:77) ascribes a "major part in the abandonment of the king's proposal" to the intervention of several high-ranking Anglo-Irish representatives of the Pale nobility - administrators of the most heavily settled and securely held area of Ireland, west and north of Dublin. "If the will of crown government for reform had faltered", he writes, "the will of local reformers had not." What the local reformers, whose numbers included Darcy, Finglas, and Sir Patrick Bermingham, the chief justice of the king's bench, wanted was for the Pale to continue under their direction and to become a force for reform under their guidance.

Another crucial factor in the scuttling of the policy of royal liberalism in Ireland had to do with international concerns. Giddens (1985:93) notes that as an organization Henry VIII's England, along with other absolutist states, was part and parcel of a novel type of reflexively monitored state system. In the European world of the sixteenth century, dominated by the Holy Roman Empire of Charles V, by Spain and the Ottoman Turks, a lesser country like England had to achieve its political position in relation to these superpowers. England's self-confidence rose in proportion to its increasingly active role in international affairs and

Henry's concern with other matters of importance to the English state, the building up of the royal navy, for example, and the deployment of troops and the construction of fortresses along the channel coast and the Scottish border to forestall a possible invasion from the continent, necessarily took attention and resources away from England's Irish affairs (cf. Bendix, 1978:283ff.).

Despite the failure of its implementation, two key elements of Henry's new departure, the jurisdictional end and the strategic means, need to be underscored. The idea of the coexistence of the obedient and disobedient communities under the Crown's overlordship, and the dual system of government based upon it were to be eliminated. In their place the king proposed a new scheme within which the inhabitants of the island would form one community of obedient subjects, governed under the unilateral jurisdiction of the Crown. The total subjugation of the island was restored as the goal of Crown policy. But this was not an attempt to restore the objective of the twelfth century monarchs who had claimed the overlordship of Ireland. With Henry a new emphasis came to be placed on the dignity and the power of kingship in England. He replaced the medieval notion of the lordship with the concept of kingly sovereignty just as that concept was in the process of development toward a new and more modern formulation. "In this new formulation", Elton (1962:46) writes, "the power of the king rested upon his rights and prerogatives. No one could say exactly what the king's

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prerogative amounted to, but all agreed that it included fixed rights and an indefinite reserve of power vested in the crown. No Tudor wished to define it: its vagueness was its worth."

Henry also proposed a new strategy for the attainment of his goal. 'Policy' was preferred to outright conquest. As Bradshaw (1979:61) notes, this was not the approach of enlightened statesmanship for which a succession of commentators since the nineteenth century - particularly English ones - have paid tribute to Henry. As outlined by the king himself the main features of 'politic ways' were bribery, trouble-making and bullying, a good example of renaissance statecraft, tempered perhaps by a modicum of shrewd good will. In any case, no matter what the motivation, it was a strategy based in the first instance on diplomacy and conciliation - an indication of the Crown's recognition of the emerging new order of European states - rather than on a war of conquest and colonization.

It is traditionally considered that the events of the reign of Henry VIII, particularly the rebellion of the Fitzgeralds of Kildare, mark the transition from medieval to modern Irish history. The continuous succession of English heads of the Irish executive - broken only in the extraordinary circumstances surrounding the reigns of Charles I and Charles II - begins with the ousting of the Earl of Kildare from the office in the prelude to the rebellion. Similarly, the uninterrupted presence of an English army in Ireland dates from the arrival of the force under Lord Deputy

Skeffington in mid-1534 to put down the rebellion. Both of these events testify to a new involvement on the part of government in England with Irish affairs, an involvement which was to deeply influenced the course of Irish history.

Thus far traditional historiography cannot be disputed. But what is at issue here are the circumstances which precipitated this new involvement and its significance in the context of English policy toward Ireland. According to the traditional view 1534 was witness to the culmination of a number of related developments in the onset of the Tudor conquest. One was the emergence of the renaissance-style Tudor monarchy which was forced to respond to the home rule of the Anglo-Irish magnates. The conflict between Henry VIII and the Fitzgeralds indicates the point at which the inevitable national force launched itself against the immovable imperial object. The timing of the assault was coincident with and largely determined by the religious reformation. The situation reached a climax for two reasons: first, the need to assert royal ecclesiastical supremacy in the Irish church; and secondly, because the heightened threat of invasion by the continental forces of Catholicism made it imperative to secure England's back door (Hayes-McCoy,1976).

Much of this, however, has come under question. For example, Canny (1976) argues that the Tudors were not committed to an expansionist policy until the reign of Elizabeth (1558-1603). What happened in 1534 was in essence a holding operation designed to secure the Pale in new

circumstances of threat. Quinn (1960) and Ellis (1977) have examined what occurred in 1534 against the background of English policy in the preceeding years, and have concluded that the Crown at this point was reacting to rather than attempting to structure the course of events in Ireland. In place of a ruthlessly efficient Tudor machine, setting about the destruction of the overpowerful Fitzgeralds, they see a new administration, headed by the inexperienced Thomas Cromwell, unfamiliar and out of touch with Irish affairs and too involved with the urgent business of the royal supremacy in England to focus much attention on Ireland. Nothing was done until the situation drifted into rebellion and the crown was forced to intervene or forfeit its foothold in Ireland. Thus, the Kildare rebellion was not just a symptom of the arrival of a new type of monarchy in Ireland, as the traditional view would have it, but its cause. The rebellion drew attention to the urgency of the Irish situation and convinced the crown of need to devise a means of coping with it. It took the Irish rebellion of 1534 to produce an Irish policy.

However, the thesis presented here about the conditions under which the Crown's Irish policy was launched requires a reformulation of these interpretations. Much of this reformulation necessarily focuses on the role of Thomas Cromwell in the administration of Henry VIII and the context within which he considered the Irish problem. Cromwell replaced Cardinal Wolsey as the king's chief advisor in 1530.

It is reasonable to assume that he was already well acquainted with the problems of the Irish lordship by this time. He had been in the inner ring of Wolsey's personal advisors for over a decade and during this time he had become very familiar with the great problems of state, including those of Ireland.

Throughout the 1520s and the 1530s Cromwell used his expanding network of Irish contacts, both in the Pale and elsewhere, to develop surveillance procedures and to gather a complex set of sources of information about the situations and the fortunes of the Irish magnates. Elton (1973:9) writes that Cromwell, standing "at the centre of whatever was being planned and done", was firmly in "control of the propaganda machine and the intellectuals." He compiled a dossier on the lordship, successfully played one faction off another, and initiated a flow of information on the local situation into Whitehall. A catalog of documents held by him in 1533 listed among those he had obtained in the previous two years a set of articles submitted by William Fagan, an Anglo-Irish intermediary with the O'Neils of Ulster, documents and reports relating to the short-lived experiment of installing the Englishman William Skeffington as lord deputy in 1531 - the experiment collapsed under magnate pressure since Skeffington was expected to share power with Kildare, a deposition against Kildare's liberty jurisdiction, "two books of the description of Ireland" and a "device" on Irish affairs by John Alen, archbishop of Dublin and the Irish lord chancellor since 1528 (Quinn,1978b; Bradshaw,1979:93).

Cromwell's approach to government was an integral one. From the start he related the problems of government in Ireland to those of governing the Crown's dominions as a whole. The Irish policy that he developed was part of a general framework for the government of the outposts of the kingdom that began to crystallize by the mid-1530s. The statutory basis for the program was provided by a body of legislation enacted in the early 1530s. The "acts for liberties and franchises" of 1533 dealt with the reorganization of government in those areas of England where feudal semi-autonomy survived. Four acts provided for the assimilation of Wales, and one act provided for the reform of government in Calais. This legislation was accompanied by an administrative offensive on the remote areas. The council in the north was substantially reorganized. The work of reform started in Wales in 1534 was given a definite objective and a precise program by the legislation of 1536. In Calais the same legislation provided the impetus for four years of intensive reform activity designed to modernize the garrison militarily and administratively (Youings, 1960, Bradshaw, 1979: 117ff.).

Examination of this background brings to light the basic principle on which the Irish policy was based: unitary sovereignty - sovereignty of the state, not sovereignty of the nation. In the history of Cromwellian reform the period of the mid-1530s complements in the secular sphere the work of the early 1530s in the ecclesiastical sphere. Both were

concerned with giving statutory expression and administrative effect to the supremacy of the king's jurisdiction over all competing jurisdictions in his dominions. Examination of the background is equally important in that it brings to light the model on which the reorganization of government in Ireland was based. This was the garrison at Calais, under English control until its fall to the duke of Guise in 1559. "That outpost (which) constituted the reality represented by the English royal style of 'king of France'". It was not more incumbent upon the king, by virtue of unitary sovereignty to proceed to subjugate all of Ireland than it was to undertake the subjugation of all of France. Instead that principle prescribed the obligation to ensure that the existing community of the king's subjects were unilaterally governed under the crown's sovereign jurisdiction, without the insinuation of secondary jurisdiction. This did not necessarily entail a departure from the Anglo-Irish in the sphere of social reform, but it did provide a substantially new concept of the colony as a garrisoned English Pale. It was now not a government in its own right, but a regional extension of the English one, as were the north and west of England, and Wales. Unlike Calais, however, the colony in Ireland was inhabited by a long-established and fully developed indigenous community (Elton, 1977:168-229; Bradshaw, 1979:119-167).

Bearing in mind this context, and the ever increasing accumulation of information and the number of personal

contacts established by Cromwell from at least the late 1520s onwards, we can ask the question: at what point did he formulate and begin to implement an Irish policy? The thesis argued here is that Cromwell embarked upon a policy of Irish reform by the summer of 1533 and applied himself to it steadily thereafter, despite the importance of other matters claiming his attention. What the evidence indicates is that by mid-1533 he was preparing the way for a full-scale program of political reform in the lordship, in which the Fitzgeralds and the other lords would play a large, but subservient, part. He intended to install an English lord deputy, to rebuild the executive by the appointment of suitable personnel to outstanding vacancies, and to come to terms with the far too powerful earls of Kildare and Ossory. The aim of the last component of the policy was twofold: to end the feud between the two which had been the cause of much turmoil within the lordship and to secure a formal indenture from both requiring them to cooperate with the revival of crown government, including its extension into their territories. Cromwell's Irish policy was launched no more than six months after he had succeeded in establishing himself as the king's chief minister and almost a year before the Fitzgerald's rebellion in June 1534 (Elton, 1953: 71-98; Bradshaw, 1977b, 1979: 95-138).

In this light the Kildare rebellion can be seen as a consequence of the Crown's new involvement in Irish affairs. In May 1534 Cromwell and the reform group inaugurated a policy outlined in a set of Ordinances for the government of Ireland.

The Ordinances contained many provisions proffered by the Anglo-Irish reformers in Ireland but ultimately they were the work of Cromwell. Positively, they were intended to restore Crown government throughout the colony. The great lords were required to disband their armies, local government was to be thoroughly restored, local officers of the crown (justices of the peace, etc.) were to be appointed, jails were to be established in every shire. A greater degree of formality and specialization of function was to be achieved by insisting on the use of the great seal of England, the special functions of each department and the need for the keeping of records. Central administration, its machinery rebuilt and its personnel reformed, was to act as the motive force in the restoration of the colony (Bradshaw, 1979).

The Ordinances' corresponding negative purpose was to abolish the type of political organization associated with Irish bastard feudalism. The Irishry was considered only in relation to the colony and the need for stabilizing relationships between the two areas. Consequently, when he was asked by the king to assemble in council with his peers to approve the Ordinances, 'Silken Thomas', Lord Offaly, the son of the ninth earl of Kildare rejected the plan and went into rebellion. It was not the popular uprising which romantic nationalists fondly imagine - it was, as a response to Cromwellian policy, a largely personal protest on the part of the greatest Anglo-Irish magnate family at a threat to their dominance. The revolt clearly falls into the category of late

medieval dynastic warfare - the diffuse power networks of the Gaelic lordship could offer no other type of resistance, but it also was 'modern' in the sense that it was a response to the consolidation of power in the hands of the English administration. It was in Giddens' (1985:314) words a counter-influence "brought to bear in the dialectic of control." Thomas' main strength lay in his ability to elicit the support of his father's Gaelic allies, and of most of his kinsmen, feudal underlords and tenants. The loyal community of the Pale, who at most were bullied into neutrality, did not turn out in support of the protest (Bradshaw, 1979:123). What the failed rebellion dramatically indicated was a lack of power in the institutional systems of Ireland that lay outside the Pale.

The rebellion dragged on for the rest of the decade. The confusion resulting from that event and the diversion of resources meant that the reform policy did not really get off the ground. However, as the forces of the crown took the military initiative in early 1535, Cromwell's administration sprang into action also - prosecuting commissions of oyer and termination and surveying crown lands in Kildare and doing the same in Ormond a year later.

The pattern for the future policy for Ireland was set in the aftermath of the Kildare rebellion: as early as the spring of 1535 a divergence of opinion had appeared in government circles in Dublin regarding the formulation of a post rebellion policy. The options were a continuation of reform

(the moderate position), the outright conquest of Ireland (the radical position), and the binding of the Irishry to the crown by traditional indentures - advocated by Lord Deputy Skeffington (the conservative position) although variations on each option existed. Those in the Irish administration generally approached the subject on the basis of a predetermined political objective. This was the pacification of the island, turning the army of 700, sent to put down the rebellion, into the vanguard of an army of conquest, to be followed settlement and colonization. Those in the English government were more concerned with the cost, and when in June 1536 only £7000 were allocated for payment of the army in Ireland it became clear that no substantial advance toward general conquest could be made during that year. The effect of this on the Irish administration was to provoke attempts to reformulate the conquest policy on a more modest scale in the hope that the government would finance it. The London government was not persuaded and determined to try again to coax an additional tax from parliament. A bill for the suppression of the monasteries passed parliament - the Henrican phase of land confiscation and reallocation was to coincide with the first appreciable settlement of New English in Ireland in the modern period, but the requested appropriation for conquest did not. The Irish lordship was to be made self supporting not by securing additional taxes, but by cutting the army to reduce expenditure (Bradshaw,1974).

This decision had profound implications for crown policy in Ireland. A letter from Henry VIII on 25 February 1537 brought an end to the debate that had started in mid-1535 when Cromwell posed the question of conquest or reform. It provided a preliminary statement of the lines along which the crown policy would henceforth proceed. So long as the military strength was limited to what the Irish revenues could bear it would do no more than provide for local defence. Henry left no doubt that the flirtation with the conquest policy was over. Merely by neglecting to refer to it his letter indicated his lack of interest in the grand schemes for bringing the entire island into subjection which had been so persistently urged upon him by the Irish executive in the previous eighteen months. The Irish council got the message. A separate reply to Cromwell, written at the same time as their acknowledgement to the king, noted bitterly:¹⁵

For these 200 years, and more, such hath been the miserable chance to this land, that whensoever the Prince was minded to the reformation hereof, having time and all things never so propitious thereto, some chance happed, which was the let thereof...so as, of likelihood, the time appointed by God for the reformation of this land is not yet come.

This assessed the English attitude correctly. The general reformation of Ireland was not definitively abandoned, it was simply deferred. Henry concluded his letter of 25 February by reaffirming his desire "to the advancement of the good of that country" and his intent "earnestly to devise for the reformation thereof, and the reducing of it to a perfect

15) State Papers Henry VIII, ii, pp. 422,430. Quoted in Bradshaw, 1979:115.

civility." But the outcome of the policy debate of 1535-37 cannot be compared to those occasional, and largely futile, reforming efforts which punctuate the history of late medieval Ireland such as those by Poynings and Surrey. Upon their departure from Ireland the historic method of providing for government was readopted - that is, by delegation of the function to one of the great local feudatories and the waning of the reforming initiative within the administration. In contrast to earlier reforming efforts, in 1537 provisions were made to fill the power vacuum: the English lord deputy and his entourage remained, the members of English administration remained, and the internal reform, far from faltering, increased momentum. Paradoxically, the king's letter of 25 February 1537, which ruled out a policy of conquest, simultaneously brought down the curtain on the medieval lordship. If it deferred once more the task of establishing the crown's sovereignty throughout Ireland, it also set crown policy firmly against reversion to the lordship of Anglo-Irish bastard feudalism. One way in which Cromwell secured his own reform program was by transforming another wave of transitory officials and army personnel into permanent settlers. The king's letter conveyed the decision that this arrangement was to be permanent, and it proved to be so (Bradshaw, 1979:115).

The political theory of absolute state power always functioned at some distance from reality. In Ireland the legacy of Cromwellian unionism, despite the underlying theme of unitary sovereignty, is essentially that the constitutional

and jurisdictional duality of the Irish lordship was allowed to continue as it had been formalized in the fourteenth century. From the perspective of the peripheries the constitutional implications of this are not uniform. The concept of territorial union was made explicit in the acts for the union of Wales with England and for the reform of the English Pale in France. The situation is more complex in Ireland. A constitutional union was not attempted by act of parliament. In fact, the statutes enacting the royal ecclesiastical supremacy in Ireland expressed the constitutional position of the lordship in a way that could be endorsed by the local parliament: "the king's land of Ireland, is his proper dominion, and a member appending and rightfully belonging to the imperial crown of the said realm of England, and united to the same."¹⁶ The notion of a personal union, in the imperial crown, of two distinct constitutional entities - England and Ireland - is exactly what was argued by the Anglo-Irish separatists from the fifteenth through the eighteenth centuries.

Ironically, Cromwell, whose constitutional concept was in general inimical to the notion of a constitutionally distinct Irish lordship, made a significant contribution to its preservation as a distinct entity. This was in the revival of

16) Statutes at large, Ireland, 1, p. 56. Quoted in Bradshaw, 1979:161. Sir John Davies argued in his address as speaker of the Irish house of commons in 1613, that the phrase quoted implied a union of the two kingdoms rather than a union of each to the English Crown. The speech is edited by H. Morley in *Ireland Under Elizabeth and James I*. London: G. Routledge, 1890, pp. 393-409.

the Irish parliament. In Ireland, as in England, Cromwell's reform required an entirely new body of legislation to carry it into effect. Ideally, unitary sovereignty would have meant the end of the separate Irish parliament, and the attendance of members from the new Pale at the Westminster parliament. This would have been in line with Cromwell's arrangements for Wales and Calais. However, the political situation in Ireland in 1536 was not suitable for such an innovation. The restored Irish parliament was never allowed to assume the role of full partner in government - all claims of sovereignty referred to England, but the continued reliance on legislation as an instrument of government after Cromwell's fall from royal favor and his execution in 1540 meant that parliament in Ireland would continue to provide a focus and a forum for the Anglo-Irish separatist tradition until the Act of Union in 1800.

In other respects Cromwell's legacy to Anglo-Irish relations was equally consequential. Early on in his administration he gauged that Ireland did not constitute a grave or urgent risk to the security and foreign policy of England. In this regard he helped to set the tone for future administrations by showing much more sensitivity to the strategic importance of Wales and Scotland, and to the threat of a direct invasion of England from the continent. Even at the time of the Kildare rebellion, which occurred during the period of the greatest tension between Henry VIII and Emperor Charles V (it followed close upon the king's divorce of the

emperor's aunt and his assertion of the royal ecclesiastical supremacy), the emperor confirmed Cromwell's view by pointing out the strategic potential of Ireland in view of its proximity to Wales, but he never contemplated exploiting this by using Ireland as a route to England for an invading army. Instead, he assessed Irish trouble in terms of its nuisance value. Local Gaelic leaders were well known for their shifting political allegiances. The only Spanish aid to arrive in Ireland as a result of the Kildare rebellion was a one-man diplomatic mission who arrived in the winter of 1534-5 to assess the political situation first hand, to impress the local dissidents with 'genuineness' of the emperor's interest in their cause, and generally to stir up as much trouble as possible for the crown. Similarly, the diplomatic missions by Silken Thomas to the emperor and to the pope in that same winter were well received, but were given no tangible assistance.¹⁷

An indication of the place occupied by Ireland in the calculations of the English administration is their response to the threat of a continental crusade in the spring of 1539. There was near panic as preparations were made for the defence of England. The northern borders against Scotland, the western and southern seacoast, and the English outpost at Calais all came in for considerable attention. But in the first half of 1539 nothing was done to guard against an invasion of Ireland, despite the seriousness of the political

17) *State Papers Henry VIII*, II, p. 201. Quoted in Bradshaw, 1979:135.

situation there at the time. Cromwell did nothing to deal with the final stages of the Kildare rebellion until the threat of the continental invasion had passed and he felt free to turn his attention to less urgent matters (Scarisbrick, 1971:470-1).

Bradshaw (1979:138) sums up this matter:

Examination of the attitudes and reactions reflected in contemporary documents puts paid to the assumption that the Reformation and the consequent danger from the Counter-Reformation were the crucial factors in the new phase of crown government in Ireland that began in the 1530s. So far as Ireland's strategic importance was concerned, the ambiguity and flexibility of political relationships there rendered it a very slippery stepping-stone towards England. The continental powers knew this. And government in England knew that they knew it. It was not any new strategic importance attaching to Ireland, therefore, that dictated the crown's involvement with the Lordship in the 1530s, but the pressure for political reform mounted by the reforming milieu in Ireland itself and Thomas Cromwell's revolutionary concept of unitary sovereignty.

The concept of unitary sovereignty was Cromwell's greatest legacy to Anglo-Irish relations. Under Cromwell real power over the affairs of Ireland was transferred from Dublin to London. More and more the London government took on the role of decision-maker with scant regard for the preferences of the Irish executive or for its constitutional status as the governmental body of the Irish Lordship. A corollary was the unprecedented degree of direction and surveillance, understood as the collation and integration of information put to administrative purposes, to which the Irish executive was subjected from Whitehall.

One feature of this new style of government was the special commission, an extraordinary device developed by Cromwell for dominating the Irish executive. Authorized representatives were sent from England to act on Whitehall's behalf in matters of special interest. These included financial legislation, garrison policy, or any other in which the Irish executive showed resistance to the London administration. For the first time correspondence between the two administrations became a regular feature of government. Cromwell insisted on semi-official reports from individual administrators, in addition to the joint dispatches of the council. Regular reports from a variety of sources was the ordinary method installed by Cromwell for constant surveillance over politics in Ireland. The regular dispatch was the ordinary method of exercising constant direction over governmental affairs. These were concerned with everything from the neighborly quarrel to substantial items of patronage, such as the awarding of confiscated properties and the selection of officers at garrisons.

The Irish executive was subordinated for the first time to the regular jurisdiction of its English counterpart. Just as the internal reform of the lordship occurred within the framework of Cromwell's general scheme for reform of the outlying areas of the king's domain, the reform of the lordship in relation to the English center of government occurred within the context of the same master plan. The role of the Irish executive was now conceived in terms of the

regional councils reorganized under Cromwell's guidance in the north and west of England, in Wales and in Calais. It was not for the crown a central government in its own right but a regional extension of the English state. Its purpose was to assure more effective English administration in the Irish Lordship (Youings, 1960; Bradshaw, 1979).

Another side of the policy entailed the establishment of a network of direct links between the Irish localities and London, as a complement to Cromwell's political appointments. Cromwell establish a network of special agents within the Pale and in the southeast and the southwest. By means of this network the London administration was given an alternative route to the localities in Ireland other than through Dublin. It was now possible for London to interfere directly in local politics and to supervise the movements of prominent figures such as Kildare. The Dublin executive was not completely ignored for such purposes, but the creation of other possibilities helped to deprive it of the role and the status of a central government.

As already noted, there was a general reluctance on the part of Anglo-Irish government officials to enforce the penal clauses of the ecclesiastical laws against local clerical dissidents (Bradshaw, 1969). In contrast to England, the movement of resistance in Ireland was not dealt with in the early stages of its development by effective state action. This was a factor of no small importance in the gradual expansion of a widespread recusant movement among the loyal

Anglo-Irish community. So far as the local community was concerned the English garrison was a much more explosive issue than religion. This garrison was a Cromwellian innovation that became a permanent feature of crown government in Ireland, as well as a major source of political tension down to the foundation of the Irish Free State (1920) and beyond. The establishment of the garrison led to the usurpation by the English officers of status and roles which the Anglo-Irish nobility had long considered their own. At this juncture opposition to the model for the Cromwell's reform program, the garrisoned Pale, merged into opposition to the Cromwellian principle of unitary sovereignty. The other features of the program were no less enduring or alienating, but here the Cromwell's policy marks the transition from medieval to modern. A new phase in the history of Anglo-Irish separatism starts with the response to this aspect of Cromwell's concept of unionism.

It has been mentioned that in seeking to use the Irish Parliament as a positive aspect of English sovereignty in Ireland Cromwell revived the instrument that had been the traditional forum of Anglo-Irish separatism. Although the revival was strictly controlled, parliament could not be deprived of the capacity to repudiate government proposals, and the periodic suspension of Poynings Law gave it the power of amendment. If the members were not allowed the means of attack, they at least had the chance of an adequate defence, and the greater the government's need for laws to see its

programs implemented the greater was the scope for the local politicians to conduct a rearguard action.

R.D. Edwards (1968:80) argues that this situation produced in the Irish parliaments of 1536 and 1537 a spirit of "independence and Irishness" that were characteristic of subsequent parliaments throughout the seventeenth and eighteenth centuries. The argument is based on the fact that, although the bills enacted were largely copies from England, parliament exercised its power of veto and amendment to impose an "Irish slant" on business. The bills referring to ecclesiastical matters were passed at the first sessions of the parliaments with no objections except from the proctors of the lower clergy. It was a different matter when the principle of unitary sovereignty on which royal ecclesiastical supremacy was based was applied to the political relationship between the English kingdom and the Irish Lordship. The claim of the English king to be the head of the Irish church was allowed, the right to govern the Irish church from England was challenged. This right was asserted in the bills drafted in England for faculties and for appeals in ecclesiastical causes, bills which entailed a new strategy by the crown in the deployment of administrative power, in what Giddens' (1985:47) terms "the control over the timing and spacing of human activities." These proposed that the relevant procedures should focus on Canterbury and the English chancery, by virtue of Ireland's constitutional status as an arm of the English crown. In both cases the proposals were

amended in Ireland to provide an alternative administrative procedure whereby the focus of jurisdiction under the acts would reside in the Irish executive. A third bill was designed to bring the lordship into monetary uniformity with England by assuming the sterling rate. Like the religious proposals it was based on the constitutional principle that the "land of Ireland is parcel of the crown of England". It was rejected out of hand (Bradshaw,1979:169).

Theoretical Reprise I

In order to convey the historical narrative with clarity it has been necessary to skim over the exposition of the systematic interrelations between structure and agency. Consequently, the relationship between the narrative and the theoretical account may be becoming a bit elusive. It seems appropriate at this point to review the material a second time, more briefly and abstractly.

In order to describe the origins of national-separatism in Ireland, I have had to argue a certain conception of nationalism and of political opposition. Nationalism - "the affiliation of individuals to a set of symbols and beliefs emphasizing communality among the members of a political order" (Giddens,1985:116) - is the cultural sensibility of sovereignty, the corollary of the coordination of the administrative power within the territorially bounded nation-state. In the historical sketch of events leading up to Irish political nationalism, the extension of English sovereignty to

Ireland in the period of European absolutism is linked with the increasingly impersonal administration over and surveillance of the population of Ireland. Social power, organized as public policy and seeking to fix the legitimacy of sovereignty in the centralizing English state, is conceptualized within the duality of structure of the state as both transformative capacity and domination.

Power must be related to resources, both allocative and authoritative. Resources implicated in the reproduction of social systems that have some degree of continuity across space and time form aspects of the structural properties of those social systems. All social systems of any duration involve the institutional mediation of power (channeled through the use of definite strategies of control) and can be studied as incorporating or expressing modes of domination. Domination is expressed in and through the institutions¹⁸ that represent the most deeply embedded continuities of social life, but in the context of any collectivity, association, or organization¹⁹, domination is expressed as modes of control. Relatively stable forms of control are types of rule. The 'scope' of a type of rule refers to how far those in superordinate positions can control the activities of those below them; its 'intensity' depends on the sanctions that can be invoked to secure compliance.

18) An institution is a practice which is enduring and inclusive 'laterally' in the sense it is widespread among members of a community or society (Giddens, 1979:80).

19) An organization is a collectivity in which knowledge about the conditions of system reproduction is reflexively used to influence, shape or modify that reproduction.

Since the European absolutist period structural properties of the English state have been increasingly implicated in its production and reproduction. Authoritative resources (statutes, administrative and judicial procedures - including privy council and royal commissions which oversaw the extension of monarchical authority, direction and surveillance, military presence, etc.) which the existence of domination implies, are structural components of any modern (or modernizing) state and enter into its reproduction to the extent that they are drawn upon, and employed reflexively, by contextually located social agents (Burton & Carlen, 1979; Giddens, 1979).

The expansion of the English absolutist state to Ireland involved the establishment of relations of relative autonomy (constitutional and legal) and dependence (cultural links, state subsidies, etc.) between the Anglo-Irish and Gaelic-Irish communities and between these and the English crown. These are examined in conjunction with the generation of social power as it is generated in and through the concentration of resources in power containers: locales or circumscribed arenas for the generation of administrative power. In the case of Ireland the medieval power containers were the castles, the manorial estates, and the city of Dublin and its hinterland - the Pale. It was the Anglo-Irish agents within these areas who had established a tradition of participation within crown government, who were the most responsive to the English sovereignty established by the

Statutes of Kilkenny (1366)²⁰, and also who were most amenable to the jurisdiction of the crown. This amenability was strengthened by a concern over the steady, but diffuse, accumulation of military strength by the Gaelic-Irish magnates outside these areas.²¹ It was from within these power containers that the sixteenth century movements for political reform emerged. As sovereign subjects the Anglo-Irish lords contributed more to political discourse than did their Gaelic counterparts whose legally closed, localized political community was effectively outside the sphere of liberal politics. The result was a particularistic, conservative discourse which retained and underscored the notion of two substantive co-existing political communities in Ireland.

Power within Ireland, or any social system that maintains continuity over time and space, presumes regularized relations of autonomy and dependence between individuals or groups in contexts of social interaction (see figure 3-1). But all types of dependence offer up resources whereby those who are

20) The Kilkenny statutes represent the first attempt to establish a systematic form of English rule in Ireland. They provided a codification of the feudal ties established between the English crown and the Anglo-Norman settlers in Ireland in the twelfth century. The intended goals of the statutes were the provision of a legal framework within which the Irish lordship might be governed and the provision of a basis on which the Crown might aspire to exercise a measure of sovereignty throughout the island. However, given the way in which the statutes were framed - they applied only to those in the 'Englishry', i.e. the area held under feudal tenure, their lasting significance was to formulate and aggravate the differences between the Anglo-Irish and the Gaelic-Irish communities in Ireland and to provide a basis for legal conflicts between England and Ireland.

21) The Gaelic-Irish communities were linked to the crown only by ad hoc indentures of submission and were integrated largely through military power.

subordinate can influence the activities of superordinates. We must not take for granted the degree to which the Anglo-Irish, much less the Gaelic-Irish, accepted the ideological symbol systems of the English Crown. Indeed the evidence indicates that both groups, in varying degrees and in varying ways, had much better knowledge of the conditions of social reproduction in Ireland than the politically and militarily superior forces of the crown, and were able to draw upon resources and use them to their advantage. This phenomenon - the dialectic of control - is an intrinsic feature of regularized relations of power within social systems. In Ireland it is the source of movements for political reform and, subsequently, political nationalism.²²

Figure 3-1: Social and System Integration

| | |
|---------------------------|---|
| SOCIAL INTEGRATION | Reciprocity between actors
(relations of autonomy/dependence) |
| SYSTEM INTEGRATION | Reciprocity between groups or
collectivities (relations of
autonomy/dependence) |

Source: Anthony Giddens, 1979: 77.

Systemness at the level of social integration usually occurs through the reflexive monitoring of action along with the rationalization of conduct. This, through the duality of

22) Through the operation of the dialectic of control, the Kilkenny statutes also provided a space within which the Gaelic-Irish magnates could act despite their lack of access to the institutions of English government. At this stage these actions were no more than attempts to search out, on an individual, largely uncoordinated basis, alternative overlords such as the emperor and the kings of France and Scotland and the development of a new system of political power based on a standing army rather than the medieval host.

structure is central to the systemness of the social order as a whole. But because the consequences, including the unintended consequences, of action stretch beyond the recursive effects of the duality of structure, further influences on system integration must be understood (see figure 3-2).

Figure 3-2: System and Action

| | |
|-----------------|--------------------------------------|
| SYSTEM = | Interdependence of action |
| conceived as | 1) homeostatic causal loops |
| | 2) self-regulation through feed-back |
| | 3) reflexive self regulation |

Source: Anthony Giddens, 1979: 78.

One can accept the notion of interdependence of system parts as homeostasis without accepting the functionalist idea that homeostasis exhausts the meaning of interdependence. As Giddens (1979:78) argues, homeostasis is only one form or level of such interdependence, and one borrowing from a physiological model, where the forces operate most "blindly". It is not the same as self-regulation through feedback involving selective information filtering, and is a more "primitive" process. In physical systems feedback involves basically three elements: receptor, control apparatus, and effector, through which messages pass. Feedback may produce stasis, but they can also be directional, propelling social change. "A fairly direct parallel can be drawn between such feed-back effects and processes involved in social systems. But reflexive self regulation is a distinctively human phenomenon" (Giddens, 1979:78) and its expansion at the level

of system integration is one of the principle features of the modern world. This phenomenon underlies two of the most pervasive types of social mobilization in modern times: the state and the secular social movement, and early examples of both permeate the history of Anglo-Irish relations. It is important to note that attempts at reflexive self-regulation also produce a further dispersion of feed-back processes, through the introduction of 'systems technology'. Habermas (1970) has argued that reflexive self-regulation understood as technical control can become a significant ideological force in the modern era (cf. Giddens, 1979).

By the sixteenth century a liberal reform movement (i.e. 'institutional' dialectic of control) of significant proportions had developed among the sovereign subjects of the Englishry; organized around primarily political concerns, it was particularly important in the area of the Pale. The reformers initial proposals called for the curtailment of magnate power, the revival of traditional systems of defence including the extension of the colony to its 'natural' border of the Shannon river, more effective law and order, and the revitalization of Crown government. The notion of two substantive, coexisting communities was to be retained: a community of subjects under the sovereign jurisdiction of the Crown and a community beyond the law. By the time of the reign of Henry VIII (1509-47), the notion of Commonwealth liberalism had influenced the Anglo-Irish reformers and they began to call for reform of the island's infrastructure while

leaving its superstructure intact. This meant the assimilation of the non-constitutional lordships to the polity of the Crown without disturbing the existing distribution of political power or land ownership. They advocated political unitary sovereignty for Ireland, with themselves in control of the local framework of local leadership; in contemporary terms they were calling for a general reform.

Henry's government related the problems of governing in Ireland to those of governing the Crown's dominions as a whole: legislation accompanied by administrative offensives on remote areas. Two important elements of Henry's 'new departure' were its jurisdictional ends - the unilateral sovereignty of the Crown throughout Ireland - and its strategic means - policy. The goal of royal unitary sovereignty called for extensive administrative and military changes (many of which were carried out) as well as for the restoration of the colony over the whole of the island (this second goal was abandoned). The Kildare Rebellion of 1534, a counter-influence brought to bear in the dialectic of control, was the first 'modern' Irish rebellion in the sense that it was a Gaelic response to the consolidation of power in the hands of the English rebellion, but it was also an example of late medieval dynastic war - the diffuse power networks of the Gaelic lordship could offer no other type of resistance given their lack of power in institutional systems outside the Pale. After Kildare's defeat no strictly Gaelic force would

seriously threaten English sovereignty for the rest of the century.

Cromwell took the opportunity that the rebellion offered to dramatically increase the apparatus of surveillance and social control in Ireland. The political theory of absolutism, however, always operated at some distance from reality. Despite the concept of unitary sovereignty as a mode of system integration, Ireland, largely because of its strategic inconsequence, was allowed to maintain the constitutional and jurisdictional duality of the Irish lordship. Also, the penal clauses of the ecclesiastical laws against local clerical dissidents were not enforced as they were in other parts of the realm. This contributed to expansion of a widespread recusant movement among the Anglo-Irish, and the Dublin parliament, which Cromwell had envisaged as a positive aspect of crown policy, became a forum for political opposition to crown policy. It was from this forum that the first movements for political nationalism were to emerge.

FROM POLITICAL REFORM TO POLITICAL NATIONALISM

Lack of naming the king's majesty and his noble progenitors kings of Ireland ... hath been great occasion that the Irishmen and inhabitants within this realm of Ireland have not been so obedient to the king's highness and his most noble progenitors, and to their laws, as they of right and according to their allegiance and bounden duties ought to have been.

Statutes at large, Ireland, 1541²³

In 1537 a royal commission headed by Anthony St. Leger visited Ireland in order to appraise the problem of the Gaelic border areas. He returned to England in 1538 with indentures concluded with several of the border lords in which they offered total submission to the Crown's sovereign jurisdiction in return for noble status and hereditary tenure of their lordships by letters patent. He returned also with a novel idea - one suggested to him by Bishop Staples of Meath. Staples argued that the Gaelic Irish traditionally regarded the pope as possessing sovereign jurisdiction in Ireland, and the English king as holding the island as his vassal. To disabuse them of this notion he suggested changing the English monarch's title in Ireland from lord to king, and then persuading the Gaelic lords to swear loyalty to him as sovereign. He urged that "to have our master recognised king of Ireland and ... to have all Ireland then sworn to due obedience" would much improve the behavior of the Irishry.²⁴ It was becoming clear that Irish affairs were in need of some sort of conciliatory approach and these two notions, the

23) Quoted in Bradshaw, 1979:233.

24) State Papers Henry VIII, II, p. 480. Quoted in Bradshaw, 1979:194.

proclamation of the kingly title and the grant of tenure and titles of nobility to the Irishry, were to provide the principal items of the liberal program of the mid-sixteenth century.

The final move in that direction was facilitated by two extraneous events. One was the invasion of the Pale by a powerful Gaelic alliance, the Geraldine League, with the ostensible aim of installing the Fitzgerald heir in his earldom. This action produced a political crisis as great as the Kildare rebellion itself. It, like the earlier imbroglio, called the policy of coexistence into question, while also discrediting Lord Deputy Gray's administration. The other was the power struggle within the English administration which removed Cromwell from the scene and, incidentally, Gray as well. The way was open for St. Leger to return to Ireland as head of the administration (Quinn & Nichols, 1976, Hayes-McCoy, 1976, Bradshaw, 1979).

When St. Leger arrived in Ireland as lord deputy in late 1540, it was soon clear that control over Irish policy was slipping away from the government in England, and that factions in the Irish executive had come together in opposition to the medieval constitution and the political attitudes enshrined in that document. St. Leger's new policy was addressed to the basic problem that the dual system of government devised in the fourteenth century was designed to circumvent, not to solve: the non-constitutional lordships of the Irishry, and the consequent anomaly of the existence of

obedient and disobedient territories within one lordship under the crown.

The objective of St. Leger's liberal program was not fundamentally different from the one to which the long-standing Anglo-Irish plan for general reform aspired. What made the plan unique was its strategy of conciliation. It was designed to incorporate the non-constitutional lordships to the English state, but without disturbing the existing structure of local political leadership or landownership. This meant 'political engineering' at two levels. At the local level the non-constitutional lordships had to give up the structure of the Gaelic political system and accept one reorganized on the English model with constitutional status. At the national level the idea of the people of Ireland as a political community under the sovereign crown, rather than an English colony and an alien Irishry, had to be given constitutional expression in the institutions and the practice of government (Bradshaw, 1979).

The centerpiece of the liberal program at the local level was the formula employed to solve the problem between the Crown and the lords on the issue of tenure. That formula, which has come to be known as 'surrender and regrant', prescribed that the lord should apply for a grant of tenure under royal patent. By doing so he surrendered both his own rights of sovereign jurisdiction and the absolute tenure under which he held possession of the lordship. Reciprocally the issue of letters patent regranted title in perpetuity under

the sovereignty of the Crown. The reformers saw surrender and regrant not only as a means of stabilizing relationships between the Crown and the local lords, but also as a means of encouraging internal stability within the lordship. The effect of the grant of title under royal patent was not only to bring the local lordship within the scope of the ordinary jurisdiction of the Crown, but also to eliminate a major source of instability within the lordships, the conflict over tenure.

Underlying the implementation of surrender and regrant was a difference in attitude and concerns between the royal liberalism of Henry VIII and the commonwealth liberalism of St. Leger and the reformers in Ireland. The king emphasized the rights of the Crown and assessed the reform program in terms of what it added to his power and prestige. St. Leger and his group, in contrast, stressed the needs of the community and the duties of the Crown in its government. This political attitude harkens back to the commonwealth treatise of the second decade of the century, and looks forward to the constitutional nationalism of the Stuart period. It provides "a link in the chain of tradition of Anglo-Irish political reform" (Bradshaw, 1979:205).

The conciliatory approach of the commonwealth liberals presented no problem to the king, since his material interests were not touched. In fact, Henry led the way, outlining how the Crown's judicial system might be adopted in order to make it acceptable to the local population. English laws and

judicial institutions were not to be imposed dictatorially. Instead the local lords were to be consulted, and with their advice a legal code was to be devised that would include acceptable elements of Gaelic law. A set of ordinances were set up "for the reformation of the inhabitants of the kingdom ... who are not as yet so acquainted with the laws as to be able to live and be governed according to them".²⁵ The devices of kincogish (joint responsibility) and the eric (fine and compensation) were retained for cases of homicide and theft, but the severe penalties of English criminal law, mutilation or death, were imposed in others, e.g. highway robbery and rape. The much-denounced coyne and livery was not abolished, but the limits within which it could be employed were clearly specified.

Within the social sphere the English went beyond mere acknowledgement of the need for a generalized social discipline and introduced the concept of deviance. The notion of vagabondage was applied to curtail the floating population of professional soldiers, who had served as a kind of police for some lords and warriors for others, without, however, attempting to do away with them. Indeed, many, especially those who did not identify their interests with certain factions among the Irish, were taken over by the crown into its own service. Although referred to as 'Scots', these mercenaries derived from families only remotely of Scottish

25) *State Papers Henry VIII*, iii,, p. 398. Quoted in Bradshaw, 1979:206.

origin, and many of the members of the ranks "were of pure Irish descent (Quinn & Nicolls, 1976:33).

Against the background of six years of political tension in which the Crown had become associated in the Gaelic areas with duplicity, ruthlessness, and even heresy, St. Leger, with the help of such Anglo-Irish politicians as Thomas Cusack - the head of an influential Pale family, labored to draw the Irish lords of consequence behind the liberal program. The policy that they worked out to guide the dynastic lordships into the Crown's realm provided the counterpart, with regard to political relationships, of the procedures of surrender and regrant through which the relationship between lord and Crown were redefined. Two aspects were involved. One concerned subinfeudation, the organization of the internal structure of the lordship on the English model. The rights and obligations of the lord and his underlords were arbitrated and defined in indentures which were mutually acceptable, with the crown guaranteeing the settlement. The other aspect dealt with the regulation of the external relations of the magnates. The objective here was to transform autonomous dynasts on the Gaelic model into local nobility within the framework of a centralized state under the government of the crown. One major task was to arbitrate long-standing disputes between rival lords, enshrining the final agreement in legal indentures, as the basis for a permanent solution. Another was to dissolve dynastic alliances, formed within a Gaelic

system of clientship, through which the magnates attempted to make lesser lords of their satellites.

By the summer of 1543 all of the important dynastic lords of the disobedient territories had committed themselves positively to surrender and regrant. Most of them made visits to court for the purpose of finalizing their reconciliation with the crown. In that summer, however, while the privy council concluded the terms of their patents with the Irish lords and arranged for the ceremony of ennoblement, the king's attention was on other matters. He was committing himself inextricably to a plan to annex Scotland, and was deep in the preparations for the invasion of France. An incidental consequences of such foreign commitments was the suspension of the liberal policy in Ireland. It was never fully implemented (Bradshaw, 1979: 200-230).

Just as the surrender and regrant policy was the pivot for the program of conciliation in the Irishry, so the Act for the Kingly Title of June 1541 provided the pivot on which the program for the reconstitution of the state revolved. The initiative for the change of royal style came from within the Irish executive only three months after St. Leger had assumed the position of lord deputy. It does not reflect the bellicosity of the king in the 1540s which plunged him into a war of conquest in Scotland and an invasion of France. In fact he was unenthusiastic when it was proposed, put it off when it was presented to him for his approval, and enraged

when he realized too late what he had committed himself to (Bradshaw, 1973:76).

The matter at hand in the Act for the Kingly Title was political sovereignty, its background is Irish political reform. The proposal to proclaim kingly title was designed by a group within the Crown government in Ireland in order to extend the Crown's sovereign jurisdiction throughout the island by conciliation, and not by conquest. As the above epigraph indicates, the change from 'lord' to 'king' was intended to affirm the sovereignty of the constitutional bond between the English crown and Ireland and to have that sovereignty acknowledged among the Irishry. St. Leger urged that the royal style be changed because the Gaelic-Irish²⁶

imagined (themselves) to have ... another kingdom and sect of themselves, ever adversaries and enemies to your regal jurisdiction and subjects, devising to be in misery and wretchedness in avoiding subjection.

The context within which this must be set is the duality of the medieval lordship. The change of the royal style provided the liberal method for abolishing such duality, with secure constitutional underpinning. On the one hand, the notion of kingly sovereignty was incompatible with the existence of local lordships immune from internal jurisdiction. On the other hand, it greatly facilitated the extension of constitutional status to the Irishry. In as much as the act affirmed the king's sovereign rule over the island as a whole, it paved the way for the removal of local or

26) State Papers Henry VIII, iii, p. 339. Quoted in Bradshaw, 1973:234.

ethnic considerations as criteria for constitutional status and for the removal of the insecurity stemming from the non-constitutional nature of the dynastic lordships. By the substitution of the notion of kingship for that of lordship, the Act for the Kingly Title addressed the reality of a subject Englishry and an alien Irishry with the constitutional ideal of one community of subjects under the sovereign jurisdiction of the crown. What the act set out to accomplish, with regard to the national constitution, surrender and regrant was designed to accomplish with regard to the dynastic lords and their lordships (Bradshaw, 1973).

The substitution of the notion of kingship for that of lordship had implications for the external sovereignty of Ireland as well. It was designed to strengthen the bid of the liberals for the loyalty of the Gaelic-Irish lords against competition from foreign potentates. As a result of the twelfth-century papal bull, the sovereign temporal jurisdiction of Ireland was widely regarded among the Irishry as residing in the papacy. The status of the English ruler was consequently considered to be secondary and limited. Without a doubt the struggle between the papacy and Crown over spiritual jurisdiction added a further complication, but the weight of the English overlord's title had tended to diminish throughout the middle ages. The change of royal style was an attempt to affirm the sovereignty of the English Crown in Ireland, and thus declared any other external political relationship *ultra vires* (eroding the liberties of the state).

While surrender and regrant removed the uncertainty of the local lord's personal constitutional status, the Act for the Kingly Title removed the uncertainty about the constitutional status of the crown. The act "left the dynastic lord in no doubt about the exclusive and sovereign nature of the jurisdictional relationship he contracted with the crown by the acceptance of his title and tenure" (Bradshaw, 1979:235).

A third way in which the change of the royal style lent support to the liberal reform program relates to the implications of sovereignty for the king himself, rather than for Ireland. Henry VIII hoped to ensure that the act for the kingly title should not appear to be investing him with a status that he already enjoyed in his own right. He considered the papal grant an irrelevance since, as he argued, his title in Ireland, as in England was based on an original conquest. Therefore, the assumption of the kingly title simply stated explicitly the sovereignty already implicit in the title of 'lord'. The king soon realized that if the change added nothing to his authority it added much to his responsibilities. By making explicit his sovereign status he was committed to making it a reality. He was in honor bound to exercise the functions of king of Ireland. "The assumption of the kingly title", Bradshaw (1979:237) writes, increased the pressure on government in England to commit itself to reform in Ireland. It sharpened the sting of the moral censure which the movement for reform in Ireland levelled against the crown's neglect. Henceforth, kingly duty would be

a much used weapon in the armoury of persuasives deployed by Anglo-Irish political reformers."

Viewed in its historical context the change in the royal style from 'lord' to 'king' represents the attempt of the commonwealth liberals to mold the constitutional frame of Ireland to the specifications of their plan for reform. By making explicit the sovereign status of the English crown in Ireland they rejected the divided structure of the medieval lordship and replaced it with a single community of subjects, governed by the supreme jurisdiction of the Crown. By making Crown sovereignty explicit they also increased the Crown's commitment to giving it substance. The goal, and the effect of the change in the short term, was to secure the necessary royal approval for the commonwealth liberal's scheme for general reform. The long term consequences and political significance of the act, after the crown abandoned the liberal program in the Elizabethan period, had to do with the status of Ireland. Ireland became a kingdom. In the Act for the Kingly Title the designation "this realm of Ireland" was used for the first time in place of the designation of "land of Ireland". The significance of this is noted by Bradshaw (1979:265):

This was not, as in the alteration of the king's style, a mere playing with words. Whatever had been its constitutional status as a Lordship, Ireland was now a sovereign kingdom. The change had permanent consequences for the constitutional structure of the island, internally and externally, which ensured that the liberal program of the 1540s exercised a continuing political influence, despite the abandonment of the policy officially.

This meant that the legal distinction between loyal subjects and Irish enemies, and the partition of Ireland into two jurisdictional entities which the distinction assumed, was incompatible with the new status of Ireland as a kingdom. The implication of this was that the Gaelic- Irish came within the jurisdiction of English law.

An important aspect of the internal constitutional change was that it provided a legal means of frustrating the advocates of the radical policy of conquest and colonization. There might still be Irish rebels, but the entire population of the Irishry could no longer be considered to be enemies of the Crown. As members of the kingdom the Gaelic-Irish could claim the protection and privileges of subjects under the law. In addition, some of the most powerful members of the Gaelic nobility had been provided with sound legal tenure through surrender and regrant. The radical policy had been greatly preempted, though not permanently thwarted.

Externally, the definition of Ireland's status as a kingdom provided a constitutional barrier against the onslaughts of unionism. The claim of the superior jurisdiction of English institutions of government over their Irish counterparts could be and was repudiated on the basis of Ireland's sovereign status. It also provided the Anglo-Irish separatists with constitutional grounding. A succession of Anglo-Irish politicians were able to exploit its possibilities through agitation against the continuing presence of the English garrison, as well as the Anglicization of Irish

government, which occurred steadily from 1557 onward. Indeed, the jurisdictional union envisioned by Thomas Cromwell took over two and a half centuries to come about, when the colonial parliament of 1801 gave up the sovereign constitution of Ireland that had been proclaimed in the Anglo-Irish parliament of 1541.

The most enduring long term aspect of Ireland's status as a kingdom still needs to be considered. This is that it provided a constitutional principle on which to base an ideology of Irish nationalism. The aspirations of the commonwealth liberals came to dominate the mainstream Anglo-Irish movement of political reform. The commonwealth liberal lobby of the 1540s generated the commonwealth group which emerged as the primary source of opposition to Lord Deputy Sidney (1565-71) in the parliament of 1569-71 and continued thereafter as the focus of constitutional resistance to crown radicalism through the eighteenth century, and in a transmuted form after that. The influence of commonwealth liberalism is particularly crucial at the period of the watershed, when radicalism became firmly ensconced in government under Lord Deputy Sussex (1556-8), and when the ideology of nationalism first made its appearance within the Anglo-Irish political reform movement. Before examining the development of nationalism, it is useful to consider the legacy of the liberal concept of the commonwealth that contributed to nationalist ideology.

St. Leger succeeded in defending his policy in England and returned to Ireland at the end of 1546 to preside over the implementation of the program. However, in his absence William Brabazon had assumed control of the administration and "in conformity with his extreme radical proclivities, proceeded to blast the fragile shoots that had come forth in the spring of the liberal initiative". St. Leger returned to find O'Connor and O'More in open war, "goaded by the provocation of Brabazon." The relationship of cooperation and trust between government and local leaders, so patiently built up over the years, had been subverted (Bradshaw, 1979: 258).

The situation worsened when, in January 1547, less than a month after St. Leger's return to Ireland, Henry VIII died. The immediate effect of the death was to change the new administration which had been put together to implement the liberal policy into a caretaker administration during the period of transition. In June, Sir Edward Bellingham, "a stiff, unbending protestant approaching Irish politics as a soldier"²⁷ (Bradshaw, 1979: 261), was sent to take charge of military operations. He was made lord deputy in early 1548. Under him the crown set out on a course that was to lead to a thoroughly radical policy by launching a project for garrisoning and colonizing County Offaly. In the religious sphere also Bellingham's administration set crown policy on the path of radicalism, interfering directly with traditional religious forms, emphasizing the religious dimension of the

27) For examples of such people in the Elizabethan period, see Canny, 1976: 188-122.

English conquest and, thereby, adding religion to the existing political and cultural barriers that existed between the Gaelic- and Anglo-Irish communities, although the implications of this were not then clearly cut.

The seeming instability of the Dublin administration in the mid-Tudor period, and the perceived vacillation and uncertainty that characterized the conduct of Irish government reflected the instability of government in England at the same time. St. Leger was sent back to Ireland to briefly replace Bellingham in 1550, but was recalled a year later and replaced by James Croft. On the death of Edward VI (1553), St. Leger had a final chance in Ireland, but time was too short and too much damage had been done by his predecessors, and he had powerful enemies working against him in England. His recall in 1556 marks the end of the Crown's flirtation with liberalism as an Irish policy. The radicalism of the earl of Sussex in 1556 paved the way for the emergence of the classic strategy of conquest and colonization.

Another major factor was constituted by greed and a developing colonial ideology, especially among the 'New English' element in Ireland - settlers who had received a very large proportion of the lands expropriated from monasteries within the Pale. They criticized St. Leger's efforts to include Irish magnates and tribal chiefs in the distribution of these lands, and his cautious approach to the suppression of monasteries outside the Pale (Lustick, 1985:20; Bradshaw, 1974:162-98). There was also the ineptitude of the English

administrations of Edward VI (1547-53) and Mary (1553-58). Their attempts to secure the western borders of the Pale eventually led to the colonization the counties of Laois and Offaly. This, the "fatal blunder of the mid-Tudor period", alienated permanently the expropriated septs of the O'Connors and O'Mores, and it confirmed the worst suspicions about the crown's designs on the Irishry as an entity (White, 1965; Bradshaw, 1979:26).

Sussex's radical policy involved plans for a plantation of Laois and Offaly, the territories of O'Connor and O'More, on the western borders of the Pale, and of areas of Ulster as well. The rest of the country was to be controlled by a network of English garrisons and brought to conform to English government. Sussex applied himself to this task with great determination and his actions provoked a riot of resentment from the Anglo-Irish and the Gaelic-Irish communities alike. Important for understanding the development of Irish nationalism are the responses to Sussex's policy of two central figures of Anglo-Irish politics who are closely associated with the liberal enterprise: George Dowdall, archbishop of Armagh and primate of Ireland, and James Fitzjohn, earl of Desmond.

Between the years 1556 and 1558, Dowdall became a focus of opposition to the lord deputy's policy. From his perspective the situation was on the verge of the chaos of 1539-40, with the English army on the rampage inside the Pale, and the Irishry organizing to descend upon it from without.

Dowdall's attempts to to check the lord deputy in council only resulted in increasing Sussex's anger and confirming his suspicion that the archbishop was collaborating with the Irishry. Sussex succeeded in having Dowdall summoned to court and he demanded that the privy council relieve him of his Irish appointment if the archbishop was not made an example of to opponents of the regime. Dowdall was compromised by the fact that England was once again at war with France and Scotland and, unlike the 1540s, the Gaelic lords were once more expressing their interest in attracting the support of European allies against the crown.

Dowdall's alternative to Sussex's radicalism was not the restoration of commonwealth liberalism, which, given the circumstances, he probably considered to be an impossible goal. What he advocated, after giving theoretical assent to the doctrine of conquest and colonization²⁸, was a return to the conservative policy of Skeffington. The Irishry was to be bound to the crown by the traditional indentures, though through a strategy of conciliation - to include the founding of a university and free schools, not one of conquest or compulsion. With the cooperation of the Gaelic lords the Scottish intruders could be repelled, the country made secure against foreign intrigues, and the English army restrained.

The significance of the episode is that it illustrates the reaction of a highly influential figure within the Pale to

28) This was a common ploy of the commonwealth liberals. It had been used on several occasions by St. Leger and Cusack. See Bradshaw, 1973 & 1979; Canny, 1976.

adoption of a radical program by the crown. Regardless of his hesitation about the feasibility of continuing the commonwealth liberal program of general reform he was certainly in favor of a policy based on conciliation, and unambiguously opposed to a forceful solution. The thread of continuity is clear between the response and the policy started in the 1540s. The response to Dowdall's attempt to voice a concern widespread among the local population was inauspicious. Autocratic action by the lord deputy, conspired in London, was to force the majority element in the Anglo-Irish reform movement to regard itself increasingly as an opposition, and as an increasingly frustrated one.

The case of the earl of Desmond demonstrates even more clearly than that of Dowdall's the continuity between the commonwealth liberal program of the 1540s and the development of Anglo-Irish opposition later in the sixteenth century. If Dowdall's proposal reflected second thoughts about the possibility of implementing the liberal program, Desmond's did not. In his submission to the privy council in 1556, after referring to the doctrine of conquest and colonization, he went on to advocate the greater practicality of the liberal formula. To "train in all the Irishry by fair means" was the better way, since not only was a conquest a hazardous enterprize, but the gains would barely offset the costs of the operation.²⁹

29) *State Papers*, 62/2. Quoted in Bradshaw, 1979:273.

Desmond's resistance to Sussex, in addition to illustrating the continuity between the officially sponsored liberal movement of the 1540s and the later movement of Anglo-Irish opposition, illustrates a new unity in the opposition to government policy. It is clear from the common line taken by Dowdall and Desmond that the two saw themselves as allies and were in contact. Not only did they both make a gesture to conquest and colonization, but each made the same appeal for the dispatch of a royal commission from England to investigate the conduct of Sussex's administration. The establishment of such a link between the leading Anglo-Irish nobleman of the day and a central figure of the political milieu of the Pale is noteworthy. The reforming element of the Pale which Dowdall represented had traditionally displayed an attitude of hostility toward the great Old English magnates as impeters of the movement toward political reform. The joint opposition of Dowdall and Desmond in the late 1550s reflects a transition taking place in the attitude of the Pale group which was to culminate in their espousal of the demand for the installation of an Anglo-Irish nobleman as head of the Irish administration. The circumstances in which the transition began also need to be stressed: it was precipitated by common resistance to the radical policy of the English lord deputy toward the Irishry.

That the resistance of Desmond and Dowdall was representative and not merely individual is indicated by the evidence of opposition related to the Marian parliament of

1556-8. What transpired in the course of the parliament itself is shrouded in mystery and, as Bradshaw (1979:274) notes "the existence of mystery itself gives ground for suspicion." The almost total lack of information about the proceedings contrasts quite sharply with the two preceding Henrican parliaments and the two subsequent Elizabethan ones.³⁰ This lacunae can not reasonably attributed to chance since Sussex's administration is generally well documented. This mystery has not been penetrated by historians, but there is evidence of a movement of resistance before the parliament convened at all. Significantly, the professional gentry of the Pale were associated with this movement. There were two pieces of legislation against which opposition was directed: an act prohibiting marriage and fosterage with the Gaelic Irish which was extracted from the records and could not be implemented; and a bill for the planting of Laois and Offaly which twice disappeared before reaching Dublin from England and had to be sent off a third time before it could be presented to parliament. One other matter of relevance is the contrast between the type of parliament projected in the plan for reform presented to the English privy council in 1556 and the one which came to pass. The proposed scheme was

30 With regard to Elizabeth's Irish reformation parliament of 1560, evidence provides indications of intimidation and of gross abuse of parliamentary management to overcome local resistance. For example, some legislation was not presented in the upper house at all, where it had little chance of succeeding and support for the Crown's position "scraped through the Commons as a result of the government increasing support for itself by placing New English colonizers in newly created shire seats (Bradshaw, 1973:80).

formulated from the standpoint of commonwealth liberalism. It envisioned a parliament that would adopt the methods of the St. Leger parliament of 1541 in order to make it an instrument of national government and community cohesion. It was to go on circuit to regional centers where local leaders were to participate in developing a system of government for the region that would be tailored to local conditions and at the same time linked to the central administration. In order to create conditions for its success beforehand, Philip and Mary were to write letters to all the lords of the Irishry, assuring them that they were as highly regarded as any other of their subjects. What transpired was a parliament that met briefly in Dublin to enact a slate of legislation legitimizing Mary's claim as queen, repealing the Reformation legislation, and confiscating the lands of the Gaelic Irish of Laois and Offaly (Bradshaw,1979:275ff.; Farrell,1973).

The submissions of Archbishop Dowdall and the earl of Desmond to the privy council in 1557 were both characterized by an expression of patriotic sentiment. Their concern for political reform, they declared, was promoted by "natural affection" for their "native country" (Bradshaw,1979:276). Such sentiments have been traced to documents submitted to Cromwell in the early 1530s, but these are conspicuous as novelties in this regard in comparison with the vast bulk of similar material emanating from Anglo-Irish sources at the time. Just as the concept of the commonwealth was employed in Anglo-Irish politics under English influence in the early

decades of the century, so in its middle years England gave Ireland the concept of the 'patria', the native country, and in doing so prompted the rise of a new type of political patriotism (Pollard, 1932; Loades, 1965 & 1974; Pocock, 1975; Elliot, 1969).

The implications of this new patriotism in the Irish context are quite complex. Up to this time the focus of political allegiance within the Anglo-Irish community was the ethnic group, an orientation which corresponded with the medieval sense of the word 'nation'. It was linked to the original Anglo-Norman invaders, with the history of the colony and its community. It found its expression in the ideology of Anglo-Irish separatism, in the movements to preserve the political autonomy of the lordship. With regard to the Gaelic-Irish: the colonists proudly identified with the ancient heritage of Gaelic civilization - its golden era of saints and scholars, which provided them with an important counter to English cultural chauvinism. On the other hand, pride in the historical colonial community created a cultural arrogance on their part in their relations with the Gaelic community, although this did not produce a fixed, ideologically conditioned tension between the two groups, but it was there and it could be exploited.

By the mid-1530s the focus of devotion among some of the reforming elements had switched from ethnic to local origin, from the race to the land, regarded now not merely for its cultural or natural attributes, but for its innate value as

the patria, the native land. Furthermore, attached to the idealization of the native land was a moral imperative, an obligation of duty and service. Dowdall professed his "natural affection" to "poor Ireland". "Devotion to Ireland was decreed by the law of nature to those of Irish birth" (Bradshaw, 1979:277). It was the assimilation of the emerging patriotism by commonwealth liberalism that first produced an ideology of Irish nationalism.

The new patriotic sentiments were not the special property of advocates of the commonwealth liberal program, but commonwealth liberalism was the one which could most fully assimilate the new patriotism. There was a clear correspondence between the affirmation of Ireland's constitutional sovereignty as a kingdom, which that program stressed, and claim of devotion to the native land. More importantly, this new notion of the nation could be used to provide emotionally and psychologically satisfying justification for the integrative aspirations of commonwealth liberalism, and an antidote to Anglo-Irish collective sentiments which were in opposition to them. It responded to the notion of Ireland's fragmented communities as a unified, coherent national community. Also, by moving the focus of national sentiments from the ethnic group to the patria it directed attention toward what the two groups had in common rather than what was unique to each. These, then, were the elements which came together in Anglo-Irish nationalist ideology. There was the constitutional concept of national

sovereignty which stressed Ireland's internal unity and its external autonomy from England, though under the English crown. This was associated with a program of political and social reform which encompassed the ideal of a national community, and of national solidarity, despite ethnic differences. Finally, there was a patriotic sentiment to which both consitutional principle and reform program aptly responded. This was comprised of a positive element, a new attitude of piety to the native land, and a negative element, an old attitude of resentment toward English domination (Bradshaw, 1979; 1973).

SUMMARY

The strategy of the English government for its Irish lordship in the early modern era begins with Statutes of Kilkenny (1366). The statutes, which represented an attempt to eliminate abuses over the entire range of government in the lordship, provided a body of legislative and judicial procedures within which reformers were to begin to search for an acceptable mode of governance. Many of the statutes dealt with the relationships between the Crown, the lordship and the Gaelic-Irish community (whose members did not possess the status of 'subject') which was threatening to undermine the political identity of the shrinking colonial community. They also served to formalize and aggravate the differences between the English and the Gaelic communities in Ireland by acknowledging that the non-feudal Gaelic-Irish lordships were beyond English law. The major source of tension was land

tenure. A large part of the medieval lordship was in the control of Gaelic lords who held their lands without a grant of tenure from the government. English law made no provisions for including the Gaelic system of land holding, but did serve to uphold the English Crown's claim to sovereignty over Ireland. The practical implications of these were minimal as long as no concerted effort was made to enforce them; they did, however, lead to political insecurity and resentment among the Gaelic-Irish.

In the fifteenth century a shift in Crown policy occurred: the establishment of a pale within the colonial area encompassing Dublin and its hinterland. Over the next century with its defence works and military forces it became the focus of the Crown's policy of consolidation. The establishment of the pale symbolizes recognition on the part of the crown that its capabilities for governing Ireland were limited, but that this need not imply the sacrifice of its ultimate objective. Legislation continued to be drafted on the basis of its applicability to the area of the Englishry as a whole.

By the late medieval period Ireland had been 'partitioned' according to the constitutional claims and political structure of its two major groups: on the one side was the land of the Englishry, and on the other was the land of the Irishry. In the course of the course of the next two centuries the two political systems underwent parallel developments which strengthened the power of the great magnates in both communities. These developments included the

recruitment of professional soldiers, a system of clientship which allowed landholders to bypass their immediate lord and to secure the protection of one more powerful, and individual, as opposed to the previous collective, diplomatic missions to secure alliances with alternative overlords such as the kings of France or Spain. By the time of the accession of Henry VIII (1509) was well on its way to fragmenting politically into a number of sovereign dynastic principalities.

The constitutional implications of the link with the crown also generated tensions within the colonial community. These had to do with magnate power - the relations between the Crown and the Old English magnates were unclear and unstable, and with institutional autonomy - the magnates resented their subordination to English domination, but remained loyal to the crown. By the early sixteenth century a liberal reform movement had begun to emerge from the 'power containers' of late medieval Ireland - the castles, manors, and the city of Dublin. It began as an attempt on the part of the gentry and the patrician class of the royal towns to elicit political and economic concessions from the Crown in the face of growing Gaelic-Irish influence and unlawful Anglo-Irish intruders who refused to acknowledge the sovereignty of the Crown, internal political disruptions and the declining defence of the the borders of the Pale. The movement was based on a narrow range of interests - a particular as opposed to a general reform, and it was conservative in nature - using the language and the concepts of the Statutes of Kilkenny.

Another conception of reform was offered by the Crown: commonwealth liberalism - the assimilation of the non-feudal lordships to the polity of the Crown without disturbing the existing framework of local leadership or landownership. This was based on the idea of coexisting communities as outlined in the 14th century codification of the Killkenny statutes plus the idea of the commonwealth; it involved a general reformation and effective government for the island as whole. Although not implemented, due to the intervention of the Pale nobility, the lasting effects of the plan included its jurisdictional end - the replacement of kingly (unitary) sovereignty for the medieval lordship which transferred real power over Irish policy from Dublin to London, and its strategic means - policy was preferred to conquest.

The moving force behind this policy was Thomas Cromwell. His legacy to Anglo-Irish affairs included the establishment of surveillance procedures, the development of an integral approach to the Irish Lordship - by establishing special commissions he linked the problem of governing Ireland to the rule of the realm as a whole, and he established firmly in crown circles the idea of a full scale program of political reform designed to eliminate Irish bastard feudalism. The constitutional and jurisdictional duality of Ireland (unlike Wales) continued, along with the personal union in the imperial crown of two distinct constitutional entities. This conceptualization, and the fact that Ireland maintained its

own parliament, was to become the basis of Anglo-Irish separatist movements.

Cromwell's influence was also felt in the policy debates in the aftermath of the Kildare rebellion (1535-37). He proposed, in order to ensure the continuity of crown sovereignty and power, that the new English lord deputy and his entourage should become permanent settlers in Ireland. This effectively set crown policy firmly against reversion to the lordship of Anglo-Irish bastard feudalism. The implementation of this policy coincided with the suppression of the monasteries in Ireland and the confiscation of their lands by the crown.

The Irish parliaments from 1536 onwards exhibited a spirit of independence and 'Irishness' that led the crown to take on the title of 'king' in 1541 and to persuade the Gaelic-Irish lords to swear fealty directly to him. As part and parcel of this arrangement a strategy of conciliation was proposed which would incorporate the non-constitutional lordships of the Gaelic-Irish without disturbing the existing leadership. The Gaelic lords would, however, be required to accept both a political system based on an English model and the idea of a political community under the sovereign English crown, with tenure of land held by royal decree through the policy of 'surrender and regrant'.

The surrender and regrant policy was implemented in two parts. The first involved subinfeudation - the internal organization of the lordship on the English model, and the

regulation of the external relations of the magnates through London. The second involved the Act for the Kingly Title which extended Crown sovereignty through conciliation, not conquest. The objective was to abolish the dual structure and to remove ethnic and local considerations of constitutional status. Internally, this provided a legal means for frustrating the advocates of conquest; externally, it provided a constitutional barrier against unionism, and a constitutional basis for political nationalism.

IV FROM CONCILIATION TO CENTRALIZATION

If absolutism were seen only as the concentration of authority in the hands of the monarch, the development of law could be pictured as the subordination of the overall political order to the will of a despot. But if the absolutist state is considered in terms of the co-ordination of 'sovereign administration', the expansion of codified law appears in quite another light. It is then part and parcel of a generalized apparatus of power.

Anthony Giddens, 1985

Introduction

Throughout the historical narrative it is important for the reader to keep in mind some key conceptual notions. Consequently I have placed two figures at the beginning of this chapter. Drawing from the theory of structuration, figure 4-1 lists the institutional clusters that characterize modern social systems. By 'institutions', I mean structured social practices that are located in what Braudel (1972) calls the long *durée* of time, and which are followed or acknowledged by the majority of people in a social order. 'Structure' refers to rules and resources instantiated in social systems; it is both the medium and the outcome of the activity that it recursively organizes. "The structured properties of society, the study of which is basic to explaining the long-term development of institutions, 'exist' only in their instantiation in the structuration of social systems, and in the memory-traces (reinforced or altered in the continuity of daily social life) that constitutes the knowledgeability of social actors" (Giddens, 1982:9). Resources are structured

Figure 4-1**Structuration and Modernity**

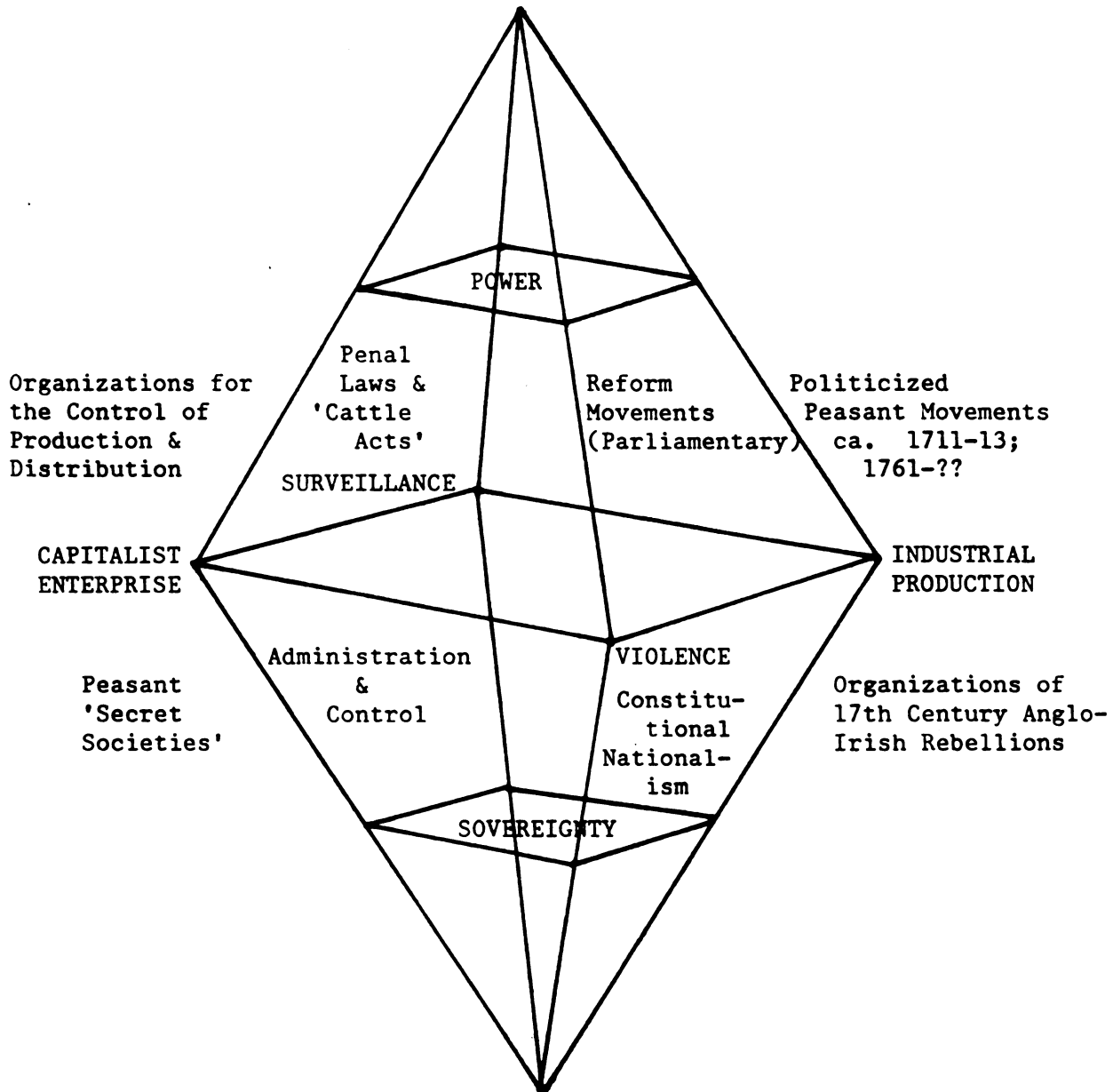
| Institutional
Clusters of
Modernity | Structural
Aspects
(Rules &
Resources) | Conceptual
Focus | Analytical
Focus |
|--|---|---|--|
| Heightened
Surveillance | Authoritative/
Allocative
Resources | World
Nation-State
System/World
Economy | Sovereignty
as Adminis-
tration &
Control |
| Capitalist
Enterprise | Allocative
Resources | World
Economy | Class Conflict:
Workplace &
Public Sphere |
| Industrial
Production | Allocative/
Authoritative
Resources | Sources of
Material
Power/
Centralized
Workplace | Industrial
Workplace |
| Concentrated
Violence | Authoritative
Resources | Nation-State/
Nation-State
System | Policy &
Sanctions |

properties of social systems, but 'exist' only to the extent that they are drawn upon by contextually located actors.

Along with the structural aspects of the institutional clusters are listed the conceptual and analytical foci that this study employs. Figure 4-2 presents, in a highly simplified manner, the basic conceptual model of the study in the form of an octrahedron. The communities of Ireland are tied into the expanding sovereignty of the English state through the four institutional clusters of modernity, but, unlike other recent sociological studies of Northern Ireland (Hechter, 1975; Nairn, 1981, Rawkins, 1979a) which stress those

Figure 4-2

 INSTITUTIONAL GRID OF EARLY MODERN IRELAND



 Adapted from: Rokkan, 1975: 566.

structural aspects which draw upon allocative resources (capitalism and industrial production), the analysis developed here stresses the two structural aspects which draw primarily upon authoritative resources (heightened surveillance and the concentration of the means of violence in the English state). Certainly Irish nationalism has been deeply influenced by the uneven development of capitalism and industrial production in Ireland, and Ulster has historically been the province that benefited most economically from England's colonial presence. Irish nationalism, however, has never been tied up primarily with capitalism; it can be conceptually linked more directly to the consolidation of power within the expanding sovereign English state. The three dimensional model allows us to characterize the institutional clusters of Ireland in terms of their 'functional differentiation' and their relation to the expanding English state. It also forces us to inquire into similarities and differences in the processes of social change: which center-periphery connections were established first, which second, etc., and what were the characteristic responses to the successive incursions from the center?

The model presented in figure 4-2 is essentially a device for linking agents, structures, and organizations to the sphere of English sovereignty. Social movements, both those within the institutional grid and those outside it, are oriented toward the expansion of their participation in political and social life through the dialectic of control. They are oriented toward redressing imbalances of power

involved in surveillance in the same arenas of historicity as the organizations they oppose, seek to modify or create, in this case the 'public sphere'. By understanding the history of the expansion of English sovereignty (surveillance and impersonal administration) and the consolidation of social power in the English state (policy which legitimates), and through the dialectic of control, the formation of Irish organizations that opposed these trends, we can develop an adequate explication of the origins and character of contemporary Irish nationalisms. These figures provide a conceptual map that can help us to link the social movements of Irish nationalism more directly to the English state.

The chapter begins with a discussion of impact of the sovereignty of the crown in Ireland on opposition movements. These were of two kinds: those operating within the realm of English sovereignty (the Englishry - including both Old English and Gaelic-Irish landed interests) - primarily through the parliaments, and those operating from outside the realm of English law and administration (the Irishry). The plantation of Ulster with Scots Presbyterian settlers, the 'Gaelic-Irish' rebellion which this engendered, and the establishment of the Protestant ascendancy and the penal laws are then considered. The chapter closes with a discussion of the administrative consolidation of the sovereign English state (focusing on policing and social control) in Ireland during that country's 'long eighteenth century' of the Protestant ascendancy.

REFORM, REBELLION AND CONQUEST

If we read Baron Finglas, Spenser, and Sir John Davies, we cannot miss the true genius and policy of the English Government (in Ireland), before the Revolution, as well as during the whole reign of Queen Elizabeth.... The original scheme was never deviated from for a single hour. Unheard of confiscations were made in the Northern parts upon grounds of plots and conspiracies never proved, upon their supposed authors. The war of chicane succeeded to the war of arms and of hostile statutes, and a regular series of operations were carried on first under pretence of tenures, and then of titles in the Crown, for the purpose of the total extirpation of the interests of the natives in their own soil....

Edmund Burke, n.d.¹

The liberal enterprize turned out to be a transient episode in the history of Crown policy in Ireland. In its conception, in its strategy and in its program it could not have been more distant from the final Crown settlement, the colonial state of the eighteenth century. Nevertheless, the events of the mid-sixteenth century had lasting consequences for the course of Irish history. The sovereignty of the Crown in Ireland was established and this provided not only a legal means of challenging the advocates of conquest and colonization, but also a constitutional principle for standing against union with England. For the next two centuries assertions of the superior jurisdiction of English institutions of government over their Irish counterparts were to be repudiated on the grounds of Ireland's sovereign status.

Although the Crown left the path of conciliation irrevocably in the Elizabethan period, the political

1) Letter to Sir Hercules Langrishe. Quoted in Lecky, 1893, 1:14-15.

aspirations engendered by the events of the 1540s continued to exercise a major influence on Irish politics through much of the eighteenth century, and in a transmuted form they continue to do so today. The early Irish separatist movements originated within the framework of a parliamentary tradition, sponsored by men committed to finding a solution to political problems by constitutional means. Even after it became clear to Irish republicans that constitutional means and legislative independence would not lead to an independent Ireland, the Dublin parliament remained both a symbol and a goal of national aspirations for a majority of the Irish people (Lee, 1973).

In the early seventeenth century the Dublin parliament was a forum for discussing the affairs of the greater and lesser landlords in the areas of Ireland under the sovereign jurisdiction of the English Crown. The exercise of political power was confined to a limited group, access to which depended on the possession of a landed estate. This group had no permanent structure outside the administration, and was allowed only intermittent access to the discursive sphere of politics. The parliament consisted of two houses, the difference between them being that the greater landlords sat in one and the minor gentry in the other, and it was summoned at intervals of ten to twenty years, at crucial moments for the London government, for the purpose of initiating new policies. From the Crown's point of view parliament was a monarchical institution, an instrument of government; its

meetings set the scene for political manoeuvres by which the government tried to get new policies adopted with as little concession as possible to established interests. The crown enjoyed the advantages of sovereign power, but it operated within a restricted locale: in the absence of a bureaucratic administration the monitoring operations of the state were confined largely to the executive (Clark, 1976b). Consequently, it depended on the support or the acquiescence of the landlords, who themselves were never without resources. For example, the government depended upon financial grants by parliament to meet its obligations, in fact for much of the colonial period the financial position of the Crown in Ireland was much stronger than it was in England (Johnston, 1963:13; cf. Lecky, 1893, 1:464). In addition, there was always the ultimate threat of revolt, not so much in the hope of defeating the Crown, as to create a military position from which to bargain an eventual compromise.

The parliament which met from 1613-15, the first to draw its members from all thirty-two counties, was arguably the most important in Irish history before 1782 and it marks a step towards the fusion of Old English and Gaelic-Irish landed interests in the confederation of Kilkenny. In the parliaments of the sixteenth century the House of Lords numbered 40 peers and the House of Commons about 100. In 1613, however, the Crown created 40 new parliamentary boroughs, which brought the membership of the Commons to 233. In theory the Crown was extending the right of parliamentary

representation to parts of Ireland that had hitherto been excluded, but in practice the new boroughs were "rotten boroughs" without inhabitants and their representatives were members of the royal administration in Dublin. The Crown's objective was the extension of the English penal laws against Catholics to Ireland and the exclusion of dissenters from the executive.² The creation of the new boroughs was not an end in itself, but a way of easing the passage of the new measures toward the statute books. The opposition, while withholding its parliamentary subsidy, described the new boroughs as "consisting of some few beggarly cottages" in order that "by the wills of a few selected for that purpose, under the names of burgesses, extreme penal laws should be imposed on (the crown's) subjects" (Kearney, 1973:90).

The parliamentary sessions (which were held in Dublin castle in the presence of an armed guard) were only part of the political story of 1613-15, and much less important than what went on behind the scenes since the Catholic commoners could not "profitably raise the political issue of the packing of parliament, because the king's power to enfranchise boroughs was unquestionable", and the Catholic peers refused to work within the arbitrarily revised political conditions (Clark, 1976a:214). Indeed, the three sessions of the parliament lasted only for one week, six weeks and four weeks respectively. The immediate result was compromise. The Crown

2) The Irish executive was made up of the offices of the lord lieutenant and the chief secretary with their under-secretaries and staff (cf. Johnston, 1963:12-101).

received its subsidies, and the opposition was successful in preventing an extension of the penal laws. The lasting consequence, growing out of the uneasy balance of power between 'court' and 'country', was "constitutional nationalism", a political position which advanced the interests of the Irish landed and commercial classes concerned by restrictions on trade, manufactures and lack of legislative independence (Cronin,1981:3). These interests, Old English and Gaelic-Irish, were to combine in the Confederation of Kilkenny in 1642, the Patriot Parliament of 1689, and 'Grattan's Parliament' of 1782. The 'parliaments' were attempts by the dominant Irish classes to establish a framework of discourse, a series of environments with institutional support, in which their politics could be discursively selected, controlled and organized, and administrative information coordinated and redistributed; within which they might articulate a "conceptual field of opposition" (Giddens,1985:75; cf. Foucault,1971).

Connected with all this was a social shift of immense significance. As already noted, the Henrican phase of land confiscation and reallocation (1536-47) coincided with the first important settlement of New English in Ireland in the modern period. In Wales monastic lands were the basis for an effective cooptive policy toward native Welsh landowners. In Ireland, however, although the policy was intended to have the same consolidating, legitimizing effect, and although many landholders were willing to participate, the policy had only

limited and temporary success. It was successfully exploited by the New English settlers for purposes that were contrary to the effective establishment of English rule in Ireland.

Lustick's (1985:21) description is worth quoting:

These settlers were the English-born civil servants sent by the Tudor monarchy to accompany their deputies in Dublin. Dominating the Irish Council in Dublin, they advocated an end to conciliatory cooptive policies advanced under the terms of Henry VIII's new departure, lobbied for replacement of royal deputies perceived as "soft" on the Gaelic Irish, and pushed hard for the plantation of various parts of Ireland with New English settlers, the expropriation of Gaelic-owned land, and the expulsion of large numbers of the Gaelic Irish. The Protestant fervor of these new settlers, and the ease with which they could arrange effective challenges to existing land titles, seriously threatened the "Old English" (Catholic) aristocracy.

Although the lands and status afforded the great Catholic families by St. Leger protected them from eradication, they fought a losing battle over the next century to maintain both their faith and their political prominence in Ireland. Identifying with the English crown, they only occasionally looked to the plight of the Gaelic-Irish. On the other hand, refusing to abandon their recusant beliefs and trying to protect their large land holdings, they came into direct conflict with the New English Protestant settlers in Ireland and the powerful Protestant political forces taking control in England.

The influence of the new Protestant interests on crown policy in Ireland was first reflected in the severity with which Elizabeth I's deputies crushed revolts in the 1580s and 1590s. In an attempt to secure English domination throughout

the island Elizabeth established a plantation, or colony, in the province of Munster. Elsewhere, particularly in the west, military governors were installed, landed estates were 'settled' - i.e. money rents and English titles were substituted for the existing mixture of Irish/feudal tenures, the shire system was extended; by 1585 Ireland had been divided into counties, with twenty-seven sending members to the Irish parliament in that year. Slowly royal authority in local affairs was growing stronger, and English policy was undermining the position of dangerous overlords. The northernmost province was the only exception to its extension throughout the entire kingdom. Behind a barrier of mountain and lake the Gaelic political system of Ulster remained intact.

As elsewhere, the ruling families of Ulster had accepted the royal grants of lands and titles, but the surrender and re-grant policy had made no practical difference in the administration of the province; far from encouraging peaceful co-existence it had led to fierce struggles over succession to land and titles. Even those ruling families who thought that the support of the government would help them with their own internal machinations were prepared to resist English encroachments if they perceived a threat to themselves or to Ulster. Thus, by 1595 the earl of Tyrone, Hugh O'Neil - head of the greatest ruling family in the north, had become an ally of the pope and Phillip II of Spain against the Queen of

England and, inadvertently, the first champion of Gaelic separatism.

Hugh rebelled, but slowly, and for three years Elizabeth made futile attempts at peace while also attempting to undermine the O'Neil power by winning over his allies. In the summer of 1598, however, Hugh managed a great victory over the English at the battle of the Yellow Ford. This was an alarming blow to royal prestige and the rebellion, hitherto limited to Ulster, spread over the entire country. Hugh found himself at the head of a 'national' movement that seemed to threaten the complete ruin of English power in Ireland. Elizabeth finally realized that the time for compromise had past, and, whatever the costs, the rebellion must be stopped and Ulster conquered.

O'Neil's only hope lay in help from abroad - but it was late in coming and ineffective when it did arrive. In September 1601 four thousand Spanish troops landed in S.E. Ireland only to be besieged there by the English not long after. The Gaelic chiefs began surrendering. O'Neil was the last - on 30 March 1603 Hugh made abject submission to Elizabeth through her representatives, unaware that she had passed away on 24 March. The Tudor conquest was complete, six days after the last of the Tudors had died.

Elizabeth's successor James I initiated a policy of reconciliation with the Catholics of Ireland. All of the leaders of the rebellion received pardons and O'Neil himself was confirmed in the earldom of Tyrone and in the vast estates

granted to his grandfather in 1542. The English could thereby continue to rule by appealing to traditional legitimacy while minimizing costs. Such policies were consistent with the analysis and advice of Sir John Davies who served as James' attorney general for Ireland from 1606 until 1619. The earls of Tyrone and Tyrconnell, however, realized that what they had was held by the grace of the crown - not in their own strength, and that Gaelic independence was broken. In 1607 Tyrone was summoned to London, ostensibly that his quarrel with a neighbor could be settled by the king. His fear of being permanently detained there led him to the decision to flee Ireland. A few days later he and Tyrconnell, along with their retinues, left for the continent, taking asylum in Rome. The departure of Tyrone and Tyrconnell for the continent was a belated and despairing recognition that they could never rescind the effect of their surrender to the crown. But to Gaelic Ulster 'the flight of the earls', rather than their defeat in battle in 1603, marked the end of the old order and it soon came to be regarded as a national disaster (Beckett, 1966).

In defeat, the Gaelic aristocracy was faced with two alternatives if they wished to continue the struggle: escape to the continent to join Bourbon and Habsburg armies against England, or the waging of a guerrilla campaign in their own country against the new order. Those who chose the latter were referred to as *tories* and *rapparees*. The *tories* provided the Irish peasantry with rich material for their own Robin

Hood type myths: Redmond O'Hanlon of Armagh who was "always generous to men in necessity and distress"; Captain Power, "the younger son of a worthy gentleman", who "was very generous to the poor, and often told the rich that he took their purses to make distribution among such as were in want"; or the most famous of all Irish bandits, James Freney who "had an ever open hand for the poor, sharing generously with them what he had levied from the rich" (Beames, 1983:22-3; cf. Hobsbawm, 1981)). Even today the rural area of the Ulster border county of Armagh, where many of these outlaws were said to have operated, is referred to as 'bandit country'. In light of their lack of social and political organization their contribution to subsequent struggles, however, was minimal and largely symbolic. They represented, as they do in almost every society based on agriculture where peasants and landless laborers are ruled, oppressed and exploited by others, an idea of "freedom, heroism and the dream of justice" and as such, with little or no organization, they were little more than symptoms of crisis and tension in the Irish society of their day (Hobsbawm, 1981:133).

THE PLANTATION OF ULSTER

Last week I studied the tracts of old Sir John Davies (Attorney-General for Ireland under James).... The tracts show clearly that communal ownership of land was Anno 1600 still in full force in Ireland and was adduced by Mr. Davies in his counsel's speech on the confiscation of the forfeited land in Ulster as a proof that the land did not belong to individual owners (peasants) and hence belonged either to the Lord, who had forfeited it, or else from the very start to the Crown. I've never read anything more beautiful than this speech.... At the same time I've caught Monsieur Goldwin Smith beautifully. That man never read Davies and that is why he makes the most absurd assertions to exonerate the English. But I shall get that fellow.

F. Engels to K. Marx, November 1869³

While in James' administration, serving as speaker of the House of Commons (1613) and as attorney-general, Davies advocated a deliberate, gradual policy of acculturation. To make the Irish "become English", Clark (1976a:187) writes, Davies recommended

the assertion of the primacy of central government, the establishment of a national system of jurisdiction parallel to that of England, the introduction of fixed units of landholding, the encouragement of arable farming, and the adoption of English laws of property and inheritance. Moreover, it seemed reasonable to presume that the wayward English colonists, with their greater innate propensity to conform, would assist the conditioning process considerably.

Plantation per se was not necessary to Davies' plans. But pressures to proceed with the settlement of Ulster were strong - the Counter Reformation was in full gear, those Protestants already in Ulster lobbied for opportunities to expand, and the king was in need of the patronage that could be generated by the expropriation of Irish land for

3) Quoted in Marx & Engels, 1972:279.

reallocation among Scottish and English settlers. It is improbable that Ulster could have long withstood the processes already at work - but the events of 1607 gave to the government an opportunity for Anglicizing the province by more prompt and direct methods. The secret and unauthorized departure of the earls was taken as a confession of their treason, their estates were forfeited to the Crown, and plans were established for planting them with English and Scottish settlers. The project covered most of Ulster since the government treated as liable to confiscation the entire area over which the earls had exercised any authority.

Encouraged by Davies, James hoped to implement the settlement of Ulster in ways which would generate royal revenue but still protect the rights, and the loyalty, of the Irish. It was originally planned that approximately one half the land in each county would remain in Gaelic hands. English and Scottish settlers, farming their lands productively and interspersed among the Gaelic Irish, would exert over time an Anglicizing influence. In this way English political control of Ireland would be established on a permanent basis.

Such may have been the theory behind the Stuart plantation of Ulster. In practice, however, early seventeenth century settlement efforts led to sweeping expropriation of native land, aggressive segregationist policies toward Catholics, and greater hostility to English rule among both Gaelic and Anglo-Irish Catholics. The counties of N.E. Ireland were 'regranted' to three categories of groups. The

first, and most important consisted of 'undertakers' - so called because they 'undertook' to see the king's business through parliament on condition of obtaining a large share of the disposal of patronage - who were given large areas to be held for the crown in socage, and who agreed to settle on their lands "Protestant English and 'inland Scottish' farmers, husbandmen, artificers and cottagers" (Stewart, 1977:23). They were to establish villages, build fortified farmhouses called 'bawns' and maintain arms for the defence of the settlement. The settlers were primarily Scots Presbyterian gentry who came from areas of small-scale independent commodity farming and weaving. Many brought with them their small capital savings and basic skills in linen manufacture, while the Flemish and Huguenot colonists of the early eighteenth century provided more advanced techniques for use in the cottage textile industries. The second category of servitors, held their lands on less favorable terms, but unlike the undertakers they were permitted to take Irish tenants. Lastly came the Irish proprietors who were also allowed to take Irish tenants. They held their estates in fee farm and paid much higher rents than the undertakers, though they were bound by the same obligation to build and defend castles, houses and bawns. In addition to this plan the entire county of Coleraine was granted to twelve London companies to develop. This area included the rich waters of the rivers Bann and Foyle. In return for these privileges, the companies were to exclude the Irish as tenants, to raise twenty thousand pounds for the plantation,

and to rebuild and fortify the towns of Derry and Coleraine. The companies were considered more capable of defending the coastline than any single planter, and were therefore granted the 'office of the Admiralty', - the jurisdiction and profits of the coasts of Donegal and Coleraine. The town of Derry was renamed Londonderry and the same name was given to the county of Coleraine (Stewart, 1977:23).⁴

In Ulster, throughout the seventeenth and eighteenth centuries, a land tenure system evolved that was eventually to encourage diversification into linen production and other cottage industries, thereby providing employment for small farmers and cottiers, keeping some capital in circulation, and easing the way for industrial development; known as the 'tenant right' or the 'Ulster custom' this tenure system left the northeastern province comparatively free of the agrarian unrest that plagued the rest of Ireland. The Ulster custom, on which the province's security depended, had no legal basis, it could not be defended in the courts; but it was generally recognized throughout the area, and few landlords dared to defy it openly. The custom was never authoritatively defined, and it varied in detail from region to region, but its basic characteristic was that those who owned the land were subject to limitations on how far it could be transferred or sold (cf. Giddens, 1981:113-15). The tenant was deemed to possess a saleable interest in his holding. This interest - the tenant

4) The fact that the catholic population of Ireland today does not use the 'London' part of this name is indicative of the significance attached to these arrangements. cf. Murphy, 1978:ch.4.

right - was the right of occupancy; and a tenant who wished to give up his farm could sell the right to the highest bidder, subject to the landlord's approval. If a landlord wished to evict a tenant, he had to either allow him to sell his tenant right, or purchase it himself at full market price. The Ulster custom conferred two important benefits on the tenant: he could not be evicted without adequate compensation and he had some guarantee of a fair return for any improvements he might make to the land or its buildings. The custom also was advantageous to landlords: rents were more regularly paid in Ulster than in the other provinces and the value of the tenant right was a security against arrears. In short, the Ulster custom made investment in agriculture profitable and permitted the growth of cottage industries, principally linen manufacture. It facilitated local capital accumulation and the emergence of a domestic market for industrial and artisan goods. Moreover, Ulster's linen industry was based on off-season agricultural labor, instead of year-round wage labor as in the south. It was therefore capable of surviving periods of intense British competition, such as occurred in the early nineteenth century when cottage industries in other parts of the island collapsed (Beckett, 1966:179-181).

The attempts to establish plantations in other parts of Ireland had come to little. The troubled course of Irish history had left many openings for crown lawyers to revive half-forgotten royal claims to Irish estates, but these schemes could not always be based on outright confiscation -

such as the 'the flight of the earls' had made possible in Ulster. James I, even though convinced that he was acting within his rights, was, at first, anxious that his plans should be carried out without completely alienating prominent Old English and Irish nobility; and for a time he gave apparently serious consideration to the complaints from landlords in the affected areas against his plan for the settlement of Wexford. In 1615, however, he ordered the lord lieutenant, Chichester, to press on with the plantation, to imprison the leaders of the opposition and to prosecute other recalcitrant persons in the county.

For their part the recusant nobles and gentry felt that their long-standing suspicion of government policy was now confirmed and the chance of winning them over to the crown became more unlikely than ever. Certainly it had been the natives who had suffered the most⁵, but the Old English saw with much alarm that the base of their power and influence was gone. Consequently, they moved one step nearer to an alliance with the native Irish, one which by the 1640s would challenge royal power in Ireland, help to subvert the Stuart monarchy and so, through Oliver Cromwell's advent, expose Ireland to a new and devastating English conquest, penal laws and, under William of Orange, the Protestant ascendancy.

5) Even after the relative prosperity of the early eighteenth century the Irish Attorney-General Fitzgibbon, "who was very little addicted to taking an indulgent view of his countrymen" could write: "I am very well acquainted with the province of Munster and I know that it is impossible for human wretchedness to exceed that of the miserable peasantry in that province. I know that the unhappy tenantry are ground to powder by relentless landlords" (Lecky, 1893, ii:4).

Another factor that inhibited the plantation of Ireland outside Ulster was the land tenure system in the South: a tenancy-at-whim system which consisted of very short leases, rarely of more than a year that discouraged land improvement and encouraged rack-renting. The land was often rented by a middleman from an absentee landlord; then sublet periodically, in small holdings, to the highest bidder without consideration for the former occupants. Francis Bacon, a strong supporter of the plantation policy, saw where the danger lay. "Take it from me", he declared in 1617, "that the bane of a plantation is, when the undertakers or planters make such haste to a little... profit, as disturbeth the whole frame and nobleness of the work for times to come. Therefore hold them to their covenants, and the strict ordinances of plantation" (Beckett, 1966:55). But, given the loosely coordinated magistrate system, it proved impossible to enforce this salutary rule. The absentee undertakers were for the most part content to receive their rents; few of them appeared in person, and fewer still made any serious attempt at dispossessing landlords and bringing in English settlers. Thus, the main purpose of building up a strong Protestant population - though it met some success, particularly in Wexford - was largely frustrated."

6) In 1670 Sir William Petty estimated the annual rent paid to absentee English owners of Irish lands to be £0.9 million out of a total national income of £4 million. By 1687, while the national income remained much as before, the rent to absentee owners had increased to £1.2 million. In 1724 J. Swift figured Irish rents at £2 million, one-third of which went to England. This flow of capital from Ireland was instrumental in the industrial growth of England, while the

However, throughout Ireland resentment against English encroachment continued to grow and in 1641, seeing an opportunity in the distraction created by the rift between the throne and the Westminster parliament, the Irish rose once again. This time they directed their anger at the most immediate and obvious target - the English and Scottish planters. Almost before the rebellion had ended disputes arose over just what had happened. Some settlers fleeing Irish wrath claimed that the 'mad Gaels' had carried out a wanton bloodbath; other accounts maintain that the killing was selective and limited.⁷ What did happen will never be conclusively known, but the rebellion was a watershed in the relationship between planter and Gael. Wholesale slaughter or not, Protestant settlers would henceforth see themselves as a besieged minority who, as a matter of survival, must maintain a direct political link with England.⁸ The Irish, for their

Irish economy lacked the capital necessary for industrialization (Strauss, 1951:11).

7) Lecky (1893, 1:47), a Trinity College, Dublin professor, an Irish Protestant and a Unionist member of Parliament, using contemporary sources, notes various statements on the numbers killed, varying from 50,000 to 300,000. He then adds: "it may be boldly asserted that this statement of a sudden surprise, immediately followed by a general and well-organized massacre, is utterly and absolutely untrue. As is almost always the case in a great popular rising, there were, in the first outbreak of the rebellion, some murders, but they were very few; and there was nothing whatever of the nature of a massacre."

8) The Ulster Protestants still refer to the uprising as a massacre. For example, Ian Paisley, the Free Presbyterian minister and M.P. in 1968 (Marrinan, 1973:193): "In 1641 the Roman Catholic Church decided to exterminate the Protestants in Ulster, and there took place one of the most barbarous and bloody massacres in Irish history. It was led by the priests of the Roman Catholic Church and the rivers of Ulster ran red with Protestant blood. In the town of Portadown, the River

part, were now confirmed in their belief that their land would never be truly free or Gaelic until they managed to sever the political link with England.

By February 1642 only a few isolated areas remained in Protestant hands, most significant were the Dublin area, which was precariously held by the lord justice's troops, and parts of county Down and the towns of Ulster (Belfast, Derry, Coleraine) which were under the control of the Ulster Scots.

Even more significant than the military successes were the political developments of 1642, for the insurgents now acquired the nucleus of a central organization, largely as a consequence of clerical initiative. In March, Archbishop O'Reilly of Armagh held a provincial synod at Kells which gave church approval to the war, laid down the rules for its conduct, and advocated the establishment of a council of clergy and laymen to maintain order. In accordance with this plan, a national congregation of the clergy met at Kilkenny in May, and was joined by the leading nobility and gentry. A provisional government was set up under a 'supreme council' and an election was planned to create a 'general assembly' representing the parliamentary constituencies. From the summer of 1644 there was also a separate judiciary. The assembly, which was made up of members of the Dublin parliament, including more than forty Catholic members who had been expelled from the Irish house of commons, met at Kilkenny on 24 October. This 'Confederation of Kilkenny', which "was

Bann was so choked with Protestant bodies that the Roman Catholics could walk dry-shod across the river."

meant to be an effective union of the whole Irish nation" assumed the powers, though not the name or the form, of a parliament, and established the government on a regular basis. The rebels established an elaborate framework of government, including provincial and county councils, and drew up an oath of association that was to be taken throughout the kingdom under the threat of excommunication. The terms of the oath restored the rights of the church, maintained the prerogatives of the crown - though not those of the Puritan parliament, and defended the liberties of the nation (Beckett, 1966:88; Cregan, 1973).

In 1644 the confederation presented demands to Charles I speaking for Ireland as an independent kingdom - "its ancient and recognized status" (Cronin, 1981:10):

That an act shall be passed in the next parliament, declaratory that the parliament of Ireland is a free parliament of itself, independent of, and not subordinate to, the parliament of England, and that the subjects of Ireland are immediately subject to your majesty as in right of your crown, and that the members of the said parliament of Ireland, and all other subjects of Ireland are independent, and in no way to be ordered or concluded by the parliament of England, and are only to be ordered and governed within that kingdom by your majesty and such governors as are or shall be there appointed, and by the parliament of that kingdom according to the laws of the land.

The strength of the Killkenny confederation ultimately depended on the support and the involvement of the landed classes. These included not only the aristocracy and gentry, but also clergy, lawyers, professional soldiers and the wealthy merchants of the towns; and it was largely from these latter groups that the confederation derived its influence.

But the diversity of interests and distrust between the groups contributed also to the confederation's weaknesses and inefficiency. The major point of agreement was for a settlement with the king, even if it meant a compromise, because their loyalty, though not unconditional, was sincere and they saw clearly that a parliamentary victory in the English civil war would mean a new conquest of Ireland and the confiscation of their estates.

The Irish troubles involved royalists, parliamentarians and Scots as well as the confederates, and each of these factions had differing internal shades of opinion. Seen in a broader context, the war in Ireland is an important episode in the events which shook the Atlantic archipelago in the 1640s. In the general European context, the confederate period can be placed against the background of rivalry between France and the Habsburgs which was then reaching a climax in the closing years of the the Thirty Years' War. In this regard it is significant that both Spain and France maintained resident agents at the confederate capital at Kilkenny, while the confederation, in turn, employed representatives at most Catholic European courts. There have been few periods in which Irish politics has been so much a part of the mainstream of European history (Cregan, 1973).

The confederates managed to maintain their organization until the Cromwellian settlement of 1649. What united them were their demands. These included the freedom to practice their religion, to prepare themselves for and practice the

professions, to achieve public office and to retain or regain their lands and property. They eventually differed over just how far they should push these demands: whether, for example they should insist on the retention of the churches. They also differed on how these aims might best be achieved: whether they were to be left to the exercise of the king's prerogative or to be guaranteed by law in an independent parliament. "But", Cregan (1973:114) writes:

the common factor uniting all the confederates was the demand for the end of religious discrimination and the recognition of their right publicly to practise the catholic religion. They conceived themselves, in varying degrees, as loyal subjects and in their oath of association ...they enshrined a protestation of allegiance to the king. Finally, they saw themselves as a separate Irish nation entitled to a parliament independent of that of England and they were prepared to give conditional allegiance to the English crown. In a broad sense, therefore, their programme is fairly represented in their motto: Pro Deo, pro Rege, pro Patria Unanimus: For God, King and Country United. To this extent they were seventeenth-century Home Rulers.

Uprisings continued throughout Ireland while England was preoccupied with its civil war from 1642-1649. However, after Charles I was executed and the commonwealth established, it was necessary to secure the new English state from royalist dangers from Ireland and Scotland. Largely because of the Confederation of Kilkenny, Ireland was given priority. The enclaves controlled by parliament there were threatened by royalist forces now united under Charles' viceroy, Ormond; satisfaction was due to the adventurers, who had invested money in the reconquest of Ireland on the strength of acts of the English parliament since 1642; and vengeance had to be

exacted for what was now unquestionably accepted as the planned massacre of 1641. Cromwell prepared his army well, ensuring that it would be paid and supplied more promptly than ever before and from the public revenue (Hazlett, 1938). When he set sail for Ireland he had under his command 12,000 men, 8,000 foot and 4,000 horse, to add to the 8,000 already in Dublin under parliamentary commander Michael Jones. More decisive perhaps, he had a train of modern artillery (Corish, 1976a).

Cromwell's reconquest of Ireland, with its indiscriminate killing and massacres at Drogheda and Wexford, was exceptionally cruel even by the standards that had then become acceptable in English reaction to Gaelic opposition.⁹ Increased financial and military efficiency, what Mann (1986:3) terms "enhanced power capacity", contributed greatly to his success and by 1652 Ireland had been subdued again, and another plantation was begun. All forfeiting proprietors (those landowners who had joined in the rebellion) and

9) Cromwell's campaign and its aftermath left Ireland devastated. In 1641, Ireland's population had been about 1,500,000; ten years later it had been halved. Some 616,000 people had died. About 40,000 more had left to serve in European armies. A further 100,000 people, many of them beggars, had been rounded up and transported to the new colonies in the Caribbean and America as slaves.

Cromwell's Irish policy was part of his general imperial policy. He planned to follow the conquest and settlement of Ireland with the conquest and settlement of the West Indies. The English already had a foothold in the Caribbean - they had landed in St. Kitts and Barbados in the 1620s - and Cromwell's plan, known as the Western Design, was to break the Spanish monopoly in the area and establish a permanent base there. In 1655 his troops captured Jamaica, which, as the center of the slave trade, was to be crucial to British imperial and foreign policy for the next 150 years (Curtis, 1984:28).

Catholics were to be settled in Connacht and Clare, but not in any port town or garrison. They were to be allowed nowhere else on the island under penalty of death. Under the commonwealth Catholics lost control of the town corporations and were not permitted to engage in trade, though before this the bulk of the overseas trade, outside of Dublin, had been in Catholic hands. With the completion of the conquest the English began to transport Irish people to other colonies as indentured servants, especially to the West Indies and Virginia. Those subjected to orders of transportation fell into two classes: persons dangerous to the state, including those who refused to transplant to Connacht or who supported tories; and those who were poor or were vagabonds. The scale of Irish transportation had slackened off after 1655 largely because the merchants involved did not find it profitable. The African slaves yielded larger profits on the large West Indies plantations than the "turbulent and politically unreliable" indentured Irish servant (Corish, 1976b).

If the Old English and Old Irish Catholics, deprived of their property and political influence, were clearly the losers, it was equally clear who the winners were. They were now established as the landed class, with the "gamester's right at least to their estates" and in the years to come would define themselves as 'the Protestant interest'. Political and economic considerations would ensure that the interest of the adventurers and army officers who had become landowners would be assimilated to the 'old Protestants'. As

for the brutality of the conquest, the working up of the propaganda about the "guilty nation of papists" was a deliberate appeal to religious bigotry made by a group made rich on confiscated lands, in the interests of yet more confiscations. For the most part, the soldiers of the New Model army were not winners. In 1660 Ireland had more Protestants than it had in 1641 but the broad pattern of their distribution had not changed, the only large concentration was still in north-east Ulster (Corish, 1976b).

THE PROTESTANT ASCENDANCY

A law against the majority of the people is in substance a law against the people itself. Its extent determines its invalidity; it even changes its character as it enlarges its operation: it is not particular injustice, but general oppression....

Edmund Burke, n.d.¹⁰

By 1685, when James II took the throne after the restoration of the English monarchy, the Catholic share of landownership in Ireland had declined to twenty-two per cent compared to the fifty-nine per cent proportion which had prevailed prior to Cromwell's Irish campaign. Most of Ireland - twenty-six of its thirty-two counties - was parcelled out as debt payment to Cromwell's officers and suppliers. Many of Cromwell's officers remained in Ireland to form a Protestant aristocracy, while other beneficiaries of the Cromwellian settlement sold their holdings to English absentee landlords.

10) Burke's Correspondence, i. Quoted in Lecky, 1893, 11:45.

Catholics continued to till the soil in much of the country, the banishment decrees having been superceded by the need for agricultural laborers. Many former Catholic freeholders were now either tenant farmers or serf-like workers who had seen their properties expropriated by England in order to provide the material support necessary for the Protestant ascendancy in Ireland.

In spite of these considerations, the prospect for Catholics was brighter in the closing years of the reign of James' predecessor, Charles II, than they had been for some time: the king had dispensed with parliament and was relying on subsidies from France, many of those who had been arrested in connection with the "popish plot" were released, and there were reports that Catholics were to receive commissions in the Irish army. When Charles II died in early 1685 and was succeeded by his brother James the news was encouraging to Irish Catholics, but viewed with corresponding gloom by Protestants. The accession of a Catholic king was of particular importance to Ireland, where Protestants were in a minority and had depended on the active support of the English government to maintain their power and privilege. Protestants feared, and Catholics hoped for, a reversal of government policy that would affect civil employment, religion, and the ownership of land. It was well known that James was a devout Catholic and it was generally assumed that he would do his best to help his co-religionists in Ireland.

James, however, had no intention of altering the acts of settlement. He, as the king of England, shared many of the prejudices of his English subjects and was mindful of the need to take English opinion into account. For over a century the Protestant colonists had been regarded as the guarantors of English power in Ireland, and the maintenance of the successive settlements that had put Protestants in possession of four-fifths of the land was a central English concern. James did wish to relieve the hardest Catholic cases but he offered money and the reestablishment of the Catholic church instead of land redistribution, thereby preserving the power traditionally associated with the possession of land in the hands of the Protestants.

For the first three years of James' reign Protestants were comforted, and Catholics discouraged, by the thought that he would be succeeded by his Protestant daughter, Mary of Orange, thereby securing the Protestant ascendancy. But in June 1688 James' second wife, Mary, gave birth to a son, raising the prospect of the Catholic dynasty continuing and of the Catholics in Ireland strengthening their hold over the administration. The birth coincided with a growing estrangement between James and William of Orange; there were rumors that William was preparing a coup d'état and in October James brought three Irish infantry regiments to England in an attempt to strengthen his position. This action proved to be very unpopular, both with the English army, which regarded it as an affront - it was to be a key factor contributing to the

army's eventual abandonment of James, and with the population at large. There was already a great deal of prejudice in England against the Irish, much of it phrased in anti-Catholic rhetoric about the 'memories' of 1641, but with a growing emphasis on the wealth to be had by making Ireland "a profitable part of the Commonwealth". Many English people especially those among the propertied classes, were beginning to speak of Irishmen in deeply prejudiced tones "not far removed from those which Nazis used about Slavs, or white South Africans use about the original inhabitants of their country. In each case the contempt rationalises a desire to exploit" in conjunction with political expansion and domination (Hill,1970:118).

The English Revolution and the flight of James to France brought Ireland directly into general European geo-political strategy. William of Orange was a central figure in the resistance to the aggression of Louis XIV which threatened the Holy Roman Empire and Spain as well as the Dutch republic. Pope Innocent XI, providing financial aid and diplomatic support, played a key role in the formation of the anti-French front that culminated in the grand alliance - cemented by the Treaty of Vienna in 1689. For Louis XIV, who had declared war on the Dutch in November 1688, support for the Jacobite regime in Ireland offered a cheap means of exerting pressure on William. French intelligence had indicated widespread Irish Catholic support for France, and with French assistance in arms and money it seemed possible that the Catholics might get

the better of the Protestants, repel a Williamite invasion, and perhaps carry the campaign into England. Consequently, it was decided to send James to Ireland, where it was calculated that his presence would inspire Catholics with added enthusiasm for his cause (Simms, 1976:485ff.).

James landed at Kinsale, County Cork, in March 1689 accompanied by a number of French officers, an assorted group of Irish, English and Scottish supporters, and the French ambassador, the Comte d'Avaux, who was to play an active part in the administration for the next twelve months. After landing James proceeded to Cork where he was met by the lord deputy, Tyrconnell, who had raised a large army - largely with promises of arms and money from the French - and had managed to disarm the Protestants in Dublin and the south of the island. He expected that Richard Hamilton, who had been sent north with the calvary, would have little difficulty in bringing Ulster under control. D'Avaux, always more cautious and realistic in his assessment of military considerations, urged against such optimism until the Protestants in Derry and elsewhere had been suppressed.

James' Irish supporters, not surprisingly, regarded his arrival as an opportunity for reversing the land settlement and restoring the position of the Catholic church. In response to general demand, James, who never summoned an Irish parliament while he retained power in England, did so on 7 May. This was the 'Patriot Parliament' of 1689. It was overwhelmingly Catholic - Old English, not Irish - in

composition; there were no representatives from those parts of Ulster where Protestants were in control. The parliament passed a declaratory act asserting Irish legislative independence: that the two kingdoms were distinct, that there was no Irish representative in the English parliament, and that only an Irish legislature was entitled to pass laws for Ireland. It also passed bills promoting Irish trade, industry and agriculture. James agreed to these, but he succeeded in blocking a bill for the repeal of Poynings' law, an act passed by the Irish parliament in 1494 that required all bills submitted to the Irish parliament to have prior approval of the king and council in England. He was also still reluctant to allow the repeal of the acts of settlement, being well aware of the negative effects that such a measure would have on English opinion. Eventually, with urging by d'Avaux, James gave way before the threat that his Irish subjects would withdraw their support. But his reluctance did much to dampen the enthusiasm with which he had been greeted. The act of repeal prepared the way for the restoration of lands to the families which had held them in 1641. It also cancelled the city of London's plantation in Ulster, and although much land was taken over it was not restored to the former Irish proprietors since James feared that investigations of title might distract attention from the prosecution of the war (Beckett, 1966).

The independence asserted in 1689 was not solely the result of nationalist or liberal views in the parliament, but

also a reflection of James' political weakness. The small and privileged group that it represented attempted to secure maximum possession, advantage, and liberty, but the opportunity did not arise. After James' defeat the parliament was declared invalid and its records were destroyed; it passed from political reality into the realm of political myth. At first it became part of a sectarian demonology: a popish conspiracy to destroy the liberties, possessions and lives of protestants. The key contribution to the argument, William King's *The State of the Protestants in Ireland* published in 1691, justified support of William by arguing that a king who plans the destruction of his people has no right to claim sovereignty over them, and that in such a situation it is lawful for another prince to intervene on the behalf of the oppressed people (Farrell, 1973:126).

Subsequently, the 1689 parliament was pressed into service in another cause. Its short-lived and unrealistic assertion of legislative independence, but not its lack of religious toleration, became a model for the Protestant patriots in the eighteenth century. It was incorporated also into the romantic non-sectarian and secular nationalist populism of Young Ireland in the nineteenth century through the words of Thomas Davis, chief writer for the weekly Dublin journal *The Nation* (Farrell, 1973:127):

It boldly announced our national independence, in words which Molyneux, shouted on to Swift, and Swift to Lucas, and Lucas to Flood, and Flood and Grattan

redoubling the cry, Dungannon church rang, and Ireland was again a nation.¹¹

From the point of view of the government, the chief advantage gained from the parliament was the grant of a subsidy of £20,000 a month for thirteen months, which was agreed to as the price of repeal. How much of the subsidy was realized is not known, but it was not enough to meet James' needs. A remedy for the deficit was found in 'gun-money' - coins of brass, copper, and gunmetal which took the place of silver coinage to the value of £1,000,000. This experiment in managed currency was long regarded as one of the horrors of the Jacobite regime from which, along with popery and wooden shoes, William was to save the country. The brass money led to inflation, but retained nearly half its face value until the battle of the Boyne, after which it was devalued by the Williamite government.

Throughout the parliamentary session the Jacobites were caught in a frustrating and ultimately unsuccessful attempt to besiege Derry. The city had become the center of Protestant

11) All those mentioned are constitutional nationalists. William Moyneux, seventeenth century author and member of the Irish house of commons; Jonathan Swift (1667-1745) who, in addition to Gulliver's Travels, authored several influential political pamphlets on Irish affairs. His Short View of Ireland (1720) went to the core of the problem by saying that the "superiority of mere power" prevented Ireland from exporting its own commodities and manufactures to wherever they could be sold (Cronin, 1981:13); Charles Lucas, editor of a weekly Dublin paper (ca. 1747) and member of the Irish house of commons; Henry Flood, leader of the Irish patriots and member of the Irish house of commons (1759-83); Henry Grattan, member of the Irish house of commons (1775-1797) and leader of the struggle for legislative independence resigned from parliament when he saw that Ireland was about to lose its sovereign independence.

resistance after Hamilton had won a victory at Dromore in mid-march which enabled him to claim eastern Ulster for James. The Protestants of Derry received arms and money from William and proclaimed William and Mary as sovereigns. Since it was clearly important for the Jacobites to secure Derry, James went there in the belief that his presence would be enough to bring the city under his control. He had some grounds for his belief. Hamilton had managed two more victories at Coleraine and Clayford, and many of the Ulster Protestants thought that Derry, crowded as it was with refugees, would be indefensible.

When James reached Derry on 18 April he was confident of success, but he was not allowed to enter the city. The 35,000 Protestants who had barricaded themselves behind the city walls had been preparing to resist Hamilton's troops when the English governor of the city offered to negotiate with the advancing enemy. The more militant defenders of Derry, led by a group known as the Apprentice Boys, would not sanction any surrender to the Catholics. The Apprentice Boys revolted against the negotiations with the Catholics, slammed shut the gates of the city and the most famous seige in British history began. The beseigers were singularly ill-equipped for their task. They had no artillery heavy enough to breach the walls and very few trench tools; their soldiers - for the most part Irish levies, poorly armed, poorly trained, poorly led - were incapable of making a general assault, and suffered heavy losses in the sorties made by the garrison. Their only hope was to compel surrender by famine, and for a time this hope

seemed likely to be fulfilled. But, despite the deaths of thousands by starvation, the commanders were resolute and they successfully withstood James' onslaught until the seige was completely broken over three months later when two supply ships managed to unload their cargos and thereby remove any prospects that Derry would be starved into submission.¹² The successful defence of Derry was a critical blow to the Jacobites and a corresponding gain for the Williamites: their first success in Ireland; one that owed much to the endurance of the Ulster colonists and to Jacobite mismanagement, and which, along with the battle of the Boyne and other events in the campaign, would become a powerful symbol of resistance to Catholic encroachments into Protestant liberties on the part of subsequent generations of Ulster unionists (Beckett, 1966: 141-3).

James's prospects, which had seemed so bright in March, were now desperate. His troops were in great disorder, there was widespread desertion, and regiments were only a fraction of their previous strength. News of an impending invasion caused near panic among Catholics, and the French advised that Dublin be burned. William's forces began arriving in Ulster on 13 August and occupied Belfast without opposition. The main center of Jacobite resistance in the north was the Norman fortress at Carrickfergus, which surrendered within a week.

12) The shortage of food during the seige is illustrated in a ballad/book of the listing prices: horse flesh per pound, 1s 8d; a quarter of dog fattened by eating the bodies of the slain, 5s 6d; a dog's head, 2s 6d; a cat, 4s 6d; a mouse, 6d; a quart of horse blood, 1s; a quart of meal, 1s (B. Hanvey, *On Boyne's Red Shore*. Belfast: Senol Printing, n.d.).

The year after the seige of Derry, William, with his widely assorted army - English, Danes and Brandenburgers, French Huguenots and Ulster Protestants - arrived in Ireland to confront directly the threat to his crown. The two armies met at the River Boyne near Drogheda in late June 1690, where James, along with 7000 well-armed and well-supplied French troops, was defeated on 12 July. The battle of the Boyne had a European significance: it offset the contemporary French victories at Fleurus and Beachy Head, it enabled William to return with confidence to the main seat of the war, and it restored the confidence of his allies. But, as Beckett (1966:146) writes,

... for the historian of Ireland the Boyne marks the climax of a civil conflict that had grown steadily more explicit and more intense as the century progressed. The campaign was not over, but the result was no longer in doubt; the result meant that in future the Protestant minority would rule Ireland. The power of the Roman Catholic nobility and gentry, which had survived the Elizabethan conquest and had not been wholly extinguished even by the Cromwellian settlement, was now to be finally overthrown; and until the impact of the French Revolution gave form and vigour to popular national feeling the 'Protestant ascendancy' was to rule unchallenged.

The Treaty of Limerick (1692) opened the 'long eighteenth century' of Irish history that was to close with the parliamentary union with Great Britain (1800). Its lasting effects included emigration, as discrimination at home and opportunity abroad induced numerous Catholics to seek their fortune in America, and the emergence of Irish national-separatism from the reform movements of the period; but more immediate were the effects of the Protestant ascendancy. It

was in this period that the political, economic and social dominance of the Protestant minority reached its height. It was then, for the first time, that the Irish parliament, the mouthpiece and the agent of that ascendancy, became a regular and essential part of the Irish administration. In turn, the character of the ascendancy owed a good deal to the new importance of parliament, which it regarded as an instrument for securing the rights of Protestants while curtailing those of the Catholics.

After the Williamite victory, another series of land confiscations took place which left the Catholics in control of only fourteen per cent of the island's territory. Since power was still derived from the ownership of land, the developing Anglican ascendancy in Ireland set about codifying and institutionalizing its dominance. Protestant military and economic supremacy were translated into control over Catholics in all aspects of life. As a forum for discussions among settler landlords, the Dublin parliament began in the late 1600s to legislate society into two separate and unequal parts. A series of proscriptions, collectively known as the penal laws, were designed to create a social order in which Anglicans would be guaranteed special privileges while Catholics would be consigned to a permanent state of inferiority. Dissenters, such as Presbyterians, would also experience discrimination during the coming decades as a result of these measures, but they were never dispossessed to the same extent as the Catholics.

The penal laws excluded Catholics from holding political office, from the liberal professions, from the more profitable economic activities, and established prohibitions against the owning of firearms. But by far the most important of these acts were those relating to what was still the main source of power: real property. Their purpose was to prevent any increase in the area held by Catholic landlords. No Catholic might purchase any interest in land, other than to lease for a term not exceeding thirty-one years; nor might he acquire land from a Protestant by inheritance or by marriage. A Catholic could not bequeath his land by will: on his death it was to descend by equal division among all his sons. If, however, the eldest conformed to the Anglican church he would inherit the entire estate; and if he conformed during his father's life-time, the father became merely a life tenant, and could not alienate any of the property.

The effect of these provisions was the almost complete destruction of the Roman Catholic gentry. Other components of the penal laws were not so cleverly conceived or so effectively enforced, but they did certainly contribute to the subjugation of the Catholic population. Political and cultural expression was denied to the Catholics through provisions that barred them from holding seats in the colonial assembly, teaching in schools, voting in local or parliamentary elections, obtaining an education or public employment, and practicing their religion. These measures achieved their essential purpose, which was not to destroy

Roman Catholicism, but to ensure that throughout Ireland its adherents were kept in positions of social, economic and political inferiority to the Protestant ascendancy. The ascendancy was the most firmly established in the north; after the 'flight of the earls' throughout Ulster tenants as well as landlords had been dispossessed and, consequently, even before 1690, the Scottish plantation was most complete there.

During the period from 1690-1725 constitutional and economic issues combined to unite public opinion against England, and "the embryonic nationalism of Protestant Ireland ... received its first expression." There was a revival of the claim that Ireland was a distinct and self-governing kingdom, united to England only by 'the link of the crown', and that consequently only the Irish parliament could pass legislation for Ireland. In response the British parliament, provoked into a formal assertion of its superior authority, passed an "act for the better securing the dependency of the kingdom of Ireland on the crown of Great Britain," declaring that it had full authority to make laws "of sufficient force and validity to bind the kingdom and the people of Ireland", and denying that the Irish House of Lords had any appellate jurisdiction. The 'Sixth of George I' (as the act was commonly called), not surprisingly, came to be one of the standing grievances of Ireland for the rest of the century. Even though the administration served many of its needs, the Irish House of Commons had no control over the executive and, through his agents in the House, the lord lieutenant regularly

took the lead in parliamentary affairs; though opposition might emerge over specific topics, it had no continuing principle or organization. "Contemporaries sometimes spoke in party terms - 'whigs' and 'tories', the 'court party' and the 'country party', the 'English interest' and the 'Irish interest'; but these terms were loosely used, and certainly did not indicate standing party divisions" (Beckett, 1966:163).

This absence of substantive party divisions was, for the most part, a source of strength to the government. It meant that constant work and vigilance were needed to hold together a majority of the members in support of government policy. But it also meant that the formation of a coherent opposition, even on a temporary basis, was very difficult. It was not until the 1770s that even a nucleus of an effective opposition, centering on the Volunteers, a Protestant paramilitary unit organized to defend Ireland against a possible French invasion while England was occupied with the struggles in North America, made its appearance.

ADMINISTRATIVE CONSOLIDATION

Centralization. No. Never with my consent. Not English.

Mr. Podsnap (Charles Dickens), 1864¹³

During Ireland's 'long eighteenth century', a time when in England the central government "did nothing to secure the public safety, provided no schools, made no roads, gave no

13) Quoted in Palmer, 1975:410.

relief to the poor,¹⁴ (but) appeared only as the power that enlisted men and levied taxes" (Palmer, 1975:410), much legislation concerning Ireland was enacted. Indeed, the "range of state action reflected in legislation is remarkably wide", and those who wish to trace the evolution of English legislation relating to state intervention in the areas of economy, education and social control will find its origins in the statute books for eighteenth century Ireland (McDowell, 1979:50). Perhaps the best known of this legislation was in the economic realm. A variety of enactments from the 1650s to the 1680s kept Ireland's most important export, livestock, out of the English market. Sheep, pigs, beef, pork, mutton, and dairy products were denied entry. The prohibitions established by these "cattle acts" were not lifted until 1759. Landlords, turning from tillage to grass, evicted their tenants and enclosed common land on which people grazed their milk cows, to make way for cattle. The navigation acts destroyed Ireland's burgeoning trade with the colonies in North America and the West Indies. An act of 1696 destroyed Irish shipping because, as Lecky notes (1893, I:174) "no goods of any kind could be imported directly from the colonies to Ireland." In 1697 The English parliament threatened to

14) England's sixteenth century poor law, which originated as a means of controlling the beggary and lawlessness that accompanied the extension of sheep pasturage and consequent displacement of the rural poor at a time when the relief agencies of the Catholic church had been dismantled, was, still in the eighteenth century, locally rated and administered. This poor law was not extended to Ireland until 1836, where, since it was largely copied from the English locally rated system, it proved unworkable (Palmer, 1988:39).

prohibit the export of woollens from Ireland in order to protect England's primary industry. On the other hand the linen industry was fostered in Ulster. From 1696 Irish linen and yarn were allowed into English ports duty free. Ireland offered, among other resources, a cheap labor force skilled in textile work. When the French Huguenots brought their technology to Ireland between 1711, when the Linen Board was established, and 1734 Irish exports of linen increased by four hundred per cent. The linen trade complemented English industry and a manufacturing class was allowed to develop among the Ulster Presbyterians.

England's legal suppression of Irish industry and trade faced a dual challenge from Ireland in 1698. William Molyneux, a member of the House of Commons, published a pamphlet dealing with the constitutional aspects of these issues - *The Case of Ireland's Being Bound by Acts of Parliament in England Stated*. Molyneux took up the argument of the 1640s, and maintained that only laws made by the Irish parliament were binding in Ireland. In the same year the Irish parliament tried to placate English opinion by promising to encourage the linen industry, and by laying new export duties on broadcloths and serges, the woollen goods competing most directly with England. The English House of Commons immediately condemned "the bold and pernicious assertions" of Molyneux's pamphlet, reasserted the dependence of Ireland upon England, and presented an address to the king urging him to further discourage the woollen trade in Ireland, and instead to

encourage linen production "which would benefit both them and us." The parliament then did what it had threatened to do the previous year and in 1699 passed an act prohibiting the export of woollen goods from Ireland to any country except England, from which they were already effectively excluded by high duties. Commercial rivalries, however, were not the only motive behind these actions. There was also fear that revenue from a prosperous Ireland would lessen the king's dependence on the English parliament (Beckett, 1966:156).¹⁵

15) Marx was obviously right to claim that "everytime Ireland was about to develop industrially, she was crushed and reconverted into a purely agricultural land"; and Engels was correct in saying that "all other countries were to become for England what Ireland already was - markets for her manufactured goods, supplying her in return with raw materials and food" (Marx & Engels, 1972:132 & 311). One must also add workers, which Ireland supplied in huge numbers to both England and America.

Thompson (1963:429-444) estimates that by 1841 over 400,000 inhabitants of Great Britain had been born in Ireland; many more tens of thousands were born in Britain of Irish parents. As the cheapest labor force in Western Europe much of the story of these Irish immigrants (the squalor and privation, the undercutting of English labor) is well known (cf. Engels, 1973:129-134). But more interesting and ambivalent is Thompson's argument that the very success of the pressures effecting changes in the character-structure of the English working class called forth the need for a supplementary labor force unmoulded by the industrial work discipline. This was another legacy of the tenancy-at-whim system of land distribution which left the Irish peasantry demoralised and in a state of semi-slavery in most of Ireland from the seventeenth century on. In the conacre sytem (by which the peasant worked for a farmer all year in return for a small potato patch) energy was no asset when the good tenant was penalised by the doubling of his rent. The work-discipline of industrial capitalism required steady methodical application, sobriety, the careful observation of contracts; "in short, the controlled paying out of energies in skilled or semi-skilled employments." In contrast, the heavy manual occupations at the base of industrial society required a "spendthrift expense of sheer energy - an alternation of intensive labour and boisterous relaxation which belongs to pre-industrial labour-rhythms, and for which the English artisan or weaver was unsuited both by reason of his weakened

Another important sphere into which English policy was advancing was education. In the sixteenth century the state had founded Trinity College, Dublin, and directed the established church to institute a network of primary and secondary schools; these were supplemented by royal funds in the seventeenth century. The restrictions placed on the education of Catholics, however, were quite severe. The Crown's plan for the extension of the penal laws to Ireland in the parliament of 1613 included a provision against Jesuits and seminary priests, and one restraining Irish parents from sending their children abroad to be educated. During the period of the ascendancy these provisions became law, and in the "act to prevent the further growth of popery" during Anne's reign Catholics were prohibited from conducting schools and, although there was no system of religious persecution such as existed in contemporary France, bishops and regular clergy had been banished, none were to be admitted from abroad, and it was expected that the Roman Catholic clergy would die out in a generation. These laws led to the establishment of illegal 'hedge schools' in almost every part of Ireland and a steady stream of young men went abroad to be educated for the priesthood. But for the Catholic laity there was no higher education at home, and few could afford to seek it abroad. In 1733 a society was set up, and received "considerable state support", to provide 'Charter Schools'

physique and his Puritan temperament." Thus Irish labor was essential for the Industrial Revolution not only because it was cheap, but because the Irish peasantry had escaped the imprint of English 'civilizing' forces.

where the children of poor Catholics would receive an "industrial education" and be raised in the Protestant faith. Their proselytizing purpose made them widely resented among the Catholic population and the total number of pupils in such schools was never very great. In fact, proselytation was apparently their primary purpose since "a parliamentary inquiry of 1788 revealed that there were schools at which children had passed ten or twelve years without even learning to read" (Beckett, 1966:48 & 182).

With regard to social control, the army loomed large in eighteenth and nineteenth century Ireland, and it accounted for a high proportion of the Irish budget (see Table 4-1). It was largely responsible for the maintenance of order since the police, although "long-established", was very weak. The primary police officers, both of medieval origin, were the constable and the watchman, who was responsible for the peace at night. They were appointed annually in each parish by the justices of the peace (unpaid amateurs, usually country gentlemen, who were responsible for the lion's share of the judicial business of Ireland outside of the semi-annual circuit of the common law judges), and although they had a definite legal status, they were "untrained, ill-supervised, poorly paid and therefore part-time policemen" (McDowell, 1979: 67). The Irish constabulary operated within geographically circumscribed zones and the whole system provided a feeble and uncertain support for government policy.

In 1784 an attempt was made to strengthen the system, grand juries were authorized to appoint four constables in each parish for the "protection of public works and the maintenance of a good police". However, the constable's

Table 4-1: The number of British troops in Ireland & Great Britain for selected years, 1792-1923.

| Year | Total | No. Per
100,000
Ireland | Total | No. Per
100,000
Great Britain |
|-------------|--------------|--|--------------|--|
| 1792 | 11,113 | 235 ¹ | 15,764 | 180 ¹ |
| 1822 | 22,381 | 324 | 18,621 | 128 |
| 1830 | 23,621 | 308 | 23,178 | 160 |
| 1842 | 17,771 | 216 | 21,288 | 113 |
| 1861 | 25,025 | 432 | 72,760 | 314 |
| 1872 | 27,211 | 506 | 73,474 | 277 |
| 1883 | 24,614 | 490 | 62,121 | 204 |
| 1906 | 25,006 | 569 | 100,148 | 257 |
| 1911 | 26,438 | 603 | 101,322 | 248 |
| 1921 | 57,116 | 1,312 | 73,412 | 171 |
| 1923 | 4,399* | 349 | 87,692 | 202 |

¹ Approximate figure

* Northern Ireland only

Source: K. Boyle, T. Hadden, & P. Hillyard, 1975, p. 172

salary was not to be more than £2 per year, and since he could not be expected to devote himself exclusively to police work not much improvement was noticed. However, in 1786 the Irish administration engineered the Irish Police Act through the Irish parliament. The act, "for the better execution of the law", empowered the lord lieutenant to divide any county into districts. In each district there was to be a chief constable appointed by the lord lieutenant and sixteen sub-constables appointed by the grand jury. The county was to meet the expense of the force, the chief constable was to be paid £50

and the sub-constables £12 per year (McDowell,1979:68). The act was immediately applied to the counties of Cork, Kerry, Kilkenny and Tipperary, all areas of agrarian unrest. In 1792, however, a less expensive alternative to this system was provided. It was enacted that the grand jury of any county might appoint eight constables who were to be paid £4 per year; these were not intended to be full time police forces. Consequently, at the end of the century the county police in Ireland were thinly spread and not very effective, with many constables unable to tend to their duties because they had to find other employment.

Given its size and rapid growth, Dublin constituted a special police problem. A system of weak parish police forces were not an adequate means of preserving the order of a large city, and in 1786 attorney-general John Fitzgibbon introduced and carried a police bill for Dublin, modelled on a proposal for London, which in the previous year had failed to pass at Westminster. The Dublin Police Act of 1786 set up a centralized police force under direct government control. The metropolitan police district was to have three district magistrates appointed by the lord lieutenant. They were to have under their command a high constable, four chief constables, eighty constables (forty of whom were for night duty) and 400 watchmen, and they could call on the parish constables for assistance. There was to be a central police office and four divisional offices "for transacting the business of a justice of the peace" (McDowell,1979:69). A year

later this scheme was extended throughout the rest of the island by the Police Act of 1787. "Two years after the rejection of revolutionary police legislation for London, Ireland had become the center for experimentation with new police ideas" (Palmer, 1975:420).

Palmer (1988:6-11) has divided the explanations for the emergence of the English police into two schools. The consensual historians argue that the new police represented a rational attempt to impose impartial order and efficiency into the country's civil institutions. Acting above class interests Peel and the Benthamites were "farsighted reformers acting with a benign regard for the public interest". The conflict historians, on the other hand, see police origins as a "class-based reassertion of state power in the face of a new and threatening conjuncture, the working-class radicalism of the 1830s and 1840s. Class conflict, not social consensus, provided the spur to the creation of the new police." If, as Thompson (1963) notes, the English working class was present at its own creation, then the police were there too.

The conflict historians, in my opinion, have the better argument. They move beyond the notion of normative consensus in discussing modern police origins, and they introduce the notions of power and domination into their narratives. But these notions are reductively explained in terms of the spread of conflict inherent in a particular 'mode of production'. In short, the works of this tradition conceive of the modern western state as a capitalist state, not as a nation-state.

Works from the 'political-conflict' school of sociology are helpful here. For example, David Bayley (1975:377-8) in his study of the emergence of police systems in several European countries from the late seventeenth to the mid-nineteenth century, writes that the police systems of modern Europe are "unique nationally" and that the "distinctive characteristics of these police systems have" in the face of wars, revolutions and major social and economic changes "shown remarkable stability over time". He concludes that the origins of the new police "cannot be accounted for" by traditional explanations of urbanization, population growth, industrialization or the ever increasing incidence of crime.¹⁶ "The development of today's systems can be accounted for in terms of a transformation of political power, prolonged violent popular resistance to government, and the creation of new law and order tasks as well as the erosion of social bases upon which community authority relations were established." In short, police systems need to be seen as part and parcel of the administrative consolidation of the nation-state.

Tilly (1975a:49) endorses Bayley's analysis, seeing organizational changes in the police systems of Europe as results of challenges to the existing distribution of power in society. He writes that studies, such as those advocated by the class-conflict theorists tend to make "less clear than need be the close relationship between policing and the other

16) Palmer (1988:9) writes that in England "emphasis on the detection of crime did not emerge until the second half of the (nineteenth) century".

processes of control and extraction" in the making of the European nation-states. Gurr's work (1976:123) takes us out of a strictly European context. He writes in his cross-cultural study of police in London, Stockholm, Sydney and Calcutta that "crises of public order in these four societies catalyzed the implementation of police reforms that had long been sought by forward-thinking officials and, at least in the three Western cities, by some members of the middle classes." For "the political elite," a primary concern "was increased security against collective behavior by the lower classes." These studies all emphasize that in their origins and early years, modern police forces, in Europe and elsewhere, were more involved in politics and protest than in fighting crime. In the case of the English archipelago, over the period from 1750-1850, "for government ministers and magistrates, the recurrent concerns, preserved in the archival sources, are riots and demonstrations, workingmen's crowds, and radical politics" (Palmer, 1988:9). In England in the early- to mid-nineteenth century this collective behavior was sparked by the radicalism of the working classes; in eighteenth century Ireland it was sparked by the nationalism of the Protestant middle classes and the Catholic peasantry.

With regard to the Irish police, the English historian Frederic Maitland observed in 1885 that "a full history of the new police would probably lay its first scene in Ireland, and begin with the Dublin Police Act passed by the Irish parliament in 1786" (Palmer, 1988:28). In the century since

Maitland's injunction, the Irish dimension of British police policy has been acknowledged only in passing by scholars but, apart from a brief general essay (Tobias, 1975), until Palmer's (1988) work on the police of England and Ireland from 1780 to 1850, no comparative study was undertaken. The Dublin Police Act of 1786, although noted by historians, has for the most part been treated as a "curious footnote" by researchers (Palmer, 1988:28). That this has also been the case among Irish scholars as well is quite surprising. Seamus Breathnach, a former Irish policeman, is the only Irish person to have written a comprehensive history of the Irish police. He attributes the dearth of Irish writing on this subject to the legacy of colonialism that has plagued so much of Irish history. Placing this legacy in its contemporary context, he writes, that "this inscrutable political background is best understood by trying to imagine a Northern catholic attempting to write an impartial and non-incriminating history of the RUC" (Breathnach, 1974:27).

Galen Broeker (1970) has produced a monograph on rural disorder and police reform in Ireland from 1812 to 1836, and this work fills an important gap in our knowledge of a crucial quarter-century of English state-making in Ireland. It is the only detailed work available which covers this period, but it suffers from methodological and theoretical shortcomings. Broeker limited his research to exclusively English records available in London, ignoring other English resources and all of the archives in Ireland. He also ignores major Irish

police innovations dating from the eighteenth century; 1812 marks a mid-point, not the beginning, of the modern Irish police. Broeker also can be criticized for not studying the Irish police experiment in its appropriate context, as a theater of innovations for English administration centralization. Because the reader is told nothing about contemporaneous police developments in England, Wales or Scotland, s/he cannot appreciate the novelty of the Irish experiments nor fully understand the strong resistance in Ireland to the new police developments (cf. Palmer, 1988).

The contrast of uncompromising centralization in Ireland with the much more limited expansion of central government in England shows clearly that in the one government functioned by monolithic control from above and, in the other, by much finer gradations of authority throughout society. The question of government and social control in England reflected pressures from a variety of social groups, including the Benthamites and utilitarians, who wanted to rationalize the social order, and the "high-minded, duty conscious Evangelicals, who, following 'the call to seriousness', sought to improve society." The realization of mid-Victorian orderliness was produced not only by police forces and government expansion but also by 'the incorporation of the nineteenth-century English working class.' The slow incorporation of the new industrial society's values of work-ethic, respectability, and orderliness by English workers would not only shape the nature of their political protest but also moderate the character of

the new police institutions created to control them. The situation was very different in Ireland. There public order was "essentially the business of government police and troops; the achievement of relative social tranquility by the 1850s would be due neither to their successes nor to any evolving popular consensus for orderliness, but rather to the devastating effects of the Great Famine of 1846-51" (Palmer, 1988:27).

SUMMARY/CONCLUSIONS

The sovereignty of the English crown in sixteenth century Ireland provided those with access to the public sphere a legal means for challenging the advocates of conquest and a constitutional basis for standing against a formal union with England for the next two centuries. Although the crown left the path of conciliation in the Elizabethan period, the political aspirations engendered by the events of the 1540s, including the continuation of the Irish parliament, would exercise an influence on Irish politics throughout the eighteenth century and beyond. In the early seventeenth century the Dublin parliament, which had no permanent structure, was a forum for the landlords of Ireland to discuss their interests and to meet with representatives of the crown, which, although holding sovereign power in Ireland, was heavily dependent upon parliamentary subsidies.

By 1613-15 the parliament had begun to move toward the association of Anglo-Irish and Gaelic-Irish landed interests which took form in the Confederation of Kilkenny (1642) and

which led to the development of constitutional nationalism in Ireland. The parliament also reflected the growing differences between the Anglo-/ Gaelic-Irish and the crown; this was especially true of the crown's link with the new protestant influences in Ireland, and the latter's compatibility with the new political forces taking control in England. With regard to Ireland, these political forces were most clearly reflected in the conquest of Ulster from 1603 which was made possible by the defeat of the Ulster magnates and their leaders' flight to Rome in 1607.

The growing differences between Ulster and the rest of the island were reflected in the development throughout the seventeenth and eighteenth centuries of a land tenure system in Ulster that offered security to tenants and steady rents to landlords. This system was also encouraged diversification into linen production and other cottage industries, kept capital in circulation, employment relatively stable, and Ulster relatively free of the agrarian unrest that was to plague the rest of Ireland throughout the eighteenth and nineteenth centuries.

The Irish (both Anglo- and Gaelic-Irish) rebelled in 1641, hoping to take advantage of the rift that existed between the crown and the parliament at Westminster; this time their anger was directed at the Scots and English planters who had accepted lands under the settlements following 1607. By 1642 the insurgents had acquired the nucleus of a central organization and established a provisional government at the

'Confederation of Kilkenny' based on Ireland's constitutional status as an independent kingdom. This organization lasted until 1649 when it was suppressed as part of the Cromwellian settlement.

By the end of the seventeenth century the Protestant ascendancy in Ireland was firmly established, largely as the consequence of political and military events. The struggle for the English throne between James II, the last Catholic English monarch, and the Protestant William of Orange was decided in William's favor by his victory over James at the battle of the Boyne on 12 July 1690. The Treaty of Limerick provided for more land confiscations, and the Dublin parliament soon began to enact the penal legislation against Catholics and Dissenters, excluding them from political office, the professions, and preventing them from controlling property.

The period of 1690-1725 was one of a series of economic and constitutional issues that combined to unite Irish public opinion against England. At the 'political' level there was a revival of the claim that Ireland was a distinct and self-governing kingdom, united to England only by the link of the crown, and that only the Irish parliament could legislate for Ireland. But there was no consistent leadership to the parliamentary opposition, the lord lieutenant regularly took the lead in parliamentary affairs and it was not until the 1770s that an effective middle- and upper-class opposition was to emerge, and then it would not be the result of strictly

parliamentary or economic forces. It would, however, remain true to its conservative origins. The reforms that it advocated were always limited in nature, tied to the landed interests and the maintenance of crown sovereignty and English law in Ireland.

It was during this period that England began to experiment with state involvement in 'civil society', enacting a wide variety of legislation for Ireland relating to areas of, among others, economy, education, and social control. The resulting statutes destroyed Irish foreign trade and suppressed its industry, expanded the educational opportunities of protestants while restricting those of catholics, saturated Ireland with army troops, attempted to strengthen the grand jury system and the constabulary, and provided for the first modern police force in the British Isles.

With regard to state policy and administration, the question arises whether the interests of the new European middle classes helped to shape the actions of rulers and government only after the French Revolution or whether the conscious desire on the part of these rulers to maximise all the state's resources (authoritative and allocative), which began with the enlightened absolutists such as Henry VIII, started in motion a process, of which the revolutionary convulsions of the last quarter of the eighteenth century were only aftereffects, and not its antecedent stimulus. I, along with Raeff (1975:1239), hold that the latter argument is more

correct and that "the implicit model (for these processes) was England; (and that what) seems to have been there an autonomous social development was the result of state policy on the Continent."

Analyses of early modern Ireland usually focus on the conservative, constitutional parliamentary struggles of the middle- and upper-classes as they attempted to enlarge the discursive sphere of Irish politics from the seventeenth century on. The usual emphasis on reform neglects its deep historical roots and also forces into the shadows the early and much more radical opposition to English sovereignty of the lower classes. Irish peasants, ignored by their landlords in the parliamentary debates, had, by the beginning of the eighteenth century, been radically politicized through their encounters with English policy. They developed a complex structure of agrarian rebellion, with its own system of law and justice, that was feared and misunderstood by the moderate liberal Irish classes and viewed by its participants as an alternative government. It was this structure that was to provide the basis of the mass nationalism, both moderate and radical, of nineteenth century Ireland; in a transmuted form it continues to do so today.

V THE DIALECTIC OF CONTROL: IRELAND, 1700-1920

All strategies of control employed by (superordinates) call forth counter-strategies on the part of subordinates, This phenomenon represents ... the dialectic of control in social systems.... What is at issue is the capability even of the most dependent, weak and the most oppressed to have the ability to carve out spheres of autonomy of their own.

Anthony Giddens, 1985

Thus, on every hand Ireland was subject or at least susceptible to the notion of an extra-legal government or law which must, in extremities, supercede and even oust the formal official order. Just as the Irish question was basically a colonial question, so Irish society was basically a frontier society. In each case, geographical contiguity to Great Britain, the imposed constitutional structure of a unitary state, and the theory of equal citizenship, rendered it a peculiarly complex form of colonial question and frontier society.... (F)rontier law was ever and everywhere on the prowl.

Oliver MacDonagh, 1977

Introduction

During the time with which this chapter deals, a period in which the Irish question was a major issue in British politics - particularly in regard to government reform, home rule, and coercion (Hamer, 1969:511), it became clear that the democratization of the politics of European states was inevitable. The masses would march on to the political stage and demand civil and political rights, whether rulers liked it or not. But democratization¹, though its implications

1) The classical liberal bourgeoisie of 1789-1848 was not a democrat but a believer in constitutionalism, a secular state with civil liberties and guarantees for private enterprise, and government by taxpayers and property owners. Nevertheless such a state would not express mere class interests, but the general will of 'the people' which was in turn 'the nation'. "The source of all sovereignty", said the Declaration of the

presented the most serious problems for those who governed and for the interests for which they governed, had, by 1920, barely begun to transform law and politics. Its development was viewed without enthusiasm by the governments that introduced electoral and other reforms; politicians across Europe became resigned to prophylactic extensions of the franchise while they, rather than the radical left, could control it (cf. Hobsbawm, 1987:84-112).

In England and Ireland politics continued to be dominated by the landed classes and the great mass of the people were unrepresented in the modern sense. But there the similarities ended. English society was marked by hierarchy, deference, and 'racial' homogeneity; there existed "a national solidarity and unity ... which bound Englishmen of all classes together" (Palmer, 1988:36). In contrast, Irish society was divided along fault lines of ethnicity, religion and national allegiance. Politics and social policy were part and parcel of these social realities. Palmer (1988:36) writes:

In England the victors of 1688, the landed aristocracy, had since the Tudor period matured into a stable and self-confident ruling elite; and the Glorious Revolution represented the triumph of Protestantism, Parliament, and the people's

Rights of Man and Citizen, "resides essentially in the nation" (Hobsbawm, 1975:81).

The word 'democracy' is used here to refer to liberal "democratic radicalism", whose program, Hobsbawm (1975:170-189) notes, provided both an expression of the aspirations of "little men" - shopkeepers, teachers, peasants - everywhere, an essential component of the aspirations of the working class, and a convenient appeal for liberal politicians asking for their votes. But this secular ideology competed with others, particularly around 1848, including utopian socialism, Jacobin communism, and anarchism (whose influence was mainly felt in the 1860s).

liberties. But in Ireland the mirror of 1688 reflected a reverse image: defeat of the people. Roman Catholicism, the religion of four-fifths of the population was proscribed. Confiscations took more of the natives' land: Catholic ownership fell by 1720 to 10 percent of the total, down from 60 percent in 1640. And whereas the English lower classes were guaranteed poor relief, all Irish Catholics were subjected to penal laws that abridged their basic civil and political rights.

It is the consequences of this discrepancy between the extension of citizenship rights in the two countries, and their linkage to English sovereignty and Irish nationalism that is the subject of this chapter. During the eighteenth and nineteenth centuries the Irish admixture of foreign conquest, poverty, oppression and an Anglo-Protestant landlord class imposed on the Irish-Catholic masses mobilized even the least political. Nationalist movements appeared which were entirely independent of middle class moderates, and it was these movements that first put forward a program of complete independence from England, to be won by armed insurrection. Even as late as 1875 Ireland was home to the one unquestionably mass (as opposed to the elite or middle class nationalism of Italy or Germany) nationalist movement - the Irish Republican Brotherhood (the Fenians). Their ideology was non-traditional, though the secular, even anticlerical nationalism cannot hide the fact that for the mass of the Republican Irish the criterion of nationality was (and still is) the Catholic faith. Their singleminded concentration on an Irish Republic won by armed struggle replaced a social and economic, even a domestic political, program, and their legends of heroic rebel gunmen and martyrs up to the present

have been too strong for those who hoped to formulate one. This is the 'Republican tradition' which survives into the 1980s with the Ulster based Provisional Irish Republican Army (cf. Hobsbawm, 1975:97ff.). But before sketching out the events which led to its formulation, a theoretical review is in order.

Theoretical Reprise II

As administrative resources came to be concentrated in the English state and the administrative reach of state authorities became wider and deeper, the level of interdependence of the political center and the subject population became correspondingly higher. As in any modern state, the build up of English administrative power depended largely on the mobilization of social activities that, through the extension of surveillance, necessarily increased the reciprocal relations between those who govern and those who are governed, thereby increasing the possibilities that the dialectic of control offers subordinate groups to influence the rulers. This is "the 'structural backdrop' against which polyarchy develops, first of all in the shadow of the absolutist state and then more openly and directly in the course of the transition to the nation-state" (Giddens, 1985:201-2).

The association between the nation-state and polyarchy can be explained by their linkage to the dialectic of control and to the concentration of administrative resources in the

nation-state. In 'traditional' societies the dialectic of control is characterized as a matter of segmental autonomy and the use or the threat of military power tends to be continuously at hand in maintaining the administrative reach of the state apparatus. In contrast, the administrative reach of the nation-state (generated by the expansion of surveillance in the various ways noted above) reduces the state's dependence on control of the means of violence as a medium of rule over subject populations. As already noted, it is in circumstances of power deflation that the widespread use of force becomes necessary in order to sustain governmental control. There are, Giddens (1985:202) notes, "many contingent conditions that might bring about power deflation, but in a general way it is likely to be strongly conditioned by struggles over the three basic types of citizenship rights": civil, political and economic.

Marshall (1950:1-86)), in his work on the emergence of citizenship rights in England, develops a typology of the three forms of such rights negatively by reference to feudalism and, positively, by reference to the organizational focus of each. In feudalism rights were not universal, i.e. not applicable to every subject of a polity. Those in the various estates and corporations effectively belonged to different communities, with different rights and duties in relation to one another. Moreover, these rights and duties tended to form single clusters; it is only since the eighteenth century (when civil rights were introduced,

followed by political and then economic rights) that the three types of citizenship rights have become distinct from one another.² This is, in part, due to the fact that each has a different organizational focus (or at least the first two do,

2) The eighteenth century was the main formative period of the development of civil rights in England - the end process in the dissolution of feudal society, when the rights of liberty of the individual, and full and equal justice before the law, became firmly established. But these rights were far from unconditional. Attempts to introduce economic rights (Marshall refers to them as 'social' rights) were "doomed to failure" because economic rights require a base in civil and political rights. For example, the English Poor Law of 1834 offered relief only to those who, through age or sickness, were incapable of supporting themselves. Furthermore, such rights were detached from the status of citizenship. Indeed, the Poor Law treated the claims of the poor as an alternative to citizenship rights - "as claims which could be met only if the claimants ceased to be citizens.... For paupers forfeited in practice the civil right of personal liberty, by internment in the workhouse, and they forfeited by law any political rights they might possess.... The stigma which clung to poor relief expressed the deep feelings of a people who understood that those who accepted relief must cross the road that separated the community of citizens from the outcast company of the destitute" (Marshall, 1950:23-4).

The establishment of national political rights dates from the nineteenth and early twentieth century. In England, for example, during the first five decades of the nineteenth century the electorate had quadrupled (from 8 to 29 %), yet it still involved less than one-third of the men over the age of twenty; Belgium increased hers, following a general strike for this reform in 1894, from 3.9 to 37.3 %; Norway doubled it in 1898: 16.6 to 34.8 %. Universal male suffrage existed, in theory at least, in France, Germany, Switzerland, and Denmark from the 1870s. But these reforms were hedged by educational and property qualifications and institutionalized aristocratic privilege, such as hereditary chambers of peers, and the fears of the 'respectable' classes. In England in 1866 Lord Salisbury asked if the expansion of the franchise from the propertied and the educated to the lower classes "would not ... inevitably lead to communism?" (Hobsbawm, 1987:85).

Economic rights belong almost completely to the twentieth century. The nineteenth century, the age of ascendant capitalism, was a time when those who were most negatively affected by economic forces had little protection against deprivation. Poverty was regarded as an indication of social subordination. In the twentieth century this was reversed, largely as a consequence of the effects of political citizenship (cf. Giddens, 1985:204).

the third - economic rights - lacks such an organizational focus).³ The primary institutional focus of the administration of civil rights is the legal system; political citizenship rights have as their focal points legislative institutions and local government.⁴

But an objection can be raised against Marshall's tendency to treat the development of citizenship rights as being brought about by something of a 'natural' process of evolution, helped along by the beneficent hand of the state. In Britain, as elsewhere, there was little conceded by the state without conflict, and the development of citizenship rights did not always follow the order that Marshall lays out for Britain.⁵ Thus, rather than approaching the three categories of citizenship rights as phases in the general development of citizenship, it is more sensible to interpret them as arenas of conflict, each linked to a particular type of surveillance, where that surveillance is both necessary to the power of dominant groups and an axis for the operation of the dialectic of control.

3) Giddens (1985:206) suggests that the locale in which struggles over economic rights are focused is the work-place, the surveillance in question being that of the management of a labor force. The lack of an institutionalized court of appeal here reflects a phenomena of major significance in the class structure of capitalism: what Habermas (1975:37) refers to as a 'reaction formation' to endemic economic crisis and class conflict in capitalism. Aside from the mechanics of industrial arbitration no discursive sphere, no setting of conflict in relation to this type of surveillance, exists.

4) It was John Locke's view that different powers in the state should move in independent spheres.

5) In nineteenth century Germany, for example, Bismark conceded various welfare rights to the working class in order to prevent the extension of political rights to them (Giddens, 1985:205).

Civil rights are inherently linked to the types of surveillance involved in the policing activities of the state. Surveillance here consists of the apparatus of judicial and punitive organizations in terms of which 'deviant' behavior is controlled. The locale of civil rights - the settings in which struggles over the form and bounds of policing are enacted - is first and foremost the law court, but such struggles occur in virtually all situations in which surveillance of this type is carried out, including the sequestered contexts of disciplinary power: prisons, asylums, ghettos, etc. The same should be said about political rights, where the institutionalized locale of conflict - parliament or the council chamber - is the formal setting for the discursive representation of rights, but where, as the history of Ireland shows, a variety of extra-parliamentary conflicts are also possible. Civil rights have been, from the early phases of capitalist development, tied up with the very definition of what is to count as 'political'. Indeed, civil and political citizenship rights developed together and are open to a range of divergent interpretations which may directly affect the distribution of power in a social system that is subject to a state's rule (Giddens, 1985:207).

Traditional states opened up a public sphere directly related to the monitoring operations of the state, but confined to a very small public. It is in the nature of states in class-divided societies that the discursive articulation of administrative power is relatively limited,

not reaching the mass of the population. Distinctive of the modern state, however, is a very considerable expansion of the reflexive monitoring of state activity. The emergence of state sovereignty expresses and further stimulates a new form of administrative order, signaled by the formation of the absolutist state, but maximized in the nation-state. A state can only be 'sovereign', in the terms of the political theorists of the sixteenth century and afterwards, if large segments of the population of the state have mastered an array of concepts connected with sovereignty.⁶ Such mastery need not be entirely discursive, especially among those who are subject to the administration rather than involved in it, but when Machiavelli, Bodin, and the others began writing about politics, "they were helping to constitute what the modern state is as a novel ordering of administrative power" (Giddens, 1985:210).⁷

6) Concepts such as that of a contract between ruler and ruled, of parliamentary representation, and of the balanced constitution as protective of liberty and property. In Ireland successive generations of patriots claimed that Ireland and England were two separate kingdoms with the king acting in a dual capacity as King of Ireland and King of England, not as King of England ruling over Ireland. The contract had been established between the Irish people and the king. It was he who granted their laws and liberties, not the English parliament.

7) Machiavelli's (1950:9) tyrant-prince, for example, was instructed to "plant colonies ... for it is necessary to do this or to maintain a large force of armed men. The colonies will cost the prince little ... (injuring) only those whose lands and houses are taken to give to the new inhabitants, ... and those who are injured, remaining poor and scattered, can never do any harm to him.... (A)ll the others are fearful of offending lest they should be treated like those who have been dispossessed."

He also encourages the prince to employ ambiguity, and ever since ambiguity has been inherent in the political process. Ireland's colonial history, its divided population, and

The development of the idea of citizenship - membership in an extensive political community - is intimately bound up with this. In many cases the bulk of the population of traditional states did not realize that they were 'citizens' of those states at all, nor did it matter to the continuity of power within them. But the more the administrative scope of the state penetrates the day-to-day activities of its subjects, the less this holds true. The expansion of state sovereignty and the capabilities of reflexive monitoring, especially through printing (coinciding with the appearance of journals, newspapers and pamphlets reaching mass audiences) - which also involves the distancing of communication from oral contexts, means that those subject to state sovereignty are in some sense - initially vague, but growing more and more definite and precise - conscious of their membership in a political community and of the rights and obligations such membership confers (Giddens, 1985).

As the English consolidated their constitutional and administrative hold on Ireland, offering recommendations for improving both through investigative committees and Royal Commissions⁸, the Irish organized in opposition to them. The

British policy toward Ireland, including the Act of Union (1800), the 1920 Government of Ireland Act, and the 1985 Anglo-Irish Accord, have all contributed greatly to the ambiguity of the Irish political scene.

Deutsch (1980:76) traces the origins of the concept of the balance of power to Machiavelli's discussion in the eighteenth chapter of *The Prince* entitled "How princes ought to keep faith (their word)"; his answer was: only so long as it helps to preserve or enhance the prince's power vis-a-vis all possible competitors.

8) The absolutist state was institutionalized, in part, through the extension of commissions into a variety of

Irish-Catholic middle classes, who obtained educations and generally prospered through loopholes in the penal laws, promoted reform and constitutional nationalism in the Dublin parliament. Despite their exclusion from any formal education, a flourishing oral culture and a tradition of hedge-school education produced a relatively high rate of literacy among the Irish peasantry and a more radical interpretation of the concepts of sovereignty concerned with rights and obligations; it was these notions of natural human rights that were absorbed into the threats and the oaths of popular Irish protest. It was the direct contact with intensified English repression and increased military presence in Ireland during the eighteenth century, along with increased access to radical new ideas and forms of organization, that led to increased and more effective opposition. Constitutional nationalism and radical republican nationalism began to permeate the Catholic population of Ireland, through attempts at reflexive self-regulation on the part of the English state and its Irish subjects (cf. Elliot, 1982).

Nationalism is primarily a social-psychological phenomenon - "the affiliation of individuals to a set of symbols and beliefs emphasizing communality among the members of a political order" (Giddens, 1985:116). The major dimensions of nationalist ideology in modern states are to be

juridical and economic matters; the absolutist period also coincided with the beginnings of the separation of administrative, fiscal and juridical state functions (cf. Burton & Carlen, 1979).

found in the nature and scope of discursive articulation of information available in the public sphere.

Giddens (1985:211) writes,

in the context of the modern state, the capability of different groupings to discursively formulate policies or programmes that express their interests and to make space in the public domain for promoting them, are vital. While in the nation-state all members of the population share an array of concepts constitutive of its sovereign and polyarchic character, these may be mainly ordered in practical consciousness rather than being available to be discursively formulated as reasons for action.

He argues that this is true of all levels of a particular social order, and that it is likely to be more true of the privileged strata and more generally, the dominant class. But during times of upheaval, such as the crisis of the ancien régime of the northwestern world, which the dual revolution - industrial and political - was to sweep away, the discursive sphere tends to open up; there occurs a displacement of the boundaries which define the field of possible objects (social institutions) and subjects (human agents) (cf. Foucault, 1978). Such was the case in Ireland from the early eighteenth century onwards. It is then that we begin to detect changes which decisively affect Anglo-Irish relations. As the drive toward sovereignty brought about a centralization of resources in the English crown, and attempts were made to integrate state activities with those of the population, a general awareness of the collective nature of social power was stimulated and radical peasant movements began to emerge in opposition to English sovereignty and power. It was these movements, grounded in the dialectic of control - mediated by sovereignty

and citizenship (both of which are 'national'), that established the political character of Irish nationalism, and much of its symbolic content.

All nationalist movements share certain elements of nationalism as a symbol system. These include: nationalist ideals tied to a conception of a homeland - a concept of territoriality; a myth of origin - conferring cultural autonomy on the community which is held to be in possession of these ideals; historicism as a source of nationalist thought - a historical mission is constructed, which, given the right circumstances, may offer a vehicle for certain virulent forms of aggressive nationalism. There is a variety of possible ties and tensions between nationalism, sovereignty and citizenship, depending upon the direction in which these elements are channelled. "Where nationalism is canalized primarily toward sovereignty - particularly in circumstances where there are several contenders for statehood, or where an existing state is strongly embattled - nationalist sentiments may take an exclusivist turn, emphasizing the superiority of one 'nation' over its contenders" (Giddens, 1985:217). In such cases, Ireland among them, citizenship rights are likely to be poorly developed or impeded - especially civil and political rights. Where citizenship rights are more substantially founded or realized, they tend to influence the connections between sovereignty and nationalism in an opposite direction, encouraging more polyarchic forms of nationalist sentiment (cf. Nairn, 1975; Debray, 1977).

"Nationalism is anchored psychologically in distinctive features of modern societies and its content is linked to the historicity they engender" (Giddens, 1985:219); as the cultural sensibility of sovereignty it coexists with the coordination of administrative power within the nation-state. The unity of the nation-state cannot remain solely administrative, however, because the coordination of activities involved presumes elements of cultural homogeneity. The expansion of communication cannot take place without the conceptual involvement of the entire community as an informed citizenry. A nation-state is a conceptual community in a way that traditional states were not. The sharing of a language and a common symbolic historicity are the most satisfactory ways of achieving this and, as Giddens (1985:219) notes, these are seen to be so by those leaders who have learned from the experience of the first nations. But in many (if not most) cases the coming of the nation-state stimulates conflicting and oppositional nationalisms as much as it fosters the coincidence of nationalist sentiments and existing state boundaries.

The development of oppositional nationalism is strongly influenced by the uneven development of capitalism (Nairn; Hechter; Rawkins). But nationalist movements are not just one more kind of movement, protesting against the dehumanizing and alienating effects of capitalism. They signal the injection of historicity into areas where the hold of traditional modes of behavior have been eroded, associating such historicity

with the claim to administrative sovereignty. "It is because nationalism is inherently linked to the achievement of administrative autonomy of the modern form that all nationalist movements are necessarily political, no matter how much they may be infused with symbolism of other sorts" (Giddens, 1985:220). In Ireland, with nationalism channeled toward sovereignty, historicity provides the symbols that provide the core of political discourse.

Nationalist symbols can be, and frequently have been, manipulated by dominant groups to achieve their particular interests. There is no great difficulty in understanding the advantages that such mass mobilization can engender for particular interests, couched, as they may be, in terms of the 'general will'. But this is in some sense the most obvious, although far from insignificant, ideological outgrowth of nationalism. More deeply layered ideological ramifications can be traced to the conditions involved in the reflexive monitoring of the modern state, as a surveillance apparatus, are the same as those that help generate nationalism. Giddens (1985:221) puts in this way:

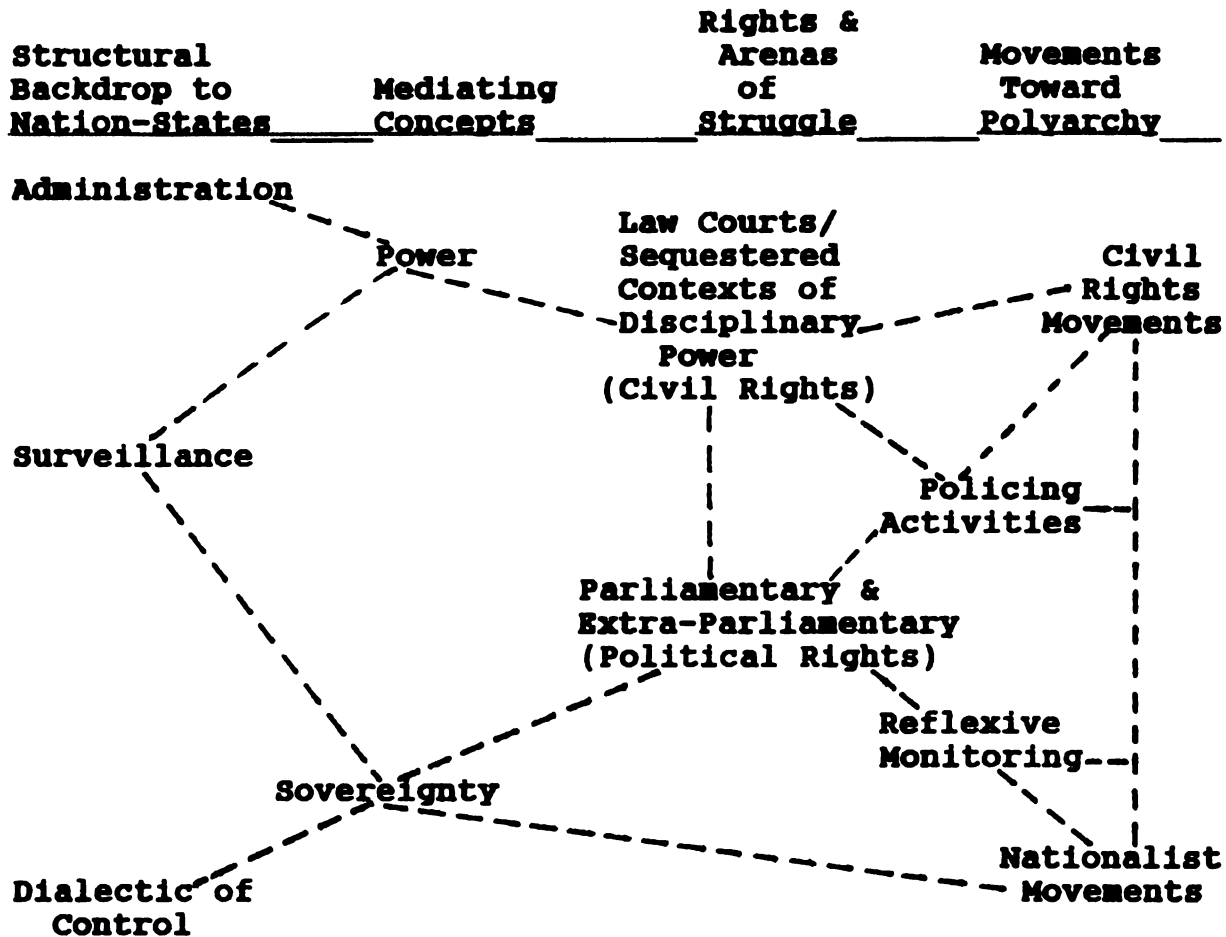
Since the discursive capabilities involved in monitoring social reproduction become of essential importance to the state, it is around the intersection between discursive consciousness and 'lived experience' that the ideological consequences of nationalism will cluster. As the 'moral component' of sovereignty, nationalist symbols provide a core of political discourse that significantly shapes both the rhetoric of national solidarity and of opposition. Nationalism helps naturalize the recency and the contingency of the nation-state through providing its myths of origin. But, at the same time, the discourse of national solidarity helps block off other possible discursive

articulations of interest. The discursive arena of the modern polity treats what 'politics' is as inherently to do with the bounded sphere of the state....

The nation-state and nationalism can be conceptually linked to the notions of agency, power, and structure (see Figure 5-1). Agency or action, as Giddens (1979:55) uses the term, refers to "a continuous flow of conduct" that is treated as situated practices. "(A) stream of actual or contemplated causal interventions of corporeal being in the ongoing process of events-in-the-world." The concept of agency, "involving 'intervention' in a potentially malleable object-world" connects directly with the notion of Praxis and cannot be fully understood outside of the context of historically located modes of activity (Giddens, 1979:56). 'Power' in a highly generalized sense means "transformative capacity, the capability (of an agent) to intervene in a given set of events so as in some way to alter them", but it also means domination - power is a structural feature; each meaning implies the other (Giddens, 1985:7). Power, a key mechanism of social integration, must be related to the resources that agents use in the course of their activities in order to accomplish whatever they do. Resources (authoritative and allocative) involved in the reproduction of social systems that have some degree of continuity across space and time form aspects of the structural properties of those social systems.

Resources enter into the reproduction of social systems only in so far as they are drawn upon by contextually located

Figure 5-1

STRUCTURATION OF THE NATION-STATE

Agency is indicated (and highly simplified) by
the connecting lines.

actors. "All social systems ... can be studied as incorporating or expressing modes of domination and it is this concept more than any other that provides the focal point for the investigation of power" (Giddens, 1985:8). Social systems that exhibit continuity across time-space are always "power systems"; they exhibit forms of domination (expressed in and through the institutions that represent deeply embedded continuities of social life), in that they are composed of relations of autonomy and dependence between actors or

collectivities of actors. In the context of any collectivity or organization domination is expressed as modes of control, whereby some agents try to achieve and maintain the compliance of others. A relatively stable form of control is a type of rule. All types of rule rely upon the institutional mediation of power, but channel this through the use of specific strategies of control, which depend upon the form of domination within which they are invoked; this may involve, for example, an industrial setting, or a political one. All strategies of control used by superordinate agents call forth counter-strategies on the part of subordinates. This represents the dialectic of control in social systems, something which links back directly with the notion of human agency.

Social institutions are "structured social practices" that are structured in what Braudel (1972) calls the *longue durée* of time, and which are followed or acknowledged by the members of a society. In the theory of structuration, 'structure' refers to "rules and resources instanciated in social systems, but having only a 'virtual' existence".

Giddens (1982a:9) writes:

The structured properties of society, the study of which is basic to explaining the long-term development of institutions, 'exist' only in their instantiation in the structuration of social systems, and in the memory traces (reinforced or altered in the continuity of daily social life) that constitute the knowledgeability of social actors. But institutionalised practices 'happen' and are 'made to happen' through the application of resources in the continuity of daily life. Resources are structured properties of social systems, but 'exist' only in the capability of

actors, in their capacity to 'act otherwise'. This brings me to the essential element of the theory of structuration, the thesis that the organization of social practices is fundamentally recursive. Structure is both the medium and the outcome of the practices that it recursively organizes.

One consequence of these arguments is that action, personal, social, political, etc. cannot be conceptually separated from the long-term development of institutions. This means linking the three forms of temporality that enter social life: the *durée* of day-to-day life, the *durée* of the life-span of the individual, the *durée* of institutions - the long *durée* of which Braudel writes.

All societies worthy of the name endure beyond the lives of those individuals whose activities constitute them at any given moment. Patterns of continuity and change may be discerned which carry on well beyond the lifespans of any particular generation of individuals. It should be clear that none of these aspects of the temporal organization of human social life is more than analytically separable from one another. The encounters of day-to-day life might seem remote from the long stretches of institutional time. But institutions have the form they do only in so far as they are chronically produced and re-produced in the settings of day-to-day life. On the other hand, day-to-day conduct only has continuity through its involvement with institutionalized modes of activity. The existence of the human organism is the condition for the two other aspects of temporality. However they can no more be derived from the *durée* of the lifespan than it can be derived from them (Giddens, 1987:145).

In Northern Ireland these forms of temporality enter social life charged with conflict and the Irish past becomes a very relevant arena for contemporary Irish political conflict. For MacDonagh (1983:2) what needs emphasis in the "warfare over the resuscitated body of the Celtic past is the elision

of time common to all the combatants." For example, in the events surrounding the Act of Union (1800),

(t)ime was being so foreshortened that the character of druidical Ireland was being treated as validating or invalidating, in some significant fashion, the early nineteenth century social order. In part, this use of antiquity as a touchstone of the present resembled the use made of the early Church by the religious reformers and counter-reformers in the theological disputations of the sixteenth century; but with the poles reversed. The nationalist-Catholic school saw the course of Irish history in terms of degeneration from an initial purity, whereas the unionist-Protestants presented it in terms of a triumphant, if lengthy and incomplete, emergence from barbarism.

In Ulster today the political scene is interpreted by its combatants in much the same manner. The sectarian consciousness noted by MacDonagh is deeply rooted in the history of the economic and social policies of Ireland, both before and after partition. The history of these policies is used in the contemporary social order to construct a form of ideological social relations⁹ that amount to an ethnic-national difference between Catholic and Protestant. This does not imply that these identities are voluntarily chosen by the groups involved, but rather that they have been ascribed, and not just by significant, but by powerful others, especially the English state, which, since the fourteenth century, has permitted or insisted upon certain identities and excluded others (Worsley, 1984:245ff.; cf. Nielsen, 1985). The

9) By ideology I mean those representations of material reality that dominate a group or social class's consciousness. By ideological social relations I refer to the processes through which these representations are derived from and embodied in specific practices of the state and other social institutions (Burton, 1979:61).

discursive relations¹⁰ (problematic historical constructions themselves) of the social agents involved are fixed, and conclusions about problems and appropriate courses of action follow logically. Their premises reflect a specific point of view and the concerns of a particular political movement or state, but they are experienced as "fact". As Gouldner (1970:483ff.) notes, a conclusion about what is to be taken as fact becomes an anchor point of the self and of an interlaced structure of beliefs and perceptions. Thus, a perception of 'political fact' becomes the keystone of a structure of beliefs rather than an observation. This chapter, along with the preceeding two, provides a sketch of the events which serve to structure these beliefs by linking the expansion of state sovereignty to the emergence of nationalist social movements.

Agency and Collective Behavior

In this study the notion of agency is preferred to schemes that classify types of social protest as a means of understanding such events, even though the organizational revolution reorganized collective violence in similar ways across Europe. Scholars have divided popular protest into various classifications. Charles Tilly (1975) has described collective violence as existing in three stages: a) primitive violence: small scale localized, personally oriented, and

10) For Burton (1979:61), the regular set of rules that make and remake an object within a discourse are "discursive relations".

apolitical; b) reactionary violence: still localized, only implicitly political, with very specific goals and 'backward-looking' concerns for lost rights or past grievances; c) modern violence: heavily politicized and based on abstract ideas about 'rights' and 'forward-looking' in the sense that 'natural rights' are due 'the people'. George Rudé (1978), on the other hand, conceives of popular protest as being either "preindustrial" or "industrial". The former is direct action rioting characterized by spontaneity but with a careful selection of targets, with no continuing leadership, and specific and backward-looking goals. By contrast, industrial protest is characterized by marches, petitions and demonstrations. It is forward-looking in its demands for the right to strike and vote, and is in essence an urban phenomenon.

Such schemes are generally useful, but they do not adequately meet the requirements of the Irish case.¹¹ History is always a contingent affair and in order to grasp the nature of agency in relation to historical understanding a conceptual hold over concepts of structure and structural constraint as

11) Hobsbawm (1962:153) writing of a wave of rioting and machine-breaking that occurred among the starving farm laborers of Southern and Eastern England in the early nineteenth century: "agrarian unrest soon relapsed into politically less frightening forms. In the rest of the economically advanced areas ... no serious agrarian revolution was expected or envisaged, and the entirely urban outlook of the most revolutionaries held little attraction for the peasantry. In all Western Europe only Ireland contained a large endemic movement of agrarian revolution, organized in secret and widespread terrorist societies.... But socially and politically Ireland belonged to a different world from its neighbors."

well as agency itself is more helpful than general typologies. MacDonagh (1977:144) notes that Irish agrarian crime rose well above the level of peasant counter-pressure common to the cyclical and circling food riots of France or England; it was not reactionary although it was preindustrial. Similarly, faction fighting - a kind of institutionalized family feud - at Irish fairs, which falls under the rubric of primitive protest in Tilly's scheme, was at times class based and ideated (O'Donnell, 1975). And, "party fights" which for Tilly are "mutual attacks of hostile religious groups" and thus primitive violence, were in fact, from the 1760s on, marked by a deep political consciousness. These Protestant-Catholic brawls required two large factions and so were concentrated in south Ulster. Recent studies have detected a strong political character to these disorders (Townshend, 1983; Palmer, 1988). Two of their major participants, the Protestant Peep O'Day Boys and the Catholic Defenders matured, respectively, into the Orange Order (ca. 1795), which benefitted from middle- and upper-class connections, and the Society of United Irishmen, who established French republican connections. Finally, as Palmer (1988:48) notes, Rudé's equation of the term 'modern' with 'industrial' protests prevents us from talking about those forms of Irish rural protest that were both modern and preindustrial.

CATHOLIC REFORM AND REVOLT

For the last seventy years Ireland has been the scene of constantly recurring disturbances....[I]n a large part of Ireland there is...less security of persons and property than in any other part of Europe, except perhaps the wildest districts of Calabria or Greece.... [Some] reasoners conceive that there is an innate and indelible tendency in the Irish to disturbance and outrage; that Ireland has been cut off by nature from the rest of the civilized world, and been foredoomed to a state of endless disorder....

George Cornwall Lewis, 1836¹²

It is not in the language of the lawyer, or the police magistrate, that the wrongs and aspirations of an oppressed nation should be stated.

Thomas F. Meagher, 1848¹³

Much like the study of English sovereignty in Ireland, the study of Irish republicanism has suffered from an excessive concentration on its later phases. Most analysts agree in tracing its origins to the 1790s when, in Elliott's (1978:405) words, the "attitudes and conditions which were to dictate the future course of republicanism and loyalism were crystallised." But an understanding of its essential nature requires a closer examination of its beginnings. In view of the recent events in Northern Ireland a renewed interest in Irish republican nationalism has emerged (Elliott, 1978&1982; Gibbon, 1975; Munck, 1987; Probert, 1978), but the resultant research has failed to explain how large segments of a non-political and essentially loyal peasantry could in the short period of the 1790s have taken on many of the fundamental traits of later separatist movements (Elliott, 1978:405).

12) Quoted in Palmer, 1988:45.

13) Quoted in Palmer, 1988:490.

Elliott's (1978:406) views on this matter are quite representative. She argues that English rule in Ireland had not been seriously challenged since the twelfth century, and that the failure of the Bruce invasion in the fourteenth century was an indication of general Irish indifference to the nature of central government, provided life's daily routine remained undisturbed. "This attitude", she writes, "characterized Irish thinking for the next four centuries, and like peasant communities elsewhere, the Irish remained essentially apolitical and parochial in outlook."

The context of this political inertia was a peasant economy which had developed out of the clannish, nomadic, pastoral agriculture of medieval Ireland, and which, by the end of the seventeenth century, consisted of a peasant tenantry, mainly Roman Catholic, that resided on and worked the estates of a mainly Protestant landlord class which was heavily dependent on rents. 'Secret societies', both Protestant and Catholic did occasionally spring up, but their concerns were strictly economic in nature and were usually addressed to a specific set of circumstances - e.g., the actions of an unpopular landlord, or "the cost of potato patches, hearth money and tithes" (McDowell, 1979:79), and once the problem was resolved they disbanded. The peasantry's social condition is ascribed a homogeneity in all aspects except its relative religious density - when these densities shifted from the usual high level of segregation the normal processes of class antagonism were interrupted. The standard

argument is well expressed by Senior (1966:4-5), his view of the origins of eighteenth century agrarian unrest is worth quoting:

...nearly everywhere in Ireland the population was greater than the existing system of agriculture could support. This chronic land-hunger was aggravated by a form of land-holding that discouraged improvement. The land was often rented by a middle-man from an absentee landlord, then sublet periodically in small-holdings to the highest bidder, without consideration for the former occupants. The only means the peasantry had of fighting this system was the oath-bound secret society.... The secret societies were usually regional and non-political in character....

Two such movements flourished in the sixties, the (Protestant) Oakboys, or Hearts of Oak, in Ulster and the (Catholic) Whiteboys in Munster.... Their aims were purely economic.... Moreover, when landlords raised bands to subdue the Whiteboys, they normally armed their protestant retainers, thus giving the measures taken against the Whiteboys something of the character of a religious war.

Such analyses, however, focusing as they do on allocative resources, even when acknowledging authoritative resources and the symbolic dimensions of social conflict - in this case the arousal of potential agencies of denominational strife - represent what E. P. Thompson (1971:76) has caustically referred to as the "spasmodic view of popular history", according to which the common people cannot be understood as historical agents before the French Revolution. Before this "they intrude occasionally and spasmodically upon the historical canvas, in periods of sudden social disturbance." These intrusions are compulsive, rather than self-activating or self-consciously political: they are merely simple

responses to economic stimuli.¹⁴ All that is needed is the mention of a bad harvest, a decline in trade, or an increase in rents and the requirements of historical explanation are fulfilled.¹⁵

Marx, however, (1974:146) reminds us, that "(humans) make their own history", and they do so as historical agents by purposefully intruding into processes of historical change, and not all such intrusions take the same form. In Ireland in the seventeenth and eighteenth centuries the penal code forced much of Irish life to take on what MacDonagh (1983:39) terms a "subterranean" nature. Restrictions against Catholics with regard to education, the holding of property and commerce meant that much of what might have been 'public' remained 'private'. Catholic consciousness was formed in private places - the home, the hedge-school, the field, where people could create a critical discourse based on their common experience, an experience that was muted in the terms of the dominant social groups. The education of Catholics, for example, was limited to that available from hedge-schoolmasters, wandering scholars - many of whom were the descendants of the hereditary chroniclers of the clans - who taught the children of the poor under hedges in the fields,

14) Such economic reductionism on the part of historians, Thompson (1971:78) notes, if found "in the work of their Marxist analogues, would make them protest."

15) Cullen (1964:155) warns against an exclusive reliance on economic data from eighteenth century Ireland: "It behooves the historian to tread warily in the use of contemporary printed sources, which are a poor reflection of the subtle tones of change and variation in the economy that more often than not eluded contemporaries."

while scouts looked out for spies and informers (Jackson, 1970:90). Two consequences of this system were that the Gaelic culture was continuously reproduced and the Gaelic-Irish community was almost entirely self-taught. In view of this it seems that what Thompson (1963:711) writes about the English working class is also true of the Irish peasantry: that the articulate consciousness of the self-taught is "above all a political consciousness" and that through life experiences (illiteracy does not, after all, exclude one from political discourse) and a hard won education people form a picture of the organization of society which is "above all a political picture." People learn to see their lives as part of a general history of conflict. In the one case this conflict was between the "industrious classes" and the "unreformed House of Commons", in the other it was between the colonized and the colonizer.

The colonial relationship was a complex one. Ireland always maintained its own conceptualization of history¹⁶, of place and of law. For example, the legal progression from status to contract in the period from the seventeenth to the nineteenth century confirmed for the English the essentially individualistic and contractual nature of civil society. The antithetical communal concepts of Gaelic law, on the other

16) A telling example of this Irish habit of historical thought occurred during Lloyd George's meeting with de Valera in 1921 to negotiate a peace treaty between Britain and Ireland. Lloyd George told his secretary, "I made no impression. I listened to a long lecture on the wrong done to Ireland ... (by) Cromwell, and when (ever) I tried to bring him (de Valera) back to the present day, he went back to Cromwell again" (MacDonagh, 1983:1).

hand, served as the basis of much that was considered to be Irish. For example, the term 'property', as used in eighteenth-century Ireland carried a double meaning, one that was not immediately apparent because one version was clearly articulated and expressed precisely in legislation, and the other was only to be "inferred from agrarian conduct and the coarse clichés of a peasantry" (MacDonagh, 1983:34). English law, influenced by utilitarian political economy, was concerned with issues of 'property' and 'person'. It equated landed property and other types of property, and granted owners absolute possession. Land was ultimately like any other good, a common garden commodity, which the owner might order or dispose of as he wished. The English 'revolutions' of 1641 and 1688, concerned, as they were, with the property and the persons of the privileged classes, had tipped the balance of noblesse oblige in favor of rights as against obligation. The official view of land in Ireland - the view propounded and defended by the state - was English derived; landlord-tenant relations were wholly a matter of free contract. For the Irish, on the other hand, the land belonged to a group, worked as a way of supporting lives and homes rather than for profit, and subject to a customary code of rights and duties. The differences between the two were inherently political in that they involved two different legal codes and two different conceptions of how civil society should be organized and governed.

Traditional economistic explanations of Irish agrarian violence minimize (or ignore) the inherently political nature of the Irish landlord class and the state's growing role and organizational complexity in eighteenth century Ireland - its forays into the realms of economics, education and social control. By separating the 'economic' history or the 'social' history of the Irish people from their political history entire areas of Irish existence become incomprehensible, and contemporary people are denied a political and symbolic identity; legitimating notions, which indicate that those involved believed that they were defending their traditional rights or customs, and that they were supported by the broader consensus of the community, are ignored (cf. Thompson, 1971; Judt, 1979). For example, Catholic Whiteboy assassinations even early on "tended to result from tithe issues, or co-operation with the authorities, such as giving information, pursuing prosecutions in the courts or, in the case of magistrates, acting in an over-zealous fashion"; and a Whiteboy notice from Tipperary states: "English laws must be curbed in; for we will never be satisfied until we have the Irish Parliament and King crowned in Ireland, as there formerly was" (Beames, 1983:129&145). These are not examples of a merely negative resistance, but rather of actions on the part of subordinates called forth by the strategy of control employed by superordinates; "the upholding of a different system of law or of social control" as Townshend (1983:5) writes, the "dialectic of control" in Giddens' words (1985).

The early secret societies could normally counter-balance the power of the landlords, the magistrates and the police, whose conduct caused widespread disturbances and resentment, through such tactics as intimidating witnesses and juries and penalizing unpopular landlords by houghing or killing their cattle in nightly raids. The groups were usually regional and directed at specific grievances like land enclosures, methods of tithe payment or rent increases. But at least since the 'flight of the earls' land and rent in Ireland had been political issues, and tithe was paid to a church whose presence had been established not by religious conversion, but by the force of arms. The alien and Protestant character of the Anglican church in Ireland linked it inextricably to the issues raised by Irish nationalism (Beames, 1983:141). Finally, as Hobsbawm (1973:15) recognizes, if Irish peasants wanted to attract the attention of the authorities they had no effective way of doing so except by challenging authority and confronting power, in this case the landlord or his intermediary, the tithe proctor, or the policeman, through direct action, since there was no political or administrative machinery for making themselves heard.

There were a number of peasant movements in eighteenth century Ireland, though not all are of equal interest (see Table 5-1). The first emerged in opposition to the expansion of pasture in Connaught in 1711-13. It contained elements of social banditry and the organizational traits of later movements: well organized, disciplined groups headed by

Figure 5-2: Peasant Movements in Eighteenth Century Ireland

| Date | Appellation | Religion | Location |
|-------------|---|----------------------------|--|
| 1711-13 | | Catholic | Galway, Mayo, Clare, Sligo |
| 1761-62 | Whiteboys | Catholic | Tipperary, Cork, Limerick & Waterford |
| 1763 | Oakboys | Presbyterian | Armagh, Derry, Tyrone & Fermanagh |
| 1769-72 | Steelboys | Presbyterian | Antrim & Down |
| 1775 | Whiteboys | Catholic | Kildare, Queen's County & Kilkenny |
| 1785 - | Rightboys | Catholic | Munster |
| 1784-92 | Peep O'Day Boys | Protestant | Armagh |
| 1785-98 | Defenders | Catholic | Ulster |
| 1793 | Orange Boys | Protestant | Armagh, then Ireland |
| 1791-93 | Defenders | Catholic | Louth, Cavan & Meath |
| 1795-96 | | Catholic | Connaught |
| 1795-97 | 'Armagh Outrages' | Catholic v. Protestant | Ulster |
| 1796 | | Catholic | Westmeath, King's County, Kildare & Kilkenny |
| 1797-98 | Whiteboys | Catholic | Cork, Waterford & Tipperary |
| 1798 | Uprisings involving peasants and other classes, with elements from all religious groupings: | | |
| | May | Kildare, Wicklow & Wexford | |
| | June | Antrim & Down | |
| | August | Mayo | |

Source: M. Beames, 1983, pp. 25-26.

emblematic leaders such as 'Captain Eaver' in County Galway (cf. Hobsbawm, 1981). Of the disturbances Lecky (1893, 1:363) writes that "it was evident that the movement was planned and conducted by men of no mean intelligence and audacity, it was equally evident that almost the whole population were in its favour." At the time the English troops in the area feared a general uprising, the High Sheriff of Galway noted rumours of "several men in scarlet clothes, and that speak French who go up and down the country by night" and the "gentlemen of the country were in great fear and apprehension" (Lecky, 1893, 1:364). But the disturbances stopped in 1713 as suddenly as they had begun. Nothing quite like them occurred for another fifty years. Beames (1983:24) distinguishes three types of unrest involving the groups that had begun to emerge by the 1760s: protests by Presbyterian farmers and peasants in Ulster; Whiteboy disturbances in the southern and midland counties; and sectarian clashes in parts of Ulster from the 1780s onward leading eventually to the formation of the Catholic Defenders and the Protestant Orange Order. The first of these, involving the Presbyterian Oakboy and Steelboy movements, is of least concern here. Their protests, beginning in the 1760s, do not extend into the last quarter of the century, in part because of the mass emigration of dissident Presbyterians in the early and mid-1770s, and partially because the energies of those that remained were to some extent channelled into anti-Catholic activities through

the agencies of the Peep O'Day Boys, the Orange Boys and finally institutionalized in the Orange Order in 1795.

Whiteboyism¹⁷, "the precursor and the parent" of all subsequent outbursts of agrarian crime in Ireland (Lecky, 1893, 11:1), first appeared in the winter of 1761-62 in the counties of Tipperary, Cork, Limerick, and Waterford. In spite of the repressive measures taken by authorities, i.e. the 'Whiteboy acts' from 1765 on¹⁸ - which made membership in the movement a capital offense and which were strictly enforced by the army and volunteers under the command of local magistrates¹⁹ - and church censures, Whiteboyism was able to establish itself as an almost permanent feature of the rural scene resurging with fresh momentum periodically (Lecky, 1893, 11:21-42). Indeed, against the Whiteboys, the government initially was almost helpless since the magistrate system was designed to deal with the occasional breach of the peace but was powerless against systematically organized violence. The rural population was bound, either by sympathy or terror, in a conspiracy of silence. No one would assist the magistrates, and when arrests were made it was impossible to gather

17) The term originated with the Tipperary movement in the 1760s when protestors donned white shirts, smocks or other garb; the term was generic and the garb hardly universal.

18) The Whiteboy acts were essentially harshly enforced versions of English law; it was not until the Insurrection Act of 1796 that peculiarly Irish repressive legislation appears. This statute foreshadowed the strongly coercive legislation of the nineteenth century (Palmer, 1988:63).

19) Some reports suggest that after the Whiteboys in Tipperary assassinated a magistrate and landlord by the name of Power the government paid out £16,000 for the apprehension of the assassins, who were hanged, drawn and quartered without benefit of clergy (Beames, 1983:154ff).

evidence. By the end of the century the movement had begun to exhibit a regularity, persistence and comprehensiveness of purpose unknown in other parts of Europe and it survived, in various forms, well into the nineteenth century (Beckett, 1966: 177).

Whiteboyism was more a legatee of Gaelic-Irish radicalism than a strict embodiment of peasant unrest, a bridge between the older forms of rebellion, i.e. the tories and the repparees, and the new. It was distinguished from similar movements abroad and earlier movements in Ireland by three features. It was oath bound and conspiratorial in form; it relied on mass support or at least mass neutrality and sought to use the pressure of numbers to secure its goals; and it aimed at regulating key economic and social relationships, such as those having to do with rents, leases, and tithes. The first of these features led to harsh internal and external discipline, and quasi military forms. Whiteboy punishment of wayward members, resisters, and violators of their code was usually quick and cruel. Such actions were also at times a cover for personal vengeance or extortion. They represented, in short, "the private counterpart of the public 'justice' of an eighteenth century state." Little is known of the command structure or internal organization of the movement, but it is clear that it involved a "captaincy system, the building up of arms and on occasion quite sophisticated tactical planning - not to mention uniforms and intimidatory display in favorable circumstances" (MacDonagh, 1977:144).

Whiteboy violence and intimidation were directed as much toward the enlistment and the appearance of large memberships as to direct and immediate objects. The 'swearing-in' of new members occurred on isolated farms at night, on estates just before the general expiration of leases or, most commonly of all, after Sunday mass, when all in the parish were assembled and particularly vulnerable to demands to form a united front. All this was for basically two reasons: to maintain community support, and to convince authority that concession was inevitable through the frightening prospect of the masses standing behind the Whiteboy demands.

The movement did grow out of particular instances of tithe increases and land enclosures in Tipperary, but it soon developed, as it swept back and forwards across Munster and South Leinster, a very wide range of objects and a distinctive program. The regulation of rents, leases, and tithes were the most common aims, but employment and wages, food and other prices, county cess, tolls, and dues for birth, marriage and death were among the others. Whiteboyism, in MacDonagh's (1977:145) words "constituted an effort ... to deploy countervailing force" for community ends. These ends may have been conservative - rents, tithes, taxes and the rest were not attacked in themselves; it was arbitrariness and exorbitance which were resisted. It was, in Thompson's (1971) phrase, "the moral economy" of the peasant masses, their conception of the right relations between landlord and tenant, farmer and laborer, producer and consumer, that they sought to establish.

The Whiteboys were initially free from sectarianism. In its earliest years, Protestants were very often found to be members and even captains. But as Whiteboyism moved northwards to Meath, Louth, and the present Ulster border counties in the 1780s its character changed. In these areas Catholics were competing more and more effectively for leases and jobs, and the Protestants with whom they competed now saw the traditional order threatened from below, not from above as had the original Whiteboys. In the south Whiteboys were able to defend the particular interests of either Protestant or Catholic community, in the north it was the Protestant small farming community that more closely resembled the original movement. The Catholics now took on the title Defenders, as they protected their communities from the series of raids from the Protestant Peep O'Day Boys - and they did act at times as a bulwark against both physical and psychological assault; but it was the Protestant groups that now represented the 'conservative' idea inherent in early Whiteboyism. The Protestants also sought a 'return' to a "moral economy" by much the same organization, methods and means of violence, but the Protestant conspiracy was not a repetition of the Tipperary one. This time the threat came from within the peasant society itself and subsequent conflict, with the authority of the Protestant gentry and government representatives, developed along the lines of religious sectarianism. The Orangemen were concerned with social and economic dislocation, but in Ulster Protestantism the

complexities of four centuries of social change were reduced to a simple, single source - the fear and hatred of Roman Catholic clerical influence.

It would be wrong to view the Whiteboy movements as simply 'protests' since it was their character to be regulatory. Many eighteenth and nineteenth century observers saw Ireland as a peculiarly 'lawless' country, not only in terms of the violence, but also in the degree to which the legal system of the state was loathed and distrusted. But the more astute among them, de Tocqueville (1958) for example, also emphasized the element of an alternative government - of a rival legal code and rival law enforcement - implicit in Whiteboyism and its successors.²⁰

Throughout the eighteenth century and beyond Ireland was subject to, or at least susceptible to, the notion of an extra-legal government or law that must, in extraordinary circumstances, supercede the formal, official order. Where English law and order prevailed the true loyalty of the Irish peasant was to his traditional laws, "to what was in effect his own government - government in the form of the agrarian secret society (Broeker, 1970:48). This tradition of alternative government in Ireland, "although foreshadowed earlier, dates effectively from the Whiteboy movement of the early 1760s" (MacDonagh, 1977:144). The recalcitrant

20) This is conveyed in a message from the Lord Lieutenant of King's County to Melbourne in 1834: "Lord Oxmantown truly observes that the combination established surpasses the law in vigour, promptitude, and efficacy, and that it is more safe to violate the law than to obey it" (Townshend, 1983:57).

communities which were part of this tradition developed 'legal' codes with formal procedures, rules of equity, known scales of penalty, and even ceremonies. These codes often degenerated; but as an idea, one which expressed and enforced a justice superior to the Crown's, it kept reemerging out of the ruins of particular failures.

Throughout predominantly Catholic Ireland (roughly coterminous with today's Republic) the relationship of Whiteboyism and its offspring and both the constitutional and the revolutionary political movements of 1801-1922 was complex and contradictory. Every constitutional party, from Daniel O'Connell's²¹ Catholic Association of the late 1820s to John Redmond's Nationalist Party of the early twentieth century, condemned and dissociated itself from peasant law as a force which was threatening the national objectives. There were similar condemnations, for similar reasons, from every radical-revolutionary organization from the Young Irelanders of the 1840s to the Irish Republican Brotherhood of the early 1900s. Eventually all repudiated Whiteboyism as disgraceful and diversionary. Yet, to some degree, all were heirs to the Whiteboy tradition. It was the renewed intensity of Whiteboyism in the 1820s, and the threat of mass disorder, which led to Catholic emancipation in 1828-29. It was a yet another renewal of that intensity which broke the established tithe system in the next decade. It was the Land League upon

21) Leader of the movement for Catholic emancipation, Daniel O'Connell is credited by some (e.g. Beckett, 1966:285) with giving, for the first time since the union, a "national character to Irish politics" in the 1820s.

which Parnell built his well disciplined Home Rule party at Westminster in the 1880s. It was the "last hurrah" of Whiteboyism in the west which provided the driving force of the United Irish League's drive toward agrarian reform. And moreover, the strategy of all of O'Connell's campaigns - his direct appeal to the people through such tactics as offering associate membership in the Catholic Association for dues of a penny a month, which by the end of 1824 was bringing in £1000 a week (the model for subsequent constitutional agitation) - was to intimidate the English state by producing a vast network of support for specific legislative objectives. This is the same effect that the Whiteboys had striven to achieve for over a half a century. Furthermore, it is clear that the United Irishmen of 1798 and the Fenians of the mid-1800s relied on the foundation that the Whiteboys had built in the countryside. It was critical in the growth of each to have at hand "a population habituated to conspiracy, swearing in arms seizures and the rest.... The republicans, in every generation were aiming at a 'moral polity', which mirrored the peasants 'moral economy' at every point except objective. Sinn Fein was to be the supreme expression of the 'moral polity'²²; the

22) Sinn Fein (Ourselves Alone) grew out of two earlier societies: Cumann na nGaedheal (founded in 1900 by Arthur Griffith to promote Irish culture and history) and the National Council. It was launched with a policy of 'national self-development' in November 1905. The effect of Sinn Fein was less a clear cut policy than a movement to which all of Ireland could turn after it turned away from the concept of home rule after 1916. Sinn Fein proposed a withdrawal of the Irish members from Westminster and the setting up of a Council of Three Hundred whose decrees would be enforced by local bodies. There were to be Sinn Fein arbitration courts to supercede British justice, and Irish civil service, stock

military methods of its instrument after 1917, the IRA, were *mutatis mutandis* those of 1761" (MacDonagh,1977:148).

PROTESTANT REFORM AND REACTION

In Belfast, when in May 1793 *The Guillotine*, a play based on the death of Louis XVI was performed, though the author claimed that he had 'strictly avoided every idea of party or of factions', it was greeted with conflicting cries. The boxes and pit cried 'Off, off', the gallery, 'Go on, go on'.

McDowell, 1979

On the other side of the colonial divide, the allegiance of those who benefitted from the partial and partisan administration of Dublin Castle was not absolute. Throughout the late eighteenth and nineteenth centuries there were signs that Irish Protestants were alienated from the state, and were prepared to go some distance toward rejecting its policies, especially when government or the rule of law seemed to favor their sectarian antagonists (MacDonagh,1977). The Home Rule movement itself had such an origin (Beckett,1966:376-82); and after 1830 there were various occasions on which Protestant Ulster's determination not to be governed through English public opinion was foreshadowed, Gladstone's conversion to Home Rule and his efforts toward a parliamentary union between

exchange and bank. In 1917 the title was adopted by a coalition of the major separatist bodies, and after the Anglo-Irish Treaty of 1921 it was retained by unconditional opponents of the treaty, subsequently associated with the IRA. When the latter split in 1969 the term was used by the 'Official' wing until it became the Workers Party in 1982, and by the 'Provisional' wing, the political front of the currently active Provisional IRA (cf. Coogan,1966:6-7; Keatinge,1984:ix).

England and Ireland are cases in point (cf. Hammond, 1938; Jalland, 1980).

Over the years since 1690 the lower orders of the Irish Protestant ascendancy had become something of a plebian aristocracy. In the midst of latent fears of Catholic domination, tensions in the border districts of Ulster had been kept alive by a more or less continuous series of small incidents. But throughout the middle years of the eighteenth century an uneasy balance of power existed between the Protestant and the Catholic agrarian rebels. This balance was tipped in the early 1780s by the Volunteer movement - an almost entirely Protestant middle-class para-military corps of some 75,000 that had been raised throughout Ireland in 1778 under England's aegis in order to safeguard the colony while the British were occupied with the rebellion in North America. The majority of Volunteers had stepped forward in the first place because they had been warned of a possible French or Spanish invasion of Ireland, not because they sympathized with British imperial designs. In fact the opposite was the case. Thousands of Ulster Presbyterians had emigrated to North America in order to escape the tyranny of the Anglican elite. The Volunteers proved to be a less than dependable proxy and, sensing the power of their arms and organization, they placed themselves at the service of 'Grattan's parliament' in Dublin, thereby assuming the position of the parliamentary reformer's battering ram.

Henry Grattan, a Protestant lawyer and leader of the opposition in the Irish parliament, strongly objected to England's strangulation of the incipient Irish bourgeoisie, and he took his protests to the dangerous level by suggesting, in 1780, that Westminster had no right to legislate for Ireland. But when Grattan said that "the Irish Protestant could never be free 'till the Irish Catholic ceased to be a slave", he was not speaking only against the penal laws and in favor of religious equality. He was also representing a strong current of Protestant opinion that had come to regard the cleavage between the two great sections of the Irish social order as a hindrance to Irish development, a means by which the British grip on Ireland might be made permanent. Grattan's famous assertion meant, in simple terms, that the British government must no longer be allowed to play off one against the other (Beckett, 1966: 214).

Fearing another rebellion, the Whig government in London made some important concessions to Grattan and the Volunteers in 1782, including the right of the Irish parliament to legislate for Ireland and the final jurisdiction of the Irish house of lords; the king retained the power to suppress bills of Irish origin but he could no longer alter them. These reforms, along with the repeal of some commercial legislation against Ireland, were enough to placate a large part of the reform group in Dublin despite the continued control of the Irish executive by the British cabinet. Consequently, at the end of the 'revolution of '82', Dublin's parliament was still

in the hands of the gentry, the Irish executive was left under the control of Westminster, and the status of Catholics was virtually unchanged.

The division in the House of Commons over the issue of the admission of Catholics to the parliamentary franchise reflected the division among the Protestant population at large. Some of the Volunteers were in favor of enfranchisement, but Lord Charlemont, their titular head and governor of County Armagh, thought the proposal to grant political rights to Catholics was a direct threat to Protestant liberty. Under his guidance the Volunteers refused to commit themselves and left the question open; but the clear difference of opinion among the leadership and the alarm of many Protestants helped to weaken their influence in constitutional politics.

After the Volunteers failed to push through a second wave of reform which would have enlarged the borough franchise in Ireland through the admission of Catholics, most of the corps were dissolved. A minority of them, however, decided to take up the Catholic cause. Although a few Catholics had been admitted to the ranks of the Volunteers, the various corps were armed Protestants who often marched to Orange tunes and displayed the Orange symbols of the Protestant ascendancy. A proposal favorable to Catholics had been voted down by the last Volunteer convention in 1783, and only in Dublin and Belfast was the radical minority influential (Beckett, 1966: 227-36). By 1791 these groups, under the leadership of the radical shop keeper James Napper Tandy in Dublin and Theobald

Wolfe Tone in Belfast, had become the core of the United Irishmen and, as they proliferated over the next decade, they cemented ties with domestic agrarian groups and French republicans.

The radicals were critical of Grattan's reluctance to carry through his nationalist ideas to what seemed a logical end. Grattan had questioned Westminster's authority, he had not demanded a complete break with England. Such reticence was in stark contrast to the position of the Unionists, who never hesitated to carry their arguments through to their logical conclusion. For example, John Fitzgibbon, attorney-general in the Irish administration from 1783 and lord-chancellor from 1789, saw the weakening of the link with England as likely to threaten Irish Protestants with subjection to "popish democracy".²³ He told the Irish parliament in 1789 that the only security for their liberty was the connection with Great Britain, and that those who risked breaking that link, must make up their minds to a union. "God forbid that I shall ever see that day; but if ever the day on which a separation should be attempted may

23) The phrase was calculated to appeal to anti-Catholic sentiments within the Protestant population. In the Dublin parliament he spoke with more candor, reminding the landlords that their properties were based on conquest and confiscation. He noted that much of the country had been confiscated two or three times in the course of a century, because of the "continued and persevering resistance of Ireland to the British crown", and in consequence the English colonists held the power and the property of Ireland. "Confiscation is their common title, and from their first settlement they have been hemmed in on every side by the old inhabitants of the island, brooding over their discontents in sullen indignation" (Cronin, 1981:17).

come, I shall not hesitate to embrace a union rather than a separation" (Beckett,1966:236).

For their part, the radicals kept their corps together as military-political clubs, broke openly with the Orange tradition and invited Catholics into their ranks for military training. They were taken up on their offer by many lower-class Catholics and the urban poor in general, whose hopes had been raised by the winning of legislative independence. These events were disturbing to Protestants in the area who were already worried about the number of Catholics that had managed to obtain arms from the disbanded Volunteers. In early 1784 there were reports of efforts by Protestants calling themselves Peep O'Day Boys to unofficially enforce the ban on Catholics acquiring firearms by daybreak raids on the homes of Catholics to search for weapons. By July 1784 another band of former Steelboys had begun conducting similar raids under the name Nappach Fleet. Although Charlemont, in his 12 July address, declared his personal freedom from prejudice, he insisted that raising the Catholic question would only further divide the reformers, and that he did not approve of recruiting Catholics or anyone without suitable property qualifications because such men were "strangers to moderation". Copies of his address were distributed by Peep O'Day Boys who saw it as a sanction for their own actions (Senior,1966:8).

To protect Catholics from the Nappach Fleet and the Peep O'Day Boys, who had, along with searching for arms, taken to

smashing furniture and cutting the looms of Catholic weavers, a band was organized and given the name Defenders. This name was soon taken up by various Catholic groups resisting Protestant attacks, and the Defenders soon evolved into a well organized federated society. By 1787 Armagh was in great disorder, the failure of the magistrate system and the courts, the disruption of economic life, and the parading of large bodies of armed men throughout the county drove many of the clergy and the magistrates to conclude that the county should be declared in a state of riot.

Faced with the rapidly deteriorating situation Charlemeont decided to raise new Volunteers to carry out police work. The members were primarily associated with the established church, but a large proportion of them were Presbyterian. They were strongly attached to the Orange tradition, and in undertaking to preserve law and order they were also maintaining an ascendancy of armed Protestants. They insisted on marching with Orange insignia and to tunes such as the 'Boyne Water' through Catholic districts where the Defender spirit was strong. In turning out the Volunteers claimed that they were doing no more than continuing the customs of the country, and the gentry, fearful of being considered enemies of the Orange tradition, did not intervene.²⁴

24) As a symbol of both the Protestant ascendancy and of Protestant domination in Northern Ireland, such activities have a contemporary significance as well. In Ulster nationalist sentiments are channelled toward sovereignty, in part at least, through a well established series of political rituals, especially those taking place during the annual

Over the following months the Defenders continued to be denied legal redress for wrongs committed against them by the Volunteers and the Peep O'Day Boys and, consequently, tensions in the Armagh area grew. When an Armagh landowner left a will providing for the establishment of a Protestant colony on his estate, and Charlemont's secretary, who was active against the Defenders, was appointed as administrator of the will, the local Catholics saw this as a scheme to drive them from their lands. Consequently, they drove out a few Protestant settlers and attacked a Protestant schoolmaster. This alarmed nearly all elements of the Protestant population and initiated a series of incidents that established, in effect, an ascendancy of the Protestant Volunteers and made the founding of Protestant secret societies to combat Defenderism superfluous (Senior, 1966:11).

'marching season' in the weeks before and after 12 July. The rituals are not expressions of the state's political integration nor do they constitute such integration. Rather, because there are (at least) two major contenders for statehood, and the existing political arrangements are highly embattled and citizenship rights are not fully established, these rituals are of more of an exclusivist nature, emphasizing the superiority of one nation over another. Consider, for example, the Orange Order's rituals in Northern Ireland (bearing in mind that this group has the most "clearly defined image" of all those in Northern Ireland). Of these, Richard Rose has written: "the most striking ceremony is an annual parade on the Twelfth of July, when Orangemen wearing bowler hats and orange collarettes, parade for hours through Belfast and other major centres, under banners commemorating major battles in the establishment of Protestant rule in Ulster three centuries ago." In an exclusively Protestant state, such a ceremony would be an occasion for the expression of communal solidarity, such as 4 July in the United States. In a regime with divided authority, however, the parading of Orangemen through Catholic districts intensifies discord, because Catholics regard the marches as a show of force by those who have conquered them (Rose, 1971:258; Lukes, 1977b).

The new Volunteers calmed the Protestant fears for the time, but drove the Catholics to extend and improve their organization. The Defenders' federated structure allowed them to concentrate their forces in any district where Catholics were threatened and by 1789 at least eighteen Defender lodges existed; a year later they extended as far south as Dublin with their main centers of strength in Tyrone, Armagh, Down, Monaghan, Cavan, Louth and Meath. In areas where Catholics were the majority, the Defenders assumed the role of the Peep O'Day Boys and began disarming poor Protestants; in the southern areas, such as Meath, where there was little point in denominational warfare, the Defenders, in the manner of the Whiteboys, directed their attacks against landlords and clergy of the establish church. The growth of Defender activity in 1792 was moving beyond the control of the police force and the government was sufficiently alarmed to organize county committees to search out and punish offenders, "while Protestant landlords began to collect bands of retainers similar to those used against the Whiteboys. These bands were to become Orangemen by 1797" (Senior, 1966:13).

Matters were complicated in 1793 by the outbreak of war with France. Under pressure from Pitt, the Irish government reluctantly extended the franchise to Catholics and disbanded the Volunteers; almost immediately thereafter it passed a militia bill. The act created a 16,000 man militia which was to be recruited from among the Catholics as well as the Protestants. It was widely resisted and regular troops,

called in to repress anti-militia riots, soon found themselves doing battle with the insurgents. If it was the government's hope that these measures would remove the grievances of the lower class Catholics, the strategy backfired, and the emancipation act proved to be a stimulus to agrarian unrest and Defender cells were soon planted in the militia. By 1795 Defender activity had grown to the level of a national problem.

These developments were seen a major setbacks by the Protestant community. Their Volunteers were gone, the extension of the vote to the Catholics made the Protestants less valuable to the landlords, and finally, the militia with Defenders in its ranks seemed to deprive them of the protection of the state. The poorer Protestants were thrown back on their own resources to confront the ever more prominent Defenders, whose new power alarmed all sections of the Protestant peasantry. It is generally assumed that the initial step toward giving Protestant bands a regular organization was probably taken by Presbyterians since the established church was at the time opposed to independent action. The peasantry of the established church, however, was well armed and many had Volunteer training. They were known to one another and could, with relatively short notice, assemble to act independently or to cooperate with Presbyterian bands.

The effectiveness of the Defenders suggested the creation of a similarly organized league of Protestants. It would have

an almost inherent appeal to the Orange tradition, which throughout the generations following the campaign of 1690 had taken root among all levels of the Irish Protestant community, as the most effective means of uniting all branches of Protestants.²⁵ As early as 1793 efforts to create such a league were made by James Wilson, a wealthy farmer of Dian, county Tyrone. He founded a small band "whose members used signs and passwords and took an oath to defend Protestantism and the constitution. It is hardly surprising that they adopted the name Orange Boys." It is difficult for historians to estimate the total number of bands that existed at the time, but by early 1794 "the Protestant peasantry was armed, self-confident and prepared for a clash with the Defenders" (Senior, 1966:14).

To prevent further trouble, in the autumn of 1795, McCann, "the sovereign of Armagh" (Senior, 1966:15), with a magistrate and several companies of militia arrested about fifty Defenders and seized their arms, shortly after announcing his intention to disarm the lower classes. Since no further actions were taken the Catholics felt themselves to be the injured party to whom, once again, English law had given no redress. More important was their belief that they were strong enough to secure redress through the agency of the

25) As a rule the early Orange clubs bore names suggesting some incident in the 1690 campaign. There were the Apprentice Boys, the Boyne Men, the Glorius Order of the Boyne, the Aldermen of Skinner's Alley, and the Royal Boyne Society. The latter was only open to the Protestant gentry, but usually these societies tended to mix Protestants of all classes (cf. Senior, 1966:2ff.)

Defenders. By the end of September the Defenders had gone on the offensive and began attacking Peep O'Day Boys' strongholds and looting Protestant farms. They were defeated on 21 September in the 'Battle of the Diamond' in County Armagh, but their impressive mobilization had alarmed the Protestant peasantry and caused uneasiness among the gentry as well.

There seems to have been general agreement among those who fought at the Diamond that some type of league should be founded but some difference as to what form it should take. The more "respectable faction which drew up the rules of the (Orange) society" were apparently members of the established church who wanted the gentry to take formal leadership and were prepared to accept a considerable measure of gentry control. No one seems to be sure just what the actual composition of the lodges were, but the gentry was very well represented. The documentation that exists concerning the early meetings describes "stern" and solemn men, young and old, meeting at night in out of the way places with "guns of every age and calibre". Scripture was read and oaths were administered to the newly admitted brethern. An early oath ran, "I ... do solemnly swear that I will, to the utmost of my power, support and defend the king and his heirs as long as he or they support the Protestant ascendancy" (Senior, 1966:21).

Ever since the 'Battle of the Diamond', the Orange Order has served as an "elite corps" whenever "retributory action" against Catholics has been necessary (Coogan, 1966: 288). But it was the Home Rule campaign of the 1880s that was to give

Protestant Ulster its organized basis and tradition. As late as the general election of 1885, seventeen of thirty-three Ulster seats were carried by the Home Rule Party. The next two decades changed this picture and stiffened Ulster's resistance to home rule. The resistance was strengthened by the growing identification between Ulster unionism and the Conservative Party in Britain. Even if the Conservative's motives were frank political opportunism, the Ulster Unionists were glad of such powerful support. But, although this support was well received, it was events within Ulster that gave the anti-Home Rule movement its real power. In the midst of uproars against home rule by churchmen, Conservative politicians, Unionists, and MPs, it was the Orange Order which emerged to provide the leadership and organization to maintain the union. The Order's fortunes during the nineteenth century had been uneven; outlawed and condemned on many occasions, it had nevertheless survived.²⁶ The anti-Home Rule campaign transformed the Order from a disreputable to a respectable body. For its part the Order provided a ready-made framework of an effective organization for growing Protestant dissatisfaction, especially in Ulster. By 1905 it had played

26) The Orange Order declined for a period after the Act of Union in 1800, but was revived at the time of Catholic emancipation; Orangemen were still haunted by the fear that there would be an improvement in the status of Catholics. After an official inquiry into Orangism in 1835 parliament declared oaths of the Orange Order to be illegal and prohibited Orangemen from demonstrating and parading in public. The Orangmen adapted to these restraints by modifying their rules and staying indoors, but they continued to uphold what they considered to be the Protestant interest (Boyd, 1984:27).

a major role in uniting disparate unionist factions within the Ulster Unionist Council - the coalition from which the Unionist party was to emerge (Darby,1983:18).

From that time onwards the Order pervaded business and political interests to such an extent that even today almost every Protestant in Northern Ireland who has a job of any consequence is an Orangeman. Indeed, for someone who is not an Orangeman to become a Unionist candidate is a feat as prodigious as an African-American getting selected by the Democratic party to run for the U.S. Senate from Alabama. Many of the candidates for parliament from Northern Ireland are nominated by County Grand Lodges of the Orange Order. Although enlightened Unionist opinion regards the Order as something of an incubus, most Unionists in conversation reveal a respect "amounting almost to sacrosanct reverence for the traditions of the Order. Most of them, however, do nothing more within the organization than indulge in a tremendous day out on the Twelfth of July - the anniversary of the Boyne battle" (Coogan,1966:288).

IRELAND AND THE BALANCE OF POWER

The "states system of Europe" can only exist ... in virtue of "common exertions" of its members. Each must contribute towards the shared end of ensuring that no particular one becomes able to collectively coerce the others; but the manner in which this theme is developed makes it apparent that the main emphasis is upon the mutual recognition of sovereignty in a dangerous environment.

Anthony Giddens (on Friedrich von Gentz²⁷), 1985

Introduction

The increased administrative power of the state in the modern era is necessary, not only to consolidate resources internally, but also "to cope with the vast international political network of relations in which all modern states are involved with others" (Giddens, 1985:256). Linked to the heightened power of the modernizing European states, events on the Continent in the eighteenth and nineteenth centuries had a major impact on Britain's Irish policy (including the development of military and police organization in Ireland) and Irish nationalism. To illustrate some of the ways in which external factors complement the internal in European state making we can schematize its history as three phases: a) the differential success of some power holders in 'external' struggles establishes the difference between an 'internal' and an 'external' arena for the deployment of force; b) 'external'

27) F. von Gentz. *Fragments Upon the Balance of Power in Europe*. London: Pettier, 1806. Quoted in Giddens, 1985:257. Haas (1953:471) argues that the purpose of Gentz's work "was to give the Austrian and British governments an excuse for unleashing a new war on Napoleon without having been attacked first. Gentz, it might be added, was in the pay of the British cabinet to produce writings of this type."

competition generates 'internal' state making; c) 'external' compacts among states influence the form and locus of particular states ever more powerfully (Tilly, 1985:181-85). In England, the Tudors, while conquering Ireland, managed to establish the distinction between the 'legitimate' and 'illegitimate' use of violence as they unified and made permanent the English state's armed forces. With their successful assertion of the royal monopoly of violence²⁸

there occurred a change in English habits that can only be compared with the further step taken in the nineteenth century, when the growth of a police force finally consolidated the monopoly and made it effective in the greatest cities and the smallest villages.

Early success in English 'state making' (eliminating or neutralizing the rivals inside the territories in which a ruler had clear and continuous priority as a wielder of force) left subsequent English monarchs relatively free to pursue 'war making' (eliminating or neutralizing their rival outside those territories) (Tilly, 1985:181) within the context of a system of states heavily influenced by the notion of the 'balance of power'.²⁹ Although most theorists of the balance of power from the seventeenth century onward differed in their skepticism about whether any degree of real equilibrium could be sustained, or even achieved, "most clearly recognized the idea of the balance of power to be a regulative notion of

28) Lawrence Stone, *The Crisis of the Aristocracy*. Oxford: Clarendon Press, 1965:200. Quoted in Tilly, 1985:173-74).

29) For a review of the major distinct meanings and connotations of the term from the seventeenth century, see Haas, 1953.

policy in an arena of competing sovereign states" (Giddens, 1985:257).

One monarch who successfully used the doctrine to further consolidate the English state was William of Orange; he spent his life opposing in England the very tendencies which he promoted abroad. "On the Continent William stood for the principle that the too great predominance of one Power, being dangerous to all the others, must be checked by their union", while in England he "was too anxious to retain the great privileges of the Crown" (Temperley, 1950:110). In short, the balance of power in diplomacy was not matched by a balance of power in the Constitution, particularly as applied to Ireland. William saved the English Revolution, and Europe from French domination. But Ireland lost all. Its parliament was reduced to impotence and Irish Catholics were deprived of almost every human right. The Crown saw clearly that its national prosperity and security were indissolubly linked with the defense of an established reform church. The Irish experience and the impulses behind it foreshadowed in many ways the ideology and the practice of English colonization elsewhere. Settlers were planted, indigenous populations were subjected to calculated denigration and brutal treatment, the managers of military organizations exercised extraordinary power, and these organizations easily overshadowed all others within the territory.

The early conditions for the modern formulation of a balance of power among Western European states began to emerge

in 1453 when the Turks took Constantinople and closed the eastern Mediterranean, changing the general European balance of power. The trade of the central Mediterranean powers declined and their military commitments grew. The Atlantic powers took their opportunity, and the West became dominant. The final turning point was the failure of the second Ottoman siege of Vienna in 1683. This common defensive effort involved a "variety of social structures found across Europe" who protected their hitherto internal "dynamic through their military-power organizations" (Mann, 1986:508) and marked the "beginning of a Western counter-offensive" (Giddens, 1981:184).

The concept of the balance of power has long been linked to the development of military technology.³⁰ It emerged within a reflexively monitored system of states whose organization was mirrored, especially in terms of professionalization of the officer corps and innovations in the techniques of surveillance, by the development of the military as a reflexively monitored organization. The nation-state and the mass army appear at the same time, "the twin tokens of citizenship within territorially bordered political communities (Giddens, 1985:233). Indeed, the modern doctrine of the balance of power (which was from early on both a description of a reality and a set of ideas reflexively

30) Richard Cobden writing in 1836: "The balance of power - which has, for a hundred years, been the burden of king's speeches, the theme of statesmen, the ground of solemn treaties, and the cause of war - which has served down to the very year in which we write, and which will, no doubt, continue to serve, for years to come, as a pretence for maintaining enormous standing armaments...". Quoted in Haas, 1953:443.

applied to help constitute the political conditions that it described - i.e. modern organization, autonomous bordered territories and the achievement of hegemony within the state system) and its stepchild, international relations - of which it is also a substantive part, could only have arisen along with a certain level of industrial and organizational capacity: a level of organization necessary for mass registration and conscription, and the development of integrated transport and communication systems. The nation-state system developed and extended its network of borders because borders could now be defended and monitored by the military.

As already noted, as a principle applied to the European state system the balance of power is better understood as a shared regulative policy adopted by states that only conditionally recognized each others' sovereignty than as an actual equilibrium of strength.³¹ Its direct implications were that domestic and international affairs were now inextricably linked (Giddens 1985:ch.10), and that the

31) Pollard (1923:59) cautions us to take the meaning of equilibrium with a great deal of reserve: "... those who believe in a balance of power do so because they think it is like a balance at the bank, something better than mere equality, an advantage which they possess. Unconsciously they have both meanings in their minds when they use the phrase. The equality-meaning commends it as propaganda; the advantage is a mental reservation for private use. Statesmen and publicists have sometimes betrayed an uneasy consciousness of the ambiguity and incautiously talked about a just, good or proper balance, admitting that a mere balance was not enough; and an eighteenth century biographer of Cardinal Wolsey lets the cat out of the bag when he refers to 'that grand rule, whereby the counsels of England should always be guided, of preserving the balance of power in her hands.'"

political problems posed by democratization and faced by one ruler were faced by all. This was very clear to rulers in the period before 1830 when neither social nor national distinctions as yet significantly divided the opponents of absolutism into mutually incomprehensible camps. All of the forces of opposition "conceived of revolution as unified and indivisible: a single European phenomenon rather than an aggregate of national or local liberations. All of them tended to adopt the same type of revolutionary organization, or even the same organization: the secret insurrectionary brotherhood" (Hobsbawm, 1962:144).

The revolutions of 1830 transformed all this. There were two major results (only the first was strongly felt in Ireland): mass politics and mass revolution on the 1789 model once again became possible and, with the progress of capitalism, 'the people' and the laboring poor - the men who built the barricades - could be increasingly identified with the new industrial proletariat as the 'working class'. An international proletarian socialist revolutionary movement came into existence.³² The 1830 revolutions also split moderates from radicals and contributed to the creation of a new international situation. In doing so they helped to split the movement not only into different social, but different national segments as well. West of the Rhine the revolutions

32) Socialist internationalism collapsed finally with the outbreak of the First World War. The war also channeled the development of state's sovereignty, linking this to citizenship and to nationalism in such a profound way "that any other scenario subsequently came to appear little more than idle fantasy" (Giddens, 1985:235).

broke the hold of the united reactionary powers once and for all; even in those areas where moderate liberalism did not triumph (e.g. Switzerland and the Iberian Peninsula) the Holy Alliance could no longer intervene, as it still did east of the Rhine, where the revolutions were suppressed (Hobsbawm, 1962:146).

From this time on the international politics of Europe was about the creation of a Europe of nation-states. There might have been considerable disagreement about the relation between this aspect of the age and others which were connected with it, such as economic progress, liberalism and democracy, but none about the central role of nationality. Europe's "springtime of peoples", whatever else it was, was clearly, and in international terms primarily, "an assertion of nationality, or rather of rival nationalities." Germans, Italians, Poles, Hungarians, Rumanians and the rest asserted their right to be independent and unified states embracing all the members of their nations against oppressive governments, as did Czechs, Danes and others, "though with growing misgivings about the revolutionary aspirations of bigger nations which seemed excessively ready to sacrifice their own." France, after all, was already an independent nation-state, but none the less nationalistic because of it (Hobsbawm, 1975:88ff.).

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**The State, Citizenship and Nationalism
in Britain's Celtic Periphery**

Volume II

By

John Patrick McKay

A Dissertation

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ENGLAND, FRANCE AND IRELAND

Much as democracy was now reprobated ... as it existed in France, yet our respect for corporations and corporate rights should be preserved.... What! Should it be said that a city is governed by democracy, if the executive power have not the government of it?

Henry Grattan, 1793³³

Ireland, linked to the Continent through its republican organizations and to North America through emigration, was affected greatly by these events. As the modern lines of political division were being drawn there, Ireland's republicans added the concepts and the vocabulary of liberal democratic nationalism to their political discourse;³⁴ and England, anticipating revolution, consolidated and coordinated its police efforts there. During the summer of 1789 news of France dominated Irish newspapers and public opinion received these reports with interest and enthusiasm. The tradition of the Volunteers, the recent winning of the 'constitution of 1782', the widespread movement for parliamentary reform, had all paved the way for a sincere, if naive, enthusiasm for the principles of the revolution; and Paine's Rights of Man was reprinted by newspapers throughout Ireland. Even when the revolution took a much more violent turn this support continued; during 1793 money was raised in Ulster to assist the French in repelling invasion by the monarchies and principalities of Europe (the Coalition of Kings and Princes)

33) Quoted in Palmer, 1988:132.

34) See Elliot (1982) for a discussion of the influence of radical literature on eighteenth century Irish Catholic society.

who had banded together to destroy the Revolutionary French Republic. From the beginning, of course, the revolution had its critics in Ireland as elsewhere, and their number was increased by the execution of the king, and, even more, by that of the queen. But Irish reformers still found much that was admirable in the new France - the wide extent of the electoral franchise, the abolition of tithe, the establishment of religious equality - and their admiration for these was bound to influence their outlook on Irish affairs.

The French Revolution, and its effect on public life, added much to the difficulties of the Irish administration. The danger lay not in the parliament, for the opposition leaders there had little sympathy with democratic ideals, but in the country. Revolutionary enthusiasm gave new life to the declining Volunteer spirit, and it was the Volunteers who took a leading role in celebrating the victories of the revolution, "which they linked, ominously, with the American declaration of independence and the Irish 'constitution of 1782'." But the Volunteers no longer represented the 'armed property of the nation'; they had broken loose from the control of the aristocracy and the gentry; their ranks were filled with men from the lower classes, and their officers were radical shopkeepers and merchants, rather than members of the landed classes. "They were still proud of the legislative independence that they had won for Ireland, but they were more determined than ever that that independence should be widely shared" (Beckett, 1966:247).

The Coalition of Kings and Princes could never have survived the victories of the French Republic without the financial and naval aid that English Prime Minister Pitt put at its disposal. Within a state system based on the notion of a balance of power, the overthrow of the Bourbon Monarchy - with which England had been repeatedly at war since 1690 - and the overthrow of the Bourbon Empire - which was England's greatest rival, the rulers of England could view the events in France with some degree of satisfaction. When, however, the lower orders appeared to be triumphing permanently in France, the ruling oligarchy in England saw the justice of the alarms expressed by the Emperors, Kings, etc. "The war upon France, in alliance with the Coalition of Kings, etc., was also a disguised form of war upon the lower orders in England, and still more (and without disguise) upon the people in Ireland" (Jackson, 1970:150).

In the midst of this new political climate, in June 1793, a police bill was brought before the Irish parliament. To the new challenge of Catholic radicalism was added the grim catalogue of events in Jacobin France: the execution of Louis XVI (21 January), the declaration of war against England (1 February), the formation of the committee of public safety (6 April), the arrest of the Girondists (2 June), and the onset of the Reign of Terror. Significantly in the Irish police debates of 24 June, hardly anyone objected to Grattan's own estimate of the cost of the proposed parish forces of 550 men: £14,000. Of more concern to parliamentary members in a

session that gave the franchise to Catholics ("a precedent fatal to all legitimate authority," moaned Fitzgibbon) was the issue of the control of the police. Petitions against the Castle's police were now seen as coming not from the people but from "petty factions using clandestine means." Parish control of the watchmen would be "highly dangerous" because it would "suffer the democracy to acquire an excessive preponderance" in the city; the House was reminded of "the present state of Paris resulting from the same cause." It was said that the civil power would be "under the direction of persons who were now outlaws"; if the democracy controlled the police, what man would "step forward and crush the growing sedition?" In the current mood, it was only groups of men "under the title of the United Irishmen ..., and these only ... (who) execrate your (current) police." In these times, "the Government should never let its power for a moment be diminished." Was this a time "to wrest the control of armed men from the executive power, and vest it in a democracy, by popular election?" (Palmer, 1988:131).

The new militia of 1793 was part of growing government coercion in Ireland, an effort that included the extension of the Peace Preservation Force established in 1787. The year also saw the enactment of a law requiring the licensing of all firearms and a convention act which prohibited "so-called representative assemblies of the people." In 1795 a number of events - the war against France, the removal of Viceroy

Fitzwilliam³⁵, economic distress, the 'Armagh Outrages' (the expulsion of Catholics from that county), the failure of a Catholic relief bill³⁶ - drove the Defender and the United Irish movements together and brought on a fresh round of repression. In 1796 the government passed the first insurrection act, banning all meetings, setting a nightly curfew, and giving justices of the peace broad powers of search, seizure, and detention; the statute would be used frequently in the nineteenth century. Also in 1796, habeas corpus was suspended and a second new peacekeeping force, the Protestant yeomanry, was established. In December of that year General Lazare Hoche attempted to land a 15,000 man invasion force off the south-west coast of Ireland; this ill-fated bid by Revolutionary France to land an army in Bantry Bay swelled loyalist forces in the Irish Yeomanry and led the government to dispatch General Gerard Lake to disarm French sympathizers in Ulster, stronghold of the United Irish movement (Palmer, 1988:140).

Faced with internal threats and the likelihood of foreign aid for the conspirators the government began in earnest its policy of repression. The yeomanry, raised partly by conscription, was almost entirely Protestant and recruited,

35) The Whig Earl Fitzwilliam pledged himself as viceroy to two causes: full Catholic emancipation and the repeal of the Dublin Police Act. He arrived in Ireland in January 1795; six weeks later he was out of office. The arrival of his replacement triggered riots in Dublin (cf. Palmer, 1988:133).

36) In Lecky's (1893, iii:299-317) opinion the defeat of this bill was the last constitutional hope for the majority of the people in Ireland. The rejection of Catholic relief and parliamentary and tithe reform paved the way for the rebellion of 1798.

for the most part, by landlords among their tenants. "I shall be construed," wrote Viceroy Lord Camden, after compiling the first list of officers, "as arming the Protestants against the Catholics", and indeed he was (Beckett, 1966:258). By permitting the gentry to raise a force of part-time soldiers similar to the Volunteers, the government provided the means of creating a national Orange movement. The yeomanry could not be recruited without the cooperation of the lower class Protestants, and the Orange lodges were to be both an agency for employing the energies of Protestant peasants and a means of keeping them under some degree of gentry control.

The situation in the north was the most desperate, and the center of revolutionary activity there was Belfast. The strong political and intellectual life - linked to the newspaper *The Northern Star* - characteristic of the town during this period was deeply tinged with radicalism. Convinced that the greatest threat came from Ulster, the government resolved to break the United Irish organization. Some of the principal leaders had been arrested in late 1796; but this had not checked the conspiracy, and in March 1797 General Lake was sent to Belfast with extraordinary powers from the lord lieutenant and council. He was initially apprehensive about relying on the militia, but the great majority proved dependable. The Monaghan militia, for example, terrorized Belfast into a semblance of loyalty, destroying in the process the printing press of the *Northern Star*. Though martial law had not yet been imposed the militia

acted without restraint: in the search for arms houses were burnt down, suspected persons were flogged or tortured for information, and hundreds were impressed into the navy. Thousands of muskets and other arms were captured and the hold of the United Irishmen on the population was considerably weakened; only a small hardcore republican nucleus continued to work for an insurrection.

Despite the turmoil, in the 1790s the animosity between Protestant and Catholics was a good deal less than at any time before or since. The enlightenment had "struck Ireland late but heavily in the 1780s and 1790s" (MacDonagh, 1977: 150), and its influence was especially strong in the political realm.³⁷ However, even before the military repression, there had been the beginning of a political reaction among the Ulster Presbyterians. Now that the first flush of revolutionary enthusiasm was passing away, this trend was encouraged by the government in Ulster. General Knox, Lake's brigadier at Dungannon put forth a series of proposals that drew from a plan devised several months before and submitted to the king for his approval. The intention was to create a legally armed society that Orangemen could join. Knox argued that the only section of the population upon which the government could rely was the Orangemen, that they could be kept under control and

37) Its most noted representatives in politics were Grattan (expressing a moderate, balancing English version) and Tone (with his French revolutionary interpretation); the latter was more in tune with the democratic and self-determining surge in Irish radicalism in the 1790s. Grattan's 'people' were to be too few in number and substantial in status, still clearly distinguishable from the 'rabble'.

that it was necessary to undertake the risks involved in accepting their support. He wrote to Lake:³⁸

I have arranged a plan to scour a district full of unregistered arms, and this I do, not so much with a hope to succeed to any extent, but to increase the animosity between Orangemen and the United Irish. Upon that animosity depends the safety of the centre counties of the north. Were the Orangemen disarmed or put down or were they coalesced with the other party, the whole of Ulster would be as bad as Antrim and Down.

He added that he would make no attempt at a "genuine search and seizure of arms in Armagh, except in the wild country around Fews."³⁹

By permitting General Knox to encourage the Orangemen, the government had, unwittingly or not, granted them a special status. The support of the Orange lodges was not consistent throughout the island - they were provided with arms in Armagh, but not in Monaghan - and the government either could not or did not try to develop a uniform position. In some measure this problem was solved when the Dublin Orange lodge was founded in June 1797. The large numbers of gentry and public office holders who joined the lodge used their influence to organize or recognize local Orange lodges and grant them the status they enjoyed in Armagh. But no policy emerged from the administration, "and local magistrates, landlords and military commanders were permitted to work out their own policy towards Orangeism" (Senior, 1966:75).

38) Knox to Lake, 18 March 1797, (Senior, 1966:67).

39) Knox to chief secretary Thomas Pelham, 11 April 1797, (Senior, 1966:67).

[illegible]

Knox's strategy of stirring up sectarian animosities, an extension of that begun by Camden some months earlier, encouraged and supported the evangelical revival that was gradually spreading among Ulster Protestants in general although initially and more strongly among the ministers, while at the same time giving it distinctly political and paramilitary overtones. Thus, as early as the 1790s, we can trace in Ulster Protestantism the first indications of a political reordering in the face of opposition that was to influence, and at times dominate, the course of Irish history in the nineteenth and twentieth centuries.

The success of Knox's strategy was not lost on subsequent generations of English and Irish politicians who exploited the Orange Order for political gains.⁴⁰ The opposition in Ulster to Gladstone's home rule bill in 1886, for example, caught English Conservatives by surprise, but, seeing in the home rule issue a golden opportunity for overthrowing Gladstone's Liberal government, they were quick to turn it to their advantage; an anti-home rule argument could easily be made popular in Britain, and in the Orange Order was the basis of an effective political machine. Seizing the opportunity with both hands, Lord Randolph Churchill wrote (to his friend James Fitzgibbon): "I have decided some time ago that if the

40) After Catholic emancipation in 1832 Chief Secretary Stanley, whose pet project was the yeomanry, judged most of the corps to be "most dangerous...shallow - jealous - distrustful" but he knew that a role must now be found for them. It was now "necessary to reclaim and enlist the High Protestants"; this was done through the Orange lodges and by the end of the year Orangemen were serving as tithe-proctors (Palmer, 1988:327; Senior, 1966:244-45).

G.O.M.⁴¹ went for Home Rule, the Orange Card would be the one to play. Please God it may turn out the ace of trumps and not the two." He went to Ulster and played it, giving the Orangeman the phrase that still echoes there: "Ulster will fight, Ulster will be right". To the Ulster Protestants it was an encouragement (which they hardly needed) to press their claims to finality, even if it meant involving Ireland in a civil war. Tory opportunism, Liberal vacillation and Orange intransigence combined to set the stage for the 1916 Dublin rising. If Ulster could fight, then Dublin could claim an identical right (Beckett, 1966:400; Coogan, 1966:289).

The United Irishmen and the Rebellion of 1798

To subvert the tyranny of our execrable Government; to break the connection with England, the never failing source of all our political evils; and to assert the independence of my country - these were my objects. To unite the whole people of Ireland, to abolish the memory of past dissensions, and to substitute the common name of Irishman in place of the denominations of Protestant, Catholic, and Dissenter - these were my means.

Theobald Wolf Tone, 1798⁴²

The Society of United Irishmen had grown out of the radical movement that had emerged after the Volunteer convention in 1784. It drew its main support from the Dissenters of Ulster who sympathized with the American Revolution and had, for a long time, accepted Whig leadership.

41) I.e. Grand Old Man (Gladstone): a term of affection among Liberals, of sardonic contempt among Conservatives (Coogan, 1966:289; Murphy, 1978).

42) Quoted in Jackson, 1970:117.

The movement did include some Catholics though, along with a few members of the established church, and it represented a general middle-class as well as Dissenter radicalism. The program of the movement was moderate, but among its leaders were convinced republican "revolutionaries who hoped to guide the cautious and the timid" (Senior, 1966: 26). Most of the radical leaders, organized through the Whig clubs founded by Charlemont in Dublin (1787) and Belfast (1790), wanted to play a more central part in national politics and, under the influence of the French Revolution, came to believe that they could. The United Irishmen stood for complete religious equality and parliamentary reform. The organization was to be national in scope, open to all denominations, and would maintain contact with the Jacobin Club in Paris, the Revolution Society in England and the Committee for Reform in Scotland. The society's initial job was to win over the majority of the Catholics to their program, and two years were spent, with their leader Theobald Wolfe Tone working through the Catholic Committee⁴³, trying to bring pressure on Pitt on behalf of Catholic interests. With the outbreak of war in 1793, the United Irish counted less on winning over the Catholics than on the possibility of military help from France, but the arrest of French agents in Dublin led to the suppression of the movement and the exile of Tone. The Irish middle class and the Dissenters, however, despite their

43) The Catholic Committee, founded in 1759 under the direction of the upper clergy and the remnants of the old Catholic aristocracy, was reorganized under the middle class after 1789.

interest in radical literature and oratory, were not strongly inclined toward revolution, and when the cause of radicalism became associated with illegal conspiracy and a rising of the Catholic peasantry they withdrew, and many of them, especially the among the dissenters, joined the Orange lodges. The society was thrown into disarray and it was not until 1796 that it reemerged under new leadership.

This new leadership, including the M.P. Arthur O'Connor, Thomas Emmet and Lord Edward Fitzgerald, although allied with the Catholic peasantry through the Defenders in an elaborate underground armed force (200,000 were involved throughout the country, 40,000 in Ulster), rested their primary hopes on a French invasion of Ireland, and Tone had spent much of the last two years in France and the United States trying to enlist support. Although it was better organized and led, this movement, like the Whiteboys and the Defenders, could best make its influence felt by interfering with the normal operation of government, intimidating witnesses and juries, and terrorizing loyalists. Any large scale rising it attempted could hardly hope to achieve more than a limited or partial success without French aid or widespread desertion among the crown forces. The last factor gave the Orange lodges - especially in those areas where the gentry was involved, such as Armagh - a special value as their presence in the Yeomanry and the militia, whatever other difficulties it entailed, served as a bulwark against the United Irishmen. Had the armed forces been in a high or even normal state of efficiency

such a defence would not have been considered, but as things stood, with troops tied up in France and the West Indies, and with conscription widely resisted in Ireland, the administration was in no position to make a free choice. The only reliable troops available were Scottish and Welsh; the Ancient Britons from Wales made contact with the Orange Order upon arrival in Armagh and carried the Orange spirit with them into United Irish areas, such as Newry, where they began the indiscriminate killing of Catholics.

The influence of the Orange Order and General Lake's presence achieved a surface tranquility in the north. But the forces of rebellion were spreading throughout the south. The contacts which the republicans had established with the Defenders in early 1796 had been slow to mature, but by the end of the following year, the majority of the Catholics in Ireland were affiliated with the United Irishmen. The relative ease with which this was accomplished was made possible by the terror that the word 'Orangeman' was capable of evoking from the Catholic peasantry, the widespread and usually accurate assertion on the part of the Orangemen that they enjoyed government support, and the military outrages of the government forces in Ulster.

The southern Catholics were brought into the United Irish movement by way of their converts among the Defenders - usually parish priests who, in defiance of the Catholic hierarchy, were active in the revolutionary movement. There was no direct threat from Orangeism, except through the

agencies of the northern military units and the gentry who had joined the Dublin Orange lodge. Thus, the republicans in the south were of a very different character than their middle class counterparts in Ulster. The winning over of Protestants, or even Orangemen, to the United Irish movement was not a part of the strategy in the south. There the republican movement developed along the lines of the Whiteboys and the Defenders. It accepted the name, rituals, organizational system and passwords of the United Irish, but not their Francocentric republican political objectives. Its political tone was much less radical, more in tune with German Romanticism's rejection of utilitarian urban culture, stressing as it did the cultivation of the primitive and elemental in Irish life. This is a tradition that has had profound consequences for Irish nationalism, coloring it with a deep ambiguity, and for the way in which subsequent generations of republicans conceive of Irish sovereignty, power and legitimacy. Its influence runs deeply through the nationalist movements of nineteenth and twentieth century Ireland.⁴⁴

44) Eamon De Valera: "The Ireland which we have dreamed of would be the home of a people who valued material wealth only as a basis of right living, of a people who were satisfied with frugal comfort and devoted their leisure to things of the spirit; a land whose countryside would be bright with homesteads, whose fields and villages would be joyous with sounds of industry, with the romping of sturdy children, the contests of athletic youths, the laughter of comely maidens, whose fireside would be the forum for the wisdom of old age. It would, in a word, be the home of a people living the life that God desires men should live." (Kiely, 1985:4).

Throughout 1797 and early 1798 Ireland seemed to be drifting into chaos. The Dublin administration was in turmoil, scrambling to find a commander-in-chief who was politically acceptable to the viceroy's 'castle clique' which greatly resented its loss of power to the military, the expectation of a French invasion seemed high, and the Orange lodges were gaining in strength. The Orange movement had established its worth in Ulster by ensuring the loyalty of the militia, filling the ranks of the yeomanry, and, to counteract republican propaganda, by making gestures of goodwill to Catholic loyalists. But by this time it was too late since the bulk of the Catholic population had been won over to the rebels, in no small way because of the conduct of the government's troops, and the only course open to the government was to accept this fact and to collaborate with the loyalist Protestant faction while at the same time trying to control their excesses. The Irish gentry was well aware of the situation when they took over control of the Orange movement in the spring of 1798. Such an open course of action could not always be taken by the government. Instead, it simply extended its informal alliance with the Orangemen, in place since the establishment of the yeomanry, by arming irregular bodies of Orangemen, and by making no attempt to eliminate Orange societies from the armed forces (Senior, 1966: 81ff.).

Early in 1798 the government had gathered enough information on the United Irishmen's plans that it was able to

begin its action against them. Castle forces arrested eighteen United Irish leaders at an executive committee meeting in Dublin on 12 March. They soon began moving against the various units of the underground army, arresting local commanders and disarming their followers. Martial law was proclaimed on 30 March. The politically unpopular commander-in-chief General Abercromby was given instructions to use the full force of the military without waiting for authorization from the civil authorities in the disturbed areas of Kildare, Tipperary, Limerick, Cork, King's, Queen's and Kilkenny. Troops were quartered on the civilian population, and people were forced to give up arms to avoid having their homes burned. Abercromby's successor, General Lake, applied the policy of dragooning that had proven so effective in Ulster.

The rebels, seeing their organization being destroyed around them, had to act at once, and they set 23 May as the date of the general rising. Like many republican projects, this was betrayed by an informer, the insurrection found government forces alerted, and, in most localities, the uprisings were suppressed at once (Senior, 1966:81-117). The expected republican mutiny in the militia did not occur, indeed the militia proved as zealous as the Orange yeomanry in dealing with the rebels. General Lake wrote to Knox commenting that the militia, particularly the Dublin militia, had "behaved uncommonly well", and many former Belfast republicans suddenly wanted to join the yeomanry to prove their loyalty to the crown (Senior, 1966:97). In Ulster, long

the heart of the United Irish movement, no outbreak took place until 7 June; it was put down by government forces within a week. Only in County Wexford did the republican underground army meet with a temporary success, largely due to the initial weakness of government forces in the county and to the leadership of some of the Roman Catholic clergy.⁴⁵ The latter feature gave the rising there an essentially religious quality which was lacking in other parts of the country. Castlereagh, who replaced Pelham as chief secretary, referred to the situation in Wexford as a Jacobin inspired "religious phrensy", in which "The Priests lead the rebels to battle; on their march they kneel down and pray, and show the most desperate resolution in their attacks" (Senior, 1966:99).

Atrocities were committed on both sides, but the reports of them which circulated in Ulster were greatly exaggerated. News of the outrages, viewed as a crusade against Protestantism, dampened the spirits of all but the most ardent United Irishmen in the north. Republicanism was all but extinguished among the Presbyterians and thousands of former United Irishmen swelled the ranks of the Orange lodges. Many of those who had put their faith in the French government were shaken by its oppressive policy in Switzerland and by its aggressive stand toward America. One contemporary, James McKey of Belfast, described the change of attitude in a letter

45) From 1809 on, the British government could, and did, exert a great deal of pressure on the papacy to render the Irish church submissive; and generally Rome, with bigger fish to fry in British pans, responded favorably to such requests (MacDonagh, 1981).

to Lord Downshire: "The number of disaffected fellows now in this town under arms for the protection of their property would astonish you. To see Presbyterian ministers, with rich republican shopkeepers, sitting in the guard room at daylight in the morning with their guns, had in my eyes, a wonderful appearance" (Senior, 1966:99).

By November the rebellion of 1798 had been crushed; it was short and bloody. It took more lives in four months than the guillotine did in France during the Reign of Terror in 1793-94. Conceived by the United Irishmen as a war of independence, it soon became a civil war of particular brutality. The total loss of lives in the rebellion was about 30,000 persons. "Suffering loyalists" submitted claims for property losses totaling £1.02 million. In the aftermath, the government executed 81 persons for treason and other offenses and transported more than 700. Anticlimatically, the punitive Act of Union of 1800 abolished Ireland's parliament and annexed the country to Great Britain (Palmer, 1988:142).

There would be subsequent whimpers of rebellion in 1803 and in 1848, but 1798 represents the last serious rising for self rule until the early twentieth century.⁴⁶ For their

46) The 1803 rebellion (Emmet's Rising) was restricted to Dublin and lasted one day. In one skirmish five soldiers were killed and forty rebels; in another rebels killed eight soldiers but the 62nd Regiment "amply avenged themselves in the slaughter of near a hundred rebels". Its leader, Thomas Emmet, and seventeen others were executed. It was easily suppressed, but it left an important legacy: in the years ahead, the government and loyalists would refer to the twin threats, 'the '98 and '03', "as if the pop-gun bang after the explosion proved that Ireland was always on the verge of insurrection" (Palmer, 1988:143).

part, the British, through an act of February 1799, embellished and made permanent the previous year's system of martial law, and further reinforcements of British troops were brought in. But improvement in the situation was very slow; reports of a new French invasion threatened to revive the revolutionary fervour of the previous year and agrarian unrest had broken out once more. In the face of Irish nationalism Pitt had been scheming since shortly after the beginning of the rebellion for a union of Ireland and Great Britain; by early the next year most Irish Protestants believed, along with Cooke, Pitt's undersecretary, that "Ireland is like a ship on fire, it must either be extinguished or cut adrift" (MacDonagh, 1977:16).

Consequently a recommendation for some form of union was introduced when the Dublin parliament reconvened in January. It was met with strong opposition from the legal, financial, commercial and political interests of Dublin, but such opposition inevitably contained discordant and unreliable elements, and perhaps should not be taken at full face value, given the way things turned out. The Crown successfully overcame the initial reluctance on the part of the parliament to accept the union - some of which was attributable to bargaining for money, honors and position - with much bribery, intimidation and corruption, which, in contemporary eyes, was merely compensation for the loss of political or administrative property. The masses of the Irish people were not much affected by the debates in Dublin. They had little

enough reason to embrace the Irish parliament, nor any reason to presume that the laws under which they lived would be any less oppressive if passed in London instead of Dublin.

THE UNION AND ITS AFTERMATH

The act sprouted an obstinate fifth column
 Whose stance is growing unilateral.
 His heart beneath your heart is a wardrum
 Mustering force. His parasitical
 And ignorant little fists already
 Beat at your borders and I know they're cocked
 At me across the water. No treaty
 I foresee will salve completely your tracked
 And stretchmarked body, the big pain
 That leaves you raw, like opened ground, again.

Seamus Heaney, 1976

As a result of the Act of Union of 1800 Ireland became a political dependency of Britain, administrative and coercive innovations there increased, and through the early nineteenth century the country became a training ground for ambitious young English politicians. Of the six men who became prime minister from 1828 to 1852, four had previously served as chief secretary in Ireland. The list was a distinguished one: Wellington (1807-9), Peel (1812-18), Melbourne (1827-8), and Derby (1830-3). Peel's and Melbourne's journey to the top also took them through the English office of home secretary. If popular disturbances and public order were arguably the dominant political question of the early nineteenth century, Ireland was the most fitting place within the Atlantic archipelago to search for solutions. Toward the end of the century, managing the difficult process of a controlled

broadening of an upper class system of rule became the crucial internal political task of English statesmen (cf. Hobsbawm, 1975:75ff.), and Ireland became less important as a place of political apprenticeship. With the exception of Derby (serving again from 1858-9 & 1866-8), no prime minister in the second half of the century had served in Ireland. Not one before Balfour in 1902 had had an apprenticeship as Irish chief secretary, nor had the best - Gladstone, Disraeli, Salisbury - even served as home secretary (Palmer, 1988:35-6).

The Act itself was, like much other legislation, "an act of miscalculation." Born of fears - of French invasion, of peasant revolution, of social levelling, "of what an embattled and hysterical ruling class might undertake in terror" (MacDonagh, 1977:16) - it seemed as though it might offer a release from the pressures on every side. These fears, which were largely the results of past governmental action, were of great advantage to the government: the landlords and the commercial classes were much more likely to be frightened than persuaded into accepting a union; and the possibility of revolution and French invasion justified the presence of a large number of British troops, without which, Lord Lieutenant Cornwallis frankly admitted, "all thoughts of uniting the two kingdoms must be given up" (Beckett, 1966:274). Had there been peace abroad and stability at home, the Irish parliament would never have consented to voting itself out of existence. But as things stood, union promised to the Crown the closure of an increasingly dangerous gap in the national defence against the

waves of revolution emanating from the continent, and a solution to the Irish question. To the Irish Protestant nation, union offered an end to the potential nightmare of a jacquerie. To the Irish Catholic hierarchy and to the moderate educated lay Catholic population the union offered, at once and with no violence, political and civil emancipation. For all of these groups it seemed also to offer an effective alternative to doctrinaire republican opposition. These were the predominant calculations; the majority of the well-to-do Irish Anglicans and Catholics, and even the bulk of the Ulster Presbyterians, favored the union at the time of its passage.

But the events since 1782 had also suggested, at least to the more percipient observers that the granting of rights to Catholics could not be indefinitely postponed. The Irish people, three-quarters of whom were 'disaffected', comprised one-third of the population of the British Isles. Incorporation, or at least "containment within a single kingdom, seemed more practicable than outright subjection, all the more so as the safeguard of religious discrimination was weakening year by year" (MacDonagh, 1977:16). A movement toward civil equality was the drift of European history, and if Catholic participation was inevitable it should come about within a system in which the Catholic participants would constitute a small minority instead of potential rulers.

The provisions of the union involved yet even more miscalculations. In 1800 Cooke assured Pitt that "by giving

the Irish one hundred members in an assembly of 650 they will be rendered impotent to operate in that assembly. But it will be invested with Irish assent to its authority." With a disproportionately small Irish delegation, controlled by a collaborationist Anglican ascendancy, no serious conflict of interests seemed likely. A century later it was clear that the opposite was the case. With the growth of the party system in Great Britain, a small independent group, if well organized, could exercise a degree of influence disproportionate to its numbers, and parliament provided an effective forum for demonstrating the fact that most of its decisions were not invested with Irish assent. Moreover, in 1800 with 100 members Ireland was grossly underrepresented in terms of population, but by 1900 with 105 members it was greatly overrepresented;⁴⁷ and such was the Irish Party's power by then that this over-representation was practically inviolable into the bargain." The Church of Ireland was secured forever - "'forever' was a sort of incantation in the Act" - its ecclesiastical supremacy, its property, its tithe income, were guaranteed by virtue of the unity of church and state in the new polity. Within three-quarters of a century all these had been torn down, notwithstanding the frantic assertions by

47) Reliable statistics are unavailable before 1841, but it is generally agreed that from 1780 on the population of Ireland began an extraordinary upward leap. The increase between 1779 and 1841 is estimated at 172%. The 1841 census puts the population of Ireland at 8,175,124; by 1900 it was half that. The decline was largely due to the effects of the great famine of the 1840s (Woodham-Smith, 1962:29-31)

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their defenders that the union had rendered them eternal (MacDonagh,1977:17).

Whether or not the financial provisions of the Act of Union, which imposed on Ireland two-seventeenths of the national expenditure represented a fair obligation is impossible to say. The expenses of keeping down Irish discontent, despite previous experiences, were largely unforeseen. Conversely, what ultimately ruined the Irish economy was the British government's free trade policy, quickly followed by the abandonment of protection for its dominions, and these could not have been fully anticipated in 1800, not by the English ruling classes at any rate (cf. Nairn,1964).

In keeping with the miscalculations, the separate British executive system of rule in Ireland was retained, in the manner of a crown colony, despite the fact that the union was ostensibly the junction of two kingdoms. "The lord-lieutenancy", in MacDonagh's (1977:17) words, "simply drifted on until it was taken to be permanent." More conclusively, the change that the union made in the office of the chief-secretary - he was appointed by the prime minister instead of by the now politically inferior viceroy, and he was a member of the cabinet - produced a trend in Irish government, the effects of which were not understood, nor allowed for, in the nineteenth century. The long-term consequences of the union - civil war and famine - could not have been surmised by its framers, at a time when, at least to the British political

elite, "perpetual security still seemed attainable" (MacDonagh, 1977:13). The direct exercise of power from Whitehall, and also the fact that Irish policy would largely be decided there, implied that British utilitarian values and criteria would before long be imposed on Ireland, sometimes - as in the case of the great famine of the 1840s - with tragic consequences, and that these criteria would, in turn, be profoundly affected by the Irish experience. In the end, what was conceived as a union of governments resulted in a continuous series of explosions.

If the miscalculations of the Act of Union itself were sombre in their implications, the abandonment of the tacit understandings which produced it was fundamental. The period from 1815 to 1914 was one of slow corrosion of the Unionist position: their continued monopoly of local government and public service, of the professions and higher education, of land ownership and the agencies of order diminished, as did the privileges of the established church. There was also the relationship of Protestantism to the British state. When other privileges cracked, direct British rule of Ireland, and the clear sovereignty of Whitehall, came to be seen as matters of life and death to the Irish Protestant nations. To the northern Protestants Ulster stood in basically the same type of relationship to the rest of the kingdom as did Scotland after 1707: more than a province, not quite a state, it constituted at least a people. For their part, the Anglican Irish thought of the settlements and the fertile fields of

Ireland as their own creations. "The noble houses, the tamed land, the canals and commerce were, to them, the fruit of their own toil, money and design. It is hardly extravagant to identify their attitudes with those of the Kenya settlers to the White Highlands" (MacDonagh, 1977:18). It was this very consciousness of being British, yet more than British, the very Irishness of their feeling, that nourished the resistance of the Protestant nations to what threatened their standing and locale. Ireland was their home, but to live there they needed to be its masters. As the retreating Protestant forces drew back, their last bastion, the political union, took on greater and greater significance.

The major effect of the union was to transfer complete sovereignty to Westminster. In 1800 there were probably important differences between London and Dublin as to just what this transfer implied, but by 1815 the differences were clearly noticeable and rapidly growing. English policy and administration developed in an unpremeditated and unplanned way that left the core of English local government largely untouched - its basic unit remained the parish and the justice of the peace. In England the progress of laissez-faire and selective state intervention went hand in hand; administrative consolidation was pragmatic and tentative; where Benthamite ideas seemed inappropriate or did not work, they were abandoned. In Ireland, however, - where the basic local unit was the county and the basic administrative instrument the county grand jury - another type of administrative system

emerged, one geared directly and obviously toward administrative consolidation and internal pacification. In England the first stage of administrative reform in local government "represented an attempt to broaden relevant electorates, break the Anglican monopoly of power, and recruit JPs from outside the ranks of the traditional gentry" (MacDonagh, 1977:34), the equivalent phase in Ireland was characterized by the transfer of some of the old and all of the new tasks of government from the local to the central administration in Dublin Castle.

Similar trends were apparent in urban government and in social welfare. In England, the Municipal Reform Act of 1835 had as its objective the simplification and increased efficiency of the corporations and the extension of the municipal franchise. In Ireland, however, most of the corporations were simply eliminated. Those that remained had a much more limited franchise than their English counterparts, and the central government was empowered to appoint their officers and to veto their bylaws. In the area of social welfare and public health, Ireland was formally more advanced than Britain throughout most of the nineteenth century. If one takes policy and structure as the criteria, Ireland's state supported, uniform and centralized health system, which aimed at providing the poor (i.e. the bulk of the population) with some security against illness, was one of the most advanced in Europe. In contrast to British heterogeneity and localism, this was quite remarkable. However, Irish urban

government and social welfare policy were directed from Dublin castle in an authoritarian manner that was hardly imaginable in early Victorian England; when the bureaucracy there went forth to overcome local resistance to positive innovations, it usually did so in vain.

Public order took much the same path as social welfare and local government. Indeed, for most of the Irish population social control policies were considered to be the most despotic. Yet despite much opposition from all levels of Irish society and "whereas Britain has never achieved a national police force, and did not even possess county forces before the 1850" (MacDonagh, 1977:35), Ireland began the nineteenth century with baronial forces and quickly built up a national body to keep order and execute state policy uniformly throughout the island. It is almost a truism that the union was more substantially breached by the British government than by Irish nationalists during its first century. In many ways the union remained nominal rather than real. Ireland was always a "special case", its government was "unmistakenly different"; under the chief secretary the Irish administration in Dublin Castle developed far-reaching controls and established policies that were markedly more interventionist than were imaginable in contemporary England. A series of laws passed by the imperial parliament with application to Ireland alone are testimony to this. The union began with Ireland under martial law imposed by statute, "a state of

affairs unique in British history" (Townshend, 1983:55);⁴⁸ during the first half century of the union, Ireland was governed under 'ordinary' English law for only five years (Hammond, 1964: 16). Power taken on by special legislation included restrictions on movement and on the possession of arms, the suppression of organizations, meetings and publications; the facilitating of police searches; levying of compensation from localities; changes in trial procedures and suspension of habeus corpus. Each of these powers was temporary, "as English standards required", but they contributed to the creation of a near permanent 'state of siege' as the term was understood on the continent, even if British law contained no clear delineation of the concept. This state of affairs, due largely to the reluctance of English governments to accept the Irish on their terms, invariably "led the authorities to react excessively to any perceived challenge" (Townshend, 1983:55; 1982).

The divergent patterns of public policy in England and Ireland that had begun with the 1786 Dublin police act were unmistakable by the 1820s. The 'Swing' disturbances in southern England in the 1830s were dealt with under the ordinary criminal law, as consolidated and 'Benthamized' by Peel (Hobsbawm & Rudè, 1968). The Irish tithe disturbances of 1830-33, by contrast, called forth the Draconian Suppression

48) Martial law was declared by the Viceroy and confirmed by statute (39 Geo. III, c. 11 (I); 40 Geo. III, c. 2 (I); 41 Geo. III, cc. 14, 61; 43 Geo. III c. 117). Such statutory imposition was unusual and was not to be repeated when martial law was declared in Ireland in 1916 and 1920 (Townshend, 1982:167-8).

of Disturbances Act along with an overall bolstering of the forces of order. There was a rearming of the yeomanry, the revival of the old agent of repression: the Peace Preservation Force, with 1,200 men, and a build up of the Irish constabulary from 5,940 in 1830 to 7,094 by the end of 1832, an increase of 20 percent in only two years compared to the 24 percent increase over the previous eight; the latter two forces were totally under the control of Dublin Castle.

The British, though they denied its political nature, saw in Irish unrest fundamental challenges to their rule and even the most reluctant administrations were pressured to sanction extreme countermeasures. Under Whig governments acts were passed, such as the Suppression of Disturbances Act (the first to be colloquially labelled the 'coercion act'), that reinforced the powers of curfew and suppression of meetings contained in former insurrection acts with the power to try offences by courts martial established under military procedures. The object of this was to provide courts with protection against intimidation; though it was a tacit admission that the normal legal system was not seen as a legitimate one. These tactics were to be relied on for much of the century (special tribunals were not devised until the 1880s) through the development of the resident magistrate (RM) system which gradually added such extraordinary powers into ordinary judicial machinery. For Townshend (1983:57) the RMs were "a standing demonstration of the fragility of the law in Ireland: combining executive and judicial functions, they

reminded foreign observers of French rather than British local authority."⁴⁹

An important aspect of British policy in Ireland was its stand on political crime and the treatment of political criminals. "It was to become something of an English orthodoxy that there (was no political crime) on Albion's shore, and that special status for political prisoners likewise did not exist" (Townshend, 1983:58). They came close to existence in Ireland, however, and even Gladstone drew a distinction, which he thought was "perfectly well understood" between "ordinary crime" - "crime against individuals" and "offences against the state".⁵⁰ He wished to prevent Irish agrarian crime from being pushed into the latter category, but recognized that much opinion was against him. On the status of the prisoners from the Fenian rising of 1867 there was less uncertainty, but still crucial political considerations (cf. Nowlan, 1968). The Irish lord chancellor asked Lord Lieutenant Spencer in 1869 if⁵¹

it might be considered whether with reference to those who might be retained in custody it may not be possible to mitigate the severity of their punishments, and treat them as political prisoners....

Certainly the usages of former times and continental nations at present would seem to make the propriety of such an arrangement not wholly unworthy of attention.

49) RMs were first commissioned after the 1814 act (54 Geo. III, c. 131) which gave the lord-lieutenant power to appoint magistrates to reside in such districts as he thought fit (McDowell, 1964:114).

50) House of Commons, 2 March 1871 (Townshend, 1983:58).

51) O'Hagan to Spencer, 9 January 1869 (Townshend, 1983:58).

Spencer gave this "serious consideration", and pressed the policy on Gladstone. In October he argued that⁵²

the treatment of the prisoners much affects the mind of the people. If as in France, Prussia & Italy political prisoners (apart from those guilty of violence) could be held differently to ordinary criminals, the feeling here would be much softened.

The major problem, he acknowledged, was "to define the men who would be so treated". For this among other reasons Gladstone never accepted the idea. The government rejected the proposal, but Spencer continued to argue that special treatment would reduce public hostility in Ireland. It was, he wrote, "mere prudery to say that we cannot admit of the distinction between Political and ordinary crime."⁵³

Gladstone did admit it implicitly through his expressions of concern for the Fenian prisoners. Spencer, however, seeing this as political weakness, continually argued that the Fenians, once released would once again begin agitating and, through their intimidation of witnesses and juries, would soon be beyond the reach of the law. Some "selected" prisoners were released in early 1869, but the leaders were held for political reasons. Their release "would be dangerous in its bearings upon public security"⁵⁴ and, would in Spencer's view, "make it very difficult to deal with any future sedition or conspiracy because loyal men would have lost faith in the government's firmness and determination." To the Irish lord

52) Spencer to Gladstone, 12 October 1869 (Townshend, 1983: 58).

53) Spencer to Gladstone, 25 November 1870 (Townshend, 1983: 59).

54) Spencer to Gladstone, 23 September 1869 (Townshend, 1983: 59).

chancellor, Spencer remarked that "if much agrarian outrage took place immediately after release, the Govt. would be very seriously shaken"⁵⁵ (while he maintained "stoutly" to Gladstone that agrarian unrest had "nothing to do with Fenianism").⁵⁶ It was the political pressure exerted by the widely based, largely Catholic Amnesty Movement which pushed Gladstone toward favoring release. Spencer reacted the opposite way, bristling at the "improper tone" of the public petitions like that submitted by the Cork City Corporation and viewing Amnesty meetings as "Fenian demonstrations".⁵⁷ Neither man's views on the Irish crime, agrarian or otherwise, was based on its seriousness; "politics dominated their response" (Townshend, 1983:59).

Spencer did attempt to resolve the perpetual problem of jury intimidation, writing that "proof cannot be given to the idea (frequently I admit expressed) that Ireland is not fit for juries". But despite the optimism, he was forced to admit two years later that the results of his Juries Act had been "certainly rather unfortunate". He pointed out that there had been "good results" from the juries in Dublin, holding to the progressive idea that "as education, civilization, and love of law spreads" good juries will result, "but it is obvious that the Act went before the Age".⁵⁸ Spencer's liberal optimism

55) Spencer to O'Hagan, 23 September 1870 (Townshend, 1983:59).

56) Spencer to Gladstone, 30 March 1870 (Townshend, 1983:59).

57) Spencer to Gladstone, 22 September 1870 (Townshend, 1983:59).

58) Spencer to O'Hagan, 23 March 1871; 10 March 1873; 24 March 1873 (Townshend, 1983:59).

can be understood in the 1870s as disorder gradually declined; by the 1880s, however, jury trial was to prove as inadequate as ever before.⁵⁹

Spencer's attitudes display with great clarity the Liberal capacity for combining a publicly expressed faith in the essential goodness of the Irish people with a determination to punish crime and vindicate the rule of law with an iron fist.⁶⁰ In fact, the debates surrounding Liberal coercive policy are in general more interesting than that of the Tories because they were, in Townshend's (1983:60) words, "more angonized". Nevertheless the Liberal governments found themselves more often than the Tories violating the constitution's guarantee of individual liberty, habeas corpus. When Derby's government acted against the Fenians in 1867, it did so with authorization from legislation passed by the Liberals the year before; it simply maintained the suspension of habeas corpus introduced by an act of February 1866 and renewed by Gladstone which, by July, had resulted in almost

59) cf. the former Secretary of State for Northern Ireland (1974-76) Merlyn Rees on the British television show "Good Morning, Britain", 9 August 1985: "You can't have jury courts in Northern Ireland."

60) "The Irish masses had been so long trodden down & crushed that they accepted without much argument measures & acts which their rulers imposed on them.

They have gradually been relieved & when they first feel their feet ... they not unexpectedly break out in unreasonable demands etc.

As they lose the impulses which caused them to fall to their knees, they will be on the road to greater independence of character.

In the meanwhile however a heavy responsibility rests on the Executive to protect life & property which during the process of Reform stands in certain places in very great danger. Spencer to Gladstone, 28 December 1869 (Townshend, 1983:103).

eight hundred arrests. The Ribbon crisis of 1871 is a case in point. The Ribbonmen (successors of the Defenders), who espoused a clearly nationalist and sectarian ideology, employed terror, enforced by assassination, as their chief weapon. Witnesses were so reluctant to come forward that the government could do little to curb their attacks against landlords and constables through the courts, even though the violence was relatively confined - to Dublin, the eastern seaboard counties and Ulster. At the end of 1869 Gladstone asked Spencer for what he called "characteristic" crime figures⁶¹

as showing the minimum of Irish crime and its attendant circumstances which may have been thought to justify exceptional restraints, or the maximum of these which may have been allowed to subsist without them.

This tentative definition of an 'acceptable level of violence' was ignored by Spencer, and he moved the government into the passage of a strong peace preservation act in 1870 which contained his sovereign remedy: the power of the magistrates to compel witnesses to testify during the investigation of a crime. In addition, new military patrols and new detective training centers in police forces were established. Spencer, quite realistically, was not optimistic about their effect. Agrarian crime continued to be "committed with almost entire impunity". Terrorism extended "through all ranks of society

61) Gladstone to Spencer, 28 December 1869 (Townshend, 1983: 61).

and (arrested) ordinary transactions of business", and this did "reflect most gravely upon Government."⁶²

The government publicly admitted that it was frustrated by the challenges from Ireland, provoking conservative charges that it was shirking its responsibility. According to the opposition, Westmeath was "a fortress of Ribandism, which sets the government at defiance, and (whose) garrison carries murder and rapine uncontrolled through a whole district."⁶³ Gladstone denounced this excessive language, pointing out that the real problem was "an extensive system of terrorism supported ... by personal violence" (Townshend, 1983:62). The problem, he argued, could be resolved through a redress of real grievances, and his government offered two major reforms, the disestablishment of the Church of Ireland and the first Land Act, which would have legalized the Ulster tenant right throughout Ireland (Clark, 1979:175). The question was: would these reforms be reversed by the use of coercion? Spencer, fighting for drastic methods of repression in Westmeath to head off criticism argued that they would not: the "healing process which has had its good influences in other parts of Ireland" would endure.⁶⁴

Spencer's 'pragmatism' won out over Gladstone's principles, and in June 1871 the Protection of Life and Property (Ireland) Act was passed. Its goals were succinctly

62) Spencer to Gladstone, 6 February 1871 (Townshend, 1983: 62).

63) Speech of Col. Wilson-Patten, 2 March 1871 (Townshend, 1983:62).

64) Spencer to O'Hagan, 16 February 1871 (Townshend, 1983: 63).

described by its full title: "to empower the Lord Lieutenant or other Chief Governor or Governors of Ireland to apprehend and detain for a limited time persons suspected of being members of the Ribbon Society in the County of Westmeath, or in certain adjoining portions of the County of Meath and the King's County" (Townshend, 1983:62).⁶⁵ Thus was established the principle of internment, arrest on "reasonable suspicion", and detention without trial. "No writ of habeas corpus shall issue to bring up the body of any person so arrested or committed or detained".⁶⁶ The reasoning behind the measure was that if a society was being terrorized, this was due to the actions of terrorists; if this small group could be eliminated, 'normality' would return. This had the effect of isolating, in English minds, the men of violence from the real, the majority, Ireland, and of elevating violence and those who used it, into the entirety of the Irish problem. The tendency was to regard those who used violence, not as extremists in the sense of representing the extreme development of attitudes which existed in less extreme forms throughout the Irish community, but as separate, apart from, that community.

The image of the Irish as a people wedded to violence was no longer a tenable one for use in practical politics. Necessity dictated another image which substantially qualified the totality of the first. G. Trevelyan, Irish Chief

65) 34 Vict. c. 25. The act also continued the 1870 peace preservation act (Townshend, 1983:63).

66) Ibid.

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Secretary in 1883, publicly set out a division necessary to the principles of English Liberals and to the policies of all subsequent English governments (O'Farrell, 1975:157):

... there are two Irelands - the Ireland of men of all parties, and creeds, and ranks, and callings, who, whatever else they differ upon, unite in wishing to preserve law and order and the right of every citizen to go about his business in peace and safety; and there is the other Ireland - the smaller Ireland, as I firmly believe - of the men who foment and condone and sympathize with crime.

This perspective is in marked contrast to that of Tudor and later governments which saw English rule as being resisted by the Irish en masse. As the nineteenth century progressed, the earlier depiction became less and less tolerable because it cast the English as rulers of a people against the will of the majority, and thus in the role of oppressors. It therefore became common to place resistance to English rule among an Irish minority and to claim that the majority opposed such criminal activity and were in fact supporters of English rule and all that it stood for. The rationale for coercive policies and its relation to liberal principles were expressed by Joseph Chamberlain in a speech he gave on agrarian unrest and the Irish National Land League in 1881:⁶⁷

When it is said that it is contrary to Liberal principles to suspend the safeguards of liberty, I say that liberty is a mere phantom unless every man is free to pursue his inclinations, to consult his interest within and under the protection of the law; and when the Land League undertook in every case to supersede private judgement and to impose its distates by force and terrorism and intimidation then it became a tyranny as obnoxious to Liberals and Liberalism as any other form of despotism.

67) Liverpool Speech, 25 October 1881 (Hammond, 1964:251).

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Such interpretations were fostered by the connections of Irish violence with the tradition of secret societies, whose relatively small size, and condemnation by the Catholic church suggested to English public opinion if not to English authorities that they were not a normal and permanent feature of Irish life, but an aberration. The English perception of 'exceptional' crime, requiring 'exceptional' legislation, was clearly conditioned by England's own political culture. The relative novelty, even fragility, of the culture of "equipoise" (to use W. Burn's celebrated term) kept alive bourgeois fears of regression, leaving a "predisposition to sense betrayal or rejection of civilized (English) values" (Townshend, 1983:65).

A few Englishmen could see the enduring anti-English disaffection of Irish life. Augustine Birrell told the Royal Commission on the 1916 rebellion⁶⁸ that "the spirit of what

68) The 1916 rising was the final setback for constitutional nationalism in Ireland and established in outline the character of the movement which would replace it. The original decision to rise against the British was made at a meeting of the Irish Republican Brotherhood soon after the European war began in August 1914. The forces for the rising were to be drawn from units of the Irish Volunteers, formed in 1913 in response to the creation by the Unionist Orange establishment of the Ulster Volunteer Force, the first of the private armies which were to dominate the politics of many European countries for the next generation, whose object was to discourage the Liberal government in England from proclaiming Home Rule for Ireland. On Easter Monday 24 April 1916 a group of about 1,000 IRA men occupied the General Post Office in Dublin and other positions in an erratic arc around the rim of Dublin proper, raised the Irish tricolor, and proclaimed the establishment of an Irish Republic. Despite the existence of about 180,000 armed Volunteers throughout Ireland, the populace of Ireland, which soon gave its almost unqualified backing to the legitimate heirs of the rising, was "dumbfounded" at the audacity of the rebels and their leaders were certain that short of a miracle "the Republic was doomed

[illegible]

today is called Sinn Feinism is mainly composed of the old hatred and distrust of the British connection, always noticeable in all classes, and in all places, varying in degree, and finding different ways of expression, but always there as the background of Irish politics and character" (O'Farrell, 1975:158). Most English people found this unacceptable; they preferred to think of themselves as hated by the radical few, rather than by the majority. Adherence to 'civilized English values' made it impossible to accept Irish protests on Irish terms. Even after the publication of J.S. Mill's *England and Ireland* (1868) which questioned the universal applicability of liberal political economy, few could accept the implications of Arthur Young's old question, "where manners are in conspiracy against law, to whom are the oppressed people to have recourse"?⁶⁹ Dicey, for one,

to a short and violent life" (Bowyer Bell, 1979:4). They were correct: the rebellion elicited a brutal reaction from the British, ultimately there were ninety death sentences and approximately 3,500 men and 79 women under arrest or sentence. All nationalist political movements were in fragments by the end of the rising. It was the new radical opinion, inarticulate though it was, which provided the sense of urgency which the disparate factions needed to bind themselves together. "By the time the old Sinn Feiners, the Volunteers, the Irish Nation League, and a number of smaller bodies had come together in October 1917 in support of de Valera's compromise formula - that the new Sinn Fein should work for 'the international recognition of ... an independent Irish republic' after which the people 'may by referendum freely choose their own form of government' - public opinion was already solidly behind them" (Rumpf & Hepburn, 1977:19). With the general election of December 1918 Sinn Fein (of the 105 Irish seats, the new party won 73, the Unionists 26 - all but 3 in the six counties, and the parliamentary party 6) became the representative voice of Irish nationalism. The 1916 rising sparked the Irish Republican movement in the twentieth century and it remains its most potent symbol.

69) A. Young, *A Tour in Ireland ... Made in the Years 1776, 1777 & 1778* (Townshend, 1983:65).

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contemptuously dismissed the "folly of popular declamation" against English coercion and confidently asserted that English law was founded on universal morality. The law condemning a sinner, "though it way excite temporary outcry, can rely on the ultimate sanction of the popular conscience" (Dicey, 1886: 115-16).

English governments, out of political necessity, tended to miss a basic point of Irish violence, that it was a manifestation of a widespread, if subterranean, national mood, and not an isolated or merely criminal aberration. Only by assuming that just a few were responsible for the violence could the Irish situation be seen as controllable. Irish violence was viewed as a "self-contained disease" to be eliminated within its own confines, rather than a symptom of a malady of the entire body politic. This view is characteristic of English coercion from the nineteenth century on, and is based on the assumption that strong measures will solve Irish unrest. "The vital point is to deal with the Thugs", insisted Sir H. Greenwood to the British cabinet in May 1920, a belief that he linked to the opinion that crime and violence were rife because of the inadequacy of civil government. The notion that once the terrorists - the 'men of violence', the 'gunmen' - were apprehended, then the problem would be solved and all would be well again, reemerged after 1968 in the political stance of the Northern Irish Unionists. It, again, was a necessary stance in that it located the trouble outside of Unionist policies in a small criminal element which could

be eliminated by the superior force of the ruling party, without major policy changes. Whatever progress was made toward this end could be portrayed as movement toward a real solution. All this, as well as the claims made for the effectiveness of the British army after 1969, had precedents in nineteenth century Ireland; in the consolidation of the constabulary and the police forces, in the emergency powers and martial law; and in the increased tendency of the law enforcement agencies to give glowing accounts of their success, and to engage in recurrent predictions of the impending immediate demise of the opposition (O'Farrell, 1975:158; Palmer, 1988; Townshend, 1983).

Throughout this period governments were unable to control the situation, let alone eliminate it. Their emphasis on the use of the police, the army, and the employing of spies and informers generated hatred and resentment; and their tendency to differentiate between Protestant and Catholic violence, with that of the former being "understandable and excusable" further alienated Catholics. Yet successive English governments rolled up their sleeves and set about the Sisyphean task of restoring order to Ireland, to save Ireland from itself. Gladstone, in 1866, argued that his (Townshend, 1983:101)

firm belief is that the influence of Great Britain in every Irish difficulty is not a domineering and tyrannizing, but a softening and mitigating influence; and that were Ireland detached from her political connection with this country ... it might be that the strife of parties would there burst forth in a form calculated to strike horror through the land.

Ireland, it was argued, must follow the rules of civilized political discourse so firmly embodied in the English constitution. Even Liberals such as Gladstone whose political rhetoric expressed concern for Ireland could not tolerate political crime, or negotiate with extremists who used 'unconstitutional' methods. Yet they could not devise a method for forcing the Irish to be 'reasonable' in English terms. Gladstone fumed that the "resources of civilization had not yet been exhausted" in the struggle against Irish agrarian violence, yet those resources were strictly authoritative, the military force and repressive legislation denounced in England as unconstitutional. "Every government must be true to its principles", Gladstone said, but as Townshend adds (1983:104), "to vindicate the rule of law and order in Ireland, the government had to abandon its principles. This created a dilemma from which it was never completely to escape."

But this largely public dilemma of which Townshend writes is only part of the story. Gladstone, it should be remembered, introduced mass electioneering to Britain (and perhaps to Europe) in the campaign of 1879. From this time forward the expected implications of democracy would no longer be discussed, except by those outside established political discourse, with the frankness and realism which had surrounded previous debates. As politicians were increasingly obliged to speak directly to the masses, they wrapped themselves in rhetoric, "the serious discussions of politics retreated to

the world of the intellectuals and the educated minority public who read them."⁷⁰ When the men who governed wanted to say what they meant, "they had henceforth to do so in the obscurity of the corridors of power, the clubs, the private social evenings" and the weekend retreats where the members of the elite met each other away from parliamentary or public settings. The nineteenth century, the age of democratization, firmly set in place "the era of public political hypocrisy, or rather duplicity," of public satire - "for what intelligent observer could overlook the yawning gap between public discourse and political reality" (Hobsbawm, 1987:88), the mass social movement and, what Raeff (1983) has called "the well-ordered police state."⁷¹

70) The era of democratization, as Hobsbawm (1987:88 & 273) reminds us, was also the golden age of a new political sociology: of Durkheim and Sorel, Ostrogorski and the Webbs, Mosca, Pareto, Robert Michels and Max Weber.

71) Raeff (1983:5; cf. Elton, 1972:327-382) notes that before the end of the eighteenth century in most of Europe the word 'police' connoted administration in its broadest sense, i.e., the "institutional means and procedures necessary to secure peaceful and orderly existence for the population of the ... territory". Police in this sense, obviously derived from 'polis', was apparently used in Burgundy in the late fifteenth century, from where it spread throughout Europe, including England, largely due to the influence of Thomas Cromwell & Thomas Cranmer (Archbishop of Canterbury) in the early sixteenth century. Police 'rules' (Polizeiordnungen) were regulations concerning specific areas of administration and public life. But by the nineteenth century 'police' came to acquire the more restricted and specialized meaning of today: crime control and the maintenance of public order.

Police, Protest and Violence in Nineteenth Century Ireland

Beware, my fellow citizens, of the accommodating principles which can combine an appearance of giving energy to the laws, with the reality of conveying an armed patronage to the Crown!.... Gentlemen of real property and conscious honour, disgusted by the petulant arrogance of professional self-sufficiency (the Castle magistrates), ... will retire from such versatile associates, and content themselves with the simple observance of those laws they once thought it their duty to enforce.... The political horizon lowers.

Hiberian Journal (Dublin) 1787⁷²

Surveillance as the mobilizing of administrative power - through the collection and control of information is the primary means of the concentration of authoritative resources involved in the development of the nation-state. "But it is accompanied by large-scale processes of internal transformation which have their origins in substantial part in the development of industrial capitalism and which essentially can be represented as producing internal pacification" (Giddens, 1985:181). However, the meaning of internal pacification also needs to be understood against the backdrop of the character of the modern state. It is a problem that returns us to the theme of violence and its consolidation in the nation-state.

As already noted, in traditional states the concept of deviance makes very little sense outside the restricted locales of the ruling groups. The administrative reach of the state did not encompass the lives of the common people. Moreover, the patterns of violence were different from those

72) Quoted in Palmer, 1988:115.

which are familiar in the Western nation-state. In such states the relatively weak hold of the political center over the means of violence meant that there could be little chance of 'policing' in the modern sense: "that there were always potential sources of challenge, of a military kind, to the centre; and that bandits, marauders, pirates, urban and rural gangs of various sorts tended to be ever-present" (Giddens, 1985:182).

From the sixteenth century onward, fears were expressed in the ruling circles of European societies about 'popular disturbances'. Although many of these involved traditional modes of protest, they also marked the beginnings of a new relationship between state and populace, accompanied as they were by the mass migration of dispossessed peasants into towns and cities and establishment of constabularies and remedial organizations that separated certain types of people from others. The major popular movements within the modern state are class struggles and struggles associated with the rise of various mass movements, including nationalist movements. The 'criminal' specifically becomes a 'deviant' (a category now formed in and through the activities of the state), one who needs to be adapted to the norms of acceptable behavior as set out by the obligations of universal citizenship within the sovereign state.⁷³ In previous state forms the 'maintenance

73) In any modern society the drawing of moral and ethical boundaries is a political process. What is defined as illegal and immoral, what comes to be classified as a social problem, is often imposed and can frequently be shown to be in the interests of the powerful. The 'new deviancy' or 'labelling' perspective in deviancy theory has emphasized the political

of order' was a matter of a combination of local community control along with the possibility of armed intervention when required. But in the modern state imprisonment and policing for the most part replace these as major influences (Giddens, 1985:182).

England and Ireland generated very different kinds of 'popular disturbances' in the seventeenth and eighteenth centuries. First, English crime was individual, committed by a person for personal gain; Irish crime was collective, committed by a group for group interests. Second, English crime was characterized by little violence against people; in Ireland 'outrages', or attacks against people and animals, were more common. Third, since Irish crime was collective, it tended to have the support of the community to an extent that was unheard of in England. Finally, early nineteenth century crime figures, which probably greatly underestimate the incidence of disorder, indicate that, relative to population, Ireland was roughly twice as crime ridden as England (Palmer, 1988:45). Given the nature of these differences it seems that Ireland has for a long time provided the English with opportunity for a "rehearsal" of colonial policies which would be used in North America, the Caribbean, India and eventually throughout the Empire (Fredrickson, 1981). By the nature of ordinary crime in its analysis of the consequentiality of social control (Young, 1987). What is of interest here is what Burton (1978) calls politicized deviance - any illegal act which is committed for political reasons. The politicized deviant is an intentional social actor whose motives are expressly political. This classification narrows the subject to exclude the political nature of ordinary deviance.

end of the nineteenth century they would be used in England as well (Hall,1979).

Before the nineteenth century Ireland had the most advanced police force in the British Isles. It was not as Townshend (1983:67) says, the "sporadic and unsatisfactory" development of Ireland's police which led to its consolidation in 1836, although much 'police work' had been traditionally taken up by the military, but rather its advanced state which "urged the government to inject the final doses of centralization" (Palmer,1988:353). The greatest problem then was one to which Blake (1881:458) drew attention in the late nineteenth century: that although the English parish constable "represents the principle of minute local government carried down from the days long anterior to the Norman conquest", the Irish police were at root a foreign import, introduced for the protection of the settlers of the Pale and lacking widespread legitimacy since they were recruited only from among the Protestant population. To this lack of community support were added administrative inconsistency and confusion over differing interpretations of the power of the magistrates and local police under the 1822 Constabulary Act.

Despite the consolidation of the Irish administration in Dublin Castle, attempts to create a uniform police structure had been repeatedly defeated by the Irish parliament, largely due to complaisant chief secretaries, such as Gower in 1830, who failed to press the issue, and lingering doubts about the constitutionality of a national gendarmerie. These efforts

dated from as far back as 1823 when Richard Willcocks had proposed a single inspector-general for the Irish police; in 1827 Chief Secretary William Lamb (later Lord Melbourne) had noted that the solution to the "inconveniences" of the provincial forces was "to bring the whole country as soon as possible under one uniform system of police". Major Miller, the inspector-general for Munster, had called for "one uniform system of police in 1829 (Palmer, 1988:352). Consequently, the police effort was seen by many in the government as inadequate; even Peel's Peace Preservation Force was considered to be ineffective and incohesive. It was, essentially, a set of forces in 'disturbed' districts, each operating in its own fashion, but, since regular troops and militia furnished the main forces of order until the 1830s, resembling militia troops instead of civil bodies.

The Irish Constabulary emerged gradually. Inspector-Generals were appointed in each of the four provinces in 1822, and police forces were increasingly employed in attempts to control faction fighting. The relationship between police and community was inevitably based on force, and violent confrontations such as those between the peasantry and the police forces at Carrickshock and the Castlepollard fair in May 1831 set a pattern that would be hard to break. In the latter affray the constabulary employed enormous firepower against the peasantry. The incident began with two peasant factions battling each other until one, badly beaten, invoked the help of a nearby police detachment. The constables

apparently thought that they were under attack and, according to the official report of the incident, "three or four of the policemen in the rere (sic) fired on the people and almost immediately the firing appeared to become general". Nine peasants were killed, five were wounded. The police reported no casualties. The incident was especially serious because no order to shoot had been given to the men. A county grand jury subsequently indicted eighteen constables, but the case was never prosecuted because of the legal difficulty of determining "at what instant armed men are justified in firing in self-defense" and because it was argued that the "massacre" of five policemen seven weeks earlier in Clare had "led perhaps prematurely to the catastrophe" by encouraging an anxious overreaction among the constables at Castlepollard. In Carrisckshock, in an affray over the collection of tithes - in which the constabulary was always engaged, thirteen policemen were killed and fourteen wounded, with two peasants killed (Palmer, 1988:335). As a result of such encounters when the Irish police took definitive shape with the Constabulary Act of 1836, there was no question of its being an unarmed civil police.

The constabulary was to become one of the most dramatic administrative innovations in Irish government. As already noted, its difference from the English constabularies, which were also taking shape, was marked from the start. It resolved the long argument between local and centralized forces in favor of the latter. This was a state police,

commanded from Dublin by a single inspector-general. At the local level its novelty was apparent in the creation of new police districts to replace the baronies. The most obvious signs of the new system were the 1,400 police posts, known as 'the barracks', which were placed in the center of the new sub-districts.

The size of the force, and the structure of its command, became fixed in the decade after 1836. Its numbers rose from around 7,500 in 1838 to 8,500 in 1840, and reached 12,358 in 1850 before settling at about 10,000. Those areas that were the most disturbed, such as Tipperary and Galway, received the largest number of police. The appointment of constables, which had previously rested with the local magistrates, was transferred to Dublin; and in an effort to reduce the intimidation of the constable's family, policemen were never stationed in the county of their origin. The remaining local connection was the requirement that the counties should pay half the cost of the forces.

Major reforms in 1839 and 1845 led to the creation of a constabulary reserve in Dublin and to the acceptance by the government of full financial responsibility for the constables at a permanent station; if additional forces were sent to a 'proclaimed' area, half the cost of this was charged to the locality.⁷⁴ The command hierarchy was also modified by

74) Similar tactics were eventually used throughout the empire. An Indian administrator wrote on the subject of 'punitive police' (the transfer of extra police to disturbed districts at their own expense) in 1919: "The main value of a punitive force is that its cost falleth upon the just and the unjust, the result being that the just does his best to coerce

reducing the number of inspectors. The eventual effect was to tighten centralization, eliminating the intermediate authority between the inspector-general and the thirty-five county inspectors (Cork, Galway and Tipperary had two each).

The duties of the force expanded along side of the increasing activity of the state, most rapidly in mid-century; the modern state's obsession with the collation of statistics was obvious in the Irish Constabulary from the start. As early as 1838 constables were used to gather information on the relative size of the annual potato crop. In the 1840 a registry of householders was compiled. By the 1860s the constabularies ordinary duties included the collection of agricultural statistics, census work, the serving and collection of poor-law election notices, the collection of an ever-widening range of "returns", the escorting of prisoners, customs, weights and measures inspection, factory inspection, and the enforcement of extensive new laws governing fishery and liquor control, and the registering of prostitutes (Townshend, 1983:70).

To most, but by no means all, of the Irish people the military appearance and style of the constabulary - they were equipped with long Enfield rifles and sword-bayonets - was offensive and politically undesirable. The most sustained public attack on the the constabulary began in the mid-1860s with a Tipperary grand jury complaining to the government that

the unjust into the paths of righteousness. A punitive force is the creator of a proper public opinion." Chief Secretary, Madras Government, 26 September 1919 (Townshend, 1986:34).

over the years the constabulary had become "more and more a military force, and in exact proportion as that system had been established, their usefulness and efficiency as a domestic force had been weakened and impaired" (Curtis, 1869: 100). It specifically mentioned the weapons and the military structure of the organization which cut off local communities from the magistrates because communications followed a triangular route via central headquarters. The level of criticism increased, and in 1866 *The Times* wrote that the Irish constabulary resembled a gendarmerie more than the English rural police and, unlike its English counterpart, that it was financed by the Imperial Exchequer, "drilled like soldiers, armed with ...rifles and sword bayonets, and yet employed in collecting ... statistics, getting in returns for the census, and detecting illicit stills."⁷⁵ Yet *The Times* went on to admit that "no part of our expenditure yields a better return" even though "no statesman would undertake to justify the policy on principle" (Townshend, 1983:74). Such a practical undermining of Victorian public morality was due to a fear of Fenianism. Only two years earlier the same paper had poked fun at the mission of the Irish police, writing that the "English pleiosaurus and the Irish rebel are extinct."⁷⁶ By the time of the Fenian (Irish Republican Brotherhood) uprising of 1867 there were no more such claims. Indeed the cry of "too military" had given way to "hurrah for the brave force!"; and the constables were being commended for "their

75) *The Times*, 6 July 1866 (Townshend, 1983:74).

76) *The Times*, 18 April 1864 (Townshend, 1983:74).

exemplar loyalty and discipline (which) sufficed in most cases to disperse the Fenian bands with a single volley of rifle fire" (Townshend, 1983:77). In appreciation the prefix 'Royal' was added to their title - the greatest honor the government could conceive, though one which would do little to encourage better relations between the constabulary and the community.

In 1868 a series of attempts to mitigate the violence of the modes of control available to the constabulary and to provide a graduated scale of responses to various forms of disorder was initiated. Instructions were issued on the use of firearms to lessen their misuse, and it was ordered that half of each police patrol should be armed with only their bayonets. The 1872 Royal Irish Constabulary (RIC) code required that at "riots, elections or any other occasions of excitement" at least one-third of the police should carry truncheons only. The opening of the land war (1879-1882) brought the introduction of buckshot as well as ball cartridges, the former to be used in all but the most dangerous circumstances (Townshend, 1983:78).

The use of buckshot was ostensibly a concession to Irish public opinion, but it certainly did not succeed in placating public hostility since its introduction was seen by most as one more attempt to introduce new techniques of social control into Ireland. Underlying the policy, however, was a debate within the administration over the most effective way of 'normalizing' the RIC in terms of its everyday function of community policing. There was a general agreement that the

exemplar of successful policing was the London Metropolitan force which had attained a legitimacy in the capital through "persistent firmness and resolution, coupled with temper and moderation".⁷⁷ The question became: was moderation the cause or the result of this success? Had the metropolitan force created, through superior technique, a situation which could be improved through subsequent moderate policy changes, or was moderation the essence of the technique? If the latter, the prospects for the RIC were not good, for even superhuman "tact and firmness" could barely begin to establish a dialogue with the "warlike Irish crowds", or make progress through the "wall of silence" built up by the rural Irish community (Townshend, 1983:79). General Lord de Ros stressed the need to break through the barrier of terrorism which paralyzed the Irish population.⁷⁸

It must never be forgotten that intimidation is the grand secret of the Irish assassin, - that he himself is a coward, & that any unusually vigorous or unexpected display on the part of the Executive has invariably produced among the peasantry ... a counter-intimidation of the most remarkable kind. They become terrified & bewildered - they exaggerate the danger that besets them, & best of all, they dare no longer run the risk of harbouring & assisting the malefactors.

This perspective, grounded in English stereotypes of the Irish character, was to be repeated often over the next century. In 1857, at the behest of de Ros, the new inspector-general Brownrigg issued a general order "which established

77) Lord de Ross to Lord Lieutenant Wodehouse, 20 March 1865 (Townshend, 1983:79).

78) Lord de Ross to Lord Lieutenant Clarendon 15 December 1847 (Townshend, 1983:79).

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the bases of modern police work" (Townshend, 1983:82). This order instructed the county inspectors not to allow their officers to confine their attention to only serious outrages but also,⁷⁹

and it cannot be too strongly inculcated, that the prevention of offences is of even more importance than their detection and punishment; and that the absence of crime, in any locality, is held to demonstrate the most clearly the efficiency of its police.

Subsequent to this order the activities of the English secret service, under the direction of the Home Office,⁸⁰ in procuring informers and in acting as agents provocateurs in Ireland were stepped up. Of key importance in destroying any basis for trust in dealing with England was the alleged willingness of the English government to resort to forgery, lies, and connivance in crime in order to frustrate and discredit Irish nationalists. "The documented history of this activity goes back at least to the time of Pitt" (O'Farrell, 1975:163), and extends through the allegations of the Littlejohn brothers, Keith and Kenneth, in 1974, that they had been employed by the British secret service to rob banks and engage in other criminal activities in order to discredit the IRA (Bloch & Fitzgerald, 1983:217), to the 'supergrass system' of paid political informers in Ulster paramilitary groups in the 1970s and 1980s (Gifford, 1984; Greer, 1987:7). Probably

79) IG General Order, 1 December 1858 (Townshend, 1983:82).

80) The English political police, the Special Branch, was not officially formed until 1883 to combat Fenian Bombings in London. Before this the work of dealing with militant Irish nationalism was handled by the Criminal Investigation Division at Scotland Yard (Bunyan, 1976:104).

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the most infamous case of these tactics was the effort of *The Times* in 1887 to connect Charles Parnell⁸¹ with the Phoenix Park⁸² murders of 1882, through the use of letters later proved to have been forged. Evidence subsequently presented suggested the involvement of prominent English politicians of the day, notably A. J. Balfour and Lord Salisbury. Of this attempt to discredit Parnell, Sir Roger Casement, treasurer of the New Irish Volunteers (and so probably a member of the Irish Republican Brotherhood) and a former career officer in the British consular service wrote in 1914 that "the evidence is there, the corruption is there, the shamelessness is there, the debauchery of the 'public service' by the higher servants of the State is there: all for political ends against Ireland" (O'Farrell, 1975:163; cf. Beckett, 1966:401). This widespread Irish belief, that the English could be neither believed nor trusted, contributed greatly to encouraging little faith in talk, and more in force.

Throughout the nineteenth century, explicitly nationalist rebellions such as those in 1848 and 1867, although growing in frequency and scale, represented only one aspect of Irish violence, however important to both sides might be the

81) The leader of the Irish Home Rule League whose strategy was to combine political agitation at Westminster with planned agitation in Ireland.

82) On 6 May 1881 Chief Secretary Cavendish and T.H. Burke, the under-secretary were murdered in Phoenix Park, Dublin. The assassins, members of a band calling themselves 'The Invincibles' had no connection with any organization in which Parnell was involved; but he was so convinced that it would affect his political influence, that his first resolve was to retire from public life (Beckett, 1966:393ff.).

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principles involved.⁸³ As parts of rural Ireland effectively rejected English rule,⁸⁴ sectarian clashes, especially in Ulster, were frequent, and usually quite uncontrolled; they were occasionally very well organized, as in 1815 when an information center was set up in Armagh to allow Catholics and Protestants to establish fairs where they could meet to fight. These clashes, rooted in the seventeenth and eighteenth century, were channelled into growing industrialized Belfast, where they became an important aspect of the competition for jobs and the rapid division of the city into ethnic-religious areas.⁸⁵ The elections of December 1833 established what was to become a familiar pattern - fierce fighting in the streets,

83) In Ireland nationalist politics, which had been dormant since O'Connell's bid for repeal in 1843, reemerged following the news of France's February revolution. The Irish Confederates, the political wing of the Young Ireland movement, proclaimed an alliance with the French republicans and the English Chartist. Like the Chartists, the Confederates used the language of physical force, and like them, they made no plans for an armed uprising and found little popular support for the idea. "At a time when great numbers of men, women, and children were dying, emigrating, or stealing in order to eat ... the peasantry had more immediate concerns than coordinating an ill-timed, poorly planned rebellion." Fundamentally, the rebellion of 1848, like that of 1916, "was romantic" a "symbolic act", and while the army stayed in the background, the police were massively deployed and easily suppressed the rising (Palmer, 1988:490).

84) Particularly from 1813 to 1823 much of the "south and west of Ireland fell under the domination of peasant 'armies' from which landlords and magistrates fled" (O'Farrell, 1975:161).

85) Belfast in the mid-eighteenth century had a population of only 6.5% Catholic; by 1834 it was 31% and by 1848, 43% Catholic. This influx of Catholics aroused Protestant fears that they would be overwhelmed and prompted the growth of a siege mentality expressed in public displays of Protestant supremacy. Catholics responded with their own demonstrations, usually associated with nationalist causes, such as that of repeal in the 1840s (cf. O'Farrell, 1975).

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inability of political leaders to restrain their followers, and loss of control by the police.**

The essence of the policing arrangements in Belfast had been close cooperation between the commander-in-chief of the army and the chief of police. But shortly after the riots of 1864, Belfast authorities called for some major changes. The obvious target was Belfast's independent police force, which was notoriously partisan; many of its members belonged to the Orange Order. The Constabulary Reform and Belfast Police Bill of 1865, which brought the police under the control of Dublin Castle, furnished a basic force of 130, to which the lord lieutenant could add an extra force of up to 320. The initial force was provided at imperial expense, the city had to bear half the cost of the extra force. A similar arrangement was made for Derry in 1885 (Townshend, 1983:87).

The effect of the change was less than remarkable. In August 1872 the city once again erupted in massive violence, and the RIC "seemed almost to augment it rather than quash it" (Townshend, 1983:87). In Belfast, as in rural Ireland, and

86) Belfast was of special interest to the authorities throughout the nineteenth century. The opposition to the Irish home rule movement was centered there in the form of the Ulster Defence Union which collected funds for raising, equipping and training an Ulster protestant army; it laid the groundwork for the organization of effective resistance to the government's home rule efforts. The 'Ulster Covenant' was signed by 200,000 men in the Belfast City Hall on 28 September 1912. The signatories bound themselves to use "all means which may be found necessary to defeat the present conspiracy to set up a home rule parliament in Ireland" (Beckett, 1966:428). When Gladstone submitted home rule bills to parliament in 1886 and 1893 intense rioting erupted in Belfast and large-scale sectarian riots broke out there in 1864, in July 1912 and in the summer of 1920.

largely as a direct consequence of the English refusal to attend to Irish grievances unless they were expressed violently, violence was becoming 'normalized'. In 1889 Lord Salisbury said as much. He thought that the English would never concede home rule to Ireland unless their political instincts suddenly changed, and that could only be achieved by violence: "nations do not change their political nature like that, except through blood. It would require a subordination of all ordinary motives, a renunciation of traditions and prepossessions, a far-reaching and disciplined resolve, which is never engendered by mere persuasions, but only comes after conflict and under the pressure of military force" (O'Farrell, 1975:164).

Much of subsequent Anglo-Irish relations, especially during the period from the rebellion through the Irish Civil War (1916-21) was to prove this assessment accurate, but the comment was not a prediction so much as the expression of a political frame of mind that was utterly impervious to reasoned argument. It invited the test of violence and doomed to failure constitutional and parliamentary efforts (such as those by O'Connell and Parnell) to secure changes. This frame of mind compelled Irish nationalist leaders to adopt methods which, if they fell short of actual violence, were necessarily forceful.⁸⁷ But, if shocking the English aroused attention, it

87) Joseph Biggar, MP for Cavan in the 1870s and the formulator of the policy of obstruction (the deliberate use of the rules of procedure for the purpose of holding up business) at Westminster - as employed by Parnell, said "the first thing you have to do with an Englishman on the Irish question is to

also aroused hostility. When violence occurred English politicians argued that to make any concession would be to bow to force, which would be morally intolerable and tactically wrong. To the Irish, failure to gain any or sufficient concessions meant that the violence used had been insufficient: the solution was to use more. Such was the case throughout rural Ireland and in Belfast for much of the nineteenth century, and so it was after the 1916 rebellion.

There were other reasons why violence became entrenched in Belfast and the rural parts of Ireland. In Belfast and in Derry, in the nineteenth century and today as well, it is concentrated in working-class (especially Catholic working-class) areas; it does not intrude on the homes or the lives of the middle class. Much as the English population found violence in remote Ireland tolerable because they were not confronted with it directly, so the Protestant establishment in Ulster could easily endure what they seldom encountered, especially if it could be seen as protecting their interests. There were other factors, concerned with the kind of city Belfast is, that favored violence. The most obvious of these is poverty and insecurity. In housing, public amenities, education, social welfare, the provision of recreational facilities, hygiene, and the provision of non-partisan law enforcement Belfast was, and is, a case of gross neglect. Its industries were subject to economic fluctuations which led to unemployment, fierce competition for what few jobs there were, shock him. Then you can reason with him right enough...." (cf. Beckett, 1966:384).

low wages, and insecurity, along with sectarian discrimination. Here, as O'Farrell (1975:166) writes, "was a situation in which the pressures of urban industrialism were at their worst, breeding frustration and violence which fed on themselves and which attracted from the rest of Ireland both criminals and agitators." In all this Belfast was no exception among early industrial cities, except in degree.

However, there are other considerations peculiar to the religious character and history of the city. Belfast's culture has a divisive sectarian form. Churches and church organizations monopolize social life and leisure time - with the exception of drinking, although even that occurs in mainly segregated pubs. Throughout the nineteenth and twentieth centuries drunkenness and outbreaks of violence were (and are) closely associated. O'Farrell (1975:167) argues that such violence provided an element of excitement, and drama, and a dimension of romance, in an environment otherwise harsh, drab and stifling. No doubt that the hooligan factor and the desire for simple, if dangerous, adventure are part of Belfast violence and, as J. Good wrote in 1919 (O'Farrell, 1975:167), there were probably times when "the majority hugely enjoyed their skirmishes", but hate and dread have become dominant considerations in the twentieth century as the violent tendencies in Belfast were organized and armed in disciplined sectarian and political private armies (cf. Murphy, 1978).

But violence was not limited to Belfast. In the 1850s Irish agrarian relations were at a stage resembling guerilla

warfare. Landlords and their agents carried arms for constant protection: peasants killed them when they could. In 1882 a force of over a hundred armed men was considered necessary to take cattle from one tenant in arrears; there were almost 4,000 agrarian outrages in that year alone. In Belfast the violence was between Irish men and women, but in the rest of Ireland it was directed against English rule and its agents, particularly the landlords. It could well be argued that throughout the nineteenth century Ireland was in a state of incipient mass rebellion. Yet it did not occur.

In 1843, Frederick Engels (Marx & Engels, 1972:33-35), considering the Irish element in the Atlantic archipelago, declared: "Give me two hundred thousand Irishmen and I could overthrow the entire British monarchy." Here were "men who have nothing to lose, two-thirds of them not having a shirt to their backs, they are real proletarians and sansculottes, and moreover Irishmen - wild, headstrong, fanatical Gaels" with great potential as revolutionaries. But as Engels saw, Daniel O'Connell would not use "his power and his millions of militant and desperate Irishmen ... to attain even the wretched Repeal of the Union." This was because he did not really mean to achieve it, since he used the impoverished, oppressed Irish people "to embarrass the Tory ministers and to help his middle-class friends to get back into office."

Sir Robert Peel knows this very well and that is why 25,000 soldiers are quite sufficient to keep Ireland in check. If O'Connell were really a man of the people, if he had sufficient courage and were not himself frightened of the people, i.e., if he were not a two-faced Whig but an upright, consistent

democrat, the last English soldier would have left Ireland long since.... But there's the rub. If the people were set free even for a moment, Daniel O'Connell and his moneyed aristocrats would soon find themselves in the wilderness.... (F)or forms sake he speaks occasionally of democracy - just as Louis Philippe used to speak of republican institutions - consequently, the only thing he will achieve is the political education of the Irish people, and this is ultimately for no one more dangerous than for himself.

Engels' general conclusion, that O'Connell was using the Irish people for his own political advancement, is valid and could be applied to many subsequent popular leaders.⁸⁸ They did not want violence. They, like the English Chartists, were prepared to use the threat of popular violence to secure constitutional reforms and their power; and the extent of their progress toward reform enabled them to contain the forces which made the progress possible. In English eyes, the leaders of the Irish constitutional tradition, Grattan, O'Connell, Parnell, and the rest, seemed to be a menacing threat, and representative of Ireland at its worst. In fact, however, they served to repress that worse threat - revolution - and to protect England from the consequences of the situation in which the Irish peasant and worker were imprisoned.

88) Engels was not as critical of Parnell, whom he, perhaps begrudgingly, admired for his contacts with the working class and his stand that the Irish in England should stop being "a herd voting for the Liberals", a position that "transformed Gladstone and the Liberal chiefs into Home Rulers in a matter of six weeks." In 1885 Engels wrote that "Parnell must now show what he really is". But as Engels noted in 1881 "Everything (in Ireland) seems to go so slowly....", and just at the time when the prospects for home rule never seemed brighter (1890), Parnell's career was shattered and his party ruined by the public disclosure of his long time liaison with a married woman (Marx & Engels, 1972:331,351-353).

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Ireland, in its turn, faced the consequences of not having a revolution. As Barrington Moore, Jr. (1966:505) contends "the assumption that gradual and piecemeal reform has demonstrated its superiority over violent revolution as a way to advance human freedom is so pervasive that even to question such an assumption seems strange." But the comparative history of modernization tells us that "the costs of moderation have been at least as atrocious as those of revolution, perhaps a great deal more." Arguably the costs of O'Connell's moderation, or of Parnell's harnessing the force that mobilized the Land War, was to extend, agonizingly, the relationship between the two islands which was damaging (albeit unequally so) to both.

Violence and disorder were regarded by both the English and the Irish who accepted the English constitutional tradition as thoroughly evil. Both viewed violence as indicative of Irish deficiency, at least to the degree that its prevalence was an argument against Irish self-rule. The use of such criteria, however, ignored England's past, where revolutionary change and civil war in the seventeenth century was a prelude to more peaceful change thereafter. It ignored also the violence of England's rule over Ireland. English coercion was viewed as necessary in light of Irish behavior. It was inconceivable that law and order should be seen as repression, or that English ideas about property and government, when given a parliamentary form, should be seen as offensive, institutionalized violence. And the more the

English and Irish moderates dismissed the Irish violence as futile, criminal and mad, the more the Irish were determined to prove them wrong; the louder the English denunciations, the more successful the Irish took their violence to be.

The Irish faced a real problem when they attempted an alternative to violence. They could try to persuade the English parliament through the force of reason. But, as already noted, Prime Minister Salisbury had made it clear that the English were not to be swayed by argument, and in the 1840s the Whig M.P. Thomas Macaulay wrote that he, at least, would not be swayed by Irish hatred: "I imagine that my national pride prevents it. England is so great that an Englishman cares little what others think of her, or how they talk of her" (O'Farrell, 1975:170). But the Irish did not need such statements to teach them the lessons of the history of Anglo-Irish relations.⁸⁹ If further evidence was required to discredit English ideas of law and order and to prove the effectiveness of violence, it was provided in confrontations between Ulster Unionists and the English government from 1910 on when the Ulster Unionists began to openly raise and train a military force to resist home rule and so preserved the union, at least for themselves (Beckett, 1966: 419ff.); it was provided in the institutional violence of the Stormont regime

89) Patrick Pearse, a leader of the Gaelic League and of the 1916 rebellion, : Personally, I think the Orangeman with the rifle a much less ridiculous figure than the nationalist without one" (Beckett, 1966:430); "... bloodshed is a cleansing and a sanctifying thing, and the nation which regards it as the final horror has lost its manhood. There are many things more horrible than bloodshed, and slavery is one of them" (O'Farrell, 1975:160).

in Northern Ireland from 1922-1972; it was provided again in 1969 with the Protestant 'backlash' against the Civil Rights Movement beginning at Burntollet in January of that year (Egan & McCormack, 1969), in the Ulster Workers Council strike in May 1973 that succeeded largely through the support of Protestant paramilitary groups (Fisk, 1975), and yet again in the violent Protestant response to the Anglo-Irish Agreement in 1985 (Unionist Joint Working Party, 1986).

These successes, however, are negative - preservations of the status quo backed by a substantial section of British public opinion and, as such, are not models for Irish republican nationalism. Irish republicanism wanted something new⁹⁰, whose scope (and support) was unclear and divided, and in opposition to the inclinations of most of England.⁹¹ Its achievement, to the degree that the Irish Free State of 1921 represented the goal of Irish nationalism, was the result of violence. That violence was not just the violence of Ireland in the aftermath of 1916; that would never have been enough to effect the requisite political changes. Rather, it was that "Irish violence took place in the context of the far more massive and psychologically disturbing violence of the First

90) After the Act of Union Irish nationalism became predominantly inward-looking; if any foreign example was popular it was the isolationism of the United States. Isolationism was reflected in both the 'home rule' and 'separatist' traditions in Irish nationalism. After 1918 isolationism was to become the basis of Irish neutrality, which was as much a "political value" as a determinant of foreign policy (cf. Keatinge, 1984).

91) This was because Irish nationalism and, from 1913 on, Irish neutrality were based on anti-English sentiment.

World War. It was this which ultimately changed all things utterly" (O'Farrell, 1975:171).

What changed was the nature of the world nation-state system and Britain's position within that system. It is ususally considered that the doctrine of the balance of power was transferred more or less intact from the European state system to the global state system consolidated after the First World War, but there were significant innovations in the newly reformed world system. "The most obvious material differences ... turn on the new role assumed by the USA in world politics, together with the existence of the fledging Soviet Union as the 'negative presence' at Versailles". Another difference was the formation of the League of Nations, which many define as an irrelevancy in world affairs, but which represented "an expression of an acknowledged need for the reflexive moniotoring of a world system of states." Like the United Nations, it was notably ineffectual as a means maintaining global security. But this ultimately rested on a deep commitment to individual state sovereignty, thus promoting rather than diminishing the primacy of the nation-state as the universal political form of the modern era (Giddens, 1985:258).

Woodrow Wilson's Fourteen Points (1918) underscored and legitimated the notion of sovereignty as a universally applicable concept expressed by the League of Nations in several ways. They recognized the importance of nationalism and "associated regions of 'cultural identity' as the basis for the formation of nation-states Thus the Balkans were

to be reordered according to established lines of 'national allegiance' and the opportunity for autonomous development was to be accorded the peoples of Austria-Hungary. These provisions, along with those applied to the Ottoman Empire, signal the final dismembering of the older type of imperial system in the West. Wilson's emphasis on the 'impartial adjustment' of colonial claims, in such a way that the interests of the population concerned were to be made consistent with self-government, opened the way to statehood to those areas under European rule.⁹² An explicit part of such stipulations was that the idea of the balance of power was to be replaced by the independent unity of each state, agreed upon by the global community of states. The long term effects of these ideas were crucial in developing national sovereignty as the "natural political condition" of humankind, via a new interpretation of the sovereignty -citizenship - nationalism relation. What Wilson attempted to do, and in large part succeeded, was to offer a critique of the balance of power doctrine as the main guarantor of sovereignty, stressing the need to extend the notion of citizenship to apply to membership of the global system of nation-states (Giddens, 1985:258-60).

92) In his Fourteen Points Wilson, who was hostile toward the idea of Irish independence (Cronin, 1987:12), called for open diplomacy, freedom of the seas, disarmament, removal of economic barriers, international supervision of colonies, peaceful change based on self-determination, and the creation of an association of nations that would guarantee the political independence and territorial integrity of great and small nations alike.

Britain's role in this new styled state system was, in 1918, uncertain. The board on which the game of international diplomacy was played was now much larger, and both the rules and the players had changed. The globalization of the international power game transformed the situation of the country which had, until then, been the only great power with genuine world-wide ambitions. "It is hardly an exaggeration to say that for most of the nineteenth century the function of Europe in British diplomatic calculations was to keep quiet so that Britain could get on with its, mainly economic, activities in the rest of the globe" (Hobsbawm, 1987:315). This was the essential characteristic of the European balance of power with the global Pax Britannica guaranteed by the only navy of global size, which controlled all the sea-lanes and the oceans of the world. In 1918, however, Britain was just beginning to recover from a war in which it had almost been defeated by German submarines. Ironically it was the recognition of the importance of Britain's strategic interests in Ireland, particularly with regard to naval defence, by Irish revolutionaries such as Eamon de Valera in those years that was to lead to the partition of Ireland.

But what is interesting about English attitudes toward Irish violence, and violence against the Irish, in the Anglo-Irish War of 1920-21 is how little, not how much, they had changed, and how they set the tone for Catholic-Protestant relations in Ulster after partition.⁹³ The treaty

93) As late as May 1921, Lloyd George argued in cabinet for a continuation of the war in Ireland, "perhaps for another three

negotiations at the end of 1921 blended careful policing with the threat of violence - "immediate and terrible war" should Ireland refuse to accept England's terms.⁹⁴ But the threat of continued violence did not end there. The government remained prepared, into 1922, to declare war on Ireland if the Irish government proclaimed a republic and rejected the symbolic elements of the crown rule that remained. "If Ireland fell into a state of anarchy", Churchill said in cabinet in May, "we should have to reestablish a pale again around Dublin prior to reconquest" (O'Farrell, 1975:174).

SUMMARY/CONCLUSIONS

The Irish peasantry had, by the early eighteenth century, developed a type of discourse that was not tied to the 'public' sphere of the Dublin parliament nor to the concept of constitutional nationalism. Formed in private places, the home, the hedge school and the field, it was a critical discourse, based on a common experience, an experience that was muted in the terms of the dominant social groups. As part and parcel of the peasantry's separate sense of history, of place and of law, this peasant discourse was profoundly political and was manifested most clearly in social movements,

years if necessary." He thought that it was better to crush the Irish republicans than engage in some immediate sentimental compromise which would lead to future trouble. He envisaged an Irish exploitation of any measure of independence to an extent so intolerable as eventually to compel Britain to reconquer Ireland (O'Farrell, 1975:172; cf. Kirchheimer, 1965). 94) On 5 December 1921 Lloyd George threatened the Irish delegation with war "within three days" if they did not sign the articles of agreement leading to the partition of Ireland (Rumpf & Hepburn, 1977:26; Dangerfield, 1976:338).

such as the Whiteboys, that regulated the relations between peasants and the representatives of English sovereignty in Ireland, the constabulary, the landlords, and the tithe proctors. It was the Whiteboys that established the foundations of nineteenth and twentieth century nationalist movements in Ireland.

By the 1780s tensions between the Catholic and Protestant peasants in the border areas of Ulster had increased to such an extent that conflict between them was common and increasingly sectarian. Protestant bands were formed and, with the support of the landed classes and government agents, became part of the Orange tradition, establishing a trend that would continue into the twentieth century. Government coercion was also increasing, at least in part due to the threat of French republican involvement in Ireland, and a number of political police agencies, all obviously partisan, were established, including the peace preservation force and the yeomanry.

By the 1790s the increased government coercion, the influence of the Orange Order, and the timidity of the Irish middle classes had seriously undermined the chance for a republican revolution in Ireland; nevertheless an attempt was made in 1798, it was brutally crushed and in response England annexed Ireland with the Act of Union of 1800.

The major effect of the union was to transfer complete sovereignty to London. The government took advantage of this to further consolidate the social control mechanisms that were

already in place in Ireland. The history of Irish opposition and rebellion, the ongoing rural outrages, and inadequate Protestant local authorities provided ample reasons for introducing an armed centralized police. English assumptions of cultural superiority, the belief that the Irish were often feckless and occasionally savage, and the union of Protestant political dominance within the British Isles ensured that the means of official violence would be kept out of the hands of the papist peasantry. Administrative consolidation from the 1780s on undermined Irish protestant local rights of government and reflected England's need for the control of public policy in its western neighbor. The settler minority, harassed by the native majority on the one hand, and the intrusive Dublin Castle on the other, fought the loss of their historic rights until the rulers among them came to realize that crown interference in the form of police centralization represented their best protection against both radical, traditional threats such as Whiteboyism, and the more moderate, traditional threats of constitutional nationalism. Until the aftermath of the 1916 rebellion there was at least some acquiescence on both sides; the Catholics, knowing that England would not grant them control of the police, were glad to have control taken from the Protestant ascendancy. The Protestants, until 1920, when they took over in Ulster, were given the sop of being the officers in the new police.

In the twentieth century, as before, major changes in social control policy occurred in Ireland before they did in

England. The watershed, until the early 1970s, was 1919-21, years of civil war, when the RIC lost its remaining credibility in its brutal battles with the Irish Republican Army. This period gave birth to the 'statelet' of Northern Ireland and to that RIC carryover, the Royal Ulster Constabulary, which, true to its origins, carried on the British colonial policy. For half a century, Ulster was policed by the Stormont-controlled paramilitary force. After the start of the current unrest in Ulster, a number of English induced 'reforms' attempted to change the long established pattern, including, for a short time, the disarming of the RUC. The immediate result was that the army and the locally recruited Ulster Defense Regiment (UDR) took over the burden of patrol through the middle 1970s. But within a year the RUC had its arms back, grew to a strength of 7,000, and was backed by 8,000 UDR forces and 12,000 English soldiers (Palmer, 1988:540).

The contemporary trend has increased consolidation, now under army control the forces in Ulster have accepted the long ago hinted at policy of maintaining an 'acceptable level of violence'. The processes of self-reflexive integration on the part of the British state demand such a policy as Britain faces further decline and increased tension on the homefront, Ireland once again has become a theater of innovation in the area of social control. This control is maintained through 'policy', surveillance, and the ever present undercurrent of violence.

VI POWER AND SOVEREIGNTY IN NORTHERN IRELAND

The struggle to govern Ireland may fairly be regarded as Britain's longest counterinsurgency campaign.

Charles Townshend, 1986

The intensification of surveillance ... is the condition of the emergence of tendencies and pressures towards democratic participation. In each of its aspects surveillance promotes the possibility of the consolidation of power in the hands of dominant classes or elites. At the very same time, however, this process is accompanied by counter-influences brought to bear in the dialectic of control.

Anthony Giddens, 1985

Introduction

To move from a discussion of the nineteenth and early twentieth century to the 1980s is to move from a world dominated by confident liberal European powers (they were perhaps never more confident than at the moment when their domination was about to collapse in defeat and revolution) to one of scepticism and uncertainty. Yet the world of the late twentieth century is still very much shaped by the events of Europe's 'bourgeois century'. Aspects of this legacy include the arms race, which began in a modest way in the late 1880s and accelerated in the present century,¹ the world financial

1) For example, British military expenses remained stable in the 1870s and 1880s, both as a percentage of the total budget and per head of the population, but they rose from £32 million in 1887 to £44.1 million in 1898/9 and over £77 million in 1913/14. The technology of killing already in progress in the process of industrialization in the middle of the nineteenth century, advanced so dramatically in the 1880s, "not only by virtual revolution in the speed and fire-power of small arms and artillery, but also by the transformation of warships by means of far more efficient turbine-engines, more effective protective armour and the capacity to carry more guns." It was the navy (the high-technology sector of warfare corresponding to the missile sector today) that grew most

arrangements that provided the international framework for the global boom of the third quarter of this century,² the division of the world into socialist and capitalist countries, and the globalization of the European nation-state - a political pattern that has extended polyarchy's 'structural backdrop'³ and transformed the ideology of 'nation' and 'nationalism' into one of national liberation throughout much of the world.

The nation-state, like any social system of any duration, involves an institutional mediation of power, i.e., domination is expressed in and through the institutions that represent the most deeply embedded continuities of social life. In the case of the nation-state much of this continuity is provided by administration, the institutional link between nations and states. This accounts for the unique type of integration associated with the nation-state and for the rise of citizenship rights which are linked directly to a specific institutional focus within the state. But the nation-state is an organization as well - domination is also expressed as a form of rule: a relatively stable set of relations of autonomy and

spectacularly: from £11 million in 1885 (about the same as in 1860) to £44 million in 1913. German naval expenditure grew even more: from 90 million marks in the mid-1890s to 400 million in 1913 (Hobsbawm, 1987:304-7; 1975:ch.4 & 11).

2) Hobsbawm (1987:336) notes that these arrangements were negotiated in the 1940s by men who had been adult in 1914, and "who were utterly dominated by the past twenty-five years' experience of the Age of Empires' disintegration."

3) The build-up of administrative power dependent upon the mobilization of social activities that, through the extension of surveillance, increases the reciprocal relations between those who govern and their subjects.

dependence which is sustained by the routine practices that superordinates employ to influence the activities of others.

With the development of the nation-state, state policy makers come to rely on law and legal discourse to consolidate their rule as well as to control conduct. Law becomes both an integrative force and a reflexive loop that the state tries to build upon. Law also represents an attempt to fix the legitimacy of social power, to efface the domination that is intrinsic to power in order to present power as, on the one hand, the legitimate right of sovereignty and, on the other, as the legal obligation to obey it. Law serves to rationalize and justify in various ways the existing social order as necessary, natural and just; at the same time it defines the social cast of characters in historically significant, but variable, ways.⁴

Some, like Habermas, argue that the modern state represents monopolistic discourse. But much state discourse holds that the legitimacy of state practice can be justified against criticism. State discourse does tacitly accept and propagate what Habermas calls the 'ideal speech situation', in which validity claims over justice can be 'discursively redeemed'. But Habermas' (1975:107) definition of discourse:

that form of communication that is removed from contexts of experience and action ... (and in which) no force except that of the better argument is

4) In the nation-state the observation of a socio-political context requires noting the legal statuses of the actors involved. Legal statuses may be in part a function of arguably prelegal facts, but inevitably will be partly legalized too (cf. Kelman, 1987:254; Gordon, 1984:104-7).

exercised and ... all motives except that of the cooperative search for truth are excluded...,

is ideal-typical. Modern states commonly exploit such conceptions of discourse insofar as they present policies as 'claims to truth' (Gadamer, 1976) and pursue repressive practices in order to press such claims. Problems engendered by such contradictory practices are resolved by further official discourse which serves to continuously redefine "the knowing subjects and known objects of the state and its apparatuses" (Burton & Carlen, 1979:89).⁵

The centralization of resources in the administrative agencies of the state, the institutional mediation of power that is characteristic of the nation-state - involving an expansion of surveillance and reflexivity on the part of these agencies (including the monitoring of the settings of interaction along with the behavior of agents),⁶ and the integration of state activities with those of the common person⁷ has everywhere stimulated a general awareness of the

5) This includes the writings of the counter-insurgency theorists - Richard Clutterbuck, Paul Wilkinson, Frank Kitson and Robin Eveleigh.

6) As part of each setting we must include the wider spatial and temporal background. The setting in its broadest sense is that which creates the perspective form which individuals and collectivities view an act and so contributes to the meaning of the act. It includes, along with space, land, etc., the social characteristics that are fundamental to symbol formation: those cues that social agents use in order to attach meaning to an object or a situation and are anchored in the behavior of others (cf. Edelman, 1964:103).

7) For example, throughout much of the nineteenth century "the major function of armies was civilian." Conscription was the rule in all serious European powers, though in fact by no means all young men were conscripted; "with the rise of socialist mass movements generals and politicians were - mistakenly as it turned out - nervous about putting arms into the hands of potentially revolutionary proletarians... For

collective nature of social power and so, through the dialectic of control, the development of social movements.

'Integration', which refers to the degree of systemness, or interdependence of action, that is involved in any type of social system, is defined as regularized ties, interchanges or "reciprocity of practices between either individuals or collectivities"; it involves regularized relations of relative autonomy and dependence between social agents. 'Social' integration refers to systemness expressed in face-to-face interaction, occurring for the most part through the reflexive monitoring of action as part of the rationalization of conduct. System integration is concerned with systemness expressed at the level of social systems or collectivities (Giddens,1979:76-81); it has to be examined in conjunction with the generation of social power - conceived of in its broadest sense as the ability to pursue goals through the mastery of one's environment (Mann,1986:6). Social power is generated in and through the reproduction of systems of domination and by the concentration of resources in 'power containers' - locales or circumscribed arenas for the

governments and ruling classes, armies were not only forces against internal and external enemies, but also a means of securing the loyalty, and perhaps even the active enthusiasm of citizens with troubling sympathies for mass movements which undermined the social and political order. Together with the primary school, military service was perhaps the most powerful mechanism at the disposal of the state for inculcating proper civic behavior and, not least, for turning the inhabitant of the village into the (patriotic) citizen of a nation... For the non-military inhabitants of Europe between 1871 and 1914 the most familiar aspect of armies was probably the ubiquitous military band, without which public parks and public occasions were difficult to imagine" (Hobsbawm,1987:305).

generation of administrative power, of which, in the modern world, the nation-state (a territorily bounded administrative unit) is pre-eminent (Giddens,1985:13).

The administrative power of the nation-state is generated through an information base that is the means of its reflexive self-regulation. Consequently, surveillance⁸, as the institutional mediation of power, is key to the unprecedented interpenetration of the state and civil society in the modern era, both in the workplace - as a key dimension in the internal pacification of nation-states - and in the expansion of the surveillance activities of the state.⁹ A state, by definition, is capable of mustering the means of military violence necessary to maintain or expand its rule. In the nation-state, violence, instead of being exemplary - as it often was in previous state forms, is disciplinary; controlled by state authorities it has become an underlying sanction - "a hidden but available threat", while control is maintained primarily through the disciplinary power of surveillance (Giddens,1984b:169; cf. Foucault,1977). The supersession of the "ritual, costly, violent forms of power" which were characteristic of prior state forms was especially important to the internal pacification of the nation-state; but the

8) 'Surveillance' refers to: the collection and the organization of information that can be stored and used to monitor the activities of an administered population; and the direct supervision or control of the activities of subordinates by superiors in a particular organization or range of social settings (Giddens,1984b:167-68).

9) A state is a "political organization whose rule is territorially ordered and which is able to mobilize the means of violence to sustain that rule" (Giddens,1985:19-20).

maintenance and the consolidation of these forms of power became an inherent trait of the world nation-state system as the characteristics of the European nation-state were diffused across the globe.

The centralization of the European nation-state is connected to the development of three strands of citizenship rights and their corresponding organizational foci: civil rights, the primary organizational focus of their administration being the legal system; political rights, having as their focal points the legislative institutions of government; and economic rights, which lack a comparable organizational focus. Each of these categories is linked to a particular type of surveillance where that surveillance is both necessary to the power of superordinate groups and an axis for the dialectic of control by the less powerful over the more powerful in established modes of social interaction. The types of surveillance that correspond with the relevant citizenship rights are: economic rights - surveillance as the management of production; civil rights - surveillance as policing; political rights - surveillance as the reflexive monitoring of state administrative power. Surveillance often leads to the sequestering of deviant populations and tends to elicit counter strategies on the part of these populations, leading to further alteration of the socio-spatial structure of these communities (Giddens, 1985:198-209).

I have tried to show that the essential rules which comprise the structure of the British state in Ireland are

public policies - legislation designed to consolidate the central administration as a system of unitary sovereignty and to cope with the world nation-state system. The analysis developed below reflects this - the emergency legislation attempts to legitimate the concentration of power in the agencies of the British state, the Anglo-Irish Agreement (1985) also represents an attempt on the part of the British state to contend with changes in the global nation-state system.

The history of state expansion in Ireland since the fourteenth century is one of a continuous series of policies (the Statutes of Kilkenny, the Act for the Kingly Title, the penal laws, etc.) - attempts on the part of the English crown to exercise sovereign power. Since Henry VIII's 'new departure', the English state has also sought to constitute itself within the reflexively monitored state system.¹⁰ The consequences of these have included a dual system of government which failed to accord the Gaelic-Irish full rights as citizens and constitutional principles (based on law and legal argument) upon which to construct an ideology of Irish

10) Which has changed dramatically since 1918; not the least in the proliferation of nation-states throughout the world - each claiming sovereignty over territory and within the global state system. But this multiplicity of independent sovereign states changes the sense of the term 'independence' into a synonym for dependence in two ways: small sovereign states are dependent on an international economy that they cannot hope to influence individually; they are dependent on the great powers and transnational corporations almost in inverse proportion to their size. For example, twelve of the poorest African states in the early 1980s had populations of less than 600,000, two of them of less than 100,000 (Hobsbawm, 1977; 1987:337).

nationalism. What was at issue was not citizenship (or property), supported by rights and obligations (or by law), versus no-citizenship (or no property); it was different definitions of citizenship and citizenship rights (and of property and property rights). Where English law and order prevailed the loyalty of the Irish was to their traditional laws, to what was in effect their own government, originally in the form of the agrarian secret society. The communities which were part of this tradition developed alternative legal codes with formal procedures, rules of equity, known scales of penalty and ceremonies. Law was extensively imbricated within the very 'social' base upon which it is usually considered to be resting.¹¹ Indeed quite early on in Ireland policy assumed an unusual pre-eminence as the central legitimizing (and oppositional) ideology, displacing the religious authority and sanctions of previous centuries. It gave way to, in its turn, economic sanctions and to the ideology of the free market and of political liberalism in the nineteenth century, only to reappear in the form of emergency legislation (Thompson, 1982).

11) Thompson (1975:260) writes that the history of the Black Act in eighteenth century England (which regulated access to the forests) "calls in question the validity of separating off the law as a whole and placing it in some typological superstructure. The law when considered as institution (the courts, with their class theatre and their class procedures) or as personnel (judges, lawyers, justices of the peace) may very easily be assimilated to those of the ruling class. But all that is entailed in 'the law' is not subsumed in these institutions. The law may be seen as ideology, or as particular rules and sanctions which stand in a definite and active relationship (often a field of conflict) to social norms; and finally, it may be seen in terms of its own logic, rules and procedures - that is, simply as law."

An implication of these arguments (of social actors, discursive consciousness, 'lived experience', etc.) is that the notion of agency is conceptually linked to the long term development of social institutions. Social institutions are structured social practices, i.e. structured into the *durée* of everyday life, the *durée* of the individual's life-span, Braudel's *longue durée* of time, that are followed or acknowledged by members of a social order; as such they imply historicity and control (cf. Berger and Luckmann, 1966: 54ff.). This helps us understand why, in Ulster, the Irish past is part and parcel of the contemporary political conflict. A sectarian consciousness, deeply rooted in the history of economic and social policies in Ireland, serves as the basis of a system of ideological social relations between Catholics and Protestants within the context of a social system that has for over six hundred years officially favored one over the other.¹² The discursive relations¹³ of Northern Ireland are set, and perceptions and conclusions about problems and appropriate courses of action follow.¹⁴ Their premises, which

12) The term 'ideology' refers to those representations of material reality that dominate a group's consciousness. The term 'ideological social relations' refers to the processes through which these representations are derived from and embodied in specific practices of the state and other social institutions (Burton, 1979:61).

13) The term 'discursive relations' refers to the regular set of rules that make and remake an object (e.g. the partition of Ireland) within a discourse" (Burton, 1979:61).

14) In Murphy's (1979:188) words: "The average Northern Ireland citizen is born either Orange or Green. His whole personality is conditioned by myth and he is bred to live the sort of life that will reinforce and protect the myth for transmission to future generations. Moreover, those myths are used daily to justify distrust and resentment of 'the other side'.

reflect a specific point of view, are the social constructions of officials, partisans, the communities (Cavanagh,1981).

Since they evoke beliefs about a particular social world, they can be understood as symbols¹⁵ rather than simply as fact.

What is to be taken as fact becomes an anchor point of the self¹⁶, of an interlaced structure of beliefs and perceptions instead of simply an observation (Edelman,1964; Gouldner,1970: 483-87). Such socially constructed conduct can be partially accounted for by looking at the constitutive role of law in the nation-state, in terms of social consciousness as well as those of social/political relationships¹⁷, and by an

15) A symbol's meaning is not inherent in the symbol but instead in the observers and their social situations, from which it follows that whether a political action to help a movement or an organization is successful depends on the ramifications of the action on that which an observer focuses. Nor is there a strictly objective political reality from which symbols can divert attention; interpretations and meanings shape behavior and vice versa (cf. Edelman,1964:200).

16) The self is, of course, a socially created and a socially shared entity, as is the meaning which permeates all social action. Of relevance here is Schutz's (1970:9) reinterpretation of 'verstehen': "Verstehen is, thus, primarily not a method used by the social scientist, but the particular experiential form in which commonsense thinking takes cognisance of the social cultural world. It has nothing to do with introspection; it is a result of processes of learning or acculturation in the same way as the commonsense experience of the so-called natural world. Verstehen is, moreover, by no means a private affair of the observer which cannot be controlled by the experiences of other observers."

17) First, statutes are not merely a product of consciousness, but help to reproduce consciousness by confirming it. The legal forms used set limits on what can be imagined as practical options. Desires and plans tend to be shaped out of the limited stock of forms available to social actors. The forms thus condition not just power to achieve what one wants but what one wants, or thinks one can get. Secondly, a sociologist can start to speak of the emergence of legal institutions of discrimination at the point when the ordinary practices and discourses of the society in question assume or appeal to the collectively shared and maintained notions of right and obligation that support the institutions,

exploration of the context that challenges the model of instrumental rationality underlying security legislation in Northern Ireland and the enterprise of legal scholarship that rationalizes and justifies this legislation.¹⁸

Empire as Context

"Hogan is a prophet A prophet, Hinnissy, is a man that foresees trouble.... Hogan is th'happiest man in th'wurruld about today, but tomorrah something is goin' to happen."

Finlay P. Dunne, 1910¹⁹

Eric Hobsbawm has described the late nineteenth century as the "Indian summer" of European capitalism: a period of social and political stability, "of regimes not only surviving but flourishing." But, he goes on to note, there were considerable areas of the world where this clearly was not the case. In these areas the years from 1880 to 1914 were an era of constantly possible, of impending or even actual

when power is institutionalized as right (cf. Berger & Luckmann, 1966:121ff.; Foucault, 1980; Gordon, 1984:108-111).
 18) Gordon (1981:1019-20) offers a summary of the mainstream arguments linking policy and a social order: legal activity takes place in a society that exists in space and time. This society supplies materials to the legal/rationalizing enterprise in several forms. The first is legal texts: the work-product of legal agencies and of lawyers doing or anticipating business before them, including cases, statutes, regulations, briefs, pleadings indentures, deeds, settlement offers, negotiation arguments, advice to clients, and so forth. The second is the 'social context', data from the social field in which the legal text is embedded. This could be the 'facts' of a dispute, the social problem inspiring statutory action, or 'the difficulties of enforcement' of a statute. The third set of materials is the normative context: the apparatus of normative conceptions to which the legal scholar tries to relate the legal texts. The latter two categories are not meant to represent categories defined to be mutually exclusive.

19) Quoted in Hobsbawm, 1987:13.

revolution. For the vast area of the globe which constituted what Lenin in 1908 called "combustible material in world politics",²⁰ the idea that somehow or other, but for the outbreak of World War I, stability, prosperity and liberal progress would have continued, "has not even the most superficial plausibility" (Hobsbawm, 1987:276-77). Quite the opposite. After 1917 it became clear that the stable and prosperous countries of the western bourgeoisie society themselves would be, in some way, drawn into the global revolutionary upheavals that began on the periphery of the interdependent world system that this society had created.²¹

Of the major colonial powers only Britain apparently had premonitions of impermanence. There was no immediate threat to British rule anywhere, but important colonial liberation movements were developing in several of Britain's dependencies. In Egypt the separatist movement later known as the Wafd was already taking shape. Britain remained firmly in control there until 1952, but the unpopularity of direct colonial rule was such that it was to be abandoned after the war (1922) for a less straightforward form of management, which implied an Egyptianization of the administration.

In India the situation was far more serious. In this vast subcontinent of almost 300 million people, an autonomist movement had already emerged. Its chief organization, the

20) *Selected Works*, iv. London, 1937:297. Quoted in Hobsbawm, 1987:277.

21) For a history of the struggles of the periphery for independence in the twentieth century, beginning with the pre-1914 movements see Stavrianos, 1981.

Indian National Congress (founded 1885), which was to become the party of national liberation, initially reflected discontent among the Indian middle-classes and the attempt on the part of some British administrators to disarm agitation by granting recognition to 'respectable' protest. By the early twentieth century, however, the Congress had begun to escape from British tutelage, and the Bengali nationalist movement, which stood to the left of the Congress, produced the first serious terrorist movement in India - one influenced by events in Ireland.²² The resistance of the French in the Franco-German war (1870-1), and the Boers' guerrilla tactics in the drawn out South African war, showed that untrained partisans could fight by methods which vastly increased their chances of survival and success against even the most sophisticated regular army.²³ This latter point was not lost on the Indian emigration to South Africa which had begun to organize against the racism of that region (Hobsbawn, 1987).

In Ireland problems of British parliamentary politics created a space for the Irish question again after 1910, but the base for the support of Irish insurrectionaries was so narrow and unsteady that their strategy for widening it was to invite martyrdom through a foredoomed rebellion, whose

22) Jawaharlal Nehru (aged 18) writing to his father, 12 September 1907: "Have you heard of Sinn Fein in Ireland? ... It is a most interesting movement and resembles very closely the so-called Extremist movement in India. Their policy is not to beg for favours but to wrest them." Quoted in Hobsbawn, 1987: 276.

23) The Boers' guerilla efforts prolonged the war for three years (1899-1902) and compelled the British to mobilize 300,000 troops against the 60,000 - 70,000 Boers (Stavrianos, 1981: 422).

suppression would win the people to their cause. This is what happened after the Easter Rising of 1916, "a small putsch by a handful of totally isolated armed militants" (Hobsbawm, 1987: 287). The 1916 rebellion launched the modern Irish nationalist-separatist tradition, and it remains its most powerful symbol. But, as it had before - though now in very uncertain international circumstances and with Britain facing imperial decline, Irish unrest again gave Britain political waters in which to test emergency legislation and techniques of surveillance. For the first time in the twentieth century "the British army became the British state" in Ireland, martial law was declared, given parliamentary sanction and extended across the whole of Ireland - most of which had remained completely peaceful (Townshend, 1986: 53).²⁴

At the time the drift of British thinking about martial law, or any emergency legislation, was concerned with the problem of legality and political acceptability, especially in the Dominions and the USA.²⁵ But with the fear of revolution in England never greater than in the period following the October Revolution, the war in Europe grinding on, strikes

24) Apart from its use in Ireland in the eighteenth and nineteenth centuries, martial law had been enforced by the British in Barbados (1805 & 1816), Demerara (1823), Canada (1837-8), Ceylon (1848), Cephalonia (1849), Cape of Good Hope (1835, 1849-51, 1852), St. Vincent (1863), Jamaica (1831-2, 1865), and South Africa (1899) (Townshend, 1982).

25) General Macready, commander-in-chief in Ireland: "The question is, can martial law be brought into operation in any part of the UK without legislation? Martial law means the will of a general.... Under martial law you could surround Limerick and get the whole place searched effectively. All civil courts in the area would cease" (Townshend, 1982: 184). In regard to the acceptability of British policy in the USA see Cronin, 1987.

occurring in critical areas of the economy and the socialist movement picking up momentum from the events in Russia, the internal reform and consolidation of the British police - especially in regard to 'internal defence' (whether in the colonies or at home), that had been underway since 1870, was stepped-up.²⁶ This was to move the government inexorably toward a settlement in Ireland that would allow it to continue to use the island as a theater of innovations in social control measures.²⁷ Just as the Irish police had pioneered the concept of policing within the British archipelago and was then tamed or "civilianized" when imported into England,

so in the vast territories of the British Empire police went through a first, or 'Irish', stage of military-style armed force controlled by British colonial governors, and then a second, or 'English' stage in the early/mid-twentieth century characterized by de-militarization and increasing use of native peoples in leadership roles....

26) In his study of *Imperial Policing* (1924:5), Major-General Sir Charles Gwynn writes: "Subversive movements take many forms and are of varying intensity; but even when armed rebellion occurs, it presents a very different military problem from that of a deliberate small-war campaign. There is an absence of a definite objective, and conditions are those of guerrilla warfare in which elusive rebel bands must be hunted down, and protective measures are required to deprive them of opportunities.

Excessive severity may antagonize the neutral or loyal element, add to the number of rebels, and leave a lasting feeling of resentment and bitterness. On the other hand, the power and resolution of Government forces must be displayed. Anything which can be interpreted as weakness encourages those who are sitting on the fence to keep on good terms with the rebels."

27) As part of this effort the Official Secrets Act, which ensures that state agencies remain hidden from public view, was passed in 1911. The Act, supplemented by those of 1920 and 1939, is still in effect today. Section 1 of the 1911 Act includes that provision that for a person to be successfully prosecuted under the Act "it shall not be necessary to show that the accused person was guilty of any particular act...." (Bunyon, 1976:11).

Although the London police served as a role model for urban forces, Ireland's constabulary was the more valuable because, by using it as their enforcing agent, British civil authorities could mold large, loosely governed areas into centrally administered colonies (Palmer, 1988:542).

Thus the British colonial police were to continue in Northern Ireland after partition, and in 1969 they would be joined by the British army, to set up new techniques of surveillance and to work out an operational clarity for these which British law did not provide (cf. Eveleigh, 1978). In the devolved Northern Irish political system Britain would develop new mechanisms of power and domination, originally for use throughout the empire, and subsequently for use at home.²⁸ These mechanisms are not simply decision-making networks, nor are they strictly an institutional phenomenon. Rather they can be seen as part and parcel of the sovereignty of the nation-state and as indicative of the duality of its structure: the resources which the existence of domination implies and the exercise of power draws upon are seen to be at the same time structural components of the British nation-state as a social system (Giddens, 1979:91).²⁹

28) It must be kept in mind that the state is a social system and is also a part of a social system - the international system of nation-states.

29) 'Structure', which refers to rules and resources instantiated in social systems, is both the medium and the outcome of the practices that it recursively organizes. It is in this sense that the nation-state represents a structure of domination.

Prelude: Partition and Civil War

- And after all, says John Wyse, why can't a (man) love his country like the next fellow?

- Why not? says J.J., when he's quite sure which country it is.

James Joyce, 1922

From 1910 onwards the Irish parliamentary party enjoyed a balance of power at Westminster. An ironic corollary to the Liberal government's dependence on Irish votes to remain in power was the complete dependence of the Irish on that government to further their aspirations for home rule. It was a game of double bluff, and as the Conservative party became increasingly involved with Unionist resistance to home rule in Ulster, it was increasingly clear whose bluff was more vulnerable. From the summer of 1912, the Liberals resolve to introduce home rule for a united Ireland steadily withered until they were unwilling to support anything more than home rule with the permanent exclusion of Ulster. What the outcome might have been had constitutional arrangements of 1911 not given the House of Lords power to delay the passage of the 1914 Home Rule Bill for two years is uncertain³⁰ (cf.

30) With the Parliament Act of 1911 the House of Lords lost its absolute veto on legislation; they might hold up legislation for two years, but at the end of that time it could pass into law without their consent. This controversy, along with the 'People's Budget', National Insurance, Irish home rule, votes for women, and the upsurge of labor, reduced Britain "almost to anarchy". It was into this space that Lloyd George stepped with his idea of a supreme government of "national unity". He argued that the needs of the new century made the old party battles irrelevant and damaging. "One pointer to the new mood of the time lies in the fabric of government itself. The very center of decision-making had been transformed (It became) dedicated only to business

Beckett, 1966:422-426). In any event, the inevitable delay gave Ulster unionists more than enough time to recruit, train, and arm 100,000 Protestants in the Ulster Volunteer Force (UVF) to resist home rule.

The outbreak of the European War gave a boost to the new Irish National Volunteers (organized in opposition to the UVF in 1913) for resistance to conscription provided a common policy around which various nationalist opinions could unite. But the more militant among them regarded the war as an opportunity to forward their goal of independence from Great Britain, and it was from their ranks that the leaders of a new Ireland were to emerge. The Easter uprising of 24 April 1916 convinced the government that some new settlement had to be worked out.³¹ By 1918 the situation was worse: Sinn Fein candidates won a majority of the Irish seats in the London parliament in the general election of that year.³² As

efficiency and collective control within an increasingly corporate state" (Morgan, 1979:16).

31) In May 1916, after the signatories of the republican proclamation had been executed and the outrage of the Irish people was becoming obvious, Lloyd George wrote to the Unionist leader Edward Carson: We must make it clear that Ulster does not, whether she wills it or not, merge with the rest of Ireland" (Greaves, 1974:27).

32) The completeness of the Republican victory at the polls was greater than it may seem. Every endeavor had been made by the English government to prevent it. Election meetings were prohibited; election agents and speakers were arrested; election addresses were suppressed; election literature was confiscated. Of the 73 Republicans elected, 36 were in jail, and at least 20 were either 'on the run' or evading arrest in the U.S. Despite these obstacles they won two-thirds of the Irish vote. Eamon De Valera had been elected from Clare in a by-election the year before. At the time he was serving a life sentence in jail for his participation in the 1916 rebellion. He had been tried by court martial and condemned to death, but in deference to American opinion - he had been born in the United States - the sentence was commuted to life

promised they did not take their seats at Westminster and instead convoked an Irish National Assembly.³³ All of the Irish representatives were invited regardless of party. Only the Republicans responded and on 21 January 1919 they met in Dublin and constituted themselves the Assembly of Ireland. A resolution was adopted affirming that Ireland was "a sovereign and independent nation" and that a Republic had been established in Easter week, 1916, of which the Assembly was the heir and continuation (Jackson, 1970:411). The IRA had replaced the moderate politicians as the dominant political force in the country (Rumpf & Hepburn, 1977:23).

Apart from internal political considerations (Lloyd George's policy of violence in Ireland was wholly at odds with the mood of conciliation and unity that he sought to convey in his other domestic and external policies), the necessities of placating public opinion in the United States³⁴ and, given the

imprisonment. He escaped from Lincoln Gaol on 3 February 1919 and arrived in Dublin on 20 February.

33) Since 1916 the distinguishing feature of Sinn Fein, apart from its links with the IRA, was its policy of abstention from Westminster and the accompanying pledge to create a national assembly, Dail Eireann.

34) With discussions coming up with the United State's government over naval disarmament and policy in the Pacific, this was no time to needlessly inflame an important section of Irish-American opinion. De Valera (then the President of the Irish Republic) began an eighteen month stay in the U.S. in June 1919. He hoped to win American recognition for the Irish Republic, to float a loan, and to mobilize American support for the Irish struggle to break the connection with Britain. He met with some success - selling \$5 million dollars worth of Irish Republic bonds and keeping the Irish issue in front of the politicians in that election year. A Commission of Inquiry into Conditions in Ireland was set up by The Nation magazine of New York. The commission held public hearings in Washington beginning in November 1920 and called witnesses from Ireland. One of the witnesses called to testify was Father Michael Griffin, a Catholic curate from Galway. He did

near defeat of Britain by submarines in 1917, Irish republican links with Germany and their presumed links with Bolshevik Russia, of including Ireland in a defence strategy made the Irish question an urgent one for Lloyd George (Canning, 1985; Coughlin, 1986; Cronin, 1987). Throughout 1919 Ireland had been slipping into war (the IRA, through its paper *An t-Oglach*, had declared war on England on 31 January 1919), by 1920 it was in full flood. The government's response to the guerilla tactics of the IRA was dictated as much by political conditions in Britain as by military conditions in Ireland. Despite its electoral victory in 1918, the position of Lloyd George's coalition government was not strong and its conduct of Irish affairs was under constant attack in parliament and in the press (Morgan, 1979; Kinnear, 1973). It did not even admit that Ireland was in a state of war, and insisted that the IRA was supported by only a small segment of the Irish population. But by the end of 1921 the IRA had forced Lloyd George to the bargaining table.

not appear. He had been taken from his home and murdered by British government forces in order to prevent him from traveling to the U.S. The commission's report included the following: "The orgy of destruction which is now ravaging Ireland is sending its repercussions to every corner of the civilized world. It cannot fail to postpone indefinitely the return of ordered tranquillity to civilization. In addition to all this, the political life of America ... is profoundly disturbed by the injection of an internecine war between peoples of our own flesh and blood.... There exists neither under the laws of war nor under the codes of Martial Law in civilized states any justification for assassination, pillaging, or terrorism, as a means of suppressing insurrection. And yet this commission is reluctantly forced to the conclusion that such forces are relied upon by the Imperial British forces in Ireland to bring the Irish people once more under the control of the Imperial Crown" (Cronin:1987:37).

Faced with multiplying difficulties on every side, Lloyd George, in 1920, made a gesture toward settling the Irish question by introducing the long deferred Home Rule Act (1914).³⁵ This Government of Ireland Act (1920) was the first part of the 1920-21 Anglo-Irish settlement. Through this bill the union was partially repealed (Ulster was allowed to opt out of a united Ireland and remain an integral part of the United Kingdom although the Protestants of Ulster were given a legislature of their own, quite separate and distinct from the assembly to be established in the south) and a 'Home Rule' parliament was established in Dublin giving the remaining twenty-six counties dominion status under the terms of the agreement signed on 6 December 1921. Both decisions were made under extreme duress: the first from reluctance to confront the Ulster Protestants and their supporters in Britain and the need for Britain to maintain a foothold in Ireland for strategic purposes, the second because of the failure of the British campaign against Sinn Fein and the Irish Republican Army from 1919 to 1921³⁶ (Townshend, 1975). Lloyd George

35) With the outbreak of war, the Irish question was put on ice for the duration with a Home Rule Act placed on the Statute Book in October 1914, coupled with an Act suspending its operation until a date to be determined, "not being later than the end of the present war", and with an understanding that parliament would then have an opportunity of passing an amending bill making special provision for Ulster (Mansergh, 1981:14).

36) From 1919 on the IRA did not follow the example of open assault set by the insurgents of 1916, nor did they attempt to occupy and hold any clearly defined areas. It was an army of guerrillas, operating in flying columns, fifteen to thirty strong, and conducting a war of raids and ambushes. IRA members rarely wore uniforms, so that even in daylight they could easily achieve an element of surprise that confounded the crown forces and sapped their morale. The republicans

calculated that the IRA could perhaps be undercut by the granting of a demand that had been raised by more moderate Irish nationalists for fifty years.³⁷ Close ties to the crown were preserved and the colonial connection remained essentially intact under the largely unacceptable, but now unavoidable, home rule arrangement.³⁸ Ireland had been pacified before by the promulgation of fairly modest reforms, Whitehall remembered, so might not the colony again be mollified by this new proposal? The Ulster unionists reluctantly accepted the scheme³⁹, but the South did not, and

were aware that they could not achieve military victory in the ordinary sense of the term, and they fought with the more limited aim of making regular government impossible, and the cost of holding Ireland so great that the British would be compelled to withdraw (Bowden, 1978:163-85; Townshend, 1975). 37) Partition was in great part aimed at stifling the insurrection that was in progress in Ireland and raising an insurmountable barrier in the path of another. It was of a piece with the almost contemporaneous settlement at Versailles. (It is of interest that the Boundary Clause in the Anglo-Irish Treaty of 1921 was drafted on Article 110 of the Treaty of Versailles.) Indeed, Greaves (1974:17) argues that "it was of a piece with the whole course of foreign policy pursued by English imperialism to the present day, the counter-revolutionary consolidation of the west against the Soviets.... And the Irish sector was doubly important from its proximity. If an Irish revolution had triggered off another in Britain, the game was up."

38) The Act paid no attention to contemporary Irish opinion. John Redmond, leader of the Irish parliamentary party, speaking in the House of Commons (1922): "The Act of 1920 was condemned in every corner of Ireland, and it had not even the support of a single Member whether he came from the North or the South" (Mansergh, 1936:114).

39) Sir James Craig, Ulster Unionist, Orange Grand Master and first Prime Minister of Northern Ireland, suggested, as an alternative, that the six counties should be vested with constitutional powers similar to those proposed for the South, i.e. dominion status, even though this involved the loss of representatives at Westminster. Lloyd George refused saying that the proposal "would stereotype a frontier based neither upon natural features nor broad geographical considerations by giving it the character of an international boundary." Craig also wrote: "We observe with considerable concern that the

so the war continued. Indeed it became more and more bloody when England dispatched the 'Black and Tans' to fight the Irish without regard for the usual code of warfare.⁴⁰ This ill-trained regiment, intended to supplement the demoralized and depleted Royal Irish Constabulary, had been drawn from the ranks of the discharged and now unemployed soldiers in English cities. Its purpose was to put down the Irish rebellion, and it attempted to do so by terrorizing the populace and thereby forcing the Irish people to stop co-operating with the IRA (Kelley, 1982:37-40).

area within the jurisdiction of the Northern Parliament is referred to as being open to possible revision. This question was carefully and fully considered in all its aspects ... and the area decided upon is defined in the Act and it forms no less an essential part of the Act than the powers conferred upon the Northern Parliament." Lloyd George responded by writing that Ulster was assured that "her rights will be in no way sacrificed or compromised" (Mansergh, 1936:118-19).

40) Although the number of troops in the country was steadily increased and martial law was declared in some areas, the government had at first placed its main reliance on the police. The RIC bore the brunt of the republican attacks in 1919; but the ostracism to which its members and their families were subjected by order of the republican government, weakened its will to resist. To meet this situation the government raised men in England, mainly among ex-soldiers; and since there was no immediately available supply of police uniforms, they wore khaki, with police caps and belts; it was from this mixed dress that they received their nickname - the 'Black & Tans'. At about the same time the government raised another force - the Auxiliary Division of the constabulary. It was the Black & Tans and the Auxiliaries who formed the spearhead of the British attempt to break the IRA throughout 1920 and 1921 (Beckett, 1966).

The brutality was great on both sides, but the odium fell on Lloyd George, since the rebels were widely perceived as underdogs fighting for their homeland, while "the Black and Tan lawlessness was condoned by the Government." Even Sir Henry Wilson, the chief of the imperial general staff, and subsequently a right-wing Ulster M.P., felt that if Lloyd George wanted to murder rebels, "then the Government ought to murder them. It should not hide behind the pseudo-legality of the Black and Tans" (Kinnear, 1973:15).

The second part of the settlement was the Anglo-Irish Treaty (1921), which was appended to the Irish Free State (Constitution) Act (1922). The order is of the highest significance: agreement with the minority preceded agreement with the majority; it also reflects the duality of British policy toward Ireland during the period beginning in 1918.⁴¹ The treaty signed in December 1921 was the consequence of an abrupt reversal in policy by the British government the previous June. Ever since the proclamation of the Irish Republic on 21 January 1919⁴², indeed since the Easter Rising

41) The first part of the settlement was designed to entrench and satisfy the Protestant minority; the second to create an Irish Dominion. These were not necessarily consistent aims. Dominion status for Ireland, as earlier overseas, had been thought of as a device for preserving unity, but it came to be associated with division. Further, the supporters of such status were outside of the 'Irishry'. Moreover, the Irish nationalists advance in constitutional status was not yet exhausted, and, since they were assured a place on the escalator, they could speed up the dissolution of imperial ties. Lloyd George had taken a dangerous step in forcing a state hostile to the Empire to stay within its boundaries. Canada and South Africa were politically divided societies, but each contained powerful British populations. The Irish Free State would be practically united in its anti-English sentiments. But despite the considerable scope for destructive actions left to the Irish republicans, strategic considerations were of too great import to let Ireland go (cf. Mansergh, 1981; MacDonagh, 1977:99ff.).

42) When the Dail met in Dublin in January 1919 only 27 of its members were present; 34 were in prison, 2 were ill, 7 were absent on Sinn Fein business. and 1 had been deported. Regardless, they proclaimed themselves the parliament of the Irish Republic, re-affirmed the declaration of independence of 1916, adopted a provisional constitution, and appointed delegates to attend the peace conference of the Allied powers in Paris in the hopes of forcing Britain, by external pressure, to yield to Irish demands. It was resolved that "the nation's sovereignty extends not only to all men and women of the nation, but to all its material possessions; the nation's soil and all its resources, all the wealth and wealth producing processes within the nation and ... we reaffirm that all rights to private property must be subordinate to the public right and welfare" (Rumpf & Hepburn, 1977:24). The

of 1916, the government had been employing the well established method of dealing with Ireland - coercion laced with elements of conciliation.⁴³ But these efforts were ineffective. Sinn Fein was not only irreconcilable, but better organized and much more popular than previous nationalist groups.⁴⁴ These considerations, along with opposition to its Irish policies from such diverse interests as the Labour Party and the Archbishop of Canterbury, a disastrously slumping economy, and the army already over-committed throughout the empire, made it clear that a quick victory over the IRA was needed. But such a victory was proving as elusive as ever. In May 1921 the commander-in-chief in Ireland, Nevil Macready, warned that the stress and strain which the nature of the Irish conflict imposed on officers and troops was so great that unless a settlement had been achieved by October, practically all forces would have to be withdrawn, even if there were no other troops to replace them.⁴⁵ Meanwhile, Sir Henry Wilson, chief of the Imperial

British, nervous of American opinion and uncertain how to act, made no immediate attempt to check these proceedings, and the republicans were given time to strengthen their organization.

43) For example, throughout 1921 Lloyd George pursued what Cronin (1987:38) calls a "double policy": he permitted Sinn Fein leaders to remain at large, but hunted down guerrillas. Active areas were put under martial law and the death penalty imposed for possessing arms or sheltering wanted men.

44) In a parliamentary election of May 1921, as sanctioned under the Government of Ireland Act, Sinn Fein, an illegal organization, won 124 of 128 seats in the Dublin legislature, while in the six northern counties the Unionists took 40 of the 52 seats in their parliament. The 124 Sinn Fein delegates swore their allegiance to the provisional republican government of Ireland and constituted themselves as the second Dail Eireann.

45) Beckett (1966:448) writes that "the character of the war was largely determined by the forces engaged in it, for on

General Staff, was warning that Ireland could be conquered only by a full scale war, an army of 100,000 men, and the proclamation of permanent martial law throughout the country. Under the circumstances, even a politician less adept than Lloyd George might have been looking for a way out. For their part, the IRA leaders, with 700 volunteers killed during two and a half years of fighting and another 800 wounded, the incessant British reprisals and an increasing disregard for human life that had begun to wear down the will to resist among the general population, were also not averse to sounding out London to see what might be on offer. Thus, for their own reasons, the two sides agreed to a truce on 11 July 1921. Negotiations got underway soon after.

The talks between the British Government and the Irish delegation were stalemated by the autumn of 1921 on two main points. Arthur Griffith, one of the Sinn Fein delegates, made the case that "Ireland would want to be free to be neutral in the event of a war declared by Great Britain" (Fanning, 1982:

neither side were the politicians in effective control. The Dail, meeting with difficulty and at uncertain intervals, was in no position to direct military policy;" and the IRA, with its sense of being a distinct and independent organization, acted on its own responsibility. On the British side, the politicians exercised much more direct influence; but Sir Hamar Greenwood, chief-secretary from mid-1920 on, was convinced that the military and the police should be given a free hand; terror must be out-terrored. The Black & Tans and the Auxiliaries, with the encouragement of those in command carried out a campaign of 'authorized reprisals' against the civilian population of Ireland, all of which was, by mid-1920, probably sympathetic to the republican cause. This system of authorized reprisals was part of a sterner policy toward which the government had been moving for some time: by late 1920 eight southern counties were under martial law; the IRA met any threat by intensifying its attacks.

29). But for the British this would be tantamount to granting the Irish sovereignty and Britain would not risk its economic, political and strategic interests in Ireland by allowing the creation of a fully sovereign republic, not even in 26 of the 32 counties. The provisional government would have great difficulty in settling for anything less. Second, Britain considered the status of Northern Ireland to be a non-issue. The provisions of the Government of Ireland Act were not negotiable - "unless, of course, the republican negotiators wished to indulge in a bit of behind-the-scenes horse-trading" (Kelley, 1982:43). The Irish side - involved in talks with Britain at a formal level which had not been admitted since the Treaty of Limerick - could not openly acknowledge the existence of the Six Counties as a fait accompli, for that would be tantamount to abandoning the Republic. But when the British hinted that partition need not be finalized in the form delineated by the 1920 Act, the Sinn Feiners acceded to the British idea of a boundary commission that could be established to adjudicate the eventual shape and size of the Unionist's domain.

The Irish assumed that any reasonably impartial commission would decide to turn over any nationalist-majority portions of the Six Counties to the Republic. The territory then remaining outside Dublin's jurisdiction would eventually find it advantageous to integrate with the rest of the island. All the British asked for in return was that Ireland forego its aspirations to become a republic. They did not insist

that the twenty six counties had to accept the status of a home-rule colony; instead they would be given the status of a 'Free State'. All Ireland had to do to get this status - and maybe part of the six counties as well - was to agree to membership in the Commonwealth, have its parliamentary membership swear allegiance to the British monarch, accept the authority of the British governor-general, assume a large part of the British war debt, and allow British military vessels to use certain Irish ports.⁴⁶ On the conference's final night, 5-6 December, Lloyd George presented his antagonists with the immediate choice of war or peace. Carefully selected props - trains and destroyers were ready to bear the news, and alternative letters written in either sense - helped to create a sense of urgency. It was in this feverish atmosphere that the Irish delegates accepted British sovereignty over Ireland. Lloyd George's minimum demand was Dominion status and this he had won; he could not hope to carry any more of a concession to either his cabinet or the House of Commons.

46) Article 6 of the Treaty stated that the British forces would undertake Ireland's naval defence "until an arrangement has been made between the British and Irish Governments whereby the Irish Free State undertakes her own coastal defence" although it was Article 7 which contained the trap-door through which Irish sovereignty would disappear if Britain went to war. The Irish Free State, it said "shall afford to His Majesty's Imperial Forces ... in time of war or of strained relations with a Foreign Power such harbour and other facilities as the British Government may require for the purpose of defence." It listed the specific facilities: Berehaven Dockyard, Queentown and Lough Swilly. Belfast Lough in Northern Ireland was also included since the Treaty envisaged an end to partition; the Treaty also contained a requirement for fuel stocks on Haulbowline Island and aviation facilities "in the neighborhood" of the ports (Fisk, 1983:18).

The Irish negotiators, who had been under orders not to sign any treaty until the terms had been approved by de Valera and others in Dublin, took seriously Lloyd George's threat of 'immediate and terrible war', and signed the treaty, convinced that they had, at least, secured the ending of partition.⁴⁷ One of them, Michael Collins, described the "proposed Treaty" as a "stepping stone to the Republic", but they all realized that by signing it they had forced the long-standing division of opinion within the Dail into the open (Kelley, 1982:43).⁴⁸ The debate in the Dail continued until 7 January, and every member was called on to speak. Those who advocated acceptance of the treaty admitted that it was not an ideal document; but they claimed that it gave Ireland the germ of independence immediately, and did not bar the way to further progress. But their strongest argument was simply that these were the best terms that could be got, and that their rejection meant a renewal of war. The opponents of the treaty denied that the delegates had any right to sign it, and accused them of having betrayed the Republic; they rejected the notion of Dominion status, and in particular, they attacked the oath of allegiance to the crown. But when a vote was taken on 7 January the treaty was ratified by 64 votes to 57. De Valera

47) The appointment of a boundary commission was delayed until 1924. Its report (which has never been published) was not acted upon. Instead, the governments of the United Kingdom, the Irish Free State and Northern Ireland signed an agreement in 1925, confirming the boundary as established in 1920.

48) After reluctantly initialling the pact, Collins confessed that he had in effect signed his own death warrant. In August 1922 he was assassinated by the IRA (see Ryan, 1968).

resigned the presidency, and Arthur Griffith was elected in his place.

The vote also split the IRA, and by March 1922 those opposed to the treaty had organized themselves as a separate force. Both those who supported the treaty and those who opposed it claimed to represent the true IRA; but as the conflict turned into civil war these opposing forces became known as 'National' or 'Free State' troops, and 'Irregulars' (Beckett, 1966:455-6). During the spring and the early summer, tension between the two sides, both in the army and in the country, grew steadily. De Valera organized his supporters in a new republican party, Fianna Fáil, and began a propaganda campaign that seemed designed to promote armed resistance to the new regime; the anti-treaty faction of the IRA was openly defiant. However the provisional government, still uncertain of its strength, hesitated to provoke a conflict by attempting to assert its authority; even when the Irregular forces occupied the Four Courts, the Dublin headquarters of the Irish judiciary, in April, they were left alone in peaceable possession. Many hoped that the general election which was scheduled for June would lead to a peaceful settlement. But a powerful section of the anti-treaty forces, unwilling to wait and distrustful of popular opinion, saw in a renewal of war with Britain the best chance for restoring unity and reviving the republican cause; and the state of affairs in Northern Ireland, where the IRA was still united in an effort to ruin

the unionist regime, seemed to offer some hope of achieving this end.

The general election, instead of opening the way to peace, was a prelude to war. De Valera's republican party obtained only 35 out of 128 seats. The government interpreted this result as a popular endorsement of the treaty settlement, and its troops attacked the Four Courts and drove out the republicans. This was a signal for a general engagement between pro-treaty and anti-treaty forces throughout the country; and though both sides had been hesitant to begin war, they waged it, once begun, with increasing fury and bitterness⁴⁹ until it ended the following spring with the republicans declaring a cease-fire and dumping their weapons without officially surrendering.

Southern nationalists, however, continued to mount propaganda drives against partition. Dublin coalition governments conducted fund raising campaigns to finance anti-partition candidates in the North, but the money had no discernible impact on voting results in Ulster. Republican fervor, however, was stoked, not satiated, when Eire declared itself a republic in 1949, and by 1955 Sinn Fein had resurrected itself to the point where it was able to run candidates for all twelve Northern Ireland seats at Westminster. It managed to capture fifty-six per cent of Northern Catholics' vote in the elections that year and to

49) During the last six months of the civil war almost twice as many republican prisoners were executed by the Free State authorities as had been executed by the British during the course of the struggle from 1919 to 1921 (Beckett, 1966: 459).

elect two candidates to Westminster. As abstentionists, neither would deign to attend sessions of the London parliament,⁵⁰ but the IRA interpreted these election results as a mandate for it to renew armed struggle in the Six Counties. Despite some "spectacular military escapades" on the part of the IRA and the support of politicians in the Republic the border campaign had run out of steam by February 1962 when it was formally ended (Kelley, 1982:73).⁵¹

Sovereignty, Partition and Neutrality

(In 1938) Irish neutrality was not just an exercise in sovereignty, facilitated by the British evacuation of the Treaty ports. Since it had not yet been tested, it was also an experiment in independent foreign policy for Eire.... For sound historical reasons, neutrality had also come to be seen in Ireland as something intimately bound up with freedom from British rule. It was therefore inevitable that in wartime it would frequently be identified - on both sides of the Irish sea - as essentially anti-British.

Robert Fisk, 1985

Throughout the period from 1919 to 1969 sovereignty remained the central issue in Anglo-Irish politics. It was

50) The point was moot since at the time of their election both candidates, Tom Mitchell of Mid-Ulster and Phil Clarke for Fermanagh-South Tyrone, were serving prison sentences in Belfast for their part in an IRA arms raid.

51) IRA public statement, 26 February 1962: "The leadership of the resistance movement has ordered the termination of the Campaign of Resistance to British Occupation launched on December 12, 1956. Instructions issued to Volunteers of the Active Service Units and of local Units in the occupied area have now been carried out. All arms and other material have been dumped and all full-time active service Volunteers have been withdrawn.

The decision to end the Resistance Campaign had been taken in view of the general situation. Foremost among the factors motivating this course of action has been the attitude of the general public whose minds have been deliberately distracted from the supreme issue facing the Irish people - the unity and freedom of Ireland." Quoted in Bowyer Bell, 1979:334.

within the context of the world nation-state system, itself a loosely structured reflexive organization, that strategic considerations began to define the contemporary sovereignty-territoriality-nationalism linkage for each country. In Ireland sovereignty was linked to a nationalism that had been introverted and isolationist for over a century; it became increasingly so as Irish leaders tried to consolidate the new Irish state within a new international order (as the very name 'Sinn Fein' with its emphasis on self-reliance testifies).⁵² In order to consolidate and pacify its internal structure the Irish Free State began to enact exceptional legislation almost immediately with the passage in 1922 of the Emergency Powers Resolution. It continued, passing no fewer than twenty-five more emergency provision bills over the next sixty-five years. It also began to position itself, as an independent sovereign entity, in the world-nation state system, separating itself from England in every way possible - in cultural terms this

52) With the abolition of the Irish parliament in 1801, Irish opportunities for involvement in the international arena were diminished. This indeed had been the primary aim of the British government which initiated the Act of Union and which sought to prevent any repetition of the 1798 rebellion of the United Irishmen when Wolfe Tone enlisted French aid. This rebellion was in the same tradition as the Spanish alliance contracted by the Gaelic leaders who went to war against Elizabeth I in the sixteenth century; it was based on the premise that the Irish enemies of England might redress an unequal balance of power by seeking the support of England's most powerful continental enemy. But also the years of the union offered little opportunity for turning 'England's difficulty into Irish opportunity; there were no wars involving all the major European powers in the century from the Battle of Waterloo and the outbreak of the First World War. Also, until 1914 there had been no war in Europe since 1870 and no war in which the U.K. had been a belligerent since the Crimea (1854-56) (cf. Fanning, 1982).

meant encouraging the use of the Irish language, Gaelic athletic events and Irish history. In terms of international relations this meant neutrality. The Irish Neutrality League (with James Connolly as its president from 1914) was founded in the pre-war years largely out of anti-English sentiment; Ireland's neutrality during World War II sprang from the same source.⁵³ During the war years, as Ireland came under increasing pressure from Britain and the United States to actively participate in the war effort, neutrality became increasingly linked to the question of partition. De Valera, who became Ireland's prime minister in 1932 - and immediately began to discard those articles of the Irish Free State constitution which gave England a role in Irish affairs, resisted the pressures, maintaining a delicate balance between the warring powers. After World War II - as the foreign policy of the more powerful states came to be based on the assumption of a coming military conflict, Irish neutrality became the means whereby the goal of Irish sovereignty was expressed in the form of an independent foreign policy - a policy independent, above all, of England.⁵⁴

53) The conditions for Irish neutrality during that war were fulfilled with the Anglo-Irish Agreement of April 1938 which abrogated articles 6 & 7 of the Treaty and transferred the harbor defences at Berehaven, Cobh and Lough Swilly to the Irish government. The effect of that agreement, in de Valera's words, "(was) to hand over to the Irish state complete control of those defences, and recognize and finally establish Irish sovereignty over the twenty-six counties and the territorial seas" (Fanning, 1982:30).

54) The 1937 Irish Constitution, which made Ireland an independent republic in all but name, claimed sovereignty over the entire island (Articles 2 and 3) and declared that "war shall not be declared and the state shall not participate in

Ireland's refusal to join the embryonic North Atlantic Treaty Organization (NATO) in 1949 was an example of the many stands taken over the years that have reaffirmed the elevation of the anti-partitionist case for neutrality to the level of dogma. Sean MacBride, Minister of External Affairs for the inter-party government (he had been chief of staff of the IRA as recently as 1936), responded in this way to the American invitation to join NATO:⁵⁵

Any military alliance with, or commitment involving military action jointly with, the state that is responsible for the unnatural division of Ireland, which occupies a portion of our country with its armed forces, and which supports undemocratic institutions in the north-eastern corner of Ireland, would be entirely repugnant and unacceptable to the Irish people. No Irish Government, whatever its political views, could participate with Britain in a military alliance while this situation continues, without running counter to the national sentiment of the Irish people. If it did it would have to run the risk of having to face, in the event of a crisis, the likelihood of civil conflict within its own jurisdiction.

Thus, Ireland successfully avoided being drawn into a military alliance that would have limited its sovereignty through the inevitable demand to lease bases to the United States. If partition was a good enough reason to stay out of World War II, it was a good enough reason to stay out of the cold war.

In England issues of sovereignty were linked to concerns of economic and imperial decline, of political instability and war, of the need for security forces to be involved in the

any war save with the assent of Dail Eireann" (Article 28) (Fanning, 1982:30).

55) Texts Concerning Ireland's Position in Relation to the North Atlantic Treaty. Dublin: The Stationary Office, 1950. Quoted in Fanning, 1982:34.

countering of dissent, both within Britain and abroad, and of Britain's strategic stability in the world state system - especially in the Western Alliance. After World War II the British were involved in guerrilla wars in Palestine, Cyprus, Aden, and Rhodesia. In the first three Britain's opponents - groups such as the Stern Gang, EOKA and FLOSY - were able to bring about the "assets-to-liabilities shift"⁵⁶ in British perceptions of their long-term interests in maintaining a presence in these countries (Wilkinson, 1981:2; Tugwell, 1981: 18-19). In the latter, by the time of the 1965 Declaration of Independence in Rhodesia Britain was too weakened, militarily and economically, to intervene to restore Crown sovereignty.

Britain drew several lessons from these experiences. First, the fact that its experiences were not unique, that all colonial and neo-colonial powers could possibly encounter terrorist violence on a large scale. Second, that guerrilla war involved attempts on the part of the insurgents to "neutralize" their own people, or to coerce them into denying cooperation to the colonial authorities or to cooperate with them. The third lesson was that the British army was especially well equipped to be charged with the main responsibility for restoring and maintaining order in such conflicts. In particular the army had developed a large reservoir of practical knowledge, expertise, strategy, and

56) In many insurgency situations a decisive victory on the part of the revolutionaries is impossible. In such cases if the government surrenders to rebel demands it is because of a revised perception of values and priorities; something which at the outset was regarded as an asset worth fighting for has become a liability to be dropped (cf. Tugwell, 1981).

tactics, covering not only guerrilla warfare but also the rapidly proliferating challenge from urban terrorism. And, just as the earliest analyses of guerrilla warfare were produced by soldiers and ex-soldiers (e.g. T.E. Lawrence), "some of the best recent British writing on terrorism has been by soldiers or ex-soldiers who acquired their practical knowledge and experience of the subject in the unconventional wars" of the 1960s and 1970s (Wilkinson, 1981:7). In regard to Northern Ireland this group of men includes Frank Kitson and Robin Eveleigh, whose works are briefly discussed below.

A fourth lesson was that the apparent success of groups such as the EOKA in using terror against Britain undoubtedly stimulated others to emulate them. This model of 'anti-colonial terrorism' plays an important part in the structuring of the strategy and propaganda of the British in Ulster - which in the words of one counter-insurgency theorist (Wilkinson, 1981:5) is

the worst protracted campaign of terrorism experienced in Western Europe in recent history.... (Where) the army has acquired a sophisticated and probably unrivaled expertise in coping with the problems of terrorism in a Western democratic society.

Included among the rationales for developing such an expertise are the desire of the British government to provide leadership and to improve international cooperation against insurgency. There is also Britain's need to fulfill its NATO obligations, to render support against the operations of transnational insurgents and to preserve stability in sensitive and vital regions, such as the NATO's southern flank and the Persian

Gulf (U.S. Air War College, 1984:ch 14-16). In addition, Britain's 'national interest' demands the formulation of a policy to curb and suppress domestic and international terrorism. It must plan to stop the 'spillover' of international terrorism into the diplomatic and business community in Britain. What it learns from its handling of the security situation in Northern Ireland can be used to maintain continuity in British policy; it can also be useful to allies who will need to strengthen their internal defences (Wilkinson, 1981:8)

Emergency Legislation and Civil Rights in Northern Ireland

The Civil Authority shall have power, in respect of persons, matters and things within the jurisdiction of the Government of Northern Ireland to take all such steps and issue all such orders as may be necessary for preserving peace and maintaining order.

Civil Authorities Act (Northern Ireland), 1922

After partition the Unionist Party worked to consolidate its holdings and weld Ulster into an administrative unit capable of continuing British colonial policy. This certainly was the aim of many of the top police authorities.⁵⁷ The minority's refusal to cooperate with the new government, together with the fact that IRA activity was almost invariably based in Catholic areas, strengthened the unionist tendency to

57) Robert Mark, Commissioner of the Metropolitan Police on Northern Ireland: "only in its association with the United Kingdom and its representation at Westminster prevented it from being seen in realistic terms as in no different relationship to Great Britain than Cyprus, Aden or any other of the countless colonial territories from the great days of the empire" (Quoted in Bloch & Fitzgerald, 1983:212).

regard all Catholics as rebels; and the rift between the two groups became even wider. Since mid-1920 northern goods had been subjected throughout most of Ireland to a boycott, enforced by the IRA, in retaliation for the attacks on Catholics during the riots in Belfast beginning in the summer of that year;⁵⁸ by the start of 1922 relations between the Protestant north-east and the rest of Ireland were worse than they ever had been (Beckett, 1966: 457).

The Government of Ireland Act could hardly have contained fewer safeguards for Ulster's Catholic minority. An obscurely worded paragraph in the Act "prohibited the parliament of Northern Ireland from making laws that would in any way restrict the free exercise of any religion or give preference to or impose any disabilities" on anyone because of religious belief. But that prohibition referred only to the statutes of the Northern Ireland parliament (Boyd, 1984:49). It could not

58) Sir Edward Carson MP, a Dublin lawyer and former Solicitor General in the Conservative government at Westminster, like other unionists and Orangemen, was concerned about the success of Sinn Fein, both in the general election of 1918 and the all-Ireland local government elections of 1920. The unionists were especially furious at the losing control of Derry City Corporation to the Catholic majority there. Carson was the moving force behind the 'Ulster Covenant' - a document, signed by more than 200,000 men in 1912, that bound its signatories to use "all means necessary to defeat the present conspiracy to set up a home rule parliament in Ireland." The military preparations surrounding the signing of the covenant left no room for doubt that 'all means' included the use of armed force to resist the execution of an act of parliament. In his rhetoric Carson usually stressed the material benefits of Union - but the anti-catholic sentiments were always there. On 21 July 1920 in the Belfast shipyards, Carson called for the expulsion of all Catholics working in the yards; the result was the Belfast Pogrom of 1920-22 in which almost 500 people were killed, 2,000 wounded and 30,000 lost their homes.

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stop discrimination on the part of employers, local authorities and public bodies, or even by departments of the Northern Ireland government, nor did it prohibit that government's first Prime Minister, James Craig, from declaring that he was premier of a 'Protestant state for a Protestant people', and that his first loyalty was to the Orange Order.⁵⁹ So the unionist politicians and their Orange associates did not need to legalize religious discrimination and political privilege. They simply put these into practice and urged their followers and adherents to do likewise.⁶⁰

Richard Dawson Bates, Minister of Home Affairs in the first Northern Ireland government, was responsible for so reorganizing local government in Northern Ireland that even in those localities where Catholics were in the majority the unionists were given control of the local councils. Derry City was the most outrageous instance of this manipulation: ward boundaries were so arranged that the unionist minority

59) The prime minister said at an Orange rally on 12 July 1932: "Ours is a Protestant government and I am an Orangeman"; and in the House of Commons in September of that year: "I am very proud indeed to be Grand Master of the Orange Institution of the loyal County of Down. I have filled that office for many years and I prize that far more than I do being Prime Minister. I have always said I am an Orangeman first and a member of this Parliament afterwards" (Mansergh, 1936:241).

60) For example, Craig in 1934: "the employment of disloyalists ... is prejudicial to the state and takes jobs away from Loyalists" (Farrell, 1976:137); John Andrews, a linen manufacturer and Director of the Belfast Ropeworks and County Down Railway Company, who succeeded Craig as prime minister in 1941: "I am delighted to have behind me the great Orange Order" (Boyd, 1984:49); and in 1933: "Another allegation made against this government, which is untrue, is that of 31 porters at Stormont 28 are Roman Catholic. I have investigated the matter and I have found that there are 30 Protestants and only one Roman Catholic, there only temporarily (Farrell, 1976:136)

got twelve seats on the city council while the Catholic majority (sixty per cent of the electorate) got eight seats. Westminster did nothing to stop this. Bates also abolished proportional representation in local government elections as part of his reorganization.⁶¹ Westminster made no protest. He abolished proportional representation in Northern Ireland parliamentary elections in 1929. Westminster still remained silent (Boyd, 1984:50).

The control of local government is of much more than symbolic importance. Two of the major dimensions of discrimination in Ulster are in the areas of housing allocation and employment. Local councils controlled the building and the allocating of public housing and appointment to thousands of jobs which meant a great deal in a region of high unemployment, bad housing and immigration. Unionist control of local government, even in areas where republicans were in the majority, deprived Catholics of jobs and houses and gave the local unionist or Orange bosses a powerful source of patronage to keep their Protestant supporters loyal. As the economy declined from the late 1950s onward the public sector became an increasingly important source of employment, housing and cash social services. Discrimination in housing allocation was not just a means of rewarding loyalists, it was also used by Unionist councils to prevent any population

61) Prime Minister Craig announced the forthcoming abolition of proportional representation at the Orange celebrations in 1927 pointing to the desirability of "eliminating all minorities" from Northern Ireland's parliament (Mansergh, 1936:133).

movements which might upset the prevailing control of council wards. Discrimination in employment was widespread and it was at its most intense in the rural councils (see Table 6-1).

Table 6-1: Employment Discrimination in Ulster, 1951

| County | Number of
Non-Manual
Government
Employees | Number of
Catholics | Catholics as
Per Cent of
Employees | Catholics
as Per Cent
of Population |
|--------------|--|------------------------|--|---|
| Antrim | 257 | 19 | 7.8% | 22% |
| Armagh | 129 | 16 | 12.5% | 46.5% |
| Derry | 206 | 16 | 7.8% | 43% |
| Down | 294 | 56 | 19% | 30% |
| Fermanagh | 53 | 5 | 9.4% | 55.4% |
| Tyrone | 156 | 18 | 11.5% | 55.3% |
| Total | 1095 | 130 | 11.9% | 34% |

Source: Farrell, 1976:87

The twenty-eight Unionist-controlled rural councils employed 218 non-manual workers in 1951, of whom only eleven, or five percent, were Catholics. And this was at the end of the post-war boom in Ulster. Afterward, government was unsuccessful in attracting much new investment to Ulster, industrial and agricultural employment declined on into the 1980s, and access to social benefits became more important than ever (Lee, 1983; Farrell, 1976; Probert, 1978). In 1986 the government concluded that in Ulster "the message of equality of opportunity in employment does not appear to be making a significant impact

in relation to any dimension."⁶² Table 6-2 gives the official figures on unemployment in Ulster in 1981. The figures are undoubtedly low, especially for the Catholic population, many of whom boycotted the 1981 census to protest the government's policy of treating members of the IRA as common criminals.

Throughout Northern Ireland's history discrimination in housing was rife and housing standards were very inadequate. For example, in 1944 a government survey indicated that 30 per cent of all the houses in Northern Ireland were "in urgent need of replacement." County Fermanagh was one of the areas worst affected, with a figure of 43.7 per cent for Enniskillen and well over 50 per cent for most of the rural districts. The high figures were due to the fact that no houses at all were built by any of the Fermanagh Rural Councils between 1921 and 1945. Between 1945 and 1967 1,048 houses, out of which 195 (18%) were allocated to Catholics and 853 (82%) to Protestants despite the fact that the Catholics, being the poorer section of the population were more in need of housing.

High unemployment rates and housing discrimination are coupled with low average wages and with electricity costs about forty per cent higher than in Britain, and gas at twice the British price. As a consequence of these and related conditions, in 1977 the perinatal (21.1), infant mortality (17.2), and stillbirth (12.0) rates per thousand were as usual the highest for any part of the United Kingdom. For that

62) *Equality of Opportunity in Employment in Northern Ireland*. London: HMSO, 1986. Quoted in Adams, 1986:95.

Table 6-2: Unemployment Rates in Northern Ireland, 1981

| Council
District | Male | | Female | |
|-----------------------------|-----------------|-------------------|-----------------|-------------------|
| | Catholic | Protestant | Catholic | Protestant |
| Antrim | 24.5 | 10.5 | 20.4 | 9.6 |
| Ards | 21.2 | 9.8 | 12.0 | 9.8 |
| Armagh | 28.8 | 10.2 | 15.9 | 9.5 |
| Ballymoney | 30.0 | 16.4 | 13.7 | 9.1 |
| Banbridge | 23.1 | 11.0 | 18.9 | 9.8 |
| Belfast | 31.4 | 15.6 | 18.3 | 14.1 |
| Carrickfergus | 20.5 | 22.7 | 8.9 | 10.6 |
| Coleraine | 27.5 | 16.4 | 13.9 | 10.1 |
| Cookstown | 43.3 | 14.4 | 26.6 | 12.6 |
| Craigavon | 30.4 | 11.0 | 19.5 | 9.6 |
| Down | 19.7 | 8.9 | 11.6 | 9.0 |
| Dungannon | 36.7 | 12.7 | 24.0 | 11.6 |
| Fermanagh | 30.1 | 11.1 | 17.1 | 9.6 |
| Larne | 34.0 | 13.1 | 13.7 | 10.9 |
| Limavady | 36.7 | 14.3 | 16.2 | 11.4 |
| Derry | 35.8 | 14.4 | 17.6 | 10.1 |
| Magherafelt | 31.9 | 16.5 | 17.5 | 11.0 |
| Moyle | 31.1 | 21.0 | 16.2 | 12.0 |
| Newry | 35.5 | 14.8 | 20.0 | 12.0 |
| Omagh | 27.2 | 10.9 | 15.6 | 9.4 |
| Strabane | 39.0 | 21.9 | 20.4 | 13.6 |

Source: 1981 Population Census. Cited in Adams, 1986:95.

matter, "on all available indicators the health of the population is poor" (Lee,1983:109).

Underlying this discrimination was the Civil Authorities (Special Powers) Act (Northern Ireland), which Dawson Bates was also responsible for drafting and implementing, and which was first passed as a temporary measure by the Northern Ireland parliament in 1922, renewed every year until 1928, then renewed for five years and made permanent in 1933. Designed to suppress all political or military opposition to the partition of Ireland, and inter alia toward discrimination against the nationalist minority in Northern Ireland, these laws effectively legalized discrimination. The Civil Authorities Act was the keystone of the system of Protestant supremacy. Under the Act the police (the RUC and the B-Specials⁶³) and the army were allowed to: a) arrest without warrant; b) imprison without charge or trial or recourse to habeas corpus or a court of law; c) enter and search homes without warrant, forcibly, at any hour of day and night; d) declare a curfew, prohibit meetings, assemblies (including fairs and markets) and processions, and bar people from specific areas in Northern Ireland; e) punish by death for some firearms and explosives offences and flogging as well as imprisonment for others; f) deny claim to a trial by jury; g) arrest persons they wished to examine as witnesses, forcibly detain them and compel them to answer questions, under

63) The Ulster Special Constabulary or B-Specials included about 8,500 part-time civilians. They were a part-time paramilitary wing of the Orange Order recruited exclusively from the Protestant population by the Unionist Party.

penalties, even if their answers may incriminate them; g) commit any act involving interference with the rights of private property; h) prevent access of relatives or legal advisors to a person imprisoned without trial; i) prohibit the holding of an inquest after a prisoner's death; j) arrest any person who makes false statements; k) prohibit the circulation of any newspaper; l) prohibit the possession of any film or phonograph record; m) arrest a person who commits an act "calculated to be prejudicial to the preservation of peace or maintenance of order in Northern Ireland and not specifically provided for in the regulations"; n) the Act allowed the Minister of Home Affairs to create new crimes by government decrees; o) under Regulation 23B of the Act the Minister of Home Affairs had the authority to arrest and intern anyone suspected of being an enemy of the unionist state - this section was not enacted by the Northern Irish parliament but had been added to the Act by the Minister himself after the Act had been passed; p) in 1923 a further regulation empowered the government to examine bank accounts and seize money deposited in banks (Faligot, 1983:148; Farrell, 1976:93).

The British government has always held that it was unaware of abuses under the Special Powers Act until 1969 (Northern Ireland Office, Dec. 1988). Yet such abuses were almost continuously documented by various investigative agencies.⁶⁴ Perhaps the most thorough condemnation of the Act

64) As early as 1926 the Belfast Trades and Labour Council protested strongly against the declared intention of the government to abolish proportional representation. In January 1928, a manifesto addressed to "the people of the six

was the inquiry conducted by the National Council for Civil Liberties (NCCL) in 1934-35.⁶⁵ According to the commission's report, as soon as the Special Powers Act was passed and Regulation 23 in operation the Minister of Home Affairs and the police acting under his authority proceeded to arrest many hundreds of people suspected of political opposition to the Unionist party, and to intern them, in the majority of cases for up to two years. No charges were ever filed against the internees, nor did the Minister or the police give any reasons for having them arrested.

The NCCL's commissioners also gave accounts of how the police in Northern Ireland swooped on the homes of people who were on their "wanted lists" (Quoted in Boyd, 1984:53):

Late at night or in the early hours of the morning armed police in protected lorries swoop upon a selected district and then proceed to enter and search houses without warrant, rousing the inhabitants of the area and frequently accompanying their search with brutality and damage to property. At the same time the occupants of the houses are interrogated and if their replies fail to satisfy are hauled off to police barracks for further questioning. Usually such searches, said to be for

counties" protested the against the "glaring injustices" suffered by the minority in Northern Ireland; it was signed by fourteen members of the house of commons including nine nationalist MPs, three Labour MPs, an Independent Unionist, and an Independent (Mansergh, 1936:134). On 24 June 1936, one hundred MPs, Liberal, Labour and Conservative met under the chairmanship of J. Clynes and by a decisive majority voted to meet with Prime Minister Baldwin to discuss the situation in Ulster. Baldwin refused to meet with them (Boyd, 1984:64). 65) The commissioners were: Commander Edward Digby, KC, a member of the Inner Temple and a member of the Admiralty Bar; Margery Fry, principle of Somerville College, Oxford, former president of the Howard League for Penal Reform; William McKeag, MP (Liberal member for Durham), solicitor; Edward Mallalieu, Liberal MP, barrister-at-law, former parliamentary secretary to the UK ministry of education; Neil Lawson, barrister-at-law (Boyd, 1984:51).

arms or for interrogation, are barren of results. But often the object of the raid is not to search for arms but to collect suspects. On such occasions as many as fifty or more men and youths have been hauled off, without warrant, for detention at the pleasure of the Civil Authority, for a longer or shorter period.

When the Special Powers Act became permanent law in 1933 it was already being operated not only against Catholics suspected of being republicans, but also against anyone whom the authorities in Northern Ireland considered to be subversive. From 1925, when Dawson Bates banned a rally of the unemployed because, he alleged, it was an attempt to intimidate the government, the Act was used to prevent members or representatives of labor organizations from traveling freely in Northern Ireland; it was also used to exclude from Northern Ireland anyone who had political connections with anti-unionist organizations in the Irish Free State (and later the Irish Republic).⁶⁶

The NCCL commission noted that several of the above provisions of the Northern Ireland Special Powers Act violated the Government of Ireland Act (1920). The latter Act did empower the parliament of Northern Ireland to enact laws for the "peace and order and good government" of the six counties, but it did not authorize that parliament to delegate dictatorial powers to the Minister of Home Affairs or the

66) It is little wonder that in April 1963 South African Minister for Justice Vorster, introducing a new Coercion Bill in the South African parliament, commented that he "would be willing to exchange all the legislation of that sort for one clause of the Northern Ireland Special Powers Act." Quoted in Farrell, 1976:93.

Royal Ulster Constabulary (RUC)⁶⁷, enabling them to make orders, issue decrees, ban public meetings, close roads, force people to leave their homes, seize property and imprison people at will. The NCCL also found that the examination of people arrested under the Special Powers Act contravened the basic rules of evidence as operated in British courts. The Act compelled people either to incriminate themselves, which was contrary to all legal custom, or suffer the consequences of refusing to answer questions put to them in custody. Refusal to answer questions and untruthful answers were offences which merited imprisonment under the Act. Prisoners, no matter how young, were questioned alone by armed policemen and beaten if they refused to answer or if their interrogators considered their answers unsatisfactory. Under the Act coroner's courts could be suspended because coroners could not always be trusted to return verdicts of which the government approved. Finally, as the Government of Ireland Act (1920) prohibited the Northern Irish parliament from making any laws "in respect of treason, treason felony, alienage,

67) With partition the Royal Irish Constabulary was disbanded and in April 1922 the Royal Ulster Constabulary became the police force for Northern Ireland. Like the RIC it was an armed force. Although a number of Catholics from the disbanded RIC were recruited into it, they were in no way representative of the Northern Catholics, and the force was regarded as a sectarian body from its inception. The Government of Ireland Act had forbidden the raising of a military force, but the Northern Ireland government appointed a major-general as military advisor, emphasizing the real character of the new force as an army. It was recognized as such by the unionist population, who saw its function as protecting them, the people for whom the state had been created (McGrory, 1986:9).

naturalization or domicile" the exclusion orders issued by the Northern Ireland government were unlawful (Boyd,1984:55-56).

The NCCL commissioners also found that in application the Special Powers Act was even more repressive than it appeared in print. They came to the conclusion that the RUC "did not act impartially as between Orange bands on the one hand and those sections of the community against whom their activities were directed", i.e. the victims of Orange aggression. The police generally stood by and did nothing when, for example, public meetings organized by Labour groups were "rendered impossible by Orange hooliganism" (Boyd,1984:56). The commissioners also concluded that the government of Northern Ireland used the Act

towards securing the domination of one particular political faction, and at the same time, towards curtailing the lawful activities of its opponents. The driving of legitimate movements underground into illegality, the intimidating or branding as law breakers of their adherents, however innocent of crime, has tended to encourage violence and bigotry on the part of the Government's supporters as well as to beget in its opponents an intolerance of the 'law and order' thus maintained. The Government's policy is thus driving its opponents into the ways of extremists (Quoted in Conroy,1987:24).

While the Special Powers Act was fully enforced against Catholics, republicans, socialists, and the unemployed it was not enforced at all against loyalists, no matter how often they broke the law, disrupted the peace or engaged in violent behavior. In fact the government "was unduly subservient to the Orange Order in a guarantee publicly given that the provisions of the Civil Authorities Act should not be used against any of its members" (Mansergh, 1936:247). Orange

violence during the annual marching season in late June and July was always allowed, even when members of the Belfast Corporation, which was called upon to compensate for malicious injuries and damage within the city, protested against government inactivity. In the summer of 1935 Protestant extremists were allowed to engage in "sporadic rioting that persisted from the Jubilee in May till the end of July" providing substantial grounds for criticism. "The members of the Corporation claimed that had the law been administered with greater firmness much of the rioting would not have occurred" (Mansergh, 1936:247).

It was not until 1966 that the Special Powers Act was enforced against a Protestant organization when Prime Minister Terence O'Neill banned the Ulster Volunteer Force (the most extreme of the Protestant paramilitary groups) after a particularly brutal murder of three Catholics. O'Neil took office after the retirement of Lord Brookeborough in 1963 (after twenty years as premier), who was to most Catholics the personification of right-wing unionist opinion. In contrast O'Neil appeared to be a moderate ray of hope, an opinion which he encouraged with various attempts at reconciliation, including exchange visits between himself and the Irish Republic's premier, Sean Lemass, in 1965. However, despite his efforts to portray a decent and moderate image of unionism the credibility of the Ulster regime continued to erode.⁶⁸ In

68) It might be pointed out that despite how fair-minded and moderate O'Neil was, he was still very much one of his own. Consider: "Protestant girl required for housework. Apply to the Hon. Mrs. Terence O'Neill, Glebe House, Co. Antrim."

1967 the Northern Ireland Civil Rights Association (NICRA) was established to push for governmental reform.

In many ways the origins of the NICRA can be traced to the failure of the IRA's armed 'border campaign' of the 1940s and 1950s. The IRA, which formally ended its 'campaign of resistance to British occupation' in February 1962, was forced to accept the fact that its own supporters were more anti-unionist than anti-British. As the political game was played in the North, the unionists held all the cards: a British financial subsidy, British support when needed, and no direct British interference in their affairs. Since the passage of the Ireland Act (1949) these were guaranteed in British law. Few paid any attention to the plight of the nationalists.⁶⁹

Belfast Telegraph, November, 1959. Furthermore, O'Neill did not endorse the principle of "one man, one vote" in Ulster until after months of protest and rioting, particularly in Derry and Belfast, in 1969. He did so to placate minority opinion, but by then it was too late. The chief result of his endorsement was to prompt some of his cabinet to resign and the UVF to initiate a series of bomb blasts to stimulate IRA activity and panic the Unionist Party into bringing him down (Farrell, 1976:256; Bowyer Bell, 1987:281). For a critical view of O'Neill, one which argues that through his rhetoric of 'planning' and 'modernization' he hoped to reestablish the Unionist party's hegemony over the Protestant working class, see Bew, Gibbon & Patterson, 1979.

69) The Ireland Act (1949) consolidated the existing political structure of Ulster and guaranteed to the unionists that "Northern Ireland remains part of His Majesty's dominions and of the United Kingdom" and "in no event will Northern Ireland or any part thereof cease to be part of His Majesty's dominions and of the United Kingdom without the consent of the Parliament of Northern Ireland." The Act also declared that "notwithstanding that the Republic of Ireland is not part of His Majesty's dominions, the Republic of Ireland is not a foreign country for the purposes of any law in force in any part of the United Kingdom...." The passage of the Act was the immediate reaction of the Westminster parliament to the

There were two major weakness of republicanism in the North, in terms of its origins and theory. The first was that it was strictly a Catholic movement. There had been factions of Presbyterian republicans with traditions from 1798, but they were quite separate from their Catholic counterparts. In Belfast, in the 1940s, there was a company of Protestant republicans growing out of the Ulster Union Club.⁷⁰ Although segregated in one company their existence at least kept the IRA aware of the United Irishmen ideals. But the tendency of the IRA to see itself as a Catholic defense organization was always stronger than the influence of republican ideals because of the recurring anti-Catholic pogroms in Ulster and the emphasis on anti-British physical force (Cronin, 1981:184).

The second weakness of republicanism was its singleminded concentration on the winning of a thirty-two county Irish republic by armed struggle. Such a doctrinaire approach to the Ulster question, based in the legends of heroic rebel

declaration of an Irish Republic in the southern counties of Ireland.

The guarantee sounds like fair play only if one forgets that the British ignored the wishes of the majority in order to create Northern Ireland as a political entity. The guarantee gives Ulster unionists great license. They have no need to talk with Catholics, nor any reason to share power with them.

70) During much of this period the old orthodox channels of republican action were hopelessly clogged and the country was weary of conspiracy. New organizations such as the Anti-Partition League and Clann na Poblachta rejected the 'physical force' and abstention strategies of the earlier republicans and established links with the Dublin government; by 1949 many were convinced the real campaign to end partition had begun. The result of the entry of these groups into politics and the long struggle of anti-partition forces was the proclamation of the Republic of Ireland in 1949 by Irish Prime Minister Costello.

gunmen and martyrs, precluded the development of a social and economic, even a domestic political, program. For well over a decade the IRA was considered by many, if not most, Ulster Catholics to be an anachronism, and it was to remain so until it aligned itself with the civil rights campaign in 1969. The border campaign of 1956-62 showed "all the courage, self-sacrifice, the blundering and the emotional appeal that have characterised and kept alive the IRA spirit for centuries", but its 'physical force' policy never attracted the support of Ulster's Catholics. In the Republic, new political figures and new political preoccupations greatly improved the standard of living, helping to push the partition question well into the background. By late 1961, with the cooperation of the government of the United Kingdom, the Dublin government began to take steps to eliminate the IRA by setting up a Special Criminal Court to be composed of army officers (Coogan, 1980: 395-418).

These circumstances prompted a group of republicans, representing different periods of struggle and different interpretations of Irish republicanism, to set up the Wolfe Tone Society in 1963 in Dublin. The object was to create some kind of bridge to Protestant intellectuals in the North through discussions, seminars, and lectures; its major contribution was that it provided a meeting place for republicans, socialists, Irish language revivalists, and a forum for new ideas. Sister societies were set up in Belfast and Cork where forums were held on Ireland's future and on the

special laws against republicanism in both Northern Ireland (Special Powers Act) and the Republic (Offences Against the State Act).

Civil rights in Northern Ireland became a topic among the members of the Wolfe Tone Society - they suggested a campaign of civil disobedience as a solution. The question was, would the nationalists respond? In August 1966 the Wolfe Tone Societies of Dublin, Belfast and Cork held a conference on civil rights in Maghere, County Derry, attended by some IRA leaders and a variety of socialists and liberals; another was held in Belfast in November 1966. The NICRA grew out of these conferences, on 29 January 1967 it was launched as a broadly based movement.⁷¹ The IRA did not control it; neither did the Communist Party nor any other socialist group. However, the Cameron Commission,⁷² in September 1969, reported that "there

71) In March 1967, the Ministry of Home Affairs made a regulation under the Special Powers Act adding to the list of unlawful association: "The organizations at the date of this regulation or at any time thereafter describing themselves as 'republican clubs' or any like organization howsoever described" (Quoted in Hadden & Hillyard, 1973:12).

72) The Cameron Commission, established on 3 March 1969 as an attempt on the part of the British government to legitimate its growing direct influence in Ulster, was the first of a series of official commissions of enquiry into the Troubles. Consisting of three men (Lord Cameron, Chair; Professor Sir John Biggart; James J. Campbell), it was given a mandate to "enquire into and to report upon the course of events leading to, and the immediate causes and nature of the violence" that had occurred in the province since 5 October 1968 (Cameron Report:3). Its report listed seven major causes of the disorder: a) a rising sense of continuing injustice and grievance among large sections of the Roman Catholic population, particularly because of the inadequacy of the housing provisions of some local authorities and 'unfair methods of allocation' of houses to perpetuate unionist control; b) religious discrimination; c) gerrymandering of electoral districts to achieve or maintain unionist control; d) a growing sense of frustration among the Catholic

was early infiltration of the Civil Rights Association both centrally and locally by subversive left wing and revolutionary elements which were prepared to use the Civil Rights movement to further their own purposes, and were ready to exploit grievances in order to provoke and foment, and did provoke and foment, disorder and violence in the guise of supporting a non-violent movement" (Cameron Report:92). The report also noted that the membership of the first Executive Council of the NICRA included "persons of known extreme Republican views and activities as well as members of the Northern Ireland Liberal and Labour parties...(and that) the membership is predominantly Roman Catholic ... though it also included Miss Betty Sinclair a very well known figure in the Trade Union world of Northern Ireland and also a professed Communist" (Cameron Report:77). Despite these innuendos even the British government had to admit that the NICRA was what it said it was - a civil rights organization.

Indeed, in the beginning the NICRA caused more trouble for the IRA, cautiously trying to formulate a new policy, than

population at the government's failure to investigate complaints; e) resentment among Catholics at the existence of the B-Specials as a partisan paramilitary force recruited exclusively from the Protestant community; f) widespread Catholic resentment against the Special Powers Act; g) fears and apprehension among Protestants of a threat to unionist domination and control of government by the increase of the Catholic population (a.k.a. the theory of seditious concupiscence). These feelings were inflamed in particular by the actions of Protestant extremist groups led by Ian Paisley, the UCDC and the UPV. The atmosphere created was readily translated into physical violence against civil rights demonstrators. The Commission placed much blame for the disorders on "the local hooligan element"; and it criticized the RUC for "ineptness" (Cameron Report:90-92).

for the unionist regime. Traditional republicans wanted no part of reform movements or socialism. The NIRCA made little headway in Belfast; Derry seemed more promising, as the 5 October 1968 demonstration made clear. Despite a confrontation with the RUC (who used water cannon against the demonstrators - the first of a range of riot control weapons which were to be introduced into Ulster over the years) which resulted in seventy-seven injuries, the NICRA then stated its demands loudly: universal franchise in local elections, electoral boundaries drawn by independent commissions, compulsory points systems for housing allocation, repeal of the Special Powers Act, disbandment of the B-Specials and withdrawal of the Public Order Bill which the unionists were pressing through the Northern Irish parliament to stop civil rights demonstrations.

These demands in 1968 seemed almost utopian; yet a year or so later most of them had been granted.⁷³ But reforms were always too late in coming. They were given grudgingly and only in response to growing violence - forced through a reluctant Northern Irish parliament by events that the unionists tried desperately to control.⁷⁴ The nationalists

73) At the end of 1968 O'Neill introduced a five point program of reforms: a points system for housing allocation, an ombudsman, the ending of the company vote in council elections, a review of the Special Powers Act, and the setting up of the Londonderry Development Commission. British Prime Minister Wilson told O'Neill that he had been "blackmailed by thugs" (Flackes, 1983:169). After 1969 reforms would come directly from Westminster.

74) From 1963, shortly after the organization of the Wolfe Tone Society, British Prime Minister Alec Douglas-Home had applied secret pressure on O'Neill to do "something about the general situation" in Ulster (cf. Hadden & Hillyard, 1973:10).

hardly needed a reminder that only violence could win minimum concessions in Northern Ireland. By late 1968 there was much talk of "left-wing extremists" (Cronin, 1981:188), meaning not the IRA or the Communist Party, but students from Queen's University who called themselves 'People's Democracy'. Its leaders were young socialists who wanted the Protestant and Catholic working classes to unite and establish a workers republic. Many of them were first generation Catholic university students, at Queens' largely because of O'Neill's educational reforms. In early 1969 People's Democracy staged a march from Belfast to Derry, through the Orange strongholds of Antrim, in imitation of Martin Luther King's 1965 Selma-to-Montgomery march. At Burntollet Bridge, near Derry, the marchers were ambushed by 350 club-swinging loyalists, many of them followers of the Reverend Ian Paisley⁷⁵ and members of the B-Specials. The RUC stood by, making no effort to intervene (Egan & McCormack, 1969). Yet the next day, 5 January, O'Neill, perhaps anticipating the Protestant reaction, blamed the victims for the violence.⁷⁶ "We have heard sufficient for now about civil rights," he said, "let us

75) Paisley, founder and moderator of the Free Presbyterian Church, had been on the Ulster scene for a decade, denouncing Rome, Catholics, Fenians and Lundy's (a Lundy was anyone who conciliated Catholics. The original Lundy, a governor of Derry wanted to surrender the city to James II's papist army). His followers were organized in the Ulster Constitution Defence Committee and later the Ulster Protestant Volunteers. In 1971 he set up the Democratic Unionist Party to replace the Protestant Unionist Party. He is a Westminster MP and a member of the European Parliament.

76) The Protestant backlash against the NICRA was largely responsible for O'Neill's resignation on 28 April 1969.

hear a little about civic responsibility" (Quoted in Kelley, 1982:110).

From this point on positions polarized and violence increased. The RUC began to systematically besiege the Catholic Bogside area in Derry and in response the people of the Bogside organized 'Free Derry' (including their own 'citizen's army', fire brigade and first aid depots) to defend themselves against incursions by the RUC. Loyalist vigilante groups began to spring up in Belfast as well, with the police there reluctant to stave off loyalist forays into Catholic communities. Mobs invaded the Catholic Lower Falls area of Belfast and over the next few weeks seven persons were killed and three thousand left homeless. In response Catholics throughout Northern Ireland organized to support the people of Derry and Belfast, and riots spread. The events of 12 August⁷⁷ triggered even more serious rioting and might be called the point at which something resembling overt civil war began. The police fired tear gas for the first time in the history of the United Kingdom, but still the Bogside held their own, keeping the police out. On 13 August the Prime Minister of the Irish Republic appeared on television and announced that the government of Ulster had lost control, and the Republic would not stand by and see Northern Catholics "injured and perhaps worse" (Quoted in Conroy, 1987:29). He ordered the Irish Army to the border to establish field

77) The date of the annual Orange holiday celebrating the locking of the gates of Derry in 1689 by the Apprentice Boys against the forces of James II.

hospitals and refugee centers for those fleeing the North; with the army poised on the border, there was always the danger that they would cross it, that they would invade to protect the Northern Catholics, a threat that electrified Protestants.

On 14 August 1969 the British decided to use troops in Northern Ireland, not as the beginning of a new stage of British involvement, but as a last desperate attempt to limit it;⁷⁸ at five o'clock that afternoon, British soldiers marched into Derry. The soldiers were greeted by the Catholics as a liberating army, one that had deposed the unionist government and pushed aside the RUC. That same night Belfast exploded. There had been riots on Wednesday night, 13 August, but no casualties. On Thursday ten people were killed and 145 injured. Catholic areas off the Falls Road were torched by Protestants from the Shankhill; in some streets as many as three-fifths of the homes were destroyed by fire.⁷⁹ On 19 August Harold Wilson's government issued the Downing Street Declaration which reinforced the 1949 guarantee to the unionists while also promising further reforms to the nationalists. At the end of August a commission under the chairmanship of Sir John Hunt was established to inquire into

78) The British government had sent in only 400 soldiers and publicly stated that it had no intention of sending in reinforcements. A government spokesman told the press that the troops would "be back in their barracks by the weekend" (Conroy, 1987:29).

79) When the people of West Belfast speak of the start of the current troubles they talk of 14-15 August 1969, but particularly the latter, which is known as "the night they burned Bombay Street" (Conroy, 1987:28).

the activities of the police and the B-Specials. In October the report was issued, and accepted by the government on the same day - an alacrity that was as dismaying to the Protestants as it was pleasing to the Catholics. It recommended that the Ulster Special Constabulary (the B-Specials) be disbanded and replaced by another body, the Ulster Defence Regiment.⁸⁰ It also observed that

As regards those tasks of a military character which have hitherto been carried out by the Royal Ulster Constabulary and the Ulster Special Constabulary and which are concerned with the protection of the Province from armed attacks from within or outside its borders, we consider that in principle and in practice this responsibility should properly rest with Her Majesty's Government in Westminster.⁸¹

This advice was to be ignored because it was in conflict with British policy in Northern Ireland, which was to combine military measures with an increased use of the judicial process - and hence of the police.

The presence of British troops in Ulster gave a significant push to the rebirth of the IRA.⁸² Despite

80) Hunt proposed that the UDR be 2,000 strong, but by 1980 it had 8,000 members and a women's auxiliary of just under 1,000. With its members implicated in over thirty cases of murder, the Catholics of Ulster considered the UDR to be just the old old B-Specials in a new guise.

81) (Hunt Report), Report of the Advisory Committee on Police in Northern Ireland, p. 44. Quoted in McGrory, 1986.

82) With the development of violence the IRA split into two factions, the Dublin based socialist Official IRA, which favored a primarily non-violent political strategy, and the militant non-Marxist Provisional IRA which emerged from the ghettos of Belfast and Derry and advocated physical force as a means of reunifying the Irish Republic. By 1971 the Provisional IRA had become a significant political and military force in Ulster. After 1970 a number of other groups were formed. Among the more prominent are the Social Democratic and Labour - an umbrella organization that speaks for the moderate Catholics of Northern Ireland; the Irish Republican Socialist Party and its military counterpart the

Protestant opposition to reforms and the fact that much of the provocation to violence was coming from the Protestant community, police and army tactics were, as the Scarman Report⁸³ put it, "clearly dictated by their interpretation of the events of August 1969 in terms of an IRA-led uprising" (Quoted in Conroy, 1987:34). This despite the fact that only a few months before some of the old IRA men had called a meeting "of local leadership throughout the country to assess the strength of the movement.... (and) discovered that (they) had no movement" (London Times Insight Team, 1972:26), and that in August 1969 the only weapons known to be available to the IRA

Irish National Liberation Army; and Sinn Fein, the political arm of the IRA, both the Provisional and Official branches (Official Sinn Fein is now the Workers Party). Given the overall political and military impact of the Provisionals most of the recent literature has tended to focus on them. For a discussion of the transformation of the Official Republican Movement from a physical force organization to a socialist party that emphasizes economic rather than national issues, see Rooney, 1984.

On the unionist side, more than forty-five Protestant paramilitary groups were organized after August 1969. These ranged from the very small and highly fanatical to the large and relatively well disciplined. The largest, the Ulster Defence Association, was founded in September 1971 in order to coordinate the large number of Protestant vigilante groups that had proliferated in the aftermath of the disbanding of the B-Specials. Others included the Official Unionist Party, the Alliance Party, and the Democratic Unionist Party.

83) The Tribunal of Inquiry into Violence and Civil Disturbance in Northern Ireland in 1969 was chaired by Lord Scarman. The problems threatening the state's legitimacy which the Scarman Tribunal faced were enormous. They involved a situation where police were alleged to have: killed civilians through the use of indiscriminate and unwarranted gun fire, fired into unarmed crowds, gave tacit permission to Protestant rioters, colluded in the destruction of Catholic property and blocked investigations into these events. Its report (April 1972) was critical of some of the actions of the RUC, but failed to condemn the organization as a partisan force.

were ten guns (Coogan,1980:464).⁸⁴ Most Catholics were skeptical of the defense offered by the constabulary and the army. The fact remained that Protestants in several parts of Belfast had burned Catholic homes without the police interfering.

The relations between the Catholic community and the British army deteriorated quickly. In early 1970 the Catholic Falls Road area of West Belfast was sealed off by the army, which proceeded to rack through homes in a search for arms. The army was particularly brutal, several people were killed, many were injured, and the search produced very few arms. By June 1970 the Catholic communities viewed the British Army as no less an oppressor than the RUC and they increasingly turned to the IRA for protection. Two other events contributed to alienation of Catholics from the British Army. One was the introduction of the policy of internment without trial on 9 August 1971, which was initially directed only at Catholics; the other was the killing of thirteen unarmed Catholics in Derry on 30 January 1972. Violence intensified further,⁸⁵ and on 24 March 1972, under pressure from the U.S. and others (Guelke,1984), the British government announced direct rule in Ulster because of the disastrous decision of the Northern Ireland government to introduce the policy of interning Catholic militants without trial and its refusal to accept a

84) After calling off the border campaign in 1962 the IRA leadership sold its weapons to Welsh nationalists.

85) In 1971 there had been prior to internment, 34 deaths in Ulster due to the Troubles; between internment and the end of the year there were 139

reduction in its law and order powers. With the introduction of direct rule the process of tying civil and military measures together in a single policy had begun.

Almost immediately the British government called for several tribunals of inquiry into events in Ulster. In addition to the Hunt Commission and the Cameron Commission there was the Scarman Tribunal on Violence and Civil Disturbances in Northern Ireland in 1969, the Compton Inquiry into allegations against the security forces of physical brutality in Ulster arising from the events of August 1971 which surrounded the beginning of internment without trial and the NICRA civil disobedience campaign, and the Widgery Tribunal on events on Sunday 30 January (Bloody Sunday) in Derry. If their intended purpose was to restore public confidence in the conduct of the security forces by rationalizing and justifying any extreme action on the part of the police, they failed completely. Even if their goal was to deflect public concern in the hope that the inevitable delay of the inquiry process would reduce the impact of the allegations of misconduct the result was equally unsatisfactory. There were, as Boyle, Hadden and Hillyard (1975:127-29) point out, at least four reasons why this is so.

First, the terms of reference were usually interpreted in such a way as to exclude broader issues from the scope of the inquiry. The Widgery Tribunal, for example, excluded considerations of the important issues of army/government relationships and the source of the orders for the day of 30

January. Yet its report devotes several pages to a description of the security situation in Derry over the previous six months, listing the pressures under which the army was operating. This was apparently based on army supplied evidence. There was no similar description of the strains the people of Derry were experiencing.

Second, the conclusions which the various reports drew from their findings were not always what might be expected from an objective assessment of those findings. The Compton Report based its rejection of the allegations of brutality on a completely unconvincing distinction between brutality and ill-treatment. Lord Widgery gave a generally favorable assessment of the conduct of the paratroops in Derry which is difficult to justify in terms of the specific findings he made over the various individual incidents with which he was concerned, notably the "reckless" shootings in the Glenfada Flats area. And in reaching these conclusions Widgery appears to have relied exclusively on army evidence and to have distrusted all other sources. But it was the overall assessments of the various reports rather than the detailed findings that attracted attention and led to the widespread feeling that the actions of the security forces were being whitewashed.

Third, there was the problem of delay. This was especially true of the Scarman Tribunal which stretched over two years and finally reported nearly three years after the events into which it was inquiring. It is not surprising that

after such a long delay the impact of the report was virtually nil in terms of restoring confidence in the impartiality of the RUC, insofar as that was a valid finding. By that time an entirely new set of allegations had come about.

Finally, there was the fact that no action was taken to deal with those cases in which the various reports found the security forces or individual soldiers or policemen at fault. The most infamous instance in this regard were the findings of ill-treatment/brutality against those involved in the arrest, detention, and interrogation of some of the persons arrested in August 1971 and the findings over the Glenfada Flats incident, in which four civilians were shot dead and that "when these four men were shot the group of civilians was not acting aggressively and that the shots were fired without justification" (Boyle, et al., 1975:128). It was widely agreed that in these cases the actions by the security forces constituted the criminal offences of assault or manslaughter, if not murder. Yet no proceedings were authorized by the attorney-general, despite a great deal of political pressure for such action to be taken. Similar comments could be made about the equally serious findings of

Cameron and Scarman in respect of RUC and 'B Special' conduct in the earlier period, notably the shooting of John Gallagher in Armagh in August 1969, and the assaults on Samuel Devenny in Londonderry in April 1969. Neither of these cases, which for a long period received particular attention in allegations against the security forces, nor the many other less serious cases of proven misconduct, resulted in any public disciplinary action or sanctions against those responsible. Even when a full scale police investigation was instituted, as in the Devenny case, the sole result was a report

that a conspiracy of silence within the RUC was preventing those responsible from being identified (Boyle, et al., 1975:129).

A more general criticism is that the appointment of judges to chair what were essentially political inquiries further blurred the distinction between social control and judicial functions.⁸⁶ The cumulative effect was undoubtedly to destroy any feeling which may have existed among the Catholic community that the appointment of an official inquiry would lead to justice being done.

After the introduction of direct rule the British government immediately set about consolidating and codifying existing emergency legislation. It also tried to put a judicial face on the policy of internment without trial, passing the Detention of Terrorists (Northern Ireland) Order (1972). This order also defined 'terrorism' for the first time in United Kingdom law as "the use of violence for political ends, including any violence for the purpose of putting the public or any section of the public in fear"

86) Hadden & Hillyard (1973:11): "It is incontrovertable that the majority of judicial appointments in Northern Ireland had been made from the ranks of unionism. Of twenty High Court judges appointed since the independent Northern Ireland courts were established, fifteen have been openly associated with the Unionist Party; of twenty-three County Court appointments, fourteen had been visibly connected with the Unionist administration. At the height of the civil rights campaign in the late 1960s two of the three judges in the Northern Ireland Court of Appeal were ex-attorney-generals in Unionist governments; one of the four High Court judges was likewise an ex-attorney-general, and another the son of an attorney-general; two of the five County Court judges were ex-Unionist MPs and another the son of a Unionist MP; and among the twelve Resident Magistrates there was an ex-Unionist MP, an ex-Unionist Senator, a defeated Unionist candidate and a former legal advisor to the Ministry of Home Affairs."

(Northern Ireland Office, December 1988). Instead of jailing suspects by order of the Secretary of State, acting on the advice of the police, there were now hearings designed to look as much like trials as possible. These were conducted in mock courtrooms built at the internment camps. A 'commissioner' sat in place of a judge who was provided with evidence, consisting largely of the repetition by police officers of allegations made to them by anonymous informers. Cross examination of these police officers was very restricted. Not only did they refuse to answer most of the questions on security grounds, but they were frequently hidden from the defence lawyers by screens and they often declined to identify themselves. At times defence attorneys were ordered to leave during large portions of the presentation of evidence. At the end of these proceedings, the suspects, if they were among the few fortunate ones, were released. The remainder were no longer interned, they were instead 'detained' (McGrory, 1986: 11).

The British Government was fully aware that it could not long sustain international credibility for this mock judicial process, and it was soon looking for a way to deal with the violence through the criminal courts. Thus Lord Diplock, a senior English judge, was appointed to chair a commission in October 1972. According to the British government (Northern Ireland Office, December 1988), Diplock's mandate was to

examine more effective methods of dealing with terrorists other than by detention.... The Committee found that the main obstacle to dealing effectively with terrorists was the intimidation of witnesses

and jurors, and that until such fear was eradicated some modification of the judicial process was necessary.... It also found that public safety still required resort to detention.

The Diplock report gave rise to the Northern Ireland (Emergency Provisions) Act 1973, which effectively put the 1922 Northern Ireland Civil Authorities Act on the British statute book (Townshend, 1986:69), and to the establishment of the non-jury courts which are now commonly called the Diplock courts. The British government still publicly says that the Emergency Provisions Act left "unchanged the onus on the prosecution to prove guilt beyond a reasonable doubt" (Northern Ireland Office, December 1988), but there were three substantial changes in the rules of evidence for trials conducted under the Act. These were: first, the shifting of the burden of proof in certain firearms cases (s.7); secondly, the relaxation of the common law rules on the admissibility of confessions (s.6); and thirdly, the provision for the admission of signed statements in certain circumstances in which it was impractical to produce a witness in court (s.5) (Boyle, et al., 1975:99). The Act made other changes in criminal law, wide powers were given to police and soldiers allowing them to arrest those they suspected of involvement in or possession of information about offences, and to detain them to establish their identity. There was no longer a right to bail unless the Crown showed no objection against it (cf. Greer & White, 1986; Walsh, 1983).

In 1974 Lord Gardiner, a former Lord Chancellor, was appointed to head a committee to look at measures to deal with

terrorism in the context of civil liberties. The committee's "findings endorsed the general legislative approach to the problem of terrorism" (Northern Ireland Office, December 1988), and the Northern Ireland (Emergency Provisions) (Amendment) Act 1975, which reflected many of the Gardiner proposals, first institutionalized key aspects of British emergency legislation. This began what has been variously described as the 'normalization', 'criminalization', or 'Ulsterization' of the conflict. The police force, including a part-time reserve, was quickly expanded and more heavily armed; they continued to patrol Catholic areas in military type Land Rovers. The British Army was seen now in a supporting role only; the Ulster Defence Regiment was recruited locally. The 'special category' status which had been afforded those convicted by the Diplock courts was removed, which meant that political prisoners were now imprisoned in ordinary prison cells rather than in prisoners-of-war compounds.

This third phase of counter insurgency operations was embarked upon only after an attempt, in 1973, at a political initiative which it was hoped would end the violence by, among other things, allowing constitutional nationalists in the Republic an active role in resolving the problems in the north while also opposing the IRA.⁸⁷ After a conference of the

87) This 'Irish Dimension' was based on a government working paper which stated that "Whatever arrangements are made for the future of Northern Ireland must take into account the Province's relationship with the Republic of Ireland. cf. The future of Northern Ireland: A Paper for Discussion. London: HMSO, 1972:33.

British and Irish governments and political parties at Sunningdale, an elected assembly was established at Stormont with an Executive on which the Catholic community was represented. Provision was also made for the establishment of a Council of Ireland, indicating an acceptance of the fact that there were in Northern Ireland communities with two distinct national allegiances. The power-sharing Executive was brought down by a general strike organized by the Ulster Workers' Council in May 1974. The strike succeeded by cutting power supplies throughout the province and, with extensive backing from Protestant paramilitary groups, it halted industrial and other activities. The chaotic situation, which developed over fourteen days (14-28 May), caused unionist members of the Executive to resign, rendering it ineffective (Fisk, 1975).

After the UWC strike the government appeared to be occupied with working out a Constitutional Convention, which was supposedly to draft an agreed plan for the future government of Northern Ireland, and with establishing "new contacts with the NIO's (Northern Ireland Office) Political Affairs section." But these were not indications of a new strategy. Rather they were specifically designed to keep local political and military forces harmlessly occupied while consideration was given to the possibilities of some new departure in British policy. Prime Minister Wilson feigned one last attempt at a political initiative. A cabinet sub-committee chaired by him discussed a series of options from

the end of the strike into 1975. The options considered were: withdrawal, repartition, and the creation of a 'no-man's land' along the border with the Republic; all three were rejected as unsatisfactory. "Thus, by early 1975, the Labour government had ruled out any radical constitutional initiative. At the same time there was no inclination to attempt any other type of transformative policy in any area in the north" (Bew & Patterson, 1985:76).

Instead there was the "complacent and self-serving assumption that the British state had done all that it could to reform and improve conditions in the north and that the existing impasse was therefore attributable to the primitivism of the local politicians" (Bew & Patterson, 1985:76). But insofar as there was an impasse, it was in fact a direct product of the only two strategies that the British state had developed. The first, which had involved various plans to try and remove itself from Ulster (and so effectively return to the pre-1969 status quo), had failed because both militant and constitutional nationalists had proved unable to appease the Protestants. The second strategy was to do away with the most obviously discriminatory features of the state and to increase its subordination to Whitehall. But this approach did not address the deeper roots of sectarian division. "It shared, with the first strategy, a strong disposition to minimize the costs of continuing involvement and, though clearly more realistically aware of the forces in play, its main objective was to manipulate and domesticate rather than to transform or

to eradicate" (Bew & Patterson, 1985:77). This was made clear by the events of the next few months.

The autumn of 1974 saw an increase in the activity of the Provisional IRA (Provos) in both Ulster and England (Wright, 1981). It started with the assassination of two judges in Belfast and continued with an English bombing campaign which focused on pubs frequented by British soldiers. On 21 November bombs exploded at two Birmingham Pubs killing twenty-one people and injuring 160, many of them of Irish descent. The blasts were attributed to the Provisional IRA, but its leadership did not accept responsibility and denied any involvement; instead they hinted that responsibility lay with the British Intelligence forces which had been active in Ulster since the early 1970s.⁸⁸ Six Northern Irishmen were arrested shortly after the blasts as they boarded a boat from Heysham, near Birmingham, to Belfast. All were eventually convicted on murder charges and given multiple life sentences.⁸⁹ All six continue to assert their innocence,

88) The arrest of Kenneth Littlejohn (who two years before with his brother Keith had worked for Britain's Special Intelligence Services) in Birmingham several days later seems to offer support to this claim. While in Ireland in 1971 the brothers infiltrated the republican movement in order to act as agents provocateurs. They were ordered by their superiors at the Ministry of Defence to undertake illegal actions that would encourage the Dublin government to repress both the Provisional IRA and the Official sections of Sinn Fein and the IRA (cf. Faligot, 1983; Kelley, 1982:190ff.).

89) The men were assaulted and badly beaten by guards in the prison where they were being held after arrest. The six men maintained in court that confessions they signed while in police custody were made only because they had been beaten. Some of the suspects were convicted primarily on the basis of a test for detecting traces of explosives on hands and clothing. The first time the test was administered it yielded positive results, but no residue of nitro-glycerine was found

while the IRA has always maintained that these men had nothing to do with its English campaign.

The Birmingham bombings reignited hatred of Irish people throughout England. Not since the IRA bombings in Coventry in August 1940 had ordinary Britons reacted so violently to the Irish in their midst. Gasoline bombs were tossed into Irish pubs in London, and Irish workers in the Birmingham area were told by employers in the days following the bombings to go home since their safety could not be guaranteed. The Labour government took advantage of the situation to push through parliament an anti-Irish bill that had been drafted in secret over the previous eighteen months.⁹⁰ The Prevention of Terrorism Act (1974), based partly on Northern Ireland's Special Powers Act and on the Prevention of Violence Act (1939) - enacted in response to an earlier IRA campaign, was introduced on 28 November by Home Secretary Roy Jenkins. "These powers are draconian," he said. "In combination they are unprecedented in peacetime. I believe they are fully justified to meet the clear and present danger" (Quoted in

in a second test. In 1980 the scientist who invented the thin-layer chromatography test used on the men said that the positive results obtained in 1974 could have been produced by cigarette smoke or by any of several household chemicals. Patrick Hill, one of the men, asked that his case be reopened after the scientist's statement, his appeal was turned down. 90) A year and a half earlier - in the aftermath of the Old Bailey bombings of March 1973 - the Home Office, under a Conservative government, had circulated what were described as "contingency plans for dealing with terrorism in England". Several draft bills were drawn up to proscribe the IRA, to restrict the movement of Irish people from Eire into the UK; in mid-1974, the idea of exclusion orders was added to the list of proposals being considered by the government (Scorer, Spencer, & Hewitt, 1985:1).

Conroy,1987:92). The Act was approved by parliament without division and came into force the next day. "It stands, in Kelley's (1982:227) words, "as one of the more repressive and discriminatory pieces of legislation to have been enacted in any Western democracy during the 1970s."

The Act (s.1) gives the Secretary of State the power to ban an organization which "appears' to him to be involved in terrorism in any part of the United Kingdom (Scorer, Spencer & Hewitt,1985:12).⁹¹ The Irish Republican Army was the only banned organization specified in the 1974 Act and it has remained banned ever since. On 3 July 1979, the Irish National Liberation Army was also banned. No other organizations are banned under the Act. Under this statute (s.2), the British government can "exclude from England, Scotland and Wales, from either part of Ireland, anyone suspected ... of involvement in terrorism." In practice, the legislation has enabled British authorities to request exclusion orders for hundreds of people apprehended in Britain. A person subject to an exclusion order has no right to know the evidence on which the exclusion order is made, to cross-examine on the evidence, or to have a public or formal hearing.

The Act (s.12) also permits police to hold a person for up to seven days without any charge being filed. During the

91) Terrorism is defined as the use of violence for political ends and includes any use of violence for the purpose of putting the public or any section of the public in fear. The definition is wide enough to include violence with almost any connection, however remote, with political ends (Scorer, Spencer, & Hewitt,1985:19).

first ten years of its existence 5,905 people were arrested in connection with Northern Ireland terrorism. Of those arrested, 4175 (71%) were held at ports of entry.⁹² 275 people were served with exclusion orders, 152 were charged with offences under the Act, 13 with conspiracy to commit offences under the Act and 294 with other offences. Close to ninety per cent were released without charge or exclusion orders being filed; only 495 people (7.7%) of those detained were charged with any criminal offence (including those covered by the Act) (Scorer, et al., 1985: 36). "In effect, this law makes every ... person in Britain a potential 'terrorist' suspect, who can be deported to the North or the South to be kept in police custody for up to a week for no other reason than that he or she is the object of 'reasonable suspicion'" (Kelley, 1982: 228).⁹³

92) Between 1980 and 1987 I traveled to Ireland/Northern Ireland five times; three times I traveled through London, twice I traveled from Frankfurt to Dublin. My passport was always stamped. On each trip after the first I was stopped at customs (Dublin or London) and my name was looked for in a list of excluded persons.

93) Catherine Scorer (1976:7) of the National Council for Civil Liberties on the PTA (1974): "The ban on the IRA has inevitably led to the curtailing of legitimate political activity by a number of groups who campaign peacefully for the unification of Ireland. The passing of the Act created an unease - in part justified - that a person could be charged for his or her beliefs rather than for a criminal action. Since 1974, both Sinn Fein and Clann na h-Eireann ... restricted their political activity for fear of a charge under the Act (and also, of course, because a large number of the leadership of both organizations had been excluded from Great Britain). Moreover, no one was sure how the courts would interpret the section relating to support. The atmosphere at the time can be gauged from press reports that people were afraid to be associated with anything Irish."

Concomitantly in Northern Ireland there was a dramatic increase in the sectarian assassination of Catholics. In the Westminster elections the United Ulster Unionist Council vote rose from fifty-one per cent to fifty-eight per cent of the poll.⁹⁴ The Times commented that "Ulster voters have retreated to their sectarian stockades as never before"⁹⁵; it was soon playing with the idea that the whole Convention strategy should be dropped, even though it finally concluded that it was probably "better now to go through the motions prescribed by the government in its White Paper...."⁹⁶

Such views were commonplace especially after the election. It was much speculated that, insofar as the government could not have expected much of a positive effect from the Convention, its real purpose had been to use the inevitably rancorous results as an excuse for withdrawal. When it was discovered that secret talks between the Northern Ireland Office and the Provos had begun in early 1975, and that the talks had led to a relatively long-lived 'truce'⁹⁷

94) The UUUC (sometimes called the Unionist Coalition) was set up in January 1974 to fight the Sunningdale agreement, which it saw as the first step to a united Ireland. Its foray into parliamentary politics in February 1974 marked the real break between the Conservative Party and the Ulster Unionists (Flackes, 1983:247).

95) Times 13 October 1974. Quoted in Bew & Patterson, 1985:78.

96) Times 17 October 1974. Quoted in Bew & Patterson, 1985:78.

97) The word was something of a misnomer since the period of the ceasefire saw an actual increase in the level of violence. In the first nine months following the truce, 196 people were killed in political violence, 37 more than during the equivalent period in 1974. Secretary of State for Northern Ireland Rees responded to this with the unconvincing claim that the ceasefire and the violence were quite distinct, and he laid the blame for the latter on "interfactional feuding

between the Provos and the RUC beginning in February 1975, those who held this view became certain that they were correct. But by January 1976 Labour politicians and members of the Northern Ireland Office were prepared to admit that the purpose of the 'truce' was to divide and weaken the Provos"

(the armed conflict between the Official IRA and the Irish Republican Socialist Party) and sectarian murders" (Bew & Patterson, 1985:83).

98) The British saw that the UWC strike had caused some of the leadership of the Provos to feel optimistic about the imminence of radical changes in British policy. At the center of this optimism was a particular interpretation of the UWC strike: that "the loyalist workers are now capable of throwing up their own leaders and will not, in future, be led by the nose by middle-class, careerist politicians or the landed gentry of Ulster unionism" (Irish Republican Information Service, 31 May 1974). Meetings between loyalist paramilitaries and the Provos took place and the optimistic leaders of the Provisional movement assumed that what they saw as loyalist socialism would "bode ill for traditional unionist politicians ... who have exploited the loyalist working class on the basis of sectarianism" (Irish Republican Information Service, 19 June 1974). David O'Connell, the chief-of-staff of the Provos stated that the "The British government (is) committed to disengage from Ireland but it (can) not say so publicly" (Quoted in Bew & Patterson, 1985:82).

Not all republicans were so hopeful. The Republican News (22 June 1974) attacked the notion that the recent moves by loyalist paramilitaries indicated "a significant change in the mentality of the Orange colonists who have for 180 years been the major agents in upholding English imperialism in Ireland." Despite these warnings of the dangers of following "a policy of détente", the Provisional leadership continued on with their naiveté. As it turned out "Provisional convictions and the fears of other groups, from the UDA (Ulster Defence Association) to the SDLP (Social Democratic and Labour Party) and the Cosgrave government (in the Republic), were a deliberate product of the operation of the NIO's political affairs section.... They were prepared to discourse at length with the Provisionals on the question of withdrawal. Although it would be rationalized later as an attempt to educate the Provisionals into the complexities of the situation. The Irish Times Northern correspondent at the time was ... to recall a dinner party given for local newspaper editors by (Secretary of State) Rees and (Permanent Under-Secretary) Cooper at which Cooper had said that withdrawal would come in about five years. He added that in the first two months of 1975 officials at Stormont began to lace their dinner conversations and political tête à têtes with predictions of a

and to get rid of internment, "as prelude to reasserting the rule of law and treating Provisional actions as criminal" (Bew & Patterson, 1985:87). The symbolic end of the cease-fire came with the British Army's raid on the Falls Road "incident centre" on 23 January 1976. This was just two weeks after a

pull out. It now seems that this was aimed at creating an atmosphere which would convince the Provos that their main aim, a declaration of intent, was soon to become a reality" (Bew & Patterson, 1985:83).

99) Seven 'incident centres', each staffed by Sinn Fein officials in constant touch with an operations room in Stormont Castle - staffed by NIO and Ministry of Defence officials, were set up to monitor the ceasefire. For both the Irish government and the SDLP the centers were seen as dangerous concessions which could only increase the Provos' political credibility. The centers were part of a 12 point peace plan which the Provos said the British government had agreed to in the secret talks held in February 1975. Other points were: 1) release of 100 detainees within two to three weeks; 2) phasing out of internment; 3) effective withdrawal to barracks meaning 3,000 to 4,000 troops returned to England within six months; 4) an end to systematic arrests, screening, and large scale searching of Catholic areas; 5) provision for 'army to army' discussions at the local level; 6) an end to military checkpoints and road blocks at the edges of Catholic areas; 7) immunity from arrest for specific persons; 8) firearms licenses for specific persons; 9) no attempt to introduce the RUC and the UDR into Catholic areas; 10) a formal ceasefire agreement to be drawn up by Britain; 11) further talks to take place between IRA leaders and senior British representative.

The British government denied that it had agreed to the 12 points. But there is clear evidence that at least some of them were in operation. There was, for example, a sharp reduction in Army and RUC activity in Catholic areas; the guarantee of immunity for certain leading Provos was apparently in effect since some, including Seamus Twomey - the head of the Belfast Brigade, were spotted by the British Army, but were not arrested. Indeed, Robert Fisk, the most knowledgeable of British correspondents in Belfast at the time, claimed that photographs of Twomey had been removed from the battalions' operations rooms in Belfast. He went to the heart of the questions of the truce, namely, British acquiescence in an open and high profile for the Provos in Catholic neighborhoods, "... if these concessions were never made how was a Provisional able to control traffic on the Falls Road with impunity ... while brazenly holding a machine pistol in his hand?" *New Statesman* 24 August 1975 (Quoted in Bew & Patterson, 1985:82).

detachment of the British Army's Special Air Services (SAS), an elite anti-guerrilla regiment organized during World War Two - and subsequently used in Borneo, Brunei, Oman and Aden, was officially deployed to Northern Ireland. Unofficially, the SAS had been in Ulster since 1970 and have been a major force behind policy changes ever since (Adams, 1987).¹⁰⁰

By 14 June it was clear that the 'truce' had been part of a scheme of obfuscation that was central to British state policy. It was on that day that Secretary of State for Northern Ireland Rees announced in parliament that immediately after the truce a committee had been set up by the NIO to investigate the "problem of securing greater effectiveness of the police in enforcing the rule of law." Although the Bourne Committee had been instructed "to consider the question of police 'acceptability' it was mainly concerned to recommend an

100) In July of that year Edward Heath's cabinet sent the D Squadron of the SAS to the headquarters of the 39 Infantry Brigade in Belfast, which had just been placed under the command of Brigadier Frank Kitson. Kitson had just written a book, *Low Intensity Operations*, which presented a summary of all previous counter-insurgency operations and a synthesis of the tasks ahead for the armies of Western Europe. In his words, "the purpose of the book is to draw attention to the steps which should be taken now in order to make the army ready to deal with subversion (defined as actions designed either to overthrow the government or to force concessions out of it), insurrection and peace-keeping operations during the second half of the 1970s" (Kitson, 1971:2).

The essence of Kitson's approach to low intensity operations is rather straightforward: the army must be prepared for facing popular movements long before they have taken the shape of a violent uprising. Kitson's strategic vision is assembled around three phases in the development of subversion: the preparatory phase; the non-violent phase; and the open insurgency phase. But the Ulster Troubles did not entirely follow his blueprint: the distinct phases that he envisaged overlapped in Ireland and by 1970 open insurrection was the order of the day (Kitson, 1971:82-88).

increase in the RUC's effectiveness." Apparently forgetting the period of nearly a year when he had sanctioned the Provos' imposition of their own conception of order on large areas of Ulster, Rees now defined the "security problem as one of small groups of criminals" (Quoted in Bew & Patterson, 1985:87).¹⁰¹ This despite an assessment of the Provisionals by British Army intelligence that the (Quoted in Conroy, 1987:55)

PIRA is essentially a working class organization based in ghetto areas of the cities and in the poorer rural areas. There is a strata of intelligent, astute, and experienced terrorists who provide the backbone of the organization Our evidence of rank and file terrorists does not support the view that they are merely mindless hooligans drawn from the unemployed and the unemployable.

For their part, the Provisionals, divided and demoralized by the 'truce' and the failure of the withdrawal predictions, attempted to restore both unity and morale in what was becoming a very familiar manner. In early 1976 Sean MacStiofain (former Provo chief-of-staff [1970-72] and leading IRA figure since the 1950s) returned to the Army Council, and David O'Connell and his group withdrew from its leadership. But the Provisional IRA continued to share with constitutional

101) Boyle, Hadden and Hillyard (1980) analyzed 300 terrorist trials and concluded that "the bulk of Republican offenders are young men and women without criminal records in the ordinary sense." They went on to say that those people who were tried for terrorist offences were "reasonably representative of the working class community of which they form a substantial part.... They do not fit the stereotype of criminality which the authorities have from time to time attempted to attach to them.... The pattern of recruitment demonstrates the essentially communal nature of the movement and its close relationship to the political aspirations of the Catholic community and the continuing deprivation and discrimination which it experiences."

republicans in the SDLP and in the Republic the idea that British strategy toward the north necessarily involved the search for a solution in which accommodation between the unionists and the nationalists was reached. This assumption encouraged the pretensions of the constitutionalists and it fuelled Provisional hopes that its almost inevitable failure would lead to a fundamental reappraisal of strategy, followed by withdrawal. This view, in no small part the lingering legacy of the eighteenth century republicanism of Wolfe Tone, sees the British state largely as the instrument of a "single-minded and rapacious ruling class" which wrenched Ireland from its 'natural' course of development, and has in its power a capacity to manipulate internal developments in both Irish states (Bew & Patterson, 1985:88).¹⁰²

Since the mid-1970s the IRA and the British government have been involved in a war of attrition, with neither side showing any signs of giving in. The British have continued to refine their political and military operations in Ulster, and the IRA has restructured its organization. To increase

102) Perhaps the clearest indication of the Provisional world view in mid-1970s is the first demand to the British government to emerge from the secret talks held on 9-11 December 1974: "The establishment of a constituent assembly elected by the people of Ireland through universal adult suffrage and proportional representation. The assembly to draft a new all-Ireland constitution which would provide for a provisional parliament for Ulster (nine counties) with meaningful powers. The constitution to be submitted in national referendum within six months of the first meeting of the assembly, and its adoption to require two-thirds support of the total valid poll (Flackes, 1983:92-3). If the Provos were capable of believing that the British state could at will set aside the existing governmental structures of the Irish Republic, then they must have anticipated even fewer problems in the north.

security in 1977 the IRA leadership changed its battalion system to a cell structure - with each cell consisting of only four people - and moved younger, unknown volunteers into positions of responsibility while leaving well-known, established older figures in high-profile positions as 'front men'. (The life-chances of Catholics in Ulster ensure that the supply of volunteers is never in doubt.) 'Education officers' were trained for lectures and discussions at weapons training camps, 'anti-interrogation' programs were developed in order to help volunteers develop the psychological strength to resist interrogation, women and girls were encouraged to play greater roles as military activists and as propagandists, social clubs were expanded into community services, the IRA Auxiliaries were trained for policing roles in Catholic areas, and political efforts were expanded through Sinn Fein. Sinn Fein established closer ties to the IRA and began to employ full-time organizers in republican areas. It also increased its agitation around social and economic issues and developed links with other Catholic organizations to win support for, and sympathy to, the movement (Coogan, 1980:576ff.; Bowyer Bell, 1980:419ff.).

How effective was the restructuring of the IRA? The best answer is perhaps provided by the British intelligence document noted above, which was seized by the IRA in 1979. It noted that, with an annual income of over £2 million, the Provisionals were acquiring weapons at a rate faster than the army could recover them, and that they were no longer reliant

upon the old Thompson submachine guns of 1969. Today rocket launchers, acquired from the Palestinian Al Fatah fedayeen organization, from Cyprus, or from the United States, are a standard part of IRA arsenals, silicon chips are in their bombs and surface-to-air missiles are on their shopping list. They pick their targets carefully now; their discipline is much improved. In 1979 British Army intelligence wrote that (Coogan, 1980:581):

The Provisional IRA has the dedication and the sinews of war to raise violence intermittently to at least the level of early 1978, certainly for the foreseeable future. Even if 'peace' is restored, the motivation for political inspired violence will remain. Arms will be readily available and there will be many who are able and willing to use them. Any peace will be superficial and brittle. A new campaign may well erupt in the years ahead.

With its new structure and its new political clout - the IRA abandoned its long-standing policy of abstentionism and managed to put its chief spokesman in Westminster's parliament in 1983, the Provos needed about a fifth of the volunteers that they had formerly deployed. In 1980, police estimated that the IRA had a core of 300 to 500 active soldiers. By 1985, the RUC was estimating that the Provos could run their military campaign with just fifty men. A safe means of escape is the dominant feature of Provisional IRA tactics. They seldom plan operations that involve high risks, and in 1980 they claimed that they were aborting five of every six operations, ususally because of information they had been able to gather about the army or the police. The Provos' improved security, discipline, and intelligence are reflected in their

casualty figures. In 1972, seventy Provos were killed; in 1982, only four were killed (Conroy,1987:57).

Emergency Legislation and Counter-Insurgency in Ulster

The anticipation of meaning that governs our understanding of a text is not an act of subjectivity, but proceeds from the communality that binds us to (the movement of a) tradition.

Hans-George Gadamer, 1976

In the early 1970s the British army found that success in its efforts in Ulster

was made nearly impossible for the Government by the faults in the constitutional framework for controlling their campaign against insurrection and by the shortcomings in the laws governing the operations of the security forces to suppress terrorism and disorder (Eveleigh,1978:2).

Consequently, the army's tactical concerns were integrated with those of a more constitutional and legal nature. Certain changes in the legal system were necessary for the military to effectively wage a counter-insurgency campaign in the United Kingdom. The development of strategies and experiences in urban counter-insurgency were seen as necessary given the potential role of the army in Great Britain and elsewhere, and as internal disorder and low intensity conflict replace direct Soviet attack as the major military threats to western capitalist countries and their peripheries.¹⁰³

103) In 1980 twenty-seven "special patrol groups" had been established throughout the U.K. According to the State Research (1980:150) group "24 ... had adopted a para-military role in relation to their use in public order and anti-terrorism." The role of the British army's SAS unit in counter-insurgency activity in the third world is well known (cf. Adams,1987).

The development of a strategy was given a big boost in July 1972 with Operation Motorman - a security operation involving over 21,000 troops together with 9,000 mobilized UDR men and 6,000 members of the RUC designed to break down the barricades and fortifications that had effectively sealed off the republican areas of Belfast and Derry for nearly a year and to lay the foundations for an urban counter-insurgency infrastructure. It was the largest single British military operation since the Franco-British expedition on the Suez Canal in 1956. Operation Motorman was, in Kelley's (1982:185) words, "a resounding success."

War planners in Whitehall, Stormont Castle and at British army headquarters in Lisburn seized the opportunity afforded by the success of 'Motorman' to order construction of several forts in Derry and Belfast. No longer would the nationalist people be able to exclude the troops from their ghettos. Henceforth, the army would be permanently based right in the heart of the most hard-core republican areas. These installations, surrounded by high walls of corrugated iron and protective wire meshing, are not only an eyesore and a constant reminder of Britain's oppression of the Falls and the Bogside; they are also bases for round-the-clock army surveillance of the streets and alleyways in those neighborhoods. Automatic cameras are mounted atop towers inside the forts and they scan the surrounding area day and night. Supersensitive microphones and laser-detection devices are more recent additions to the British technological arsenal stocked in the forts. Through these spying methods and with the aid of computers that have been programmed with information on almost every Catholic resident of Northern Ireland, the army can keep track of the movements of many persons it suspects might be members of the IRA. All the Armalites in the world cannot counter this degree of electronic, push button, high-speed repression.

Thus, as the Provos became more effective in their military struggle, the British did as well. The conflict

became more contained; the shooting and bombing became more selective. The military strategists replaced capitalism and ethnic intimidation as the primary influences on the structure of, and the distribution of populations within, the urban built environment. The army became involved in urban planning, making decisions for the Department of the Environment, altering the geography of Catholic ghettos. Catholics were walled in. Streets in west Belfast are blocked by 'peace' walls of brick and corrugated iron, steel gates and huge blocks of cement. On the walls and the roofs of taller buildings are surveillance cameras scanning the district. Helicopters hover above. Catholic housing projects are designed with sequestration and security in mind. The sidewalks have been laid not merely for pedestrians, but with foundations and width necessary to support the army's fourteen-ton personnel carriers. There are cul de sac arrangements for the streets; houses constructed near security force headquarters have no windows facing the station. The number of entrances to housing estates is limited to allow for easy surveillance and riot control. Ostensibly this has been done to hamper the operations of the IRA, but there are other consequences. The sequestration of working class Catholics is almost total. The distinction between military and civil functions has become increasingly blurred.¹⁰⁴ The level of

104) Cooperation at the highest level had been established in 1969 by regular meetings of a security committee which included the Secretary of State for Northern Ireland, the Chief Constable of the RUC, the General Commanding Officer of the army and the head of the Northern Ireland Civil Service. At lower levels cooperation was less satisfactory. In late

violence has fallen to an 'acceptable' level, and its cost falls increasingly on the working classes.¹⁰⁵

Tactically the army in Ulster is interested in developing riot control techniques, 'depth interrogation' and the intelligence computer. In regard to riot control, the armed forces in Northern Ireland first used water cannon,¹⁰⁶ in

1970 Brigadier Frank Kitson, a former military intelligence officer in Kenya (1953-55), Malaya (1957) and Cyprus (1962-64), army commander in Belfast, after establishing links with the local police, had asked for closer ties with the civil service at the local level, but had met with no response. By the end of 1972, after the disaster of internment and with the imposition of direct rule, he had achieved a civil representative for each police division. The function of these civil servants was to solve the day-to-day problems caused by the breakdown in local services as a result of the conflict and to keep an ear open for anything in the community that might be useful to army intelligence (Kitson, 1971:68).

105) This has been done in ways other than by sequestration and saturation of Catholic ghettos with army and police force. For example, the IRA bombs businesses as part of its economic campaign and the British government pays compensation to shopkeepers who suffer as a result of terrorist activity. Compensation claims have become an industry; compensation officers accept claims of shopkeepers and businessmen without much question, and the police certify almost any fire as the work of a proscribed organization. This effectively keeps the business community out of the conflict and off the back of the government (cf. Conroy, 1987:6ff.).

106) Often the water cannon is used with brightly dyed water. The dye is difficult to wash off the skin and impossible to wash out of clothing. The army argues that this is done to identify rioters for subsequent arrest, but it is more plausible that the dye is used as a form of punishment - since victims suffer the expense of ruined clothing and the criticisms of parents or employers.

The current version of the water cannon has a 22-ton Foden chassis, modified and fitted with a pyrene body, made to Ministry of Defence specifications by Chubb Fire Security. The new design is to reduce its vulnerability to demonstrators - there are now no lengths of exposed hose, no ledges where gasoline bombs could be placed; the cabs and gunners windows are covered with protective wire mesh. Ten feet high, seven feet wide, and over twenty-one feet long, the water cannon looks like a combination of armored car and furniture van. Each vehicle carries five tons of water, which it uses in just over 5 minutes (Ackroyd, et al., 1980:206-7).

conjunction with RUC baton charges,¹⁰⁷ on 5 October 1968 against the NICRA marchers. CS gas was first used in the United Kingdom by the RUC on 12 August 1969 as part of their advance on the Bogside in Derry. By mid-1970 the army had begun to use the gas in a blanket fashion - going so far as to deliberately shoot the gas canisters into homes in Catholic areas of Belfast and Derry.

The rubber bullet (the prototype was made of teak and called a 'baton round' when it was used in Hong Kong in 1958) was developed in 1970 to meet the need for a weapon that would bridge the 'fifty yard gap' which so often separated demonstrators and stone throwing youth from the security forces in Ulster.¹⁰⁸ The plastic bullet was introduced in 1975. These have greater speed, range, and accuracy than the rubber versions, which tended to wobble over long distances because of their length. The muzzle velocity of the plastic bullet has been estimated to be 200 miles an hour, enabling the bullets to do great damage to the human body. Between 1975 and the end of 1981, eleven people were killed by the projectiles, six of them were under the age of fifteen. The security forces justify the use of the weapon on the grounds that tear gas falls on the guilty and the innocent, and

107) Sir Arthur Young, the Chief Constable of the RUC, described the charges as "each man taking out his baton and using it to thump the nearest member of the public." Quoted in Ackroyd, et al., 1980:23.

108) A rubber bullet is not an innocent and lightweight projectile. It is five and three-quarters of an inch long, one and a half inches wide, and cone shaped at one end. It weighs as much as a baseball - five and one-quarter ounces, and it travels at 160 miles per hour.

alienates entire neighborhoods, and water cannon cannot be easily used in the narrow streets of Derry and Belfast (Conroy, 1987:44-45).

Most of the new riot-control technology produces its effect through impact or chemical harassment. But other devices have been developed over the past few years. The use of sound for riot control has been considered. In January 1973 the British government adopted the 'sound curdler' for operations in Northern Ireland. The 'curdler' is a set of portable speakers that can produce an intensely loud "scientifically designed, shrill shrieking, blating noise" (Ackroyd, et al, 1980:224). It is normally mounted on an armored vehicle or helicopter, though a portable version is also available. Another sound device is the 'squawk box'. This device, which is highly directional and can be focused on individuals in a crowd, emits ultrasonic sound of frequency 16,000 and 16,002 cycles per second (cps) respectively - too high to be audible to the human ear. These combine to produce a beat frequency of 2 cps, which is too low to be heard. This infra-sound may cause the victim to feel giddy and nauseous and, in extreme cases, to faint. The 'squawk box' was designed to be used in conjunction with the 'photic driver', a powerful strobe light that disturbs the electrical activity of the brain - causing disorientation, nausea and fainting.

Other riot control techniques that are being developed and/or employed in Northern Ireland include: a) an electrified water stream - a mobile unit like a water cannon, except the

water carries a high electric voltage; b) cold brine projectors - this fires an icy slug of liquid. On impact the shock of the cold incapacitates the body; c) dart guns - the projectile is a drug-filled syringe; d) stench - a pot or grenade giving off an objectionable odor; e) instant 'banana' - makes roads so slippery that they are impassable; f) instant 'mud' - makes roads so sticky that they are difficult to use; g) tasers - which fire two small barbed electrical contacts with up to 500 feet of trailing electric wire. The barbs catch in the victims clothing and she/he is paralysed until the current is disconnected (Ackroyd, et al., 1980:227).

Depth interrogation has been used for basically three reasons: the extraction of information and confessions, ending the political effectiveness of a prisoner, and trying to instill a climate of generalized fear among certain sections of the population.¹⁰⁹ In 1976 the European Commission of Human Rights found Britain guilty of torture and inhuman and

109) It is widely known that in the early and mid-1970s Britain subjected prisoners in Northern Ireland to 'disorientation procedures' known as 'the five techniques'. Detainees were kept hooded at all times, except during periods of interrogation, for up to six days; they were forced to stand against a wall in a spreadeagled position for hours at a time; they were bombarded with 'white noise', a continuous high pitched throb; they were deprived of sleep; and were fed only one small portion of bread and a pint of water every six hours. The official inquiry into allegations of torture, the Compton Commission, found no evidence of wrongdoing on the part of the RUC. In its report, published in November 1971, the panel maintained that "Our investigations have not led us to conclude that any of the grouped or individual complainants suffered physical brutality as we understand the term." Its understanding of 'brutality' required that the inflictor must be shown to enjoying the punishment he is meting out. Otherwise, it is not brutality (Kelley, 1982:156). For a detailed analysis of depth interrogation in Ulster. see McGuffin, 1974.

degrading treatment in Ulster. The British appealed the decision, and in 1978, the European Court of Human Rights dropped the torture charge, but upheld the inhuman and degrading treatment charge. Amnesty International and the Police Surgeons Association (which is associated with the RUC) have documented other brutalities suffered by prisoners at the hands of the RUC since the five techniques were officially ended in 1975.

The intelligence computer is the major technological weapon in the post-direct rule period in Northern Ireland (cf. Kitson, 1971:142-43). While the propaganda machine has always asserted that the battle was being waged against a small minority of men of violence, in reality a large proportion of the Catholic community has always been opposed to British rule. The army has recognized this and has treated the Catholic community accordingly, amassing a great amount of information on it, by 1975 files on well over 500,000 people in Northern Ireland had been compiled.

Everyone who has an actual or suspected connection to the IRA seems to have been arrested, on average, every nine months. The army also conducts routine four-monthly checks on the occupants of each house in selected areas. Even minute details such as the colour of the wallpaper are recorded.... It has been estimated that by mid-1974 the army had details on between 34 and 40 percent of the adult and juvenile population of Northern Ireland (Ackroyd, et al., 1980:41).

Early on in the conflict such information was stored on card-indexes at the local battalion level.¹¹⁰ By April 1977,

110) Intelligence gathering during the early non-violent phase is extremely important and so public rallies and demonstrations usually fall under close photographic

with the introduction of a central computer at army headquarters at Lisburn the already impressive quantity of information concerning the population of Ulster became systematized. The initial data to be entered into the central computer included names, descriptions of people, work places, car registrations, criminal records, and details of trials and political activity since 1969, and, for some, during previous IRA campaigns. The information was rather basic, but indispensable to establishing a comprehensive information network. This computer system was linked to entry checkpoints in Britain and Northern Ireland, allowing immediate information to be obtained on a suspected person, and a four part filing system was put in place.

The first section, the 'P-section', contained information on all personal details of suspects: age, address, physical description, special characteristics, routine places frequented, details of recorded moves (e.g. place and time of passing through a checkpoint) and cross references to family, parents and friends. The second section, patterned on the 'urban protection scheme' used by the French in Algeria,

surveillance. Moreover, the demonstrations allow security forces to act quite openly and arrest people in the streets and detain them for questioning. Indeed, Kitson (1971:94) writes, "in the early stages of a campaign, when demonstrations and riots are rife, information is much easier to obtain than it is once conditions become more settled.... It is therefore essential that soldiers and policemen should be trained to get all the information they can by overt means and their employment, and leisure activities, if any, should be planned with this in mind. Such a programme will only be effective if the officers understand through study the problems involved and are prepared to give effective direction. Arrangements must be made for recording and passing on everything that is received."

involved filing street names, from street directories, electoral lists and phone books and observation by patrols on the ground. The name and occupation of the subject are noted, as well as details of alleged or expressed political opinions. A door-to-door 'census' was established by soldiers who even noted the name of the family dog. Frequent searches allow an updating of information.¹¹¹ The third section is the vehicles index. The color and the registration number of a vehicle are noted, as is a coded reference to the way that any particular car should be treated when passing through a check-point. The religion of the owner is also noted. This index is linked with the P-section data, thus enabling the owner of the vehicle to be instantly traced. The fourth section is the vehicle check-point (VCP) index, giving the times and places of cars checked by RUC or army patrol, in mobile or static check-points, where cars are stopped at random. The registration is recorded and checked against the VCP index. This provides information which allows for the reassembling of the entire pattern of a vehicle's movements, actual journeys and a profile of potential activities. Permutations of the four sections can be made to exploit intelligence according to the current operational need.

In addition to the Lisburn military computer system all information netted by the social services, beginning with the Northern Ireland Health Service, is added to the army's data.

111) The number of houses searched varies. According to official statistics, 74,914 houses were searched in 1974; in 1982, 4,045 were searched (Flackes, 1983:323).

Since 1978 social workers have been filling out 'personal data forms' for each person dealing with the social services. This file included date of birth, sex, marital status, employment situation, with a reference number, as well as a 'geocode' of seven numbers which allowed the computer to locate any address immediately (Faligot, 1983).

In this connection one of the army's most useful methods of providing assistance consists of making individual officers and soldiers available to agencies which are then obliged to expand rapidly.

In order to counter activities on the part of subversives the government must first know about them in detail which means that it must build up and adapt its intelligence organization to meet the threat. It must also promote its own cause and undermine that of the enemy by disseminating its view of the situation, and this involves a carefully planned and co-ordinated campaign of ... psychological operations (Kitson, 1971:71).

The aim of psychological operations is to discredit and isolate the insurgent movement from the population at large and to convince international public opinion that the 'peace-keeping' operations are justified.¹¹²

112) Some consider the Birmingham bombing in 1972 to have been a psychological operation. Examples of others occurred in Ulster in July 1972. The Provos decided to stage a "spectacular bombing blitz" in Belfast on Friday 21 July by setting off twenty-one explosions between 2:15 and 3:30 that afternoon. The IRA called in warnings to the Public Protection Agency, a quasi-governmental body that had become proficient in relaying bomb reports to the RUC and the army. In nineteen cases the affected areas were cleared in time and no one was injured. In the other two cases, either the army did not get the information to their units in the field in time or they chose to ignore the warnings. Consequently, nine people were killed, seven of them civilian. For the British 'Bloody Friday' was now equated with 'Bloody Sunday'. On the newscasts that night police were shown shovelling limbs and torsos into plastic bags. The government also printed 250,000

The constitutional shortcomings faced by the army meant that the government's campaign could not be effectively managed. The shortcomings in the law involved the lack of appropriate legal powers to make security effective in suppressing civil disorder. Initially, the army had difficulty in discerning which civil authority to assist. There were confusing differences between the law in England and Wales, Scotland and Northern Ireland; and there was a contradictory and inadequate system of civil litigation and normal criminal prosecution which did not clearly establish the legality of the security forces' methods of operation in the context of the U.K. There was no effective government public relations program to support the counter-insurgency campaign, and there was "the lack of a government organization to manage the efforts of the whole of society as coordinated campaign against insurgency." Central to this last factor was the timing and the spacing of the government's activities, which were out of sync with the needs of a counter-insurgency campaign (Eveleigh, 1978:48-60).¹¹³

copies of a four page leaflet called 'The Terror and the Tears' which described, in gruesome detail, what had happened. Ten days later a car bomb in a village near Derry exploded, killing nine civilians. The IRA denied responsibility, but even those who are sympathetic to the republican position believe that its volunteers were responsible. The army made the most of it, this time printing 200,000 copies of another leaflet, this one entitled 'Death of a Village' (Kelley, 1982:184-85).

113) Often counter-insurgency forces have to develop information by using special skills and equipment or by exploiting the characteristics of special people such as captured insurgents. These forces have usually worked in close conjunction with the government's intelligence organization or they may be formed within it. Under certain conditions, Kitson argues, a whole campaign could be conducted

The first step toward improving the constitutional structure for countering insurgency was to narrow the gulf between constitutional theory and the practice of military control by providing for broad executive powers over the use of the military that can be invoked when the need arises (Emergency Powers Acts); to remove the uncertainty from the law concerning terrorism by declaring what it is in open court (the 1984 PTA defines terrorism as "the use of violence for political ends and includes any use of violence for the purpose of putting the public or any section of the public in fear", proposed legislation, as already noted, has expanded upon this definition); and to end the common law definition of martial law because in Ulster it "does not protect the military from the consequences of unreasonable acts committed by them while suppressing a rebellion." The army also proposed legislation that would provide a clear legal position on surveillance operations¹¹⁴ and on the control of

on the basis of a special operation (i.e. in a situation where it was only necessary to destroy the enemy leadership for the whole campaign to collapse). In other conditions, in which no reliable intelligence is available, a special force "would have to build up its own intelligence organization which would take a long time." Such a strategy "offers many advantages over the employment of conventional troops. For one thing it is likely to be more economic because most of the work is done by local inhabitants instead of by the higher paid members of the regular army, and in any case the total number involved is likely to be far smaller.... Another advantage is that Special Forces can operate in a more unobtrusive way than regular troops, and this could be an important factor if the insurgents were trying to exploit world opinion against their government" (Kitson, 1971:96-101).

114) For example, until 1973 the legal position on fingerprinting in Northern Ireland was substantially the same as in England under Section 70 of the Magistrates' Courts Act (Northern Ireland) 1964: the police had no right to obtain someone's finger prints until after he/she had been charged

surveillance by technical devices (the Interception of Communication Act 1985 and judicial warrant). After such legislation was in place parliament's counter insurgency role was to enact "whatever legislation is needed at the time to supply the best type of justice that can be operated in an area affected by terrorism and insurrection" (Eveleigh, 1978: 107; Walker, 1986).

with a crime. The result was that "fingerprints were not used to combat terrorism in that province.... Failure of the law to permit this realistic means of detention was a substantial reason why detention without trial had to be continued."

Section 10 of the Northern Ireland (Emergency Provisions) Act 1973 says:

1) "Any constable may arrest without warrant any person whom he suspects of being a terrorist."

4) "Where a person is arrested under this section, an officer of the Royal Ulster Constabulary not below the rank of Chief Inspector may order him to be photographed and to have his fingerprints and palm prints taken by a constable and a constable may use such reasonable force as may be necessary for that purpose."

"Thus in order to be compulsorily photographed and fingerprinted without being charged and a warrant granted by a magistrate's court, a citizen had to be arrested under Section 11 of the Act with a view to detention without trial as a suspected terrorist. If he was originally arrested under Section 11 of the Act with a view to being charged before the ordinary courts for an offence linked to terrorism, then the normal rules applied and the citizen had to go before a magistrate's court before he could be compulsorily fingerprinted, after which he could not be questioned. Not only did this continue to inhibit the use of fingerprints to detect and convict terrorists in spite of intimidation, but the difference between the two sections of the Act opened up a technical defence to the terrorist - that he was arrested under one section but treated in this respect as if he had been arrested under the other. This is the sort of booby-trap in the law for the suppression of terrorism that hampers the security forces and in the long run contributes to the necessity of detention without trial" (Eveleigh, 1978:125).

The Prevention of Terrorism Act (1984) (para. 5(3)) provides that when a person has been detained under section 12 or 13 "...any examining officer, constable or prison officer, or any other person authorised by the Secretary of State, may take all such steps as may be reasonably necessary for photographing, measuring or otherwise identifying him."

The Prevention of Terrorism (Temporary Provisions) Act (1984)

The Law should be used as just another weapon in the government's arsenal and in this case it becomes little more than a propaganda cover for the disposal of unwanted members of the public. For this to happen efficiently, the activities of the legal services have to be tied into the war effort in as discreet a way as possible. (An) alternative is that the law should remain impartial and administer the laws of the country without any direction from the government.... But operating in this way can result in delays which might be impossible to accept....

Brigadier Frank Kitson, 1971

The text that is historically understood is forced to abandon its claim that it is uttering something true.

Hans-Georg Gadamer, 1976

The 1984 Prevention of Terrorism Act (PTA) grew out of the 1974 PTA, which was to remain in force for six months only, although it could be renewed - in whole or in part - after that date. Despite a sharp decline in bombing incidents, during the renewal debate in May 1975 Roy Jenkins recommended a further six month extension so that the law enforcement agencies would not be left powerless should the bombing resume. But he emphasized the temporary nature of the Act and committed himself to ending it. He said:

I am prepared to tell the House that unless in November I feel able to recommend the dropping of substantial parts of the Act, I shall not ask the House to proceed by order.

Yet on 28 November he asked the House of Commons to do just that - while a new Bill, the basis of the Prevention of Terrorism (Temporary Provisions) Act 1976, published a week before could pass through its parliamentary stages. The Act

as amended became law on 25 March 1976; with minor amendments it remained in force until March 1984.

In December 1977 an inquiry was set up to review the operation of the Act. Its terms of reference excluded consideration of the need for, or the scope of, emergency legislation and its investigation was confined to the working of the Act. Its recommendations were minor; the most significant one involved the suggestion that financial assistance be given to the relatives of terrorists, it was turned down on the grounds that "such a scheme could not be justified" (Statement by the Home Secretary, 1980. Quoted in Scorer, et al., 1985:3).

Not until 1982 did the Labour opposition break the parliamentary consensus by abstaining in the vote to renew the Act. In response the government established a new inquiry into the operation of the the Act. Its terms of reference, like those of its predecessor, restricted inquiry by incorporating the assumption that there "is a continuing need for legislation against terrorism." This was reinforced by a ministerial direction that the review "ought not to focus on whether or not we need the Act" (Quoted in Walker, 1986:26). The constitution of the review also forbade the examination of the Northern Ireland (Emergency Provisions) Act (1978), which effectively obstructed any survey of the response to terrorism in that province. Finally, the review came almost ten years after the inauguration of the original Act and therefore faced

even deeper entrenchment and military support than the 1977 inquiry.

In July 1983 the government published a Bill to implement the recommendations. The key changes proposed for the new Bill, which subsequently became the 1984 Act were (Scorer, et al., 1985:5):

a) the words "Temporary Provisions" should be removed from the short title of the Act since the epithet "rings increasingly hollow" (Quoted in Walker, 1986:27).¹¹⁵

b) it should continue to require annual renewal but have a maximum life of five years. Any further counter-terrorism legislation should require a new Bill.

c) power to arrest and detain someone suspected of involvement in terrorism should be extended to include suspected international terrorists. The detention can be extended by the Home Secretary for up to a total of seven days.

d) officers at ports have the right to detain anyone without suspicion for up to twelve hours, after which they should have "reasonable suspicion".¹¹⁶

e) suspects should not have an absolute right to have a friend or relative notified of their arrest if police think this would interfere with the investigation.

f) section 11, which relates only to third parties and does not oblige the suspect to incriminate him or herself, should remain in force but no longer carry a power of arrest under this Act.

115) An amendment proposed by Enoch Powell (Unionist MP for South Down) to reinstate the term won government support and the Act once again became the Prevention of Terrorism (Temporary Provisions) Act.

116) This recommendation was originally turned down by the government, but was subsequently included in a supplemental order to the Act which has the force of law.

The new Prevention of Terrorism (Temporary Provisions) Act was passed into law in March 1984. As for the five year time-limit, it was welcomed as ensuring, in the words of one MP, that the Act would eventually have to be considered "in detail and de novo" with the onus on its sponsors (Quoted in Walker, 1986:28). It was noted, however, that the new system would likely devalue still further the annual reviews of the Act during the five-year period of operation. To counteract any such tendency, two devices were proposed by back-benchers, which the government eventually implemented (Walker, 1986:28).

The first was that a commissioner should be appointed to review the legislation in a concentrated period just before each renewal. His role would be as follows: (House of Lords Debates, 18 March 1984. Quoted in Walker, 1986:28):

First, he would not be an appellant authority.... It would be his task to look at the use made of the powers under the Act. To consider, for example, whether he saw emerging any change in the pattern of their use which required to be drawn to the attention of parliament.

The commissioner was to have access to documents and officials, and his findings were to take the form of a published exchange of correspondence between himself and the Secretary of State, which was to constitute evidence at each renewal.

The second way in which annual debates were to be encouraged was by the government's promise that (House of Lords Debates, 23 February 1984. Quoted in Walker, 1986:28):

... on any occasion when we lay an order to renew this piece of legislation, we shall do so in ample time for (parliament) to be able to debate it at a

date which will permit the government ... to withdraw the order and replace it with another.

In this way the government was allowed to test the parliamentary waters so that a revised order could be tabled which singled out any sections causing concern. This provides a way around the problem that draft statutory orders effecting renewal cannot be amended but must be accepted or rejected as a whole.

The success of this system depended on the quality of the commissioner's efforts and the willingness of parliamentarians to critically analyze the information tossed their way. All indications are that the government was not greatly put out. The first annual report was completed within six weeks almost entirely on the basis of evidence from official sources, was disclosed to parliament only two days before the renewal debate, and has never been published. The government also refused to lay more than one renewal order despite criticisms both before and during the debate directed at specific parts of the Act - with exclusion being the main target. For all practical purposes the emergency nature of the legislation has now been largely forgotten - not least by the police - and the Act - originally justified in 1974, and described by the then Home Secretary as "draconian" and "unprecedented in peacetime" has become an integral part of British criminal law (Scorer, et al., 1985:6).

The 1984 Act is due to expire on 21 March 1989. On 25 November 1988 the government introduced the Prevention of Terrorism (Temporary Provisions) Bill, which seeks to re-enact

with significant additions the 1984 PTA. The Bill received its second reading on 6 December. The votes on the government's motion received 305 votes and those against numbered 45. The main provisions of the new Bill include (Northern Ireland Office, December, 1988):

a) the Bill has no expiry date unlike the 1984 Act but, as in the Act, most of the Bill's main provisions require annual renewal by parliament (emphasis added);

b) it is proposed to extend the definition of existing offences contributing to terrorism to cover activities and transactions carried on by banks, financial institutions and other financial advisors. The offences will also extend to financial assistance for international terrorism as well as terrorism connected with Northern Ireland;

c) the power of examination and detention at ports and the system of designating control areas at ports, previously authorized by the Prevention of Terrorism (Supplemental Temporary Provisions) Order 1984 and by the corresponding Northern Ireland Order, will be incorporated into primary legislation.

In Northern Ireland only, the Bill seeks to "reactivate the unexpired remitted portion of a prison sentence in cases where individuals convicted of an offence are convicted again of a scheduled offence before the original sentence would have expired."

The Northern Ireland (Emergency Provisions) Act (1978)

The dilemma facing a democratic society is that the means needed to defeat terrorism and suppress insurrection are the very ones needed to enforce a tyranny. All the practices of different internal security services, while of very different intensities and with very different limits, are basically the same because they are the only methods by which a society can protect itself against organized citizens within itself who wish to destroy their own polity. In Northern Ireland this situation was complicated because a substantial portion of the Catholic population simply (does) not wish to be a part of the British state or under British rule.... They (can) in the final analysis only be governed by force of British arms....

Robin Eveleigh, 1978

The second major legal weapon in the government's Ulster arsenal is the Northern Ireland (Emergency Provisions) Act (1978), amended by the Northern Ireland (Emergency Provisions) Act (1987). The Act provides that (Northern Ireland Office, December, 1988):

- a) bail in scheduled ("terrorist-type") cases may only be granted by a high court judge, and then only subject to stringent requirements;
- b) trials of scheduled offences may only be heard by a judge sitting without a jury;
- c) confessions of those accused of scheduled offences should be admissible unless the defence can provide prima facie evidence that they were obtained by torture or by inhuman or degrading treatment;
- d) the onus of proof as to possession of firearms and explosives should be on the defence;
- e) the police may hold terrorist suspects for up to seven days without charge;
- f) terrorists may be detained without trial;
- g) the security forces be given powers of search and entry in respect of vehicles and premises for arms and explosives;
- h) the security forces be given powers to stop and question persons about terrorist activity;

membership of proscribed organizations is an offence;

i) collecting information likely to be of use to a terrorist is an offence.

The principal conclusion of a 1983 review of the Act was that the system of non-jury courts hearing most terrorist-type cases was still necessary. The recommendations of this report were reflected in the Northern Ireland (Emergency Provisions) Act (1987) (Northern Ireland Office, December 1988):

a) persons detained under this emergency legislation were given a statutory right to have someone informed of their arrest and to have access to legal advice;

b) a scheme was established to regulate private security firms in Northern Ireland to prevent them from being exploited by paramilitary extortion rackets;

c) the discretion of the court to find confession evidence in scheduled cases inadmissible was restated to make violence or threat of violence grounds for excluding evidence, and to place on a statutory basis the court's discretion to exclude confessions in the interest of justice or fairness to the accused.

Early in 1989 the British government introduced in Northern Ireland two other measures designed to deal with terrorism (British Information Service, Policy Statement, February 17, 1989):

a) the right of a defendant to remain silent during questioning and trial has been altered. 'In certain circumstances the court may draw whatever inferences would be proper from the fact that an accused remains silent. Similar changes will be introduced for England and Wales';

b) a decision was made to limit access to radio and TV by extremist organizations. 'Their activities and words can still be freely reported but the terrorists themselves are denied the ability to

appear on TV and thereby obtain a spurious authority and respectability.¹¹⁷

It should be noted that "very similar problems of precipitate enactment, lackadaisical review¹¹⁸ and aversion to repeal have been encountered in relation to most other emergency laws (in Britain) this century" (Walker, 1986:29). An example is the Prevention of Violence (Temporary Provisions) Act (1939). This measure was introduced into parliament on 19 July 1939 and was passed into law nine days later. By section 5(2) the Act was to expire in two years, but, though IRA violence had ended during 1940, it was extended in July 1941 to the end of that year and renewed

117) This merely gives statutory basis to a long established policy. Cathcart (1984:229) writes that the general feeling among BBC executives was that "critical investigations into the conduct and practices of the armed forces, troops, and police, engaged in the campaign against subversion are not only inappropriate but unpatriotic and treacherous.... (F)ilm of republican demonstrations, such as parades and funerals, is unwelcome and interviews with republican paramilitaries are anathema." See also Liz Curtis, 1984b.

118) Gordon (1981:1018) notes that even under 'normal' liberal-democratic conditions "the chief aim of mainstream legal scholarship is that of rationalizing the real, of showing that the law-making and law-applying activities that go on in society make sense and can be rationally related to some coherent conceptual ordering scheme.... This approach is largely predetermined by method: if one is doing legal scholarship at all, one is proceeding as if the real were rational. A second aim goes beyond rationalization to justification, because the basic ordering scheme is not interesting to most legal scholars - even to those who go to some pains to characterize their method as positive and not normative unless the scheme may be derived from or at least shown to be consistent with some plausible conception of the good. Most writers ... seek to refine the already developed justifications of existing orderly schemes, rather than starting from scratch every time. The third aim is a pragmatic one. Legal scholars ususally want to persuade their readers that rationalization and justification are practical exercises that will help advocates or policymakers justify their actions publicly."

annually until 1954. It was only after 1950 that the Act became a matter of controversy, and, even under pressure, it was maintained for another three years. In summary, the emergency lasted less than one year; the Act lingered for just over fifteen.

The Prevention of Terrorism Act and the Emergency Provisions Act clearly are part of a web of emergency legislation in Northern Ireland. Their true importance is that they have extended and complemented legislation already in existence in Ulster for over half a century. The existence and use of virtually unhampered executive powers are, and always have been, the rule in Northern Ireland. These have ranged from a minister's power to intern without the benefit of trial to a soldier's power to arrest without reasonable suspicion. Although the subtle wording and details have varied at different periods the substantive content of the powers has not. For people living in republican and working class areas they have meant a perpetual and almost total subjection to executive authority. Their freedom of movement, freedom of expression and thought, freedom of association, their right to personal liberty and bodily integrity have always depended on the whim of an official, whether a soldier, policeman, prison officer, civilian searcher, civil servant, or minister, and not on the due process of law (Walsh, 1983 & 1985; Scorer, et al., 1985).

The alienation and violence engendered by these policies are compounded by the staggering complexity of their sources.

The Civil Authorities (Special Powers) Act (1922) was supplemented by numerous statutory instruments put on the books by the Minister for Home Affairs under powers granted by the Act. Walsh (1985:65) writes:¹¹⁹

Further gross infringements of civil liberties and human rights were contained in the Flags and Emblems (Northern Ireland) Act (1954), the Criminal Justice (Temporary Provisions) Act (N.I.) (1970), as amended in 1971, and the Firearms Act (Northern Ireland) (1969), as amended in 1971. The Civil Authorities (Special Powers) Act and its progeny were repealed in 1973 only to be replaced by the Northern Ireland (Emergency Provisions) Act (1973) followed by the Prevention of Terrorism (Temporary Provisions) Acts of 1974 and 1976, the Northern Ireland (Emergency Provisions) Act, the EPA 1978 and the Prevention of Terrorism Act (1984). It was the EPA which introduced the non-jury Diplock Courts for terrorist-type offences and relaxed the rules to allow the admissibility in court of involuntary confessions.

All of this legislation, much of it overlapping, controls the movements of people and information. It is selectively enforced against the Catholic republicans; the Protestant loyalist groups are not sanctioned to nearly the same degree. The Ulster Defence Association (UDA), the largest and most powerful loyalist organization, remains legal, although it advocates and carries out selective murder. Two smaller loyalist groups, the Ulster Freedom Fighters (UFF) and the Ulster Volunteer Force (UVF), both loosely associated with the UDA, were proscribed by O'Neill under the Special Powers Act,

119) In one of the more macabre uses of this legislation the corpse of twenty-five year old Francis Hughes, the second of the republican hunger strikers to die in the Maze prison in May 1981, was arrested after it was released from the hospital to his family. The police, who intended to prevent the IRA man's remains from stopping at a church where more than 2,000 mourners waited, cited the Flags and Emblems Act.

Table 6-3: Central Emergency Legislation in Northern Ireland

| Enabling Legislation | Action | Central Outcome |
|---|--|---|
| Civil Authorities Act (1922-73) | Complete Executive Authority | Police State |
| Emergency Provisions Acts | Non-Jury Trials w/o Bail | Increased Convictions & Confessions |
| 1973 | Expanded Police Powers to Enter, Search, Seize, Detain and Arrest | Facilitates Detention w/o Trial Process |
| 1975 | | |
| 1977 | Proscribed Organizations | IRA - INLA
UFF - UVF |
| 1978 | Detention w/o Charge for up to Seven Days | Facilitates Screening, Intelligence Gathering & Obtaining of Confessions |
| 1987 | Interrogation | |
| Prevention of Terrorism Acts | Exclusion Orders | Republican Supporters are Denied Entry to U. K. |
| 1974 | Proscribed Organizations | IRA - INLA |
| | Arrest w/o Warrant | Detention, Screening, Gathering of Intelligence, & Convictions |
| 1976 | Detention w/o Charge for up to Seven Days | |
| 1984 | Extend Definition of Terrorism to Include Financial Institutions | Allows Access to IRA Funds |
| | Prohibit Funding of Proscribed Organizations | Hinders IRA Fund-Raising |
| Criminal Law Act (1967) | Expands Legal Use of Firearms by Security Forces | Increased Police Terror & Intimidation |
| Interception of Communication Act (1985) | Regulates Electronic Surveillance | Increased Surveillance |

but Catholics see the refusal to ban the UDA as blatantly unfair. For the British state a Sinn Fein demonstration is a show of resistance to the state, while a UDA rally is a show of allegiance. In justifying this policy and its general approach to law and order in Ulster the British state has always publicly embraced the version of the conflict put forth by the Cameron Commission in 1969 - that if anyone was really to blame for the outbreak of violence it was the subversives who used the civil rights platform to stir up trouble in the streets.¹²⁰

The Scarman Tribunal was the most significant early attempt on the part of the British government to publicly address law and order issues in Ulster. Using what Burton and Carlen (1979:110-11) call "apposite history" - a narrative history that cuts off at particularly appropriate moments, claiming that the cut off point represents the origin of the problem, the Tribunal's report begins to structure an argument on the events in Ulster in 1969. History is introduced and managed as a stream of events that exist apart from the agency of the British state and which the tribunal enters into and departs from at will:

An accurate assessment of the 1969 disturbances requires some knowledge of events in the Province since unrest developed in 1968. These initial events have been described in the Report of the Cameron Commission, and we feel we can deal with them briefly (Scarman Report: 1.2.).

120) The following paragraphs draw from Burton and Carlen, 1977 & 1979:110ff.

Its continuity and justification thus maintained, the appropriate point to enter the stream of Anglo-Irish history becomes June 1968:

"(when) the local Member of Parliament (NI) exposed a case of discrimination in favour of an unmarried Protestant girl. The agitation which started over this case caught the imagination of the non-unionist minority in the Province and greatly increased the standing influence of the Northern Ireland Civil Rights Association. Events elsewhere in the world, particularly perhaps the student riots in France in the early summer of that year, encouraged the belief that a policy of street demonstrations at critical places and times could achieve results if only because they would attract the attention of the mass media" (Scarman Report: 1.3.).¹²¹

Thus we are thrown into the complex history of the Irish question. The discourse has been located, the point of origin becomes 1968 (in France no less!). In Burton and Carlen's (1979:111) words: "starting has ended the past, but the past has been pulled into the present."

121) In the late 1960s, before the creation of the Northern Ireland Housing Executive, housing was allocated by urban and rural councils, most of which were controlled by the Unionist Party. As a way of protesting discrimination against Catholics in housing allocation, civil rights organizers urged homeless Catholics to squat in new homes built in Caledon, near Dungannon. In June 1968, the Dungannon Council evicted the Catholic families from the estate and awarded one of the houses to Emily Beattie, a 19 year old unmarried secretary to a local unionist councillor. Austin Currie, a Catholic representative at Stormont, was infuriated by the blatant discrimination. He went to the house in question and, before Beattie could move in, took it over himself. His eviction by the police was recorded by television cameras. A march was organized to protest these actions on the part of the authorities, 4,000 people participated. A second march was banned, but the marchers went ahead with their demonstration. Policemen responded with clubs, and once again the television cameras were there to record the violence. The police violence fed the protest, and the movement gathered momentum (cf. Conroy, 1987:72ff.).

Once the problem has an origin, the British proceed to build an argument around it "which takes a guise of temporal neutrality": The development of their perspective appears as a natural consequence of the past (Burton and Carlen, 1979:111). In the above example (1.3) the history of the beginning of the Troubles continues on to trace the events of the 1968 riots and the reform program:

"Undoubtedly, the Government was faced with a dilemma. If it stood firm it attracted violent opposition. Yet to promise reform after the threat to law and order was a recipe to encourage further demonstration and counter-demonstration, and to increase rather than diminish the risk of confrontation between minority groups and the police" (Scarman Report: 1.4.).

There follows more narrative on the People's Democracy march in January 1969 and the rioting that followed in the Bogside (1.5). Then once again the state argues its case: "The reform programme had left opposition activists dissatisfied, but at the same time it had evoked hostility from some Protestants" (Burton and Carlen, 1979:112).

While the Catholic minority was developing confidence in its power, a feeling of insecurity was affecting the Protestants.... In these circumstances sectarian conflict was to be expected unless the police were strong enough to prevent it (Scarman Report: 1.8).

When placed within the context of Anglo-Irish history sketched out above, such analyses clearly exhibit the discursively pragmatic nature of the judicial enterprise, of its principles and its precedents. Another example comes from the Diplock Commission. The commissioners, when caught in the bind of advocating a form of detention which does not comply

with the technical guarantees of objectivity and changes within these guarantees (in compliance with Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms), write:

The dilemma is complete. The only hope of restoring the efficacy of criminal courts in Northern Ireland is by using an extra-judicial process to deprive of their ability to operate in Northern Ireland, those terrorists whose activities result in the intimidation of witnesses (para.27).

They continue by saying that the term 'detention' does not mean 'imprisonment', rather

we use it to describe depriving a man of his liberty as a result of an investigation of the facts¹²² which inculcate the detainee by an impartial person or tribunal by making use of a procedure which, however fair to him, is inappropriate to a court of law because it does not comply with Article 6 of the European Convention. Lawyers ... tend to assume that the only safe evidence on which to commit a man upon a criminal charge is that which is admitted and elicited in accordance with the technical rules of procedure which are at present used in English ... criminal courts.... But in fact there may be material available to the security authorities which would carry complete conviction as to the guilt of the accused to any impartial arbiter of common sense, although it is based on statements by witnesses who cannot be subject to questioning by lawyers on behalf of the accused or even produced for examination by the arbiter himself. If there is any process by which members of terrorist organizations can be identified with certainty their detention in custody does not involve the punishment of an innocent man, or even one who is guilty of a 'political crime'. It means depriving of his liberty, albeit by an extra-judicial process, a criminal who has committed an offence which has been punishable by the common law of England and Northern Ireland for upwards of two centuries before the current emergency ... (paras. 28-9).

Such a position distorts the political and historical contingency of the contemporary Ulster conflict by focusing on

122) Which are assumed to exist apart from the discourse.

tactics, a characteristic that it has in common with the work of the counter-insurgency theorists.¹²³ The historical sketch in preceding chapters represents an attempt to subvert such rationalizations by emphasizing the long and complex history of the relationship between England and Ireland; and by stressing the differing conceptions of citizenship, law and government characterizing this relationship as well as the differing social conditions and technologies available to each combatant.¹²⁴

Historical Sociology and the Law

But ... had the youthful Moses listened to and accepted that view of life, had he bowed his head and bowed his will and bowed his spirit before that arrogant admonition he would never have brought the chosen people out of their house of bondage nor followed the pillar of the cloud by day. He would never have spoken with the Eternal amid lightnings on Sinai's mountaintop nor ever have come down with the light of inspiration shining in his countenance and bearing in his arms the tables of law, graven in the language of the outlaw.

James Joyce, 1922

A sociological exploration of this historical context challenges the various models underlying traditional Marxist and liberal theories of law and the enterprise of legal scholarship. At the center of Marxist analyses is the

123) The recognition of the historical and political contingency of law is a perpetual threat to those who have chaired commissions of inquiry and conducted reviews of emergency legislation and to policy makers. Gordon, from whom the following paragraphs derive (1981:1017), notes that in order to defend against such threats "legal scholars have regularly and recurrently resorted to certain strategies of response or evasion ... and that these strategies have so influenced the practice of legal scholarship as to severely limit its intellectual options and imaginative range."

124) The term 'technology' is used broadly to refer to any device or method which exploits knowledge from any of the sciences from chemistry and physics through to psychology.

relationship of political processes and state actions to the capitalist economy and to the basic class relations in capitalist society. A Marxist explanation of political conflict, seeking to reduce political conflict to its real class significance, would refer primarily to class actions and conflicts, particularly to those of the capitalist and the industrial working class. It would tend to see law as responding to materially constitutive interests, as making those decisions which are necessary to define historically developing class relations. For their part, liberals assume that legal rules, if they are living up to their potential, link society and state in ways that are both universalistic and efficacious. No one is bothered if this picture is called into question by those who point to specific laws that are not favorable to capital or that are selectively or ineffectively enforced: these examples simply illustrate the 'gap' between law on the books and in action, the deviant practices that it is the function of legal scholars to root out (cf. British Information Services, Policy Statement, February 17, 1989; Northern Ireland Office, October 1988, November 1988a & 1988b).¹²⁵ What is challenging to these frameworks is the

125) The chief aims of such statements as those issued by the BIS and the NIO are to rationalize (by showing that the law-making and law-applying activities of the government made sense) and justify (by presenting a conception of the 'public good' that was threatened) British policy in Northern Ireland, and to persuade the public that rationalization and justification are practical exercises that will aid policy-makers. Gordon (1981:1021ff.) argues that an exercise that satisfies all three of these criteria is necessarily somewhat apologetic, in either a conservative or a reformist manner. The conservative reveals the hidden logical fit between what already happened in society and the underlying normative

sociology that demonstrates the existence of systematic discontinuities between legal texts and their social/historical contexts.

There are different ways of creating this sense of discontinuity. In his discussion of Marxian analysis, E. P. Thompson (1978:48) argues that the times in which governing institutions appear as the direct, emphatic, and unmediated organs of a 'ruling class' are exceedingly rare, as well as transient. In his critique of mainstream legal sociology, Gordon (1981:1022) develops the idea of "legal pluralism", which demotes the legal order to the status of one sub-culture among many, competing (and often losing) against many other sources of normative order and coercive sanctions. Seen this way, legal norms do not appear primary and universal, but seem only to express the ideology of a particular official or group - the content of which is determined by "the group's strategy of self aggrandisement, which may include mystification, the pose of guarding traditional norms, the seizure of initiative from some other agency, or election to political office." An alternative view is that the embodiment of a norm in law may be a tribute to its very ineffectiveness, the legal system

explanatory structure, then seeks to identify deviations or anomalies for the sake of casting them out. The reformer usually points to a whole body of ideas or practices that is out of line with the basic structure, but that can, with appropriate revisions, be made to fit. This exercise is apologetic because the assumption that existing practices are rational and good, or may readily be made so by procedures and options currently available to policy-makers, tends to exclude consideration of other possibilities, such as that the practices are irrational or bad beyond the chance of correction save by fundamental change - in ways of thinking as well as in institutional design.

being assigned the role of expressing as pious hopes norms that no one expects ever to be realized (Edelman, 1964:47-49). Finally, and for Ireland most importantly, norms that derive from sources other than, and in opposition to, the state can be quite effectively enforced with strong traditions of extralegal and antilegal ideologies. In Ireland one cannot even confidently say that the state has ever held a monopoly on legitimate violence.

Other examples might be given. The point is that social-historical investigations are challenging to ahistorical modes of legal sociology because they allow us to recapture the social and political perspective within which the writer has formed her views. They are also challenging to those studies which attempt to understand social change in terms of the differential adaptation of forms of society to their 'environment', i.e. by giving primacy to the role that allocative resources play in the structuring of political institutions and movements, because

they suggest that the contributions of texts to the context are as likely to be harmful or futile as beneficent or practical, for reasons that ordinary legal analysis seems to keep beyond its field of vision. Perhaps more disturbingly, they suggest that the legal text may often not be understood at all in terms of its instrumental relation to a social context, but only as a symbolic statement: a legitimating ideology, a utopian aspiration, or a cultural ritual designed to define the boundaries between social cleanliness and defilement ... (Gordon, 1981:1023).

But work such as Gordon's is only partially helpful in coming to terms with the legislative component of British policy in Northern Ireland. Since our major task is to

consider how practical knowledge relates to social structure and how resistance movements develop, we must consider again the reflexive nature of the state, the expression of domination as a form of power, i.e. of control/rule, the role of the police and the army in surveillance, and the notion of human agency bound up with the dialectic of control. We must also look at how the republican communities of Ulster have responded to these policies.

Citizenship and Urban Republican Communities in Ulster

Look, there wouldn't be any trouble or IRA if the Catholics hadn't been denied civil rights. This is a civil rights war; what's different is that we reckon we can only get these rights through national liberation, so it's a National Liberation war: the two go together.

Joseph, IRA Volunteer, 1973¹²⁶

All states are involved in the reflexive monitoring of aspects of the reproduction of the social systems subject to their rule (Giddens, 1985:17). In the structure of domination that is the nation-state public policy and law are reflexive. They become primary constitutive, ideological and symbolic elements of the social context. They are reflexive in that they are linked with discursive and practical consciousness and emerge from a 'feedback effect' in system reproduction, where that feedback is largely influenced by knowledge which agents have of the processes of system reproduction and use to control it (Giddens, 1984a:41-45, 376; Kelman, 1987:253ff.). They are symbolic in the sense that they create a space within

126) Quoted in Burton, 1978:116.

which agents can act. The setting of the act, including its wider spatial and temporal background, is developed within the context of what Mead (1934: 78) calls "symbolization". The setting is in its broadest sense that which structures the perspective from which individuals and collectivities will perceive the act. It includes, along with space, created environment, etc., the social characteristics that are essential for the reproduction of discursive relations: the cues that agents use in order to attach meaning to an act or a situation. It should be emphasized that the reflexive monitoring of action includes the monitoring of the setting of interaction. In the nation-state, surveillance, - the institutional mediation of power, specialized administration and the participation of the population within a polyarchic dialectic of control become integral and pervasive elements of social and political integration. As such they are linked to the policing of deviance, the administration of welfare, and the struggle for citizenship rights (Giddens, 1985: 308ff.). As already noted, modern social movements exist in the same arenas of historicity as the organizations they oppose, seek to modify or create.¹²⁷ Thus, when the dialectic of control is mediated by sovereignty and citizenship, nationalist movements are likely to develop.

One consequence of the nation-state, as a surveillance apparatus mediated by sovereignty and citizenship, is linked

127) For example, judicial discourse necessitates the creation of a space from which the judicial agent speaks, and within which opposition may act (Burton & Carlen, 1979: 77ff.).

to the deeply layered ideological ramifications of nationalism through the conditions involved in the reflexive monitoring of the state. This means that nationalist symbols, reflecting sovereignty's 'moral component', provide a core of political discourse that shapes the rhetoric of both nationalist solidarity and opposition - providing the 'total' aspect of totalitarian doctrine and the essentials of doctrines of national liberation. The sentiments expressed through such rhetoric carry their own 'symbolic historicity', providing for the origins of a people, a common struggle, and a common destiny for that people. In the British state this rhetoric is incorporated into a discourse that reproduces the claim that the state is built upon the general will of its subjects, and which are expressed in modes of reasoning that celebrate dominant normative principles. Since in Northern Ireland these laws are part and parcel of the system of generalized surveillance and intensified policing, official British discourse becomes increasingly distanced from the social context of the struggle.

Surveillance involving the use of intensified policing tends to quickly dissolve into terror. An obvious reason is that policing tends to become linked to the use of torture to obtain confessions, especially when crimes involve the holding of deviant political views, rather than merely specified infractions of the law. But perhaps more important are the capacities of police or military forces to deploy the modern technology of war against a population incapable of matching

their resources (cf. Asmal, 1985; McGuffin, 1974). This is particularly true if, as in Ulster, the means of violence are focused upon certain groupings in the population, rather than against the entire population.

When combined with methods of sequestration already well pioneered in other contexts of deviance, the concentrated application of the use of force against minority groupings can become extremely intense. The term 'concentration camp' already carries this meaning and is the most 'total' of 'total institutions', thus being the prototype of totalitarian terror. Terror here, as Arendt says, is not concerned with the causing of fear for its own sake, but rather expresses the extremity of the 'deviance' attributed to those interned, from which the majority outside needs to be protected (Giddens, 1985:304).

The consequences of the nation-state as a surveillance apparatus mediated by sovereignty and citizenship are also linked to deeply layered ramifications of nationalism for the Catholics of Northern Ireland. This too occurs through the conditions involved in the reflexive monitoring of the state, since it is around the intersection between 'lived experience' and discursive consciousness that the ideological consequences of nationalism tend to cluster. Republicanism in Ulster was kept alive by discrimination, by emergency legislation, and by the military assaults that were made on the Northern Ireland government from the Civil War years to the 'border campaign' of the late 1950s through to the present. From the 1916 rebellion onward, IRA activity has given every generation in the six counties a taste of violent politics. For the Ulster Protestant community this history is evidence that the Catholics never saw the state as legitimate, and that was

enough to justify treating them as second class citizens. For the Catholic community the resulting sectarian policies continued to sustain the political appeal of republicanism.¹²⁸

By the late 1960s there were several streams of violence running through Northern Ireland. There was the violence of the RUC and the B-Specials, soon to be joined by that of the British army. There was the rhetorical violence of prominent Unionists, such as Minister of Home Affairs William Craig and the fundamentalist preacher Rev. Ian Paisley. There was the unofficial, sometimes conspiratorial violence of ultra-loyalist Protestants, roused by speeches given by Paisley and others who defined the IRA as any Catholic outside of a Catholic area, or assuming from the behavior of government officials like Craig, who banned many NICRA marches - including the 5 October 1968 march which was attacked by police, that a fenian uprising was imminent. And there was the potential violence of the old 'physical-force' IRA men.¹²⁹

128) Northern Irish republicanism, like most nationalisms, is more than a narrow political goal. It also entails a lively cultural heritage. In Ulster, republicanism is a living tradition in the cultural life of the Catholic minority. Irish dancing, rebel and traditional music, Irish sports, and the teaching of Irish history and the Irish language represent central ways in which the sentiments of republicanism are culturally reproduced.

129) I say 'potential' because the Provisional IRA was simply not strong enough organizationally to do anything until the summer of 1970. Until then the only incidents for which the Provos were definitely responsible were one shooting, when a Protestant mob tried to storm a Catholic apartment complex in Belfast and a lone Provo inside fired at the crowd (28 September 1969), and one bombing, when the Provos blew a hole in the wall of an old police barracks in Belfast (27 January 1970).

It is generally assumed that good relations existed between the British army and the Catholics through 1969 and early 1970 because there were few direct confrontations between them, and there were press reports of grateful Catholic women giving cups of tea to the troops. The fraternization, however, was never widespread and was actively discouraged by the more militant members of the communities. To a large degree the 'good relations' between the British troops and the Catholics were merely a reflection of the fact that the army's relations with the Protestants were bad at the time. Most of the violence at this time was coming from the Protestants; the early bomb attacks were acknowledged to be the work of the UVF.¹³⁰ Furthermore, the Provisionals were still a small, poorly armed, poorly funded organization, only a few of their members were talking about a united Ireland; the majority were still concerned with ensuring that they were in a position to defend their communities should the need arise. They were a small group, and could do nothing without the support of the communities. A Provisional campaign was not possible until certain pre-conditions had been met. The most crucial of these was that the British army became associated in Catholic eyes with the structure of unionist supremacy, this happened in 1970 by the passage of time

130) The first policeman killed during the troubles was shot on 11 October 1969; he was killed by Protestant loyalists who were protesting about the lack of support being given to their police. Through 1984 Protestant paramilitaries had killed 569 civilians. Catholic paramilitaries killed 496 civilians during the same period, but far more members of the security force - 705 to the Protestant 90 (Conroy, 1987:35-49).

working upon the British policy of emergency legislation with no positive political change on behalf of the Catholics. This perception was exacerbated by the changing role of the army from 1970 on, which coincided with the change to a conservative and unionist government at Westminster with the victory of the Tories in the British general election of June 1970. By this time the Provos had worked through their initial confusion and were arguing that the conditions in which civil rights could be assured, and in which harassment of the nationalist population would end, was in a united Ireland. An increase in recruits allowed them to engage in the first round of this process by instigating a guerrilla campaign of bombing and shooting. The state's response to this was direct confrontation, saturation of the Catholic neighborhoods with troops and surveillance operations, and internment without trial (Burton, 1978:80ff.; London Times Insight Team, 1972:56ff.).

There is a danger, however, in emphasizing the continuity of the IRA as an explanatory factor in the contemporary Ulster war. What is more important is that for the first time in fifty years the IRA had managed to gain substantial support within the nationalist communities in the six counties. The goals sought by the northern Catholics were initially civil and political rights, not sovereignty. Without this civil rights consciousness there would be little support for the IRA's traditional goal of a united Ireland to be obtained by force. As Burton writes (1978:121):

With civil equality there would be nothing like the allegiance to a united Ireland that there is in the Catholic communities.... The irony in the Unionist jibe that 'CRA' (Civil Rights Association) was just another way of writing 'IRA' is not that it was true, because the IRA never dominated that movement, but that civil rights were later to become expressed in terms of Republicanism.

In order to understand why this is so one must look at the context of the Catholic communities along with the two ideological representations of Catholicism in Ulster: sectarianism and republicanism. The local context, described by Burton (1978:3) as a "radical Gemeinschaft", is linked to the most immediate element of the Northern Irish Catholics world: the community character of its social organization. The structure of Ulster's urban Catholic communities sustain a high level of social integration. The resulting 'systemness' is an important factor in structuring the character of the Ulster conflict. Though the Catholic districts of Belfast and Derry are by no means homogenous, their inhabitants do share common social traits. Kinship, class, religion and territory intersect within the social matrices of these urban villages to produce a common identity, displaying, in Durkheim's term, a 'collective consciousness.' This Gemeinschaft structure, linked to the divisions that exist between Catholics and Protestants in the wider society, illustrates how the tightness of their own manifold social ties are inextricably linked to the general histories of sectarian conflict in Derry and Belfast. These cities always contained ethnic clusters just as, in the wider society, Protestants and Catholics have always stood in opposition to one another. The emphasis on the

differences between the two communities serves to minimize differences within them. The kind and the level of social integration is indicative of the kind and the level of system integration characteristic of Ulster.

This high level of social integration, this 'radical Gemeinschaft', is the basis of the political significance of the local communities: their ability to withstand and absorb the effects of war. Within these communities sectarianism and republicanism merge into nationalist symbols which reflect the moral component of the Ulster Catholic's claim to sovereignty and, through the dialectic of control, provide the core of a political discourse that shapes republican rhetoric, producing a strong ideological means of binding the communities together. The symbolic historicity of the Ulster Catholics, and of their struggle and support for civil and political rights, is to be found in the ideological social relations that have been reproduced and reinforced for many generations (Giddens, 1985:220-21; Burton, 1978; Burton and Carlen, 1979: 45).¹³¹

131) Disparate commentators have noted the degree to which historical differences in Ulster are reproduced and used in routine behavior:

"Ireland is almost a land without history because the troubles of the past are relived as contemporary events" (Rose, 1971:75).

"To understand the present it is necessary to look to the past, for these divisions have their origins in Irish history and one of the first things to notice is that Irishmen have given to the terms 'Catholic' and 'Protestant' a meaning which would be understood nowhere else in the world" (Barritt & Booth, 1972:33).

"An awareness of Cromwell's massacre at Drogheda and Wexford and of the decisive Protestant victory at the Boyne is socialized into school children and it becomes part of the

The politics of civil rights and national liberation represent the ideological manifestations of Catholicism in Northern Ireland. The social significance attached to religious affiliation is that religious groups are stratified, differentiated in terms of religion for jobs, houses and social status. The power of the NICRA was that it exposed the social practices of sectarianism by making discriminatory policies explicit. The unionist response to this exposure served to solidify the civil rights movement within the Catholic population. What the NICRA lacked, however, was an organization strong enough to contain and channel the political enthusiasm that it had unleashed. In the midst of major attacks on the legal and political order of Northern Irish society - by the NICRA, by the ultra-loyalist backlash, and by the increased state violence on the part of the RUC and the B-Specials - circumstances of power deflation emerged; the British state found it necessary to rely on military violence to sustain its rule and the polyarchic influences became yet further tinged with violence and a political-judicial vacuum developed. From the Catholic perspective the movement that could best fill this vacuum was traditional republicanism. Thus, as the Catholic communities began to build defence corps throughout 1970, it was the Provisional IRA which gradually came to dominate this development. Its first objective was, in the words of Cathal Goulding, IRA Chief of Staff at the time (Goulding, 1970:53):

consciousness of belonging to each faith as being black is for the American Negro" ((Hickie & Elliott, 1971:54).

to involve ourselves in the everyday problems of people; to organize them to demand better houses, better working conditions, better jobs, better pay, better education - to develop agitational activities along these lines. By doing this we felt that we could involve people, not so much for our political ends, but in supporting agitation so that they themselves would be part of a revolutionary force demanding what the present system just couldn't produce.

The IRA began its attempt to redress the imbalance of power in the six counties, not by its traditional abstentionism and emphasis on physical force, but by addressing itself to issues of civil and political rights, and by attacking the Special Powers Act in the North and the Offences Against the State Act in the Republic of Ireland (Goulding, 1970:53). The importance of this shift was profound: the politics of civil rights came to be expressed in terms of the politics of national liberation, and the form of nation-state advocated by the IRA - a non-aligned socialist republic in the thirty-two counties of Ireland - became a significant part of the contemporary Irish conflict.

The politics of civil rights through national liberation produced a political isomorphism with the social base of the Catholic consciousness. The IRA became the contemporary bearers of a partial ideology (republicanism) manifesting itself as the political articulation of a wider total ideology (sectarianism) which created and sustained the basis for the appeal of the civil rights movement. The political vacuum created by the impact of the civil rights campaign became absorbed and channelled into a modified Irish republicanism.

Though modified, this nationalism was already deeply embedded in the Catholic world view. Through the expression of national liberation, in the rhetoric of civil rights, the IRA fuses politically two of the major elements evident within the Weltanschauung of Northern Irish Catholicism. The initial, definitive characteristics of urban communities, their radical Gemeinschaft nature and means of social integration, became significant for the military activation of IRA ideology. IRA members not only appeared as members of the community, but became a source of resistance and resilience which a more fragmented social structure could not have provided (Burton, 1978).

The relationship between the Catholic communities and republicanism is in large part due to the extremely public nature of the Catholic areas, linked as they are to the monitoring operations of the sovereign and polyarchic British nation-state. It is within this public sphere that the major dimensions of republican ideology are to be found. Some of the more substantive aspects of these dimensions include: a) the definition of what is to count as 'political'; b) the question of who benefits and who suffers from current practices, agendas, and policies; c) the articulation of historicity in relation to planned or actual trends of social change.

For the Catholics of urban Ulster everything, down to the physical structure of their neighborhoods, is political. The direct involvement of the military in urban planning in

Belfast and Derry is merely the latest development in a long history of British surveillance in Uster which goes back at least to 1883 when the Special Branch was formed to infiltrate Irish republican groups.¹³² Throughout their history the Catholics of Belfast and Derry have been subjected to violent physical assaults by heavily armed Protestants (Farrell, 1976 & 1983). Since the summer of 1969 their routine organization has also been systematically breached by one of the best equipped armies in the world. Consequences have included the increased social and physical sequestration of the Catholics and increasingly direct attempts on the part of Whitehall to control the political setting of the Ulster conflict. For example, of the sixteen possible ways to drive into the Ardoyne area of Belfast only three are open and these are frequently manned by British army troops in small breeze-block bunkers with ramps across the road. Other entrances are either barricaded with sheet metal or have large conical concrete lumps ('dragons' teeth') or barbed wire across them. Each district is ringed with army observation posts and surveillance cameras - from the top of the old city walls in Derry, from army forts, from buildings on the Protestant side of peace lines in Belfast, and generally from any available strategic position. Although equipped with night-vision devices such as image-intensifiers (powerful enough to spot men in starlight at 300 meters and small enough to be fitted

132) Despairing of finding a man in the London police capable of penetrating Fenian circles, the Home Office in 1867 brought to England an army intelligence officer from Ireland (Palmer, 1988:533).

to rifles), thermal imagers (capable of 'seeing' underground) and infra-red viewers (which allow the user to spot human figures at 200 yards on the blackest of nights), army intelligence activities are assisted by low-circling helicopters which beam a high-powered light on to the streets. Total and constant surveillance is accomplished (Ackroyd et al.1980; Burton,1978; Conroy,1987).

The British army regiments stationed in Catholic areas make regular incursions into the streets in personnel carriers or Saracen tanks, or by footpatrols. The footpatrols stop people, frisking them and asking who they are, when they were born, where they live, and where they are going; often they aim their weapons at passing pedestrians. Surrounded by the British 'forces of occupation' and their technical apparatus of metal, brick and concrete, wire and ramps, and adorned with pock-marked gable-ends, republican murals and slogans and devastated houses, the visibility of the conflict in the ghettos is phenomenal. Injury and death, physical, verbal and psychological abuse, internment, interrogation and torture, early morning raids, gun battles, assassinations, riots and constant screenings are some of what has impinged on the day-to-day life of the people of the ghettos over the last two decades. These extreme developments have become part of the everyday reality of ghetto life and, thus, part of the agency that exists within them.

A good number of the coping mechanisms have their origins in the public nature of the ghettos. When, for example, the

army raids one of the drinking clubs or conducts a house-to-house search picking up men and boys "like a latter-day press gang", the local people know the names of those lifted within minutes, and even if they are not known personally, "they are located socially and spatially as 'Mrs. McAllister's brother's boy from Thomas Street'." Information about how badly beaten an individual is, where he has been taken, whether he has been detained likewise spreads through the community quickly. Virtually all families have been touched directly by the troubles and everyone knows someone who has been incarcerated. In many Catholic neighborhoods the IRA is "looked upon ... not so much as a secret guerrilla army but as an extended family network" (Kelley, 1982:240). Consequently, the British campaign becomes translated for many into "an intensely felt personal affront that 'foreign security forces' should intern, frequently abuse and not unoccasionally brutalize their loved ones, friends and acquaintances" (Burton, 1978:20). In the political culture of the ghettos government policies such as internment, the denial of political status to IRA prisoners, and the killing in 1988 of three unarmed IRA 'volunteers' in Gibraltar by the SAS on the grounds that a car bomb was being readied by the IRA, become a form of community punishment triggering mass resentment and a strong collective desire to see the struggle through.¹³³

133) Such resolve is generally strengthened by support from outside of the U.K. For example, in 1981 when Prime Minister Thatcher refused to consider the demands for political status of IRA member Bobby Sands and ten others who went on a hunger strike and died in Belfast's Long Kesh prison, the only support for her position came from a conservative newspaper in

Another aspect of agency at work in the communities is shown in the way in which pre-existing organizations have taken on a new importance - community councils now offer mini-courses on first aid for rioters and provide a vehicle for the IRA to present its position on any new development or to ask the community for its cooperation, (e.g. asking neighborhood residents to leave their entry doors open so that volunteers can escape from British army patrols by running into and out of the row-houses), and new organizations have been formed - e.g. justice committees that monitor British army activity and development committees that concern themselves with slum clearance. Throughout Ulster there has been a "growth of self-help organizations and the developing feeling of the need to take control over their own lives amongst people who had previously felt powerless" (Deane,1981:10). This in spite of the facts that community groups are often labelled as fronts for one side or the other, and that the Northern Ireland Community Relations Commission was abolished in 1974. Responsibility for community work was given over to district councils in 1976 - most of which are unionist controlled. This development practically ensured that agency within the Catholic ghettos would become more self-contained, more structured around the conditions of social reproduction in which the Catholics day-to-day life are enmeshed.

Turkey and the major papers in the United States. An editorial denouncing Thatcher was published in the Belfast Catholic daily, *The Irish News*, and reprinted in 64 papers in 25 countries (Conroy,1987:182).

The nature of the violence since 1974 has become more covert and ruthless, involving smaller groups of individuals rather than whole neighborhoods. Community action is no longer seen by the people as a vehicle by which violence can be controlled or the causes of violence articulated. Conroy (1987:175) writes of a community committee meeting that he attended during the time of the hunger strikes by IRA prisoners in 1981, five tension-filled days after the funeral of Bobby Sands: "After the Provisional left, the meeting fizzled out. Nothing had been decided. The adolescents at the barricades, the guerrillas, and the security forces would determine what would happen. The rest of us were powerless, our decisions limited to leaving a back door open or locking it shut."

Some of the new organizations, e.g. Provisional Sinn Fein, are directly aligned with the republican movement. Others are not. Among the latter group is a large number of voluntary community groups. For example, voluntary organizations provide eighty per cent of the emergency accommodations for the homeless in Northern Ireland (Shelter Northern Ireland).¹³⁴ The Ardoyne Relief Committee, was formed in 1968 when housing intimidations first became apparent. It seeks to assist victimized families, many of whom wish to move

134) Over the past fourteen years 29,000 homes in Ulster have been declared unfit; the present rate of unfitness stands at 10.4%. In 1987 the Northern Ireland Housing Executive reduced housing starts from a planned 2,500 to 1,500. 14.1% of homes lack at least one amenity: toilet, running water, kitchen sink. 23,500 people are on the Housing Executive waiting list. In Belfast 30% of the housing needs repairs costing £25,000 or more (Shelter (Northern Ireland)).

into Ardoyne and who have relatives in the area - which serves to pull the kinship network even tighter. It helps by storing furniture, arranging transport, supplying food, accommodation and bedding and in giving general assistance and information about other sources of help. As the conflict deepened its role widened into documenting complaints against the security forces, running bus services and raising money for the detained and political prisoners (Burton, 1978:29ff.).

Another non-aligned self-help group is the Derry Unemployed Workers Group. Its objectives include campaigning on behalf of the unemployed and impoverished, improving the life of the unemployed by promoting social and cultural events, providing advice and research to community groups and promoting job creation and employment initiatives. Its core units are the Welfare Rights Unit - providing help with social security, housing and women's rights issues, and the Social and Economic Research Unit - which monitors changes in the north-west Ulster employment structure and their effects on local communities and produces academic papers on employment and environmental issues.

The Falls Taxi Association (FTA) in west Belfast could be called an aligned community organization. Formed in the early 1970s, the FTA is not a political organization in the strict sense of the term (although its chairman was killed by paramilitaries in 1975). Its primary purpose is to provide cheap, reliable, and co-operatively run public transport in republican west Belfast, the city bus service being both

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irregular and a part of the state apparatus. It has become one of the most efficient forms of public transit in western Europe. The government has opposed the FTA for years, in part because the fleet costs its bus service about £2 million a year, and in part because the FTA is closely linked to the IRA. The taxis offer free rides to republican funerals and demonstrations, and the security forces have always charged that FTA drivers give a share of their take to the IRA (cf. Conroy, 1987: Kelley, 1983).

In Ulster issues of law and order are very politicized and very complex. In no small way this complexity, and the tensions and contradictions associated with it (e.g. some members of the communities claim that the IRA has a mandate for defensive action only), are due to the translation of the IRA as defenders of Catholics against the Protestants into defenders of the nationalist population against the British army (cf. Burton, 1978: 82ff.). Nevertheless, the IRA is the de facto power in republican areas, and its role as community police force has instrumental symbolic and systemic dimensions attached to it; it maintains law and order in the ghettos and serves as the military arm of Irish republicanism, and it provides a focal point for the reproduction of social relations for a large segment of the population. As the de facto power in these areas, the IRA flouts any moral authority possessed by the state. It was exactly this nature of the 'no-go areas' that infuriated Protestant opinion until Operation Motorman: they constituted alternative political

structures. Following the example of their predecessors from the Whiteboys on, the Provos set up the rudiments of a judicial system: courts and prisons, trials and punishments. Ghetto residents know what the rules are and what behavior is expected of them. Lessons come from stories told by neighbors, and from accounts published in the Provo's newspaper. Some laws are deduced from slogans painted on walls, others from IRA directives pushed through the mail slots in the districts.

The 'no-go areas' no longer exist, but the law and order of the IRA does. This is due largely to the differential enforcement of British law between Protestant and Catholic communities. Those in republican areas feel very strongly that their neighborhoods are selectively searched, that there people are being interned and detained, given longer sentences when dealt with in the courts and in general bearing the brunt of the security forces wrath. Much of this sentiment is entirely justified. As Hadden and Hillyard (1973:66-7) noted in their study for the Cobden Trust:

We found ... justification for allegations of discrimination in dealing with political offences. The evidence for this is clearest at the pre-trial stage. Different standards would appear to have been applied as between Roman Catholic and Protestant defendants in the selection of charges, especially in firearms cases, and in the advice given to the courts on the granting of bail. At the trial stage, there would appear to be a greater readiness on the part of juries to convict Roman Catholics and to acquit Protestant defendants of 'terrorist' offences. There have also been some differences in levels of sentencing.... It seems clear to us that the lack of confidence among Roman Catholics in the judicial system as a whole ... has

been a major factor in the continuing crisis in Northern Ireland.

The difference in approach is well stated by Boyle et al.

(1975): that in general the Protestant community has received a police-prosecution, due-process approach while the Catholic districts have received an army-security response.

Emergency legislation, illegal enforcement and differential surveillance all contribute to the rejection of British justice in republican Ulster. Living with the conflict on a day-to-day basis the residents of Catholic areas are much less likely to share the moral indignation that outsiders express at the sometimes brutal justice meted out by the IRA, especially when the same indignation is absent concerning the justice of the British army.¹³⁵ Consequently, IRA justice appears, at the worst, as being of the same calibre as that of the British army. But for most the Provos compatibility with community standards is much higher than that of the British army. For the British "rooting out the terrorists" entails offensive attacks and these attacks, along with the total surveillance of the communities, confirm the Catholic people's view that the British Army is anti-nationalist and so anti-Catholic (Burton, 1978:87).

England has always seen the Irish question as one of its need for control of public order in the western island; if

135) Much of the continuity of the IRA is maintained by its traditional practices: hunger strikes, jail breaks, public appearances at funerals by wanted leaders. Its military punishments (knee-capping, tarring and feathering, etc.) are a similar hallmark: they mark out the mythologies of the movement.

anyone has benefitted from the troubles in Ulster it is the theorists and tacticians of social control and counter-insurgency. This is not to suggest that the current British occupation of Ireland is solely to facilitate political and military research or that future social or political conflict in Europe will necessarily follow the Irish pattern, but the the global purview of low-intensity warfare, as well as its techniques, weapons and the tactical means employed offer valuable capital, feasibly to be of use elsewhere. In the uncertain world of the 1980s, one of the presently agreed verities is that revolutionary violence, terrorism and irregular war are growth areas. Any state with an unresolved national question cannot rest easy.

By placing Ulster in its historical context we can discern a pattern. In Ireland past rebellions, constant rural outrages, and unreliable Protestant local authorities - whose powers were first usurped by the English from the 1780s to the 1830s, and England's strategic needs provided ample reasons for introducing an armed centralized police, which were later extended throughout the Empire. The post-rebellion Act of Union (1800) gave England a free hand in the governance of the country. The resulting centralization of the security forces made both Protestants and Catholics wards, albeit unequal ones, of the English state; but when the Protestants became officers, their allegiance was to "England (not, as in the late eighteenth century, to 'their' Ireland), whereas the men in the increasingly Catholic rank and file were torn between

loyalty to class, country, and Crown." Even toward the end of the nineteenth century, when a series of English liberal reforms culminated in the granting of Catholic political rights, local control of the essential institution, the police, was never seriously considered. In the formative pre-famine police era, Irish taxpayers did not support the police nor did they willingly pay the costs of an effective police from local rates, no matter who controlled it. Peel's 1814 police was initially locally funded, but as early as 1817 the government had to pay a rising share of its costs. From the time of its creation (1822) the constabulary was half funded by British taxpayers, and from 1846, it was paid for entirely by them (Palmer, 1988:522-34).

By 1919 the police had become a pariah caste throughout Ireland; from January 1919 to July 1920 the republican movement assassinated almost a hundred policemen. By the summer of 1920 the conditions of power deflation emerged, governability in Ireland collapsed and police had begun to exact their revenge. The reprisals which started with the breakdown of police discipline were soon being sanctioned by the government. Lloyd George was as committed to counter-terror as that other noted hawk on the Irish issue, Winston Churchill - who came up with the idea of recruiting a force of paramilitary 'shock troops' for use in Ireland (the Black & Tans), and was quite "satisfied that a counter-murder association was the best answer to Sinn Fein murders." During this period the police were encouraged to shoot at anyone they

suspected. For example, the Divisional Commissioner of the constabulary for Munster told his men, in the presence of the most senior police officer in Ireland, that

If the persons approaching you carry their hands in their pockets or in any way look suspicious, shoot them down. You may make mistakes occasionally and innocent persons may be shot, but that cannot be helped and you are bound to get the right parties sometimes. The more you shoot, the better I will like you and I can assure you men, no policemen will get into trouble for shooting anyone.

He also affirmed that policemen would no longer be tied down by the police-code regulations concerning firing on attackers. While the police moved on the offensive, the government operated outside of its own laws (Bowden,1978:182-84).

Throughout Britain today law is being turned into a tool of repression and, again with Ireland as its harbinger, a new disciplinary common sense is being forged and the 'policing function' is becoming increasingly hardline. This is true of industrial conflicts, where the police are actively involved in formulating official views, in racial conflicts - which have been occurring in England since the 1960s with little sign of abating, and with regard to technical factors associated with policing that have become the basis of a far-reaching administrative restructuring of the policing function without public or even legislative debate (Hall,1979:12-13; cf. Thompson,1980:91-189)).

This modern trend to increasing centralization is especially evident in Northern Ireland. In the late 1970s and early 1980s the new IRA reorganization and offensive, the spate of hunger-strikes and the duel with Margaret Thatcher

led to the 'Ulsterization' policy being partly abandoned and a return to more centralized police and counter-insurgency operations. The British army, local forces, UDR and RUC, as well as the Intelligence Services, have become better coordinated and technologically more integrated. Recently proposed legislation makes the Prevention of Terrorism Act - which is law throughout the United Kingdom, not just Northern Ireland - permanent. In a drive to make the RUC one of the world's most technically advanced police forces, the British government is spending £65 million over the next three years on capital equipment. This compares with £45 million spent over the last three years. The RUC is building up a computerized telecommunication system - a message system that can communicate with 150 police stations throughout Northern Ireland simultaneously and computers to log all incidents and information of an intelligence nature. The money spent over the next three years will be used to build more police stations and to extend the RUC's computer network into police cars as mobile data terminals (Irish Information Partnership, 1987).

In regard to the articulation of historicity in relation to planned or actual trends of social change: nationalism is anchored psychologically in the distinctive features of the nation-state and its content is connected to the historicity they engender - this entails the "conceptual involvement of the whole community as a knowledgeable citizenry." The most deeply layered ideological implications of national-separatism

can be traced to this historicity and to the fact that "the conditions involved in the reflexive monitoring of the modern state, as a surveillance apparatus are the same as those that help generate nationalism." Nationalism helps to naturalize the recency and the contingency of the nation-state, through providing its myths of origin. But at the same time the discourse of national solidarity helps block off other possible discursive articulations of interest.

The discursive arena of the modern polity treats what 'politics' is as inherently to do with the bounded sphere of the state. Thus if programmes of reform on the part of subordinate classes (or other groupings) are to succeed, they have normally to be made to appear in the 'national interest'. But dominant classes have much less difficulty representing their own policies as in the national interest than do oppositional groups, since they have much more influence over the style and form of what can be discursively articulated (Giddens, 1985: 220).

Thus, with or without the emergency legislation on the books the British government will be able to justify the role of the police and the military. It did so when the Special Air Services regiment executed unarmed members of the IRA in Gibraltar in March 1988. Ian Stewart Minister of State for the Armed Forces spoke confidently to the press of the presence of an IRA "bomb". And yet there was no bomb and there had not been a bomb. A short time later, the Foreign Secretary, Sir Geoffrey Howe, made a statement in the House of Commons. No bomb had been found; neither were the suspected terrorists armed. However, Howe added, "When challenged they (the dead) made movements which led the military personnel operating in support of the Gibraltar police to conclude that

their own lives and the lives of others were under threat. In the light of this response, they were shot. What Howe went on to say is worth quoting, because its admixture of hypothesis and reality resonates throughout official discourse and this statement formed the basis of the British government's position at the inquest:

The suspect white Renault car was parked in the area in which the band of soldiers would have formed for the Tuesday parade. A school and an old people's home were both close by. Had a bomb exploded in the area, not only the fifty soldiers involved in the parade, but a large number of civilians might well have been killed or injured. It is estimated that casualties could well have run into three figures. There is no doubt whatever that, as a result of yesterday's events, a dreadful terrorist act has been prevented. The three people killed were actively involved in the planning and attempted execution of the act. I am sure that the whole House will share with me the sense of relief and satisfaction that it has been averted.

Apparently the whole House did because the Labour opposition spokesman, George Robertson, rose and congratulated the military on their "well planned operation", even though the carnage would have been brought about by a bomb which in the course of Howe's statement had ceased to exist (Jack, 1988:20).

For those on the other side of this dialectic, life in the republican ghettos in Northern Ireland involves a constant exposure to surveillance and undercover operations, suspicion and fear. The occupying forces have unfailingly exhibited a clear tendency to see the IRA - and therefore the Catholic community - as the only enemy; and they have a widespread and well deserved reputation for looking the other way when they see Protestant paramilitaries going about their

business. In some areas as many as half the youths support the Provos, and speak casually about "dropping Brits" (Murphy, 1978:132). These young Catholics also have neighbors, or friends, or family members who have been driven from their homes, been detained or incarcerated; who have never had a job, and who know people two or three generations older than they who can describe their youth in terms similar to those used today.¹³⁶

Human agency mediates and transforms the radical changes that have been imposed on the republican communities by the British state, allowing these communities to withstand the pressures and the strains of guerrilla war. The major actors involved, the British troops, the loyalist paramilitaries and the IRA, are considered in the context of the community's history and their place within it. The discursive relations of the social agents involved are fixed, and conclusions about problems, strategies and tactics follow. Their premises reflect a certain point of view, a set of concerns, but they are experienced as fact. The troubles are expressed in terms of the cultural and institutional patterns of the community, and this community is able to maintain a sense of social order. Army terrorism and sectarian assassinations increase

136) Murphy (1978:136) quotes a retired Catholic widower. He is the sole remaining Catholic on a street from which Catholic families had recently been driven: "I've lived here all my life. My father was shot dead by the Tans in '21 as he was standing in a city-centre pub having a pint. And I remember going to school through holes in garden walls, from garden to garden, because the streets of Belfast were considered too dangerous for children...." .

community solidarity, adding to and edifying the community's collective consciousness.

The emphasis on the differences between the Protestant and Catholic communities over the centuries has produced a lot of economic and political capital; it has also resulted in a massive sedimentation of history, one that "deeply entrenches and helps to order the sectarian consciousness." It takes the form of a narrative history from which discursive relations are constituted. In the Catholic ghettos the public nature of the street puts guerrilla activity in the moral light of republicanism, the troubles make one preoccupied with the here and now, yet at the same time experiences are being stored which will order the past and mould the future (Burton, 1978: 47).

The Anglo-Irish Agreement

(The Accord was signed by representatives of the governments of Britain and Ireland in November, 1985). Henceforth in Ulster reality was to be imaginary and imaginary was to be real. Words were to mean the opposite of what they said. Loyalty was to mean rebellion, sovereignty was to mean sharing responsibility with foreign governments, consent was to mean what the politicians decided it would mean and talk about peace was to hasten preparation for civil war.

Anthony Coughlan, 1986

Call me when the ink is dry.

President Ronald Reagan, November 15, 1985

The violence of 1969 and the arrival of British troops inevitably shifted the focus of attention away from internal

civil rights legislation. Others, including the Republic of Ireland and the United States became involved. From 1977 onwards pressure from the U.S. increased - largely through the efforts of a group that the press called the 'Four Horsemen', Senators Edward Kennedy and Patrick Moynihan, Speaker of the House Thomas O'Neill, and Governor Hugh Carey of New York; by 1979 the U.S. was having a discernible impact on British policy toward Northern Ireland. In August 1979 the U.S. State Department announced that it was suspending the sale of handguns and ammunition to the RUC. Later that month Carey announced that the Secretary of State for Northern Ireland and the Irish Foreign Minister would meet in New York for a "peace parley". The meeting did not take place, but the incident did not enhance the political reputation of Prime Minister Thatcher (Guelke, 1984). In September, the first indication that the British government was about to launch a new political initiative was a statement made in Washington by the British Ambassador to the United States, Nicholas Henderson.

The Thatcher government apparently made little attempt to evaluate critically this American pressure; instead the somewhat flustered Secretary of State for Northern Ireland Humphrey Atkins was propelled into a new initiative. He called for a conference to take place at Stormont, January-March 1980 to discuss possible paths to devolution. It was attended by representatives of Paisley's Democratic Unionist Party (DUP), by the constitutional nationalists of the Social Democratic and Labour Party (SDLP), and the Alliance Party,

which campaigns as nonsectarian, supports power sharing and the continuation of the U.K. link. The Official Unionist Party - the largest political entity in the province - boycotted the conference. Thatcher told the New York Times that she was ready to impose a solution.¹³⁷ But the initiative designed to deal with American pressure for a political solution took on different colors in Ulster. Peter Jenkins wrote in the Guardian in February 1980: "There will be a return to something very like majority rule but hedged around with blocking devices, checks and balances, appeals procedures and constitutional guarantees" (Quoted in Bew & Patterson, 1985:112).

Accordingly the government published a consultative document in November 1979. Its objective was stated to be "the highest level of agreement ... which will best meet the immediate needs of Northern Ireland". Discussion on Irish unity, confederation, independence or the constitutional status of Ulster was ruled out of order, as was discussion of an 'Irish dimension'; an appendix containing six illustrative models of government structure was included. The major effect was to provoke a split within the SDLP which resulted in John Hume, an avid supporter of the 'Irish dimension' moving into the SDLP leadership. The one political figure in Ulster who appeared to be thinking along the same lines as the British

137) "We will listen for a while. We will hope we will get agreement. But then the government will have to make some decisions and say, having listened to everyone, we are going to try this or that, whichever we get most support for." The New York Times, 12 November 1979.

was Paisley. He supported majority rule devolved government, only with himself as its top dog (Bew & Patterson, 1985:113).

But Ian Paisley, representing extreme right-wing unionism, was an unacceptable candidate for the premiership of a devolved Northern Irish state. By November, Thatcher's government formally admitted the collapse of the initiative. "It had never come remotely within sight of achieving its objectives and it is difficult to avoid the conclusion that the confused and incoherent strategic thinking which had accompanied it deserved no better reward." A temporary diversion from the malaise was provided by talks between the British and Irish prime ministers in late 1980, after which Thatcher spoke of "the unique relationship" that existed between the two countries. The talks led to the establishment of joint study groups to find ways of expressing this relationship through new institutional structures. At the same time Mrs. Thatcher assured the right-wing unionists that she had "conceded nothing" to Dublin (Quoted in Bew & Patterson, 1985:115-16). Within a few weeks Whitehall began to demonstrate its toughness to the unionist masses by turning a hard face to the demands of the hunger strike movements in late 1980 and 1981 (Conroy, 1987:143ff). Mrs. Thatcher was never more unswerving in her attitude nor more popular with Protestant unionists than during the spring and summer of 1981 when the tension surrounding the hunger strikes was at its highest.

The rising support in Ulster for Sinn Fein during and after the hunger strikes, and the threat that this posed to the constitutional nationalists of the SDLP - led to the decision to establish the New Ireland Forum in 1983. The SDLP leadership pressed the U.S. and the Irish government for a helpful initiative and the Forum was the response.¹³⁸ Sinn Fein was not invited to participate. Its report, published on 2 May 1984, described the New Ireland Forum as an attempt to bring

together for the first time since the division of Ireland in 1920, elected nationalist representatives from North and South to deliberate on the shape of a new Ireland in which people of differing identities would live together in peace and harmony and in which all traditions would find an honoured place and have equal validity (New Ireland Forum, 1984:1).

Its proposals for a settlement of the Irish problem were: an all-Ireland unitary state (the preferred solution), with alternatives of a federal/confederal state based on the existing identities, North and South, and joint sovereignty in

138) John Hume (1979:310-11) of the SDLP wrote in *Foreign Affairs*: One of the few developments which has cheered those who believe that moderation and reason must prevail in Northern Ireland has been a growing interest in the problem on the part of responsible political leaders outside of Ireland and Britain. This is particularly true of the United States, and, to a significant extent, of the European Community.

Mrs. Thatcher, in recent speeches and indeed in her post-election approach to the Zimbabwe-Rhodesia problem, has shown some willingness to reverse the decline. All the more reason why she should be serious about the problem of Northern Ireland, a strategically placed area in the Atlantic approaches to northwest Europe, potentially ripe for subversion if political neglect continues. The growing unrest of American and European leaders reflects, I believe, an awareness of this threat. Several responsible American leaders have implicitly questioned Britain's capacity to meet the political challenge and, on Britain's record so far in Northern Ireland, they are right to have this concern."

Ulster. The few specific proposals put forward in the report - e.g. "all-Ireland economic integration" (New Ireland Forum, 1984:21) were criticized by the nationalists in Dublin and in the north largely because they would only become realistic in the context of a united Ireland (cf. MacBride, 1985). While the report rightly stressed British responsibility for much of the Ulster question, it failed to explore the reality of the British interest in Ulster or the Republic (cf. Lee, 1984).

At a meeting in London on 18 November 1984, Mrs. Thatcher informed Prime Minister Garrett Fitzgerald of the Republic of Ireland, one of the four organizers of the Forum, that each of its solutions was unacceptable. She dismissed them by saying, "that's out ... that's out ... that's out." Her remarks were widely criticized in the U.S. Even the usually Anglophile New York Times and Washington Post joined with the Friends of Ireland in Congress (a group of 130 legislators on Capital Hill) in attacking her. When Thatcher met President Reagan in Washington in December 1984, he made it clear that the U.S. wanted something done. He publicly commended "the Irish statesmen for their courageous and forthright efforts recently embodied in the report of the New Ireland Forum" (Quoted in Cronin, 1987:322). By February Mrs. Thatcher was in Washington telling a joint session of Congress that relations between Britain and the Republic were "excellent" and that "Garret Fitzgerald and I will continue to consult together in the quest for stability and peace in Northern Ireland" (Quoted in Coughlan, 1986:67). Everything had changed in three months,

largely as a result of the pressure of the political climate in the U.S (Cronin,1987).

The key to this was Garret Fitzgerald, one of a group of political and business elite who enthusiastically led Ireland into the EEC in 1973. As a member of the Bilderberg Group and the Trilateral Commission, both of which seek political and economic consensus among the leading sections of transnational capital and the governments of Europe, North America, and Japan, he shares the Atlanticist, NATO oriented perspectives of these bodies. Fitzgerald has expounded a "pooling of sovereignty" theory, according to which all states divest themselves of sovereignty in Europe, but as the larger states surrender relatively more independence, the smaller states like Ireland must inevitably gain. He sees Irish economic nationalism of Fianna Fail as a relic of the past, and it was abandoned with the rapid, total, and uncritical adoption of free trade. He is equally uncritical in his analysis of the Ulster problem, which he sees as one of "community relations", i.e., "Protestants and Catholics would grow together if only the IRA stopped their military campaign" (Coughlan,1986:56). These are some of the qualities which led to his being courted by Britain, the United States, and NATO powers. He is the Irish leader that they are most likely to be able to do business with. The opposition, Fianna Fail, have been stressing a more independent path, citing the mounting Irish foreign debt as the most obvious sign of dependence.

As an alternative to the Forum Report, the Institute for European Defence and Strategic Studies, the London affiliate of the Heritage Foundation whose thinking underpinned much of the work of the Reagan government (particularly in global economic matters and NATO policy), produced a report, *Britain's Undefended Frontier, a Policy for Ulster*, in October 1984.¹³⁹ The report advocated developments which were very much along the lines of what was agreed to in the Anglo-Irish Accord. It proposed Anglo-Irish inter-governmental and inter-parliamentary bodies to facilitate closer cooperation between London and Dublin in matters of security. It advocated that "an attempt should be made to meet as much of the political aspirations of the Irish Republic as are unequivocally consistent with Britain's obligations to Ulster." It called for full extradition of political offenders, joint British-Irish army cross border exercises, and an integration of security operations (Quoted in (Coughlan,1986:70)).

The Anglo-Irish Agreement was signed by Taoiseach Garret Fitzgerald of the Irish Republic and English Prime Minister Margaret Thatcher in the village of Hillsborough, Northern Ireland on November 15, 1985. It represented the culmination of eighteen months of negotiations begun at an official level almost immediately after the release of the New Ireland Forum report. Containing only 13 articles, the Agreement is brief and bland. The vital clauses state:

139) The Heritage Foundation receives much of its funding from Chase-Manhattan Bank, Gulf Oil, Mobil Oil and the Readers Digest Corporation (Coughlan,1986).

The two Governments ... affirm that any change in the status of Northern Ireland would only come about with the consent of a majority of the people of Northern Ireland (Article 1).

There is hereby established ... an Intergovernmental Conference ... concerned with Northern Ireland and with relations between the two parts of Ireland, to deal, as set out in this Agreement, on a regular basis with (i) political matters; (ii) security and related matters; (iii) legal matters including the administration of justice; (iv) the promotion of cross-border cooperation (Article 2).

Other articles make clear that cross border cooperation is meant to be comprehensive, covering security, economic, social and cultural matters.

The essence of the Agreement is that Britain has formally agreed to allow the Irish government to assist it in governing Northern Ireland as part of the United Kingdom. The unionists were replaced as the main pillar of British rule in Ireland by Garret Fitzgerald and his government, who promised that they would try not to embarrass England internationally by bringing up the issue of partition. Indeed, they "(accepted) the full validity of partition and British sovereignty over Ulster for as long as the unionists wish to maintain it" (Coughlan, 1986).

Dublin had abandoned its long-standing policy of letting the British carry sole responsibility for the part of Ireland that they claimed sovereignty over until the time when they might wish to relinquish it. Instead Fitzgerald accepted much of the responsibility for the events in Ulster while gaining very little of the power in the province. Unionist anger stemmed from the realization that they were expendable. Violence began almost immediately after the signing. Within

five days three state security agents were killed and on Saturday 23 November 203,000 unionists gathered at Belfast City Hall to express their opposition. Another attempt at an internal solution had been undertaken, this time with the cooperation of the Dublin government. To consider abandoning the unionists was a sign of the weakness of the union, but in return for her international diplomatic victory Thatcher had agreed to face up to them. This was something that no British prime minister had done before, it was particularly difficult for Thatcher, who had described herself as a "Unionist" before taking office in May 1979. For their part, Fitzgerald's government had agreed to formally cooperate in maintaining partition, which for over sixty years had been Ireland's major political problem.

The period ushered in by the Hillsborough Agreement marks another attempt by England - in the terminal phase of its post-imperial decline, as it becomes ever more obviously an American satellite - to maintain its hold on Ireland. The basis of Britain's dependence on the U.S. stems from the fact that America was militarily, politically and economically dominant after World War II. The Truman doctrine - which declared U.S. willingness to organize anti-communist forces in Greece and Turkey and signaled U.S. support to potential allies elsewhere - and the Marshall plan - aimed at reviving European capitalism - were early signposts of post-war U.S. hegemony. Britain's leading financial circles need American help to protect their investments and Britain's leading

politicians need to maintain the 'special relationship' that has characterised post-war relations between the countries. This relationship has committed Britain to levels of military spending that are much higher than the continental members of the Western alliance. Whenever Britain showed any sign of independence the American government would call for solidarity in the common cause of anti-Sovietism.

After the Suez affair in 1956 when America pulled the rug from under Britain as she attempted to play the old imperialist in Egypt, the Americans told Britain to join the EEC confident that, as Charles de Gaulle foretold, within 'Europe' Britain would continue doing America's bidding. The week after signing the Hillsborough Agreement Margaret Thatcher was once again enthusiastically doing just that when she gave whole-hearted endorsement to Ronald Reagan's star wars plans despite the deep reservations of the European NATO states. Only a fortnight before she had followed America in leaving UNESCO, again despite the opposition of the Europeans. In January 1986 the Prime Minister and the majority of her cabinet provoked a political crisis in Britain which led to the resignation of two of her ministers, in a bungled attempt to help the American Sikorsky firm, supported by the United States Defence Department, take over the British Westland helicopter firm and defeat a counter-bid by an EEC-based consortium which was backed by the West German and French defence ministries. It showed vividly whom Britain considered to be the boss of bosses when it came to the crunch (Coughlan, 1986:39; cf. Gamble, 1985:120ff.).

When Britain was finally allowed into the Common Market in the 1970s, Ireland was taken in as well, a consequence of the dependence of a partitioned country on the power which had partitioned it. The EEC, with its free trade and free capital movement and its erosion of national economic sovereignty, provides an economic environment conducive to transnational big business, and Britain's foreign investors were eager to

join. The Foreign Office, the military, the City, and Britain's political establishment no longer see their country acting independently, but as part of a new West European collectivity, "the old imperial dream of world power transmogrified" (Coughlan, 1986:39; cf. Gamble, 1985; Coughlan, n.d.).¹⁴⁰

In this general context of British foreign policy Ireland's importance is fundamentally strategic. Bases in Ireland would be valuable, possibly crucial, to Britain and NATO in the event of a major war in Europe. Within NATO Britain is responsible for overall security around Ireland and the adjacent area. A reunified neutral Ireland is almost certainly unacceptable to NATO despite the recent thaw in the Cold War. Differences of opinion on such issues as economic ties, arms reduction and military relations, perestroika and glasnost exist within the leadership of the Western alliance; U.S. military presence throughout Europe is not about to end any time soon (cf. Salmon, 1984). Post-war British government papers released in recent years make the strategic interest in Ireland very explicit. In 1949 Cabinet Secretary Norman Brook

140) Garrett Fitzgerald read out in the Dail a list of government leaders who had sent congratulatory statements on the Hillsborough Agreement, adding, "It is, I think, fair to say that no action directly involving a government of Ireland has ever received such extraordinary and unanimous support from across the world as the action we have taken in entering into this agreement with the government of the United Kingdom." But as Coughlan (1986:23) points out "...when one looked through the list again one saw that every single country apart from Australia was a member or a candidate member of the EEC, and likewise they were all in NATO. Most of them were also colonial or ex-colonial powers. If a man is known by the company he keeps perhaps an agreement is known by those who applaud it."

wrote to Prime Minister Atlee: "It is essential for strategic reasons that some part of Ireland should remain part of His Majesty's Dominions." A working party of officials in Atlee's government agreed:¹⁴¹

Now that Eire will shortly cease to owe any allegiance to the Crown, it has become a matter of first-class strategic importance to this country that the North should continue to form part of His Majesty's Dominions. So far as can be foreseen, it will never be to Great Britain's advantage that Northern Ireland should form a territory outside His Majesty's jurisdiction. Indeed, it would seem unlikely that Great Britain would ever be able to agree to this even if the people of Northern Ireland desired it. There should therefore be no political difficulty, as circumstances now are, in giving a binding assurance that Northern Ireland shall never be excluded from the United Kingdom without her full and free consent. And, from the point of view of satisfying public opinion, not only in Northern Ireland but in this country also, there is positive political advantage in doing everything possible at this stage to strengthen the position of the North.

A 1949 Commonwealth Relations Office study released in 1982 states:¹⁴²

A united Ireland whose willing and unqualified co-operation could not with certainty be relied on, which was neutral, or which was internally divided over neutrality, would be a major problem in the defence of the United Kingdom and in the defence and support of western Europe....Failing some firm and satisfactory assurance as to the attitude in war of a united Ireland... there are strong strategic arguments for the retention of the friendly bastion of the Six Counties.

A CIA report informed President Truman in April 1949:

Because hostile military forces established in Ireland would be in a position to dominate lines of communication vital to the security of the United Kingdom and to develop air and submarine bases for attacks against North American war capabilities,

141) PRO, CAB 129/32 part I, ff 24-32, CP (49) 4. Quoted in Cronin, 1981:235.

142) Irish Times, 4 January 1982

denial of Ireland to an enemy is an inescapable principle of United States security (Cronin, 1987: 250).

The Foreign Office papers for 1952 quote Marshal of the Royal Air Force Sir John Slessor:¹⁴³

There is a pretty nasty gap in NATO - namely the completely defenceless position of Eire and the inability of NATO forces to make use of Irish bases. The attitude of the Irish to date has been bedeviled by their nonsensical attitude to partition.

This all echoes what Lloyd George wrote to Carson in 1916 in regard to the proposed partition: (Quoted in Coughlan, 1986:41):

We must make it clear that at the end of the provisional period Ulster does not, whether she wills it or not, merge with the rest of Ireland.

But there is more recent evidence of Ireland's military importance to the western alliance. As tension between the superpowers rose in the early 1980s, and as the concept of mutual annihilation was discarded in favor of a thesis which held that a limited nuclear war could be fought and won in Europe, Ireland's strategic position in the north-east Atlantic, dominating the sea lanes between America and Western Europe, got more attention. The relevant scenario saw the primacy in Soviet strategy of isolating the U.S. from Europe in the event of war, the build-up of the Soviet submarine fleet in the North Atlantic and the North Sea, and Soviet motivation to neutralize Ireland and occupy the country (Fitzgerald, 1982:36-7; Smith, 1980).¹⁴⁴

143) Irish Times, 5 January 1983

144) In taking account of the importance of the North Atlantic to NATO, General Sir John Hackett (1982:149), a retired NATO commander, has written that Ireland is "ideally

Under these conditions the American contribution would be the rapid reinforcement of NATO's European-based troops by soldiers flown over from the U.S. The enterprise would be made a great deal easier if NATO had what it wanted on Ireland: UHF radio communications into the Atlantic, forward bases, submarine monitoring, troop dispersal movements and radar cover - also into the Atlantic (Fitzgerald & Bloch, 1983:236ff.).¹⁴⁵ At the start of the Anglo-Irish process in

placed to command the Western approaches to the Channel and to strengthen the defence of shipping in the Eastern Atlantic." In spite of his many military fantasies, Hackett agrees with military experts in his critical analysis of Ireland's military capabilities - critical within the context of the strategic importance of Ireland to NATO. Ireland, he writes, has "no military infrastructure capable of handling even the most elementary naval/air operations." He goes on to imagine a sequence of events by which Ireland would caught up in a major military conflict: "the use of the Shannon and the west coast sites was vital for maritime operations in the Atlantic; availability of the Irish airfields and ports was essential for the successful operation of the Atlantic airbridge reinforcement operations into ... (Europe). The deployment of mobile radar and other surveillance systems would give much needed depth to NATO's air defence against Soviet attack....

To be blunt about it, if these facilities were not used by consent they would be seized. Otherwise they would be destroyed.... In an East-West war ... a declaration of Irish neutrality would afford about as much protection as a fig leaf in Antarctica."

145) William Fitzgerald (1982:37): "The problem of the absence of radar warning against long range low flying bombers making a final approach from the Atlantic across Ireland raises a question for Britain of critical vulnerability, and must be one of the most important considerations in British defence thinking. The route of such intruders from Soviet bases would follow a line between the Orkneys and Iceland, avoiding installations on Shetland and Faeroes and as matters stand at present, could skirt the N.W. of Ireland undetected. But, the Donegal mountains occlude a radar scan, from British Northern Ireland, of vast reaches of ocean to the N.W. and west. Radar installations aboard ships are vulnerable to submarines; the west and S.W. coasts of Ireland are not, and the high coastal mountains are ideally suited to ocean scanning installations." For a description of the technology involved, see Comerford, 1984:ch. 3.

1981, in their talks with the then Taoiseach, Charles Haughey, the British were widely thought to be considering strategic cooperation. Haughey told the Dail in March that Ireland's "long held policy of neutrality could be altered if a political solution could be found for the north" (Fitzgerald & Bloch, 1983:236). Michael Mates, Conservative Party backbench chairman and leading member of the party's defence committee, said:

If there is to be any closer association between our two states, it can't be while one is strongly non-aligned, as your country is, and neutral. To have a neutral Ireland, if we were to come to another conflict, would be nothing like the same value to western defence as having an Ireland totally committed to the west. It would be important for us, for the two nations, to sing with one voice over defence. The strategic importance of the island cannot be overestimated (Quoted in Fitzgerald, 1982: 38).

And General Farrar-Hockley, former NATO Commander in northern Europe in 1983:¹⁴⁶

Ireland would be of considerable value to NATO in the event of a conventional war with the USSR. Irish ports and airfields would be of considerable value in terms of covering the western approaches and the north. There are parts of Ireland which would give considerable range out into the Atlantic for NATO air patrols. That would be of no mean value. Of course it isn't a question of Ireland putting divisions into the field, but there is the question of solidarity with NATO.

Tony Benn (1985:131), Labour MP and former Cabinet

Minister:

I am absolutely certain that the reason Britain is in Ireland has nothing to do with the reasons given to the public. Britain is there for military purposes. When no longer useful, Zimbabwe and Hong Kong were handed over. I think the Tories are

146) Irish Times, 18 April 1983

prepared to hand over Gibraltar. In the end we'll probably hand over the Falklands. No one is ever going to convince me that there is some deep commitment in the Conservative Cabinet to the maintenance of the rights of the Protestants in the north. From the very beginning, and certainly after the First World War, it was the defence argument that was dominant....

The loyalist veto is a very clever technique. Keeping the loyalists on a string means that sectarian divisions can always be whipped up. At the same time, knowing that there is a loyalist majority, the government can shield behind it, claiming that its policies represent the majority. The veto would have been brushed aside by Churchill's war offer (of Irish unity in exchange for Irish neutrality). If the Republic decided to join NATO, I think it would be brushed aside again today.

Partition guarantees bases for NATO on Irish soil, but before the Anglo-Irish Agreement, Britain's failure to devise a political formula for Ulster to go along with its counter-insurgency campaign had become an increasing embarrassment and a sore point with the Americans and the continental countries. The Foreign Office hopes that that the Anglo-Irish Accord, which prevents Dublin from openly criticizing Britain about partition and which seeks to tie Dublin into British security policy in the north, will remove at least some of the pressure; it also offers the government public relations opportunities to make statements about "stability and reconciliation (in Ulster) ... (and) co-operative efforts" between the British and the Irish governments (British Information Service, 27 Sept. 1988).

Coughlan (1986:ch.3) is probably correct when he says that the "best chance of ending partition peacefully was through the strategy of the civil rights movement." A

movement which did not raise the constitutional issue could have conceivably divided unionists, permitting an alliance of sorts between liberal unionists and nationalists, thereby isolating the extreme unionists, such as Paisley and the DUP. This could have ended discrimination against the Catholics, and in time it might have won a majority within the north to support closer links with the south - and eventually for a united Ireland.

But Paisley's commotions, the increase in sectarianism, the 1969 anti-Catholic pogrom, and the emergence of the IRA ended any possibility for non-violent change. In 1982 William Fitzgerald wrote that any agreement with the Republic would pose certain risks for British policy makers. These were:

a) The slightest hint of preference for Irish unification would cause the IRA to scent a victory in an imminent British withdrawal and to redouble their activities; b) the unionist reaction would be intense, seeing it as a threat of expulsion from the U.K. and cause them to polarize under extremist banners; c) possible failure to bring about a favourable northern mandate; d) failure to bring about an Irish agreement to NATO. The first is obviated by the continuing Guarantee, with no time limit that Northern Ireland will not be incorporated into the Republic by force or against its own mandate. The second can be minimised by the Guarantee, outright public relations and the correct approaches by the Republic....

Fitzgerald's analysis seems to have been born out by events. After several reorganizations and successive changes of leadership, it is now thought that the IRA numbers about 2,500 volunteers with some 500 on active duty at any given moment with much support in Catholic communities (Shannon, 1986:853). Since the signing of the 1985 Agreement

practically all shades of unionism have united behind Paisley. But after twenty years the British government's determination to maintain partition is apparently as strong as ever. What has changed is that Britain now needs the full cooperation of Dublin and Washington to succeed. One way in which they hope to succeed is by strengthening the SDLP in Northern Ireland in hopes of undermining Sinn Fein (Coughlan, 1986:ch.5).

It is not only the military campaign of the Provisional IRA that has brought about the change in British policy, which is not one that republican nationalists have welcomed (cf. The Worker's Party, 1986). There are at least two other factors. The first is American pressure and support. Since 1916 official U.S. policy toward Ireland has been one of non-interference in the resolution of its national question; which objectively means that it supported Great Britain. During World War Two, Washington was interested in the Irish ports. It established bases in Northern Ireland. There is no reason to believe that interest has decreased. According to a statement on the military posture of the U.S. prepared by the joint staff in support of the 1988-89 U.S. defence budget (Quoted in Cronin, 1987:325):

Critical to the ability of the United States to reinforce the European theater will be the availability and sustainability of such bases as Iceland and the Azores along with its ability to protect and defend Atlantic, Caribbean and Mediterranean sea lines of communication.

Ireland would be an asset in such a defence system. Now that both parts of Ireland are recipients of modest grants of U.S. foreign aid whose major purpose is strategic, not economic,

there may be a prudent switch toward alignment with the western alliance.

In August 1977 Jimmy Carter became the first U.S. president to present a formal position on Ulster, breaking a pattern begun by Woodrow Wilson's refusal to be drawn into the Irish dispute at the Versailles Peace Conference. Carter urged a political resolution to the conflict. In such an event, he said, the U.S. would be prepared to participate in a job-creating program in the economically depressed areas of Ulster. Carter's pledge of job investment was the seed which grew into the Hillsborough aid package more than eight years later. In May 1985 Taoiseach Fitzgerald was assured of Congressional financial support for an Anglo-Irish Agreement by Speaker O'Neil and Senator Kennedy (Cronin, 1987:323). Just after the accord was signed the President and the Speaker of the House of Representatives pledged assistance in the form of tangible aid under Article 10 of the accord - committing the U.S. to \$85 million a year initially.¹⁴⁷ As part of the Agreement the International Fund for Ireland was established in January 1986, to which Congress added another \$35 million a year for two years. This mini-Marshall Plan for Northern Ireland supports cross border projects in economic development and security operations. The United States and the European Community are the largest contributors to the fund; Canada and

147) The relevant section reads: "The two Governments shall co-operate to promote the economic and social development of those areas of both parts of Ireland which have suffered most severely from the consequences of the instability of recent years, and shall consider the possibility of securing international support for this work."

New Zealand have also contributed. By March 1989 the fund had collected \$130 million (British Information Service, 30 March 1989). "As simply as that, the United States may have become part of the Irish problem" (Cronin, 1987:321). Garrett Fitzgerald's fostering of the Friends of Ireland Group and his contacts with the Bilderbergers and the Trilateral Commission have proved their usefulness, at least for the time being.

The second factor behind the shift in British policy is the political advance of Sinn Fein in Ulster. This has been due primarily to the 1981 H-Block hunger strike. The strike was not planned by the IRA; in fact IRA leaders outside the prison had only a tenuous hold on their H-Block comrades, and asked them not to refuse food. Thatcher's intransigence¹⁴⁸ and the failure of prison officials to bargain with the strikers in good faith mobilized support for Sinn Fein in a way that the IRA's military campaign had not. The republican communities became increasingly politicized; attendance at prisoner support rallies soared to ten and fifteen thousand. Hunger striker Bobby Sands was elected to Westminster. Gerry Adams, President of Sinn Fein, was voted into the Northern Ireland Assembly in 1982 and into the place of the Labour socialist Gerry Fitt as West Belfast MP in 1983. In the general election of June 1983 Sinn Fein won 43.4 per cent of the nationalist vote against 56.6 per cent cast for the SDLP in fourteen of the region's seventeen constituencies. This bombshell was all the more startling to the leaders of Fine

148) "A crime is a crime is a crime", she said, as a response to the strikers demands for political status.

Gael, Labour, Fianna Fail and the SDLP because they had formed the New Ireland Forum just two months before.

It was also startling to the politicians in Dublin. The middle classes and intelligentsia (cf. Keatinge, 1984), who are strongly represented in Fitzgerald's Fine Gael party and the upper echelons of the Irish civil service, want to keep the Ulster issue at arm's length. Despite their homages to nationalist slogans the last thing they really want "is a move to a united Ireland which would cost them money, unsettle the familiar existing scheme of things, bring a crowd of turbulent northerners into an Irish parliament and disturb their ... comfortable life-style" (Coughlan, 1986:45). They began to see the possibility of similar gains for Sinn Fein in the Republic. Labour MP Joan Maynard speaking in the House of Commons in 1986:

There would have been no meetings or Agreement but for the growing support of Sinn Fein The real objective of the accord is the destruction of the Sinn Fein vote. On my recent visits to Northern Ireland I realized that what dominated everyone's mind, including Dr. Fitzgerald's, was the growing support for Sinn Fein. Members argued that Sinn Fein could not win support through the ballot box, but they have been proved wrong. They are now trying to head it off. If that does not work, perhaps they will ban it (Quoted in Coughlan, 1986:45-6).

The implicit assumption was that even if the widespread opposition to the Agreement in the unionist community took a violent turn, which it inevitably did, the risk of doing something was perceived to be less than the risk of doing nothing. Some set of arrangements were needed that "would undermine support for Sinn Fein and put constitutional

politics back on the track" (O'Malley,1986:6). This has not happened as the signatories had hoped. Sinn Fein has decided to go after seats in the Dublin parliament and in January 1988 Sinn Fein and the SDLP began discussions on the possibility of forming a united nationalist front in Ulster (Adams,1988).

Indeed, it is difficult to find tangible positive results that are clearly due to the accord. Many Catholics hoped that the juryless Diplock courts would undergo changes that would give the accused a better chance at a fair trial. But the only difference has been the elimination of the 'supergrass' trials, those using paid informers, which probably would have happened anyway since most of their testimony was too weak to be sustained on appeal (Greer,1987). Unemployment for Catholics is still close to forty per cent, but new promises to carry out anti-discrimination in employment legislation are due to the MacBride Principles campaign in the United States which seeks to withdraw state pension fund investments from companies which discriminate in Ulster, a movement that Britain is seeking to offset (Farrell,1985).

In spite of a new set of security posts along the border, major dragnets for arms stashes north and south, and increased security cooperation between Ireland and Britain, the IRA and other guerilla groups have increased their activity (cf.Flynn, 1988; McArdle,1984). Loyalist paramilitaries have been killing Catholics at an alarming rate, the Irish National Liberation Army went through a bloody internal feud (Clarke, 1987), and the IRA launched a wave of attacks in 1988 that

concentrated on British soldiers, as opposed to locally recruited security forces.

Britain has sent new troops into Ulster and has formed a new brigade to patrol even more closely the border with the Republic of Ireland. Support for the accord in the Republic has also decreased partly because of one of its consequences: the extradition to Britain of Irish prisoners accused of rebelling against the British state. The accord also resulted in the revision of the extradition rules between the United States and Britain. The rejection of the appeal of the 'Birmingham Six' in Britain gave further credence to the view in Ireland that there is no chance of a fair trial for an Irish prisoner in Britain (Wilcock, 1988).

The accord will not be repealed, because the British and Irish governments have too much prestige invested in it, even if it does seem paralyzed between the pressure of loyalists and nationalists to lead to any major nonsecurity benefits. Mrs. Thatcher has rejected several unionist pleas to abandon the agreement. But her preoccupation with cross-border security issues has meant limiting its use to a battle against the republicans. Her ministers have only recently made proposals on fair employment and education, suggesting that Mrs. Thatcher finds the larger agenda of the accord less appealing (British Information Services: Feb. 22, 1989; March 30, 1989; April 11, 1989; Northern Ireland Office, October 1988).

Despite the underscoring of the guarantee in the Accord, Irish republicans continue to argue that the loyalist majority is the result of an undemocratic gerrymandering, a veto of the wishes of the 60 million people on both islands. They are willing and capable of fighting until the British withdraw from Ulster. They are also willing to take the risk of a loyalist backlash; banking in the long run that loyalist concerns about a united Ireland will come to be seen as groundless. Until then, the republicans will fight on.

Summary

The central focus of this chapter has been the systematic integration of the British nation-state in twentieth century Ulster. This integration, occurring within the context of the world nation-state system, has been viewed in conjunction with the generation of social power - conceived of in its broadest sense as the ability to pursue and attain goals through the mastery of one's environment. Power, it should be remembered, is generated in and through the reproduction of systems of domination and by the concentration of resources in 'locales' or circumscribed arenas for the generation of administrative power. The modern state, as nation-state, is the pre-eminent form of power container, as a territorially bounded administrative entity (although it is highly regionalized internally).

The administrative power of the nation-state is generated through an information base that is the means of its reflexive self-regulation. Central to both the administrative power of

the nation-state and to the merging of state and civil society in the modern era is surveillance, conceived of as the institutional mediation of power. Surveillance - the collection and storage of information and the monitoring of the activities of an administered population - is crucial to processes of power generation in all modern organizations. This is especially true of nation-states which are responsible for the internal pacification of their territories and for providing the organizational foci necessary for citizenship rights: (civil rights) legal systems, (political rights) local government and legislatures. Each of these categories of citizenship rights is linked to a particular type of surveillance where that surveillance is necessary to both the power of superordinate groups and an axis for the exertion of control by the less powerful over the more powerful in established modes of social interaction. These are: civil rights - surveillance as policing; political rights - surveillance as the reflexive monitoring of state administrative power. The administrative scope of the nation-state is both intense and wide.

The essential rules which comprise the structure of the British nation-state in Ulster are public policies. All policy is designed to consolidate state administration as a system of sovereignty and to cope with the world nation-state system. In modern Ulster the former function is carried out by emergency legislation that has been used to govern Ulster since it was established by the British state in 1920. This

legislation continues Ireland's role as a theater of innovation in British social control policy, a trend that has characterised Anglo-Irish relations throughout the modern era. This legislation has been accompanied by new techniques of surveillance and by attempts to provide rationalizations, justifications and operational clarity in British law for surveillance and security operations. It has been argued that the such attempts can be challenged by placing them in their social/historical context and thereby demonstrating the existence of systematic discontinuities between the legal texts and the social problem which they address - Irish republican nationalism.

It has also been argued that the consequences of such legislation and operations can be understood by being aware of how people respond to them and from what they do about them. Since 1920 in Ulster this legislation has meant the systematic denial of civil and political rights (the right to vote, work and have adequate housing) to the majority of the republican Catholic community. In the late 1960s the non-violent Northern Ireland Civil Rights Association began to press these issues and was met by a violent backlash from the loyalist Protestant community, its police forces and the British army. Over time the British army became associated in the eyes of Catholic Ulster with the structure of unionist supremacy and the struggle for civil rights took on the form of a struggle for national liberation.

When this happened the focus of the conflict was widened to the level of the world nation-state system and others, especially the Republic of Ireland and the United States, became involved. The U.S., as the West's symbolic leader and the major force in NATO, played an important role in the sequence of events leading up to the signing of the Anglo-Irish Agreement of 1985. This agreement allows the Republic of Ireland a voice in the governing of Northern Ireland. It represents a dramatic shift in British policy, which has always attached the highest importance to maintaining British jurisdiction over the affairs of Ulster, and a major concession on the part of the Republic of Ireland, which claims sovereignty over the entire island in its constitution, to the Western Alliance. Nationalist opinion in the Republic maintains that the agreement is a stepping stone to a united Ireland. But this in no way expresses the intentions of the signatories. The political outcome of the agreement, however, depends largely on what the unionists do. In view of this the agreement could just as well blow Ulster apart as stabilize it. Despite the fact that Mrs. Thatcher has managed to get the government of the Republic to recognize Britain's right to sovereignty over Ulster in an international treaty, the struggle of the republicans of Sinn Féin and the IRA for national unity is not over.

VII SCOTLAND AND WALES: TOWARD A COMPARATIVE VIEW

In most respects Wales and Scotland are very different countries. Scotland is, to use 19th century terminology, a 'historic nation' ... Wales on the other hand was a typical 'non-historic nation'

Eric Hobsbawm, 1966¹

The events in Ireland since 1969 are complex and show the need for a comparative approach. The task of making a plausible comparative analysis of nation-state formation and the development of oppositional national movements in the United Kingdom, however, is a huge one. I will not try to do this here, but only indicate in the barest outline how it might begin. The presence of Scottish and Welsh national-separatists movements offers an opportunity to add a discussion of conceptual categories to the discourse on nationalism by studying the historical development of the state (and its nationalist opposition) in separate parts of the same multi-national country, each exposed throughout its history to the action of the same broad processes, and owing its existence, at least in part, to a common origin. But to set Irish, Scottish and Welsh nationalisms into context we have to look beyond contemporary events, beginning no later than with the formation of an English nation-state under the Tudors.

The Tudor dynasty (1485-1603) was in a way supranational, encompassing Wales and maintaining an antiquated claim to

1) "The attitude of popular classes towards national movements for independence," in E. Labrousse (ed), *Mouvements nationaux d'indépendance et classes populaires*. Quoted in Nairn, 1981:202.

France, but it was primarily an English royal house. Consequently, it had a relatively easy task in fostering English national sentiment. Ireland was ruled as a colony, in no way did it call into question the identification of the monarchy with the English nation. Wales represented a different problem, but the Welsh ancestry of Henry Tudor (1485-1509), the incorporation of Wales into the English state (1536-1542), and the assimilation of the Welsh landed classes to an English culture not only secured the loyalty of Wales to the monarchy but also laid the foundation for a new, more broadly defined 'British' nationality. In creating and exploiting national sentiment the Tudors benefited from the position they occupied in two major national institutions, the church and the parliament. Especially in the former, of which the monarch was the Supreme Head, the Tudors were able to command loyalties (thus moving toward an English nationalism) that were largely based on the desire for religious reform and helped along by the xenophobia prevalent at the time (Webb, 1977:22).

In the sixteenth century the English church gave to all politically and ecclesiastically conscious English people a strong sense of belonging to a distinct community, separate from Rome and the Catholic powers of Europe. In the late Elizabethan period, after the defeat of the Spanish Armada, it was thought that England was an "elect nation, a people who would play a special role in the apocalyptic drama which was about to unfold." (This was perhaps argued most forcefully by

John Milton and his contemporaries.) Parliament was no less a focal point of national loyalties than the English church. Its prominence in the public life of the country derived not only from its constitutional powers of taxation and law-making but also from the absence of rival or subordinate provincial assemblies. Unlike the representative bodies of other states, the Estates-General of France and the cortes of various Spanish kingdoms, the English parliament did not experience a decline in status, power or privilege; its meetings continued "to have the effect of binding the various shires and boroughs of the country into a nation." This was certainly true by the mid-seventeenth century, when parliament was able to command national allegiances that the monarchy and the church could not (Levack, 1987:172-73).

Political, ecclesiastical and dynastic institutions were the primary sources of English national sentiment in the sixteenth century, but geography, cultural and economic factors also played a part. The position of England on an island, sharing a boundary with only the Scottish state, gave the English a sense of isolation from others that fostered a sense of distinctiveness. The freedom of trade between the various shires of the country encouraged those who were engaged in commerce to think in terms of a 'national' market and economy, while the government's economic nationalism, expressed both as a drive for economic self-sufficiency and in pursuit of mercantilist objectives in the global economy, also fostered such sentiments. Equally important were cultural

concerns. A common although dialectically diverse language, a growing awareness of a 'common English history', as well as a high degree of liturgical conformity and a common body of law allowed for a distinctively 'English' cultural identity. By 1600 that identity was expressed politically through the institutions of the state, in Wales as well as in England.

Wales: Nationalism and Devolution

People talk of the betrayal by the Tudors, of the decline of Welsh nobility; of the disappearance of the bardic profession; of the beginnings of the middle class and wealthy merchants who saw nothing in Welsh culture; of the wrong done to the Welsh language; of the Anglicizing of education All these are secondary causes. There was a deeper cause: the thing that destroyed the civilization of Wales and ruined Welsh culture, that brought about the dire plight of Wales today, was - nationalism.

Saunders Lewis (Welsh Nationalist), 1926²

It was, of course, English political nationalism to which Lewis was referring. He was arguing against a Welsh development that in any way was similar to the course of modern English history. His warning was accompanied by a plea for a distinctive Welsh approach: "for a spiritual and cultural nationalism founded on native tradition and looking back to the middle ages" (Nairn, 1981:196; cf. Morgan, 1983).

In strictly constitutional terms Wales, since the Tudors, has not existed, but has been part of the legislatively hybrid 'England and Wales'. Wales never acquired the autonomous institutions of statehood which Scotland enjoyed - an established church and separate legal, banking and educational

2) Quoted in Nairn, 1981:196.

systems - and retained despite the 1707 Act of Union. Yet the sense of Wales as a separate administrative and, at times, political entity, has never been snuffed out.

Until the sixteenth century Wales was little more than a "geographic expression, a westward facing promontory of the British Isles within which an anarchy of petty princedoms was perpetually at war", an inherently unstable state of affairs exacerbated by the proximity of the Marcher-Lordships along the Anglo-Welsh border.

At the commencement of the fifteenth century the initial success of Owain Glyndwr regime lasted only a decade, hardly enough time for national institutions to be established. The sense of a separate Welsh entity was further obfuscated during this pre-Tudor period by the ambivalence in the Welsh attitude towards England which was coloured not simply by a desire for separation but for the restoration of the historic unity of Southern Britain. It was an attitude which Henry Tudor was to exploit prior to the Battle of Bosworth and which was recognised by contemporary observers, notably the Venetian Ambassador who reported to his government that 'the Welsh may now be said to have recovered their former independence for the most wise and fortunate Henry VII is a Welshman' (Foulkes, et al., 1983:1).

In spite of the high hopes of the Welsh people, Henry VII did little for Wales, preoccupied as he was with the larger and more pressing concerns of establishing the Tudor Dynasty. In deference to Welsh sensibilities he named his first son, Arthur, Prince of Wales and in 1501 established a Council of Wales and the Marches.³ The experiment was frustrated by Arthur's death in 1502 and the Council declined in importance

3) The legendary King Arthur was most probably a native of south-west Britain rather than a Welshman; yet Henry Tudor claimed kinship with him (Mayo, 1973:61).

until, in 1534, Rowland Lee was appointed and given the task of restoring law and order. An initial series of punitive statutes was followed in 1536 by an Act of Union which decreed that Wales should be entirely incorporated within the realm of England, "with all Welshmen given the same privileges, rights and laws as Englishmen." The Act was nothing less than a constitutional settlement in which the "chaotic Marches completely disappeared, either incorporated into existing Welsh or English counties or merged to form the five new counties created by the Act." Basically the Act reflected Henry VIII's desire to fuse the English and Welsh people and "bind them with indissoluble links of common aspirations" (Foulkes, et al., 1983:2). Although the Act of Union is important insofar as it brought the whole of Wales within the realm of England and under the authority of Parliament, it was but the last stage in a process of assimilation that had been taking place over two centuries and it took another six years for the administrative machinery necessary for full union with England. This was accomplished by the Act of Union of 1542.

Broadly therefore it may be said that the Act of 1536 enunciates the general principle governing the Union and that of 1542 the details. Together they form the constitution under which Wales was henceforth to be governed" (Rees, 1967:49).

Under the union the counties and boroughs sent representatives to parliament. Welshmen were granted equality with Englishmen before the law: the disabilities previously applied to them were abolished. The English system of land tenure was introduced and gavelkind, where it still existed in Wales, was

displaced. The English system of local government was applied to Wales. The country was divided into twelve counties, grouped into four areas. Sheriffs, coroners and other officers were appointed along with justices of the peace for each county. As it was in Ireland, the administrative consolidation of Wales was largely an attempt on the part of the English crown to deal with the enhancement of the power and the status of local magnates at the expense of the king and the lesser lords. The challenge was facilitated by a new type of "military organization which enabled the magnate to base his power on a standing army rather than on the feudal host" (Bradshaw,1979:20). Under the terms of the union the Welsh administration, placed in the hands of men drawn from local families, was charged with containing the challenge of magnate power and "the energies of these families were now directed to the prevention of disorder rather than its perpetration as hitherto" (Williams,1950:44). The union of Wales and England was conceived in terms of the regional councils reorganized under Thomas Cromwell's aegis in the north and the west of England, in Ireland and in Calais. As with the others it was not a central government in its own right but a regional extension of the English one.

The same principle which signaled the affirmation of England's sovereignty against external influence signaled the abolition of Wales as a political entity and its absorption by the kingdom of England. It is true that, in the process, the political status of the Welsh under the Crown was actually

enhanced. They were, for the first time, eligible to participate in government, to send members to parliament and to take public office. But the offices were those of the English administration centered at Westminster, and the parliament they attended was the English parliament. The principle which shaped Cromwell's reform in Wales was the same as that which shaped his reform in Ireland: the sovereignty of the state, not the sovereignty of the nation. As far as the English constitution was concerned, the two were synonymous. However, for those other dominions over which the king claimed jurisdiction the principle did not enhance their national sovereignty, but rather diminished it. As far as the king's sovereign jurisdiction extended, so far, constitutionally and jurisdictionally, extended the kingdom of England. The principle took the form of a constitutional union in Wales. In Ireland the situation was more complex and a constitutional union was not attempted. Indeed, the statutes enacting the constitutional position of the Irish Lordship were written in such a way as could be endorsed by the Dublin parliament: "the king's land of Ireland, is his proper dominion, and a member appending and rightfully belonging to the imperial crown of said realm of England, and united to the same." The result was a personal union, in the imperial crown, of two distinct constitutional and jurisdictional entities - the kingdom of England and the Lordship of Ireland, a notion that was expressed by the Anglo-Irish separatist tradition of the fifteenth century (Bradshaw, 1979:161).

For its part Wales was given its own system of courts independent of the courts at Westminster: in effect the system which had operated in North Wales for two and a half centuries was extended to the entire country. In these courts English law was administered - and in English, for the Act of Union required all official business to be in that language. Wales also maintained a separate organization for revenue purposes, each group of counties serving as a fiscal unit with its own exchequer and system of audit. Finally, the Council of Wales and the Marches, formerly a prerogative court, was continued by the Act of Union as a permanent administrative body responsible to the privy council. Wales became a special administrative area, but the integrity of its institutions was not sustained. During the Civil War the Council did not meet and, although it was revived in 1660, from then on its authority was much restricted. The Glorious Revolution of 1688 finally brought it to an end.⁴ The other distinctive Welsh administrative unit, its court system, was significantly weakened by the Council's demise and in 1830, after more than a century of rivalry with Westminster, the courts were abolished despite the unanimous opposition of the Welsh MPs and a considerable amount of Welsh public opinion. "With

4) It should be noted that the revolution of 1689 was an exercise of Scottish as well as English power. There were in fact two separate revolutions, an English one and a Scottish one, for there were still two separate kingdoms. Both countries wanted to be rid of James Stuart, but there was no a priori reason why the respective parliaments should have to choose the same successor. As a political entity Wales, of course, played no role in the Glorious Revolution separate from that of England (Murray, 1980:35).

their abolition, the last vestiges of an identifiably Welsh system of government, erected by Henry VIII for the Welsh people, disappeared" (Foulkes, et al., 1983:3).

The emergence of Welsh political nationalism toward the end of the nineteenth century occurred when Wales was devoid of distinctive administrative and legal institutions and was not considered to be a separate political entity. The years before 1868 were described by contemporaries as years in which "the political subjection of Wales was complete It had no voice in parliament, no advocate in the press, no valorous friend to do battle for its honour outside its borders, no one to meet enemies in the gate."⁵ However this situation was to change dramatically. The General Election of 1868 (after the extension of the franchise to the working class with the Reform Bill of 1867) marked the beginning of fifty years of "Welsh political nationalism as a major force in British public life", in which the distinctive needs of Wales were brought "into the general context of British politics after the obscurity and isolation of centuries.... The tide reached fullest flood in 1892 when the Welsh Party was presented with an unprecedented opportunity of effective power" (Morgan, 1963: 298). The Party's advances in that year cut Conservative representation to three border seats and the Liberal's Lloyd George ("whose fame had rung throughout Wales ... as a new tribune of the people"), who favored Welsh "independence", was beginning a thirty year career that was to prove to be a

5) Tom Ellis, "Wales and the Local Government Act, 1894," *Speeches and Addresses*, p. 182. Quoted in Morgan, 1963:2.

decisive catalyst in Welsh politics.⁶ But the Welsh Party never possessed the rigid discipline, backed up by stringent financial control, that characterized the Irish nationalists. These considerations, along with the total dependence on the Liberal leadership in parliament (a situation they shared with the Irish nationalists) limited the Party's effectiveness and proved to be its undoing. This dependence eventually served to show the disunity, even the futility, of the Welsh Party when presented with a real opportunity. By 1896 the character of Welsh nationalism had been transformed. It gradually came to shed its nationalist coloring, leaving only, in Morgan's (1963:120) words "a bitter memory to poison the future course of the Welsh national movement."

Over the next fifty years there was much administrative devolution in Wales but it was the result of a series of ad hoc decisions and the arrangements fell short of the demands voiced in 1892. It was not until 1951 that the office of Minister for Welsh Affairs was created, "but it was a curious arrangement as the post, which existed until 1964, was always held in conjunction with another office - until 1957 by the Home Secretary, and from then until 1964 by the Minister of Housing and Local Government." In 1964 the office of Secretary of State for Wales was set up - at the urging of the Council of Wales and with Labour Party support. But the powers of the position were unclear, "extracted from Whitehall

6) Morgan (1963:118) notes that in the campaign addresses given by Liberals in the 1892 election "disestablishment (of Wales) appeared on every address, usually second, on the list to Irish home rule, but actually first in six addresses."

in a random fashion ... (without) any clear administrative principle" guiding (their) establishment (Foulkes, et al., 1983:6-8).

With the passage of years, however, the Welsh Office acquired clear functions and became a visible administrative department. It took over direct responsibility for health care, forestry and agriculture, ancient monuments, tourism, child care, primary and secondary education and the financing of the National Museum and the National Library of Wales. In 1975 the Welsh Office acquired economic powers arising from the Industry Act and with reference to the role and activities of the Welsh Development Agency which was established in that year to promote Wales as a location of industrial development. Also in 1975 an all-Wales body - the Land Authority for Wales - was set up to acquire land for development (in England and Scotland these functions were exercised under the authority of the Community Land Act (1975)) Taken together these agencies "have enabled the Welsh Office to present itself as an administrative expression of the Welsh identity" (Foulkes, et al., 1983:9).

The Welsh dimension has also been taken account of in parliament. Under the House of Commons (Redistribution of Seats) Act (1949) Wales is guaranteed a minimum of thirty-five seats although on the basis of population it should only have thirty-one. Since 1964 government action in Wales has been subjected to the same parliamentary scrutiny as every other governmental department. The Welsh Grand Committee, for which

Welsh parliamentarians had campaigned since 1886, was formed in 1964 and became a permanent standing committee in 1969. It consists of all thirty-six Welsh constituency MPs together with not more than five others.

Government Acts relating exclusively to Wales are very few in number. They have to do with the closing of public houses (Sunday Closing Act (1881)), the disestablishment of the Welsh Church (Welsh Church Disestablishment Act (1914)), and Welsh language bills.⁷ There has been a series of additional Acts which enable Welsh local authorities to support financially a number of Welsh cultural institutions. "However, such legislation remains extremely rare and for the overwhelming majority of cases England and Wales are treated as a single unit" (Foulkes, et al., 1983:10).

The full impact of the English state on Wales occurred much earlier, and in a much different way, than in Scotland. Furthermore, Wales did not possess a focal metropolis and center of commerce that could also constitute a center for political mobilization and the dissemination of a nationalist ideology. Most important, for over four centuries Wales possessed no territorially-based government, no supporting

7) The Elections (Welsh Forms) Act (1964) authorized the use, in connections with elections in Wales, of translations of statutory forms into Welsh. The Committee on the Legal Status of the Welsh language recommended in 1964 that there should be a "clear, positive, legislative declaration of general application, to the effect that any act, writing or thing done in Welsh in Wales or Monmouthshire should have the like legal force as if it had been done in English." It was followed by the Welsh Language Act (1967) which authorized the use of Welsh in any legal proceedings in Wales by anyone who desires to use it, and provided for Welsh versions of statutory form (Foulkes, et al., 1983:13).

institutions, and no system of alternative self-government, such as developed in Ireland. The lack of distinctive Welsh institutions eroded social and political cohesion. It was to language that nationalists turned, claiming that it gave meaning to a separate Welsh identity. This, in part, explains the recent efforts to accord it full legal and administrative status. The loss of language, "which for many represents a sense of dispossession", is rendered all the more acute in Wales in comparison with Scotland, which has a comprehensive range of national institutions (Foulkes, et al., 1983:13; cf. Nairn, 1981:196-98). The loss is linked to the development of national sentiments in Wales which tended to rise as the use of the Welsh language declined.* As late as 1962 Saunders Lewis, one of the founders of Plaid Cymru - the Party of Wales (1925) asserted: "The language is more important than self-government" (Quoted in Butt Philip, 1975:90). As long as this hierarchy of demands prevailed - and for many years there was a "marked reluctance on the part of the body of members to engage in discussions and decision-making and a corresponding reluctance on the part of Lewis (the party's main creator of economic and social philosophy) to welcome debate" (Davies, 1983:265), the party's commitment to political devolution inevitably was qualified.

8) In 1901, 50 per cent of the Welsh population of 2 million claimed to be Welsh speaking; by 1971 the proportion had shrunk to under 21 per cent of the population. The language is now concentrated in North and West Wales, areas which support the Welsh Nationalist Party, Plaid Cymru (Foulkes, et al., 1983:13).

After its formation in 1925 Plaid Cymru failed to make either significant electoral advances or to win the Welsh to home rule - which the party proposed after its founding in the form of dominion status for Wales equivalent to that of Canada and Australia. It remained a fringe organization, more cultural than political, "only emerging temporarily onto the centre of the political stage in 1936 with the burning of the RAF bombing school in Pen-y-berth" (Jones, 1983:21).

After World War II Plaid Cymru adopted a more self-consciously political and parliamentary stance. In the early 1950s it lent moral support and party activists to the 'Parliament for Wales Campaign' with little success. Like the Scottish Covenant movement, the campaign collected signatures on a petition calling for a Welsh parliament. Eventually, 250,000 (14%) of the Welsh electorate signed and in 1955 a Parliament for Wales Bill was introduced at Westminster; it was soundly defeated forty-eight votes to fourteen. "The campaign organizers in an assessment that was to be repeated in 1979 noted that either because of hostility or indifference, the Welsh MPs 'were the biggest obstacles of all'" (Jones, 1983: 22).

On balance the Plaid's participation in the campaign is understood to have benefited the party since it began to make slight electoral gains. Its first win was a parliamentary by-election in a mixed urban-rural constituency in Carmarthen in 1966. Success in winning two parliamentary seats in rural Welsh-speaking Wales in February 1974 and in re-capturing

Carmarthen the same year, was followed by gains in municipal elections in the industrial areas of the south-east and in the Welsh-speaking counties. By 1976 the party controlled the Gwynedd county council and had become the governing party in Merthyr Tydfil, an industrial borough in the south-east.

In its pressures on local authorities in the field of Welsh language education, and on central government and Welsh elites in the field of Welsh language broadcasting, Welsh nationalism has shown an ability to concentrate its resources on specific objectives, and to achieve many of them from its little corner of "the house of power" (Rawkins, 1985: 297). Yet even those sympathetic to Welsh sentiments acknowledge that if the objective of Plaid Cymru has been to mobilize the Welsh nation as a political force, its twenty-year venture in party building must be termed a failure. Rawkins (1984b:94) writes that the Plaid

has never faced up to the issue of using state power at whatever level as a means toward furthering long- and medium-term nationalist objectives. Even in the 1980s, mainstream political thinking in the Welsh movement remains uncomfortable with the notion of state power. The concept of a Welsh state remains poorly developed despite the efforts of the left-wing of Plaid Cymru's leadership in recent years. Emphasis is given to notions of decentralization, as well as worker and community control of local economic and social institutions. In this context, the central state is seen as significant chiefly for its revenue generating purposes, its role in economic planning of industrial location and resource development, and its place in the educational and cultural fields.

Two months before the 1966 Carmarthen by-election, the Welsh Labour Party's Annual Conference endorsed the long-standing demand of its Executive for an elected Welsh council

below which would be a reorganized structure of "most-purpose authorities" (Jones, 1983:22). The nationalist threat in Wales was responsible not so much for causing as for giving a boost to Welsh Labour's growing enthusiasm for some form of devolution. The dominant position of the Labour Party in Wales in the 1966 election, when thirty-two of the thirty-six Welsh seats were won by Labour, ensured that the devolution debate would take place within the ranks of the Welsh Labour Party - which was committed to ensuring that its position "conformed to that presented by the more anti-devolutionist Labour Party in Scotland (Jones, 1983:24).

At first that debate was conducted within the framework of local government reform (Foulkes, et al., 1983). But the Labour government could not consider Wales in isolation from Scotland where the nationalists were considered to pose a more serious electoral threat; any concession to Wales would have to be matched by one to Scotland, and this was opposed by almost everyone in government, including the Scottish Secretary. The government eventually went for a minimal response and in late 1968 announced the establishment of a Royal Commission on the Constitution, in the usual hope that the problem would have solved itself by the time this body's deliberations were completed (cf. Burton & Carlen, 1979).

The commission invited interested organizations and individuals to give evidence and most of the relevant parties did so with alacrity. The Welsh Secretary of State was opposed to federalism, legislative devolution and any directly

elected Welsh Assembly. The Welsh Labour Party rejected separatism, federalism and a legislative assembly "because it would reduce the effectiveness of Welsh MPs and the influence of Wales in the U.K., and would jeopardise the unity of the country as a whole." It did, however, demand an elected Welsh Council "to provide a structure of government that will permit of devolution from the centre." The Welsh liberals advocated a comprehensive federal scheme and Plaid Cymru proposed "a Welsh state endowed with all the powers of a modern state" (Jones, 1983:23).

The Commission's report was published in October 1973. Of the eleven commissioners who signed the report: eight recommended legislative devolution for Scotland and six recommended it for Wales; three favored a directly elected Welsh Advisory Council and one favored a similar plan for Scotland; two recommended executive devolution for Scotland and Wales. The report was generally received with enthusiasm in Wales, but with derision and cynicism elsewhere. The derision vanished with the general-election results of 1974 after the Labour Party adapted itself to the revitalization of the Welsh dimension among the middle-class of Wales - although Labour's devolution strategy was initially sparked by events in Scotland, not Wales. The new Labour government quickly produced legislation embodying some of the commission's ideas, which became the Scotland and Wales Act (1976). Now that it was clear to policy-makers that the problems were not going to disappear spontaneously, it was decided that concessionary

tactics would have to be used. With limited degrees of self-government (extremely limited in the case of Wales), it was assumed that the regions would soon relapse into their traditional subordination (Nairn, 1981:62). This bill was abandoned on the failure of the guillotine motion⁹ in parliament in February 1977. Two separate Bills were then prepared, one for Scotland and one for Wales. Since these Bills will be discussed below it is enough to say here that the Scotland Act provided for an elected Assembly which was to have legislative powers, unlike the Welsh Assembly whose powers were merely administrative. The Scotland Act involved some constitutional issues, the Wales Act provided administrative machinery (Foulkes, 1983:63).

Scotland: Nationalism and North Sea Oil

I knew a very wise man so much of Sir Christopher (Neville)'s sentiment that he believed that if a man were permitted to make all the ballads, he need not care who should make the laws of a nation.

Andrew Fletcher (Scottish Nationalist), 1704¹⁰

When Queen Elizabeth I of England, the last of the Tudor monarchs, died in 1603 the crown passed according to English laws of inheritance to her cousin, King James VI of Scotland, who thereby also became James I of England. This event marked the beginning of the Stuart dynasty in English history; it also brought about the union of England and Scotland. That

9) A guillotine motion is a parliamentary method of preventing obstruction by fixing times at which parts of a Bill must be voted on.

10) Quoted in Harvie, 1977:22).

union has endured, in one form or another, until the present day.

The Union of the Crowns was primarily a dynastic achievement - the ultimate product of a marriage arranged by Henry VII between his daughter Margaret and King James IV of Scotland. As with all cases of dynastic policy, the driving force was the desire of the monarchs to enlarge their dominions, thereby increasing their wealth and military power and raising their status in the eyes of their royal confederates and rivals. But shortly after his accession James began to advance proposals for the integration of the two kingdoms that were now joined only in allegiance to the same king. The king, who was reported "to passionately affect the perfect uniting of both the realms"¹¹, proposed not only the renaming of the two kingdoms as Great Britain but the union of their laws, parliaments, councils, churches and economies. He also called for the mutual naturalization of the subjects of both countries. James, in short, was calling for the creation of a British national state (Levack, 1987:4).

There are several reasons why James wished to consolidate the two kingdoms. First of all, his accession to the English throne provided no assurance that the royal succession would follow the same line in each country. As long as Scotland had its own laws of succession and its own law-making assembly, the possibility existed that the crown of Scotland could be 'alienated' from the English crown, thereby reversing the

11) State Papers, James I, 14/10A. Quoted in Levack, 1987:4.

advance of 1603.¹² Secondly, a union of the kingdoms was necessary for administrative efficiency. With the union of 1603 James became the ruler of two separate kingdoms, each with its own council, parliament, and central administration. Since he intended to govern both countries from Westminster¹³ it was essential that a certain measure of uniformity be set up between them and that, if possible, the institutions of government be consolidated. James took the first steps toward these ends by appointing a number of Scots to the English privy council, but an effective administrative union required more. There had to be a union of English and Scots law and a mechanism for creating the same laws for both countries. This meant establishing a unified state, a truly British polity.

For the first quarter of a century following the Union of the Crowns there was relative peace between the two kingdoms, and a promise of stability throughout the entire island. A Scottish rebellion against the king broke out in 1638, but the integration of the administrative apparatus of the two states for the most part proved capable of deterring such activity, or at least capable of facilitating its suppression "with the

12) James expressed this fear as early as 1604, and in fact a threat of such a Scottish defection from the English succession did eventually materialize in the early 18th century. At that time, as in 1604, it proved to be a major incentive for negotiating an incorporating union. Both James union project of 1604 and the Treaty of Union approved in 1707 called for the creation of one inseparable British monarchy as well as a union of parliaments (Levack, 1987:5)

13) At the time England was the more powerful and wealthy kingdom, and a monarch living away from the center of power would likely soon become an irrelevance in important deliberations given the nature of communications at the time. The English crown gave James more influence internationally than did the Scottish crown.

assistance of some fathoms of rope" (Webb, 1977:17). This was especially true for the Border, which had a long-standing reputation for lawlessness. In 1603 James, attempting to contribute to a new national identity, proclaimed these areas to be the 'Middle Shires',¹⁴ but what was necessary to reduce the high level of violence and theft, was not merely symbols, but the coordination, if not the union, of the military and judicial forces of the two states in the area.

James failed in his attempts at a parliamentary union - even a compromise program providing for commercial union, cooperation in judicial matters along the borders and mutual naturalization policies failed to win support of the English parliament, but he continued to pursue unionist objectives through non-parliamentary means.¹⁵ At the same time he pursued his goal of ecclesiastical unity by reviving the institution of episcopacy in Scotland, thereby making possible uniformity and perhaps even union in church government.

Even though James continued to express a hope for the eventual formation of a British state, he realized that it was not likely to come about within the immediate future. He therefore tried to bring about a national union while maintaining two different states and parliaments.

14) He also promoted the use of the term 'Great Britain', struck a new British coinage, and created a new 'Union Jack' for the king's ships to call attention to the fact of a regal union (Levack, 1987:188).

15) For example in 1608 the government initiated a legal case in which the judges determined that Scots born after the death of Elizabeth were naturalized in England, while James used his prerogative to eliminate many restrictions on trade between the two countries.

The parliaments of the two countries would of course be called upon to facilitate the process of national integration, but the formal structure of the national union would be that of a personal, dual monarchy. And once the English parliament refused to ratify most of the provisions of the Instrument of Union in 1604, the motor force of national unification would be the resources of personal kingship - the allegiance owed to the king by all his subjects and the political powers he held by virtue of the prerogative. On the one hand the decision James made to pursue his goal in this way reflected his political realism On the other hand the decision continually hampered his efforts since the monarchy did not have adequate resources to allow James to achieve his goals by himself (Levack, 1987:181).

Two of the policies by which James intended to bring about national unity - religious conformity and the establishment of freedom of trade - had as their goal the development among Scots and English people the sentiments of belonging to the same community. If James had been able to secure widespread and voluntary acceptance of English forms of worship and church government in Scotland, he might have instilled a sense of religious community similar to that which the English puritans had with the Scottish Covenanters in the 1630s and 1640s, and thereby sown the seeds of a powerful British nationalism. As it was, James' successors were left with only a minimal sense of Protestant unity to serve as the basis of a potential British national identity.

James' plans for free trade between the two kingdoms were substantially blocked by the failure of his Instrument of Union in 1604 which was intended to create a sense of national unity through customs union. The Instrument also promised, in a symbolic but nonetheless meaningful way, to "remove the mark

of the stranger" by eliminating the customs on Scottish goods imported into England and by treating Scottish ships as if they were English. Whatever success James achieved in this regard was reversed in the late 1600s, when the English parliament excluded Scotland from participating in English economic activity. Only with the Act of Union in 1707 was the economic foundation of a British nationalism laid, and at that time it proved inadequate to the task (Viner, 1950:103).

The means by which naturalization was achieved in England was the decision of the judges in Calvin's Case (1608) which became the foundation of the English law of naturalization for the following two centuries.¹⁶ By claiming that allegiance was personal rather than legal, to the king rather than to the law, it ensured that individuals born in any of the king's dominions would possess British citizenship.¹⁷ Calvin's Case had both a positive and a negative effect on the cause of the Anglo-Scottish union. It established the grounds for the possible union of England and Scotland into one nation but at the same time postponed indefinitely the union of their laws and their incorporation into one state. By minimizing the ties of the subject with the territorial state and by emphasizing a community of allegiance that transcended political boundaries and legal jurisdictions, the judges evaded consideration of the entire issue of political and

16) The following paragraphs draw from Levack, 1987:7ff. and Smout, 1980.

17) It was only in the American colonies at the time of the Revolution that modern ideas of contract and consent to law successfully challenged the old notion of subjectship.

legal union while allowing James to continue his efforts to bring the two peoples together in one community.

Concerning the fourth part of James' assimilation policy, the union of the military forces of the two countries, little is known. It seems as though James viewed the stationing of both English and Scottish regiments in the Netherlands as a means of nurturing a sense of common nationality. If this was his goal, the policy made sense. Military service is an effective means of fostering a sense of national cohesion and identity. Christopher Hill (1972:65) argues that the process of English national unification, especially the effective incorporation of the north and the west into the mainstream of national life, was brought to completion by the New Model Army. It is possible that joint military operations between England and Scotland after 1603 and even during the English Civil War may have given soldiers a certain sense of unity.¹⁸ By the eighteenth century those Scots who served with the English overseas were very much in favor of union. But military cooperation could not foster a genuine sense of national cohesion unless the two military establishments were united, and that did not happen until 1708. Even then, however, the maintenance of separate English and Scottish regiments inhibited the development of British national consciousness within the ranks.¹⁹

18) In 1603 Scottish troops came to the assistance of the English in a quarrel with the French in the camp of Count Maurice (Levack, 1987:188).

19) It seems that throughout the seventeenth century Scotland was militarily capable of matching England. In the 1640s it took advantage of the divisions in England to maintain an army

Perhaps James' most notable successes in promoting national unification were linked to internal pacification, particularly his law and order policies in the border areas. Open defiance of the law in any part of the two kingdoms would have been cause for great concern, but the Borders situation represented more than mere disregard for the law. Raiding parties crossing the borders served as reminders that the frontiers between the two kingdoms had not disappeared and that James' English and Scottish subjects still regarded the other as foreigners and enemies. Tensions between the English and the Scots on the Borders remained so strong that months after the Union of the Crowns the Venetian ambassador doubted whether the two kingdoms could ever "pull together" (Levack, 1987:191). The Borders, therefore, received special attention. James, who now had the capacity as king of both countries to ensure the cooperation between Scottish and English authorities and thus to prevent criminals from playing off one side against the other, established "a police state which was most barbarously administered" (Fraser, 1972:362). The Borders were not completely pacified until the eighteenth century, but a new order, which proved to be lasting, had been installed before James died. By 1609 the "commissioners had already made great progress in destroying the 'system of the frontier' and in reducing criminal activity. The days of the Border 'riding families', and interminable, sustained family feuding, and of collective violence had passed" (Levack, 1987:

 in Ireland and simultaneously pushed its military frontier south to Newcastle (Cullen, 1989:229).

192). The Border as an armed frontier may have disappeared in the early eighteenth century,²⁰ but the border as the line separating two states and two nations remained.

Charles I never displayed his father's zeal for uniting the two kingdoms, but he did continue James' efforts at establishing ecclesiastical conformity between them. Ironically, the major union initiative of his reign came not from him or his council but from his ecclesiastical opponents in Scotland, the Covenanters. At the time of the Bishops' War (1640) Scottish commissioners tried to establish a religious and economic, but not a political, union with England.

In 1643 the Scots actually concluded an alliance with the King's English opponents in the Civil War, and as part of this alliance the subscribers pledged themselves to establish uniformity of church government. Owing to political and religious developments in England, especially the growth of anti-presbyterian sentiment, the plan did not succeed, and the Scottish Covenanters were forced to make a last desperate attempt at realizing their goal by agreeing to an Engagement with Charles I in 1647. This agreement also failed to bear fruit, falling victim to the defeat of Charles and the Scots in the second English Civil War (Levack, 1987:9).

Oliver Cromwell was primarily responsible for the defeat of the Covenanters' union program and he succeeded in forging a union of sorts after defeating the Scots at Worcester in 1651. The English parliament failed to pass the necessary legislation to implement the Tender of Union offered Scotland in 1652, so it was left to Cromwell to issue a decree to this effect after he became Protector. According to this

20) Symbolic of this was the dismantling of the English garrison at Berwick (Watts, 1975:311).

arrangement, Scotland (which was under English military occupation for the duration of the Protectorate) sent thirty representatives to Westminster, its own parliament having been abolished. All trade restrictions between the two countries were eliminated and Scottish courts were administered by English and Scottish judges. There was no attempt at religious union. When the Protectorate failed in May 1659, the Cromwellian union died with it.

During the following years the two countries drew further apart. Their legal systems and religious beliefs diverged and their governments engaged in a bitter commercial rivalry. There was talk of a commercial treaty from time to time, but negotiations made it clear that if any sort of union were to be agreed upon, it would have to be a parliamentary or incorporating union. But the Scots expressed reservations regarding the proposed union of parliaments and England had no interest in 'developing' Scotland (devoid as it was of the kind of natural resources that would have lent themselves to exploitation from the outside before 1800) in the way it was interested in, for example, the West Indies or Virginia.

By the end of the seventeenth century England was a unitary state: its most important central authorities, the king, the parliament, and the privy council, exercised effective supreme power throughout the entire kingdom; it was also characterized by legal uniformity (in Wales as well) - the only distinctly national body of law in Europe, a high degree of ecclesiastical uniformity, and complete freedom of

internal trade. If the United Kingdom of Great Britain had been modelled on this English state, the union of England and Scotland would have been very close. But Scotland was qualitatively different from all the other units that had been incorporated into England. Scotland in the seventeenth century was a "free, independent kingdom, a sovereign state in its own right, possessing its own laws, institutions and church". If Levack is correct, it was also a national state, its subjects having had since the fourteenth century a clear consciousness of their identity as a distinct people (Levack, 1987:16-24).

This status of Scotland as an independent, sovereign and unitary state was the fly in the English unionist ointment. Most Scottish objections to legal union focused on the threat that such a union posed to Scottish sovereignty - that English law would be imposed on Scotland, much in the same way it had been imposed on Wales. For years English lawyers and judges looked for a precedent of the union of two states without conquest of one by the other. There was none.²¹ And for years, in the late seventeenth and early eighteenth centuries, when an incorporating union became likely, Scottish patriots expressed fears concerning the loss of national sovereignty - fears which were born out by Cromwell in the 1650s. The Earl

21) The only precedent that appeared to have some relevance to the Anglo-Scottish situation was the union of Poland and Lithuania, which had begun as a regal union in 1386 but which through subsequent negotiations, had become an incorporating union. But this precedent had limited applicability since Lithuania, while technically a state, still ranked as only a grand duchy, not a kingdom, and after the union it had accepted the precedence of Poland (Levack, 1987:25).

of Cromarty, for example, favored an incorporating union but argued against a treaty of union that would leave Scotland "nothing of sovereignty to reside amongst us but our sovereign courts of judicature" (Quoted in Levack, 1987:87).²² Debates and negotiations surrounding the question of union of Scotland and England continued.

By 1702, however, the entire situation had changed. By then England was again involved in war with continental powers and needed some assurance that Scotland would protect the English northern flank (Smout, 1980). But the unwillingness of Scotland to accept the Hanoverian succession upon the death of Queen Anne and the alienation of Scotland from England as a result of being dragged into the War of the Spanish Succession threatened both the regal union and the security of England.²³ The English responded by passing the Alien Act of 1705, which threatened Scotland with economic sanctions and designation of all Scots residing in England as aliens if it did not accept the Hanoverian succession or proceed with union negotiations. These risks of the crowns of Scotland and England diverging led to the English demands for an incorporating union and

22) Since Scotland was a sovereign state, a union with England had to be bilateral. Except in 1654, when Scotland was occupied by Cromwell's forces, the union had to take the form of a treaty, not an English parliament annexation.

23) The laws of succession of England and Scotland were distinct - the result of Scotland's Claim of Right (1689) which is still part of the current statute law of Scotland. The Claim of Right condemned the flight of James VII as unconstitutional and declared that by acting contrary to the law, James had forfeited all right to the Scottish crown. The crown of Scotland was then offered to William and Mary. Since the monarch was now the juridical creature of the parliaments of separate and sovereign states, the crowns were no longer a guarantor of unity between England and Scotland (Levack, 1987).

Scots demands for a federal union. England was not going to let Scotland set a trend by breaking its regal union with England; Scotland wanted to protect its sovereignty.

The Scottish Act of Security (1703)²⁴ converted the potential divergence of the crowns of England and Scotland from legal theory into political reality, no doubt to give them leverage in the coming discussions on the union. In 1706 commissioners for each country were appointed to negotiate a formal constitutional union. Terms of union were agreed by the English and Scottish parliaments. It is generally assumed by English legal historians (who see the juridical basis for the union as the Union with Scotland Act (1706) - referring to the Act of the English parliament) that with the Treaty of Union (1707) the English got their way. "Scottish constitutional lawyers - and some Irish ones too - see the matter rather differently", referring, as they do, to the Act passed by the Scottish parliament - the 1707 Union with England Act (Murray, 1980:38).

As was the case with the Act of Union between England and Ireland, the articles of the union contain some provisions which are stated to be 'forever'.²⁵ But Article III, which

24) In 1703 the Scottish parliament passed an Act of Security giving it freedom to name its own successor to the crown upon the death of Queen Anne. The same parliament passed an "Act anent Peace and War" which gave Scotland the power to accept or reject "British" decisions to wage war or conclude peace (Levack, 1987:12).

25) For example, Article I: "the two kingdoms of Scotland and England shall, upon the first day of May next ensuing hereof and forever after, be united into one kingdom by the name of Great Britain." Article II provides for a single lawful succession the merged and united crown and make certain exclusions from the succession forever (Murray, 1980:39).

provides for a united parliament, has, in contrast, no words of entrenchment. It merely provides that the U. K. shall be represented by one and the same parliament - the parliament of Great Britain. Apart from the juridical basis of the union itself, the public law of Scotland, and the institutions which derive authority from it, remain unchanged by the union although subject to change by the United Kingdom. The union did not incorporate the public institutions of Scotland into those of England - but its parliament was moved 400 miles away to Westminster.

No systematic incorporation has ever been carried out; so that to this day the countries of England and Scotland remain legally, and to a considerable extent institutionally, separate. It is hard to avoid the conclusion that some semblance of Scottish - and English - statehood continues to subsist and that this subsistence was foreseen. Indeed the Treaty's final entrenched provision, at the end of Article XXIV, lays down that the 'the crown, sceptre and sword of state of Scotland, and all state records, shall continue to be kept in Scotland in all time coming' (Murray, 1980:40).

Thus, the events of 1707 were not entirely anti-Scottish. Indeed, for most of the subsequent years in Scotland it was thought that it was perfectly possible to be both a good nationalist and an advocate of the union, "it may even have been essential" (Harvie, 1977:29). It is not that the union was popular, it was not, even among those who argued for some form of parliamentary incorporation. Rather, it was generally thought that parliament was only one among a range of national institutions and that the safety and the effectiveness of the Scottish church, the law and the educational system were, in an age of 'limited' governmental activity, worth giving up a

parliament for.²⁶ Particularly a parliament which, without contributing much to the good administration of the country, remained a focus for Jacobite and French intrigue - especially among the more radical Highlanders (one-third of the Scottish population), would not have been allowed to exist for long by any British government, and its suppression - at the time of the 1745 rebellion, for example - could have been made the occasion for the total assimilation of all the independent Scottish institutions.²⁷

Nationalist ideology did not develop quickly enough to unify the distinctive problems of the two Scotlands. The economic grievances of the Lowlands remained quite separate from the more cultural and political grievances of the Highlanders. After the failure of the last Scottish-Jacobite bid for power in the Scottish Highlands (which did not possess the prerequisites for nationalist resistance),²⁸

26) The Act of Union gave Scotland forty-five members in the House of Commons, against 513 Welsh and English members, with sixteen Scottish peers to join the 190 English peers. While in today's terms the number of representatives seem wholly inadequate - the population proportion being only five-to-one in favor of England - by 18th century standards the settlement seemed acceptable, even generous. It was, after all, not people who were represented, but property, and England was thirty-six times more wealthy (Webb, 1977:25).

27) In 1745 an army of Highland Jacobin rebels struck to within 120 miles of London, "bearing with it the menace of restored Absolute monarchy. This incredible Gaeltacht was to be allowed no further opportunity of disrupting civilized progress. In the subsequent English and Lowland invasion its old social structure and culture were pulverized too completely for any later nationalist response to be possible (Nairn, 1981:148).

28) Nairn (1981:111) writes of the Highlands that, unlike Ireland, "its position was too marginal, its social structure too archaic, and too much of its life had been actually destroyed in the terrible reaction to 1745."

semi-independent Lowland Scotland embarked on the improvement which was in the space of fifty years to bring it abreast of its southern neighbor in economic performance and ahead in 'enlightenment', and completed the 'de-nationalisation' that Cumberland's guns had begun on Culloden Moor (Harvie, 1977:30).

By the time of the French Revolution the "aristocratic tradition which might have produced a ... re-invigorated Scottish nationalism vanished." The bourgeoisie, which in Europe acted as the main sponsor of nationalism was cowed into submission by the power of the government or, lacking a parliament of its own, forced to look for allies in the south. Some separatist slogans - similar to those of the Irish - were heard from the working class left. "The weaver's rising of 1820 was vaguely directed at securing a 'Scottish Republic'". But these actions were increasingly unrepresentative. For most Scottish liberals and radicals the progressive road was one through assimilation in general, and through assimilation to the English franchise in particular. For Gladstone, the Reform Act of 1832²⁹ signaled the "political birth of Scotland, the beginning of a duty and a power, neither of which had attached to the Scottish nation in the preceding period." Gladstone's rhetoric, of course, had nothing to do with nationalism; it meant in fact the subordination of the remaining Scottish institutions to representative parliamentary government in a British context (Harvie, 1977:30-2).

29) The Act introduced a system of free elections that was very important to Scotland because until then the great magnates and the Scottish manager had between them established a stranglehold over the small Scottish constituencies. After the passage of the Act the Scottish MPs were overwhelmingly Liberal (Hanham, 1969:54-72).

In the early 1880s the process of 'de-nationalization' was challenged by Highland crofters who, encouraged by the example of the Land League in Ireland, stayed and fought eviction. The government switched from coercion to conciliation. Gunboats and police were ordered north, and were followed by a Royal Commission, which promised security of tenure, the settlement of rent arrears and a Land Court. The crofters also became active in electoral politics, electing five "Crofter MPs" to Westminster. Highland radicalism played a part in the founding of the Scottish socialist movement later in the decade, and in placing home rule on its program. But the Irish admixture of nationalism and land agitation was not to be repeated in Scotland.³⁰

The Scottish home rule movement was carried along in the wake of Irish home rule, it did not have its motive power. Before 1886 there was no outburst of political nationalism in Scotland comparable to that in Ireland. All this changed with Gladstone's decision to extend home rule to Ireland. Scottish nationalism not only became more energetic but it took on a decidedly political edge. The Scottish Liberal party split and those who continued to identify with it were supporters of home rule for Scotland and, generally, of home rule for Ireland and Wales as well.

After 1886 there was always an element of in Scotland supportive of home rule, while the Scottish Liberals were among the leading advocates of 'home-rule-all-round,' devolution, and federalism through

30) Only six per cent of the Scottish population was employed in agriculture against over twenty per cent of that in Ireland (Harvie, 1977:35).

to the 1920s. But it should be underlined that at no time during those thirty-five years were the Scottish home rulers ever in a majority in Scotland, and separation was never their goal. The union was always to be preserved as was the supremacy of parliament. They were in fact not pure federalists but straightforward devolutionists (Kendle, 1989:61).

This is in stark contrast to the Irish, who were not in favor of the principle of home rule but thought that it was as good a compromise as they could get; they were encouraged in that goal by the opposition of their political opponents whom history had taught them to loath. In Scotland the grievances were less acute (the primary concerns remained Scottish under-representation at Westminster and the lack of a Secretary of State for Scotland³¹), there was no Scottish Parnell, and, even if there had been, there was no Scottish parliament available for use a forum.

After 1832 Scottish party politics, and most extra-parliamentary radicalism, fit snugly into the union mold. At the end of the nineteenth century, when Ireland was rethinking its radicalism, Scottish liberalism became conservative and deferential, and removed from questions of devolution. Not only did Scotland lack the economic grievances on which Irish, and to a lesser extent Welsh nationalism fed, but the religious and educational institutions of Scotland, which in Ireland and Wales created a different kind of link between citizenship and polity, were committed to the union and

31) Scotland had only 53 seats in the House of Commons against 468 for England, 32 for Wales, and 105 for Ireland. By 1863 the number of Scottish seats had been raised to 72; a separate Scottish office headed by a Secretary was not formed until 1865 (Kendle, 1989:61).

through it to the "Greater Scotland of the Empire" (Harvie, 1977:41).

Despite occasional calls for the establishment of a Scottish national parliament³², Scottish nationalists wished to retain the sovereignty of London.³³ Home rule stood a chance of success only when the confidence of Westminster wavered, it came closest to realization in the uncertainty which surrounded the issue of Irish home rule between 1910 and 1915. This position was not achieved solely by pressure from within Scotland.

It owed much more to Conservative fears that without some form of federal settlement a total constitutional breakdown was inevitable. These were voiced ... by an energetic Scots imperialist, F. S. Oliver, in a series of Times letters in 1910, and this conception formed the basis of the sort of consensus settlement that Lloyd George and Churchill hoped might avert constitutional breakdown in the troubled years that followed. Had war not broken out, Scotland would very likely have been presented

32) For example G. Clark, a Highland leader of the Scottish Home Rule Association, moved in the House of Commons in April 1889 that "it is desirable that arrangements be made for giving to the people of Scotland, by their representatives in a National Parliament, the management and control of Scottish affairs." In introducing the measure Clark made it clear that he did not mean separation: "I have no desire to repeal the union between England and Scotland" (quoted in Kendle, 1989: 66).

33) Clark went on to say: "... The Home Rule feeling is growing strongly in Scotland as it is in Wales and Ireland, and I hope the time is not far distant when this Parliament will be freed from the discussion of such questions as whether a Scotch Railway Company should have an hotel in Edinburgh, or Belfast have a system of drainage. Other great and Imperial questions will then have a chance of discussion. We have an immediate responsibility. We are responsible for the government of a third of the human race - three hundred millions of people look to the House of Commons for guidance. I trust that in the consideration of Home Rule propositions we shall preserve intact the great Anglo-Saxon Union that has done so much for civilization, that has so much still to do" (quoted in Kendle, 1989:67).

with a parliament. Whether the Scots knew what they wanted to do with it is another, and much more doubtful matter (Harvie, 1977:41).

If the outbreak of war in 1914 adjourned the Irish crisis, which resumed with greater ferocity in 1918, it postponed indefinitely the restructuring of British politics. In 1914 it appeared that if Liberal Britain were to survive, some important regional redistribution of power was needed - a repetition of the situation of 1885. Then Gladstone addressed the "great moral issue" of Irish home rule and the centralized organization of the Liberal party to frustrate the radicals, but neither choice was possible in 1914, the issue would have to be tackled. Instead war broke out, Liberal Britain died and part of Ireland escaped. The cause of devolution would have to find its place in an altogether new political order.

Thus it was that the Scottish Nationalist Party (SNP) started life in 1934 with "a well-established base and a Home Rule policy". Previous nationalist groups, the National Party of Scotland among them, had emphasized self-government for Scotland;³⁴ by contrast the SNP program emphasized the desire of the Scots to be treated as equals in the United Kingdom and to retain their share in the management of the empire.

Troubled by wavering leadership and ambiguous goals, the SNP was only intermitantly successful at local and parliamentary by-elections for the next several decades. Its best showing at a general election was in 1945 when it received only 1.27

34) The National Party of Scotland proclaimed in 1933 that its aim was: "to restore to the ancient Scots Nation and People their former Freedom to govern themselves" (quoted in Hanham, 1969:163).

per cent of the votes cast in Scotland. From that time until 1964, "the great achievement of the SNP was simply to have survived" (Hanham, 1969:179). By 1968, however, the SNP was the largest party in Scotland - winning over thirty per cent of the Scottish vote in the general election of 1974 (Webb, 1977; Snyder, 1976).

Home rule for Scotland was the cornerstone of the SNP program throughout most of its history, but by 1970 it was calling for the "establishment of Scotland as a sovereign state" (MacCormick, 1970:91). Murray (1980:42) attributes this change to "increasing centralization (of the British state which) has led generally to demands for more democratic control and accountability of central government to those who are affected by it." But the discovery of North Sea oil, largely in waters off the Scottish coast, has made it possible to conceive of an independent Scotland as a wealthy - or at least a solvent - state. Accession to the European Community has underscored the institutional benefits which could accrue to Scotland within the Common Market if it was an independent member. As a part of the United Kingdom, Scotland is not directly represented in any Community body and has only eight of the eighty-one British members of the European Assembly. In contrast the Republic of Ireland, with sixty per cent of the population, is directly represented in the Council of Ministers, the Commission, and the Luxembourg Court of Justice, and has fifteen members in the European Assembly.

In that general context it is not too surprising that the Scottish National Party made a spectacular electoral advance between June 1970, when they had one MP, and October 1974, when they won eleven out of seventy-one Scottish seats. Their numbers were reduced to two in the 1979 general election that brought the conservatives under Margaret Thatcher into office. But even then, they still commanded the votes of roughly a fifth of the Scottish electorate (Murray, 1980:42).

Both of the major British political parties had taken early steps to counter the anticipated threat of the SNP. In 1968 the Conservative Party established a constitutional committee to consider the problems which had given rise to the demand for devolution in Scotland. It reported in support of a directly-elected assembly with powers of interrogation and scrutiny, and with limited powers to carry out some stages of Westminster's Scottish legislation in Scotland. As already noted, in 1969 the Labour government set up a Royal Commission on the constitution which came to be known as the Kilbrandon Commission. At the end of 1973 it produced a comprehensive report dealing with devolution proposals in regard to the whole of the U.K., though its considerations on Northern Ireland were later curtailed. The commission formulated the view of federalism that has become standard in the debates on devolution.³⁵ It made a majority recommendation for a

35) "As far as we are aware no advocate of federalism in the United Kingdom has succeeded in producing a a federal scheme satisfactorily tailored to fit the circumstances of England. A federation consisting of four units - England, Scotland, Wales and Northern Ireland - would be so unbalanced as to be unworkable. It would be dominated by the overwhelming

legislative devolution for Scotland roughly comparable with Northern Ireland's Stormont constitution; a minority report recommended a much more restricted scheme with no delegation of legislative functions.

The public was given little time to digest the Kilbrandon proposals, for only a few months after the report was issued there was a general election, in February 1974, which returned a minority Labour government in a House of Commons where SNP representation had risen from one to six. What came next was a long campaign of political attrition which resulted in the enactment of the Scotland Act and the Wales Act in 1978 and to their repeal in 1979. What follows is a brief description of these events and a discussion of their implications for the theoretical framework set out above.

political importance and wealth of England. The English parliament would rival the United Kingdom federal parliament; and in the federal parliament itself the representation of could hardly be scaled down in such a way as to enable it to be out-voted by Scotland, Wales and Northern Ireland, together representing less than one-fifth of the population. A United Kingdom federation of the four countries ... is therefore not a realistic proposition" (Kilbrandon Commission Report, p. 159. Quoted in Nairn, 1981:62)).

The Scotland Act (1978) and the Wales Act (1978)

Like the Local Government reforms which had preceded devolution, the changes were at heart ways of preserving the old state - minor alterations to conserve the antique essence of English hegemony. There was no real belief in a new partnership of peoples. And in fact, such a partnership - in other words, genuine 'transfer of power' from the old state - was never conceivable without the most radical reform of the centre itself. To give effective power away meant examining, and changing, the basis of power itself: the Constitution, the myth-source of sovereignty, and all that it depends upon.

Tom Nairn, 1981

In reaching their majority opinion the Kilbrandon Commission considered and rejected two choices for dealing with the problem of Scottish and Welsh government: separatism and federalism. They did not consider a third alternative for which nobody was asking (thereby ignoring the precedent of Ulster in 1920), the total restructuring of the constitution to transform Britain into a completely integrated state. That option probably looked unrealistic then. It may look a little less unrealistic now, with Ulster having been under direct rule from Westminster for almost twenty years, with the SNP riding a wave of popular support since the mid-1980s - one directly linked to the free-market policies of Margaret Thatcher and the strengthening of the European Community, and with the Party of Wales³⁶ now calling for an elected Welsh

36) Plaid Cymru has changed its name to the 'Party of Wales' in an attempt to escape the nationalist implications of the former. Party leadership now considers itself "internationalist" and argues that old nation-states are transferring many of their powers to the European Community and that within ten years 80 percent of the major economic decisions will be taken at the European, not the national level (BBC 'Outlook', April 4, 1989).

government within the federal framework of the evolving European Community (EEC).

Two major political points were stressed by the commission. First, that only a minority of the Scottish and Welsh people supported independence as an option. Secondly, there was no way that it could be guaranteed that England, Wales and Scotland would be willing to take steps necessary to ensure complementary economic policies. The first point would appear to carry less weight today than it did a decade ago, particularly with regard to Scotland. While only a minority of the electorate are Scottish National Party supporters, that minority remains large enough to constitute a significant threat to the political security of the major parties (Baum, 1989; Brand, 1980). Furthermore with the EEC acting as a safety net³⁷ and with annual revenues from North Sea oil in excess of \$6 billion, more people believe that independence for Scotland is a viable option.³⁸ With regard to the second point, as Murray (1980; cf. Moore, 1980) notes, it seems as though devolution on the Kilbrandon model would have presented continuing problems of divergence to Whitehall which would have been no easier to solve than home rule for Scotland and Wales. The commission also noted the apparent contradiction

37) The SNP slogan through the 1970 was "It's Scotland's Oil"; the current slogan of the SNP is "Independence within Europe".

38) A recent poll by the Glasgow Herald newspaper and BBC Scotland showed that 61 per cent of the voters would prefer to be an independent member of the EEC than to have its interests represented in Europe by London (Baum, 1989).

between complete home rule and the unity of the British economy.

The option of federalism did not fare much better. In contrast to devolution,³⁹ federalism implies the division of sovereignty between two or more levels of government. Based on this distinction the commission argued that federal constitutions are increasingly unviable today because of the importance of central government in all modern states, especially in view of ever growing demands for equality of social standards and economic treatment in every provincial unit - which in reality need to be initiated and funded by central government (Murray, 1980:43). The commission maintained that federalism is a constitutional arrangement that is appropriate only for an early stage in the transition from an association of sovereign states toward a larger unity; they ruled it out for decentralization in an over-centralized (and supposedly unitary) state like the United Kingdom.

The Scotland Act bears a resemblance to the Government of Ireland Act 1914, which was also passed into law and took its place in the statute books only to be repealed before it went into effect. But the Irish Act conferred on the Irish legislature power to make laws for the peace, order and good government of Ireland in terms similar to Commonwealth constitutions enacted by Westminster. The Scotland Bill was very different. Indeed the original first clause declared:

39) The delegation of central powers without relinquishing sovereignty.

The following provisions of this Act make changes in the government of Scotland as part of the United Kingdom. They do not affect the unity of the United Kingdom or the supreme authority of Parliament to make laws for the United Kingdom or any part of it.

The same clause (*mutatis mutandis*) appeared as clause one of the Scotland and Wales Bill (1976) and of the Wales Bill (1978). However, after much discussion in parliament the clause was withdrawn from the Bills because, even though the it accurately stated the government's position, it was surplusage. It also broke a basic rule of drafting, that when introducing an Act one does not make expressions of opinion (Foulkes, 1983:95). Consequently the first clause of the Act read:

An Act to provide for changes in the government of Scotland and in the procedure of Parliament and in the constitution and functions of certain public bodies.

The Scotland Act devolved legislative powers to a directly-elected Assembly, and executive powers to a Scottish Executive. Legislative measures passed by the Assembly and approved by the Queen in Council would be known as Scottish Assembly Acts. On a matter within the legislative competence of the Assembly an Act could amend or repeal provisions made by the British parliament. A matter was within its competence if it related to a 'devolved matter' as listed in the Act, but the power to impose, alter or abolish any tax was specifically excluded. Parliament retained legislative competence over all matters affecting Scotland, whether or not it was within the legislative competence of the Assembly, and whether or not the Assembly had legislated on those matters. The Executive was

to consist of the First Secretary and other Scottish Secretaries. These would be appointed from among the members of the Assembly. The relationship between the Executive and the Assembly would have been similar to that between the government and parliament at Westminster, the first secretary being (like the prime minister) the leader of the majority party in the Assembly (Foulkes, 1983:95ff.).

The principle of devolution adopted by the commission held that the delegated powers would be enumerated in detail. Those powers remaining with Westminster were not to be enumerated. After debate, the government was forced to make two changes in the Act. The first prevented Scottish MPs from having deciding influence on a domestic English Bill without an interval of at least fourteen days between first and second reading in the House. The second was the provision that there should be a referendum of the Scottish electorate before the Act came into force. There was a parallel provision for the Wales Act. It was this provision that killed the government's Bill. Once the government, giving in to pressure, tabled the referendum clause a passage requiring the support of forty per cent of the electorate for the Bill to pass was grafted on to it by opponents of devolution. Only thirty-three per cent of the eligible voters supported the Bill (52 per cent of those voting), thirty-one per cent voted against the Bill. The referendum won, but the Act was lost.

The Wales Act provided for an elected Welsh Assembly. A key point to understanding the Assembly and its operation is

the functions conferred were conferred on the Assembly as such and were to be exercised by it. In this regard the Assembly was similar to a local authority, in contrast to central government arrangements where there is a distinction between government and parliament, between the executive and the legislature. The Assembly had executive powers only.

Constitutionally, the central problem in the setting up of the Assembly was determining what its functions were to be, how they were to be delineated, and what was to be the relation between any measures that it might pass and decisions it might make and Acts of parliament and decisions of central government. It should be remembered that the Act was written in line with the Kilbrandon recommendations.⁴⁰ Thus Section 9(1) provided as follows:

The Assembly shall exercise as regards Wales the functions given to Ministers of the Crown by or under enactments specified in the first column of Schedule 2 of the Act, with the exception of functions specified in the second column...⁴¹

Like the Scotland Act, the Wales Act contained a detailed enumeration of the Assembly's powers, while those powers remaining with Westminster were not to be enumerated. The

40) The first clause of the Act read: An Act to provide for changes in the government of Wales and in the constitution and functions of certain public bodies.

41) Schedule 2 was divided into 18 parts, each dealing with a devolved area of administration. The first column listed 176 Acts or parts or groups of Acts. For example, education was to have been a devolved function. Thus in the first column of Schedule 2 will be found listed 'The Education Acts 1944 to 1976'. This means that all ministerial functions under those Acts were to have been exercised by the Assembly. Where an area of government was not to have been devolved, e.g. national taxation, then no statutes relating to those matters were listed in the Schedule. An area of administration was excluded from devolution by omission from the Schedule.

Assembly was to have exercised powers normally given to ministers.⁴² In exercising these powers the Assembly would be in law in the same position as the ministers who previously exercised them. The extent of a Minister's statutory powers is determined by the Act which conferred them. The Assembly's powers would likewise be so determined. The powers of making Acts of parliament or measures of an equivalent status to Acts were not given to the Assembly. Not having the power of making, repealing or amending Acts, the Assembly would have been strictly confined to functions granted to it by parliament.

The exercise of powers were to be withdrawn from the Assembly where they infringed areas reserved to ministers. A "reserved matter", according to section 34 (3) was one which concerned Wales (whether or not it concerned other parts of the U.K.), but with respect to which the Assembly had no power to act. So, for example, highways and dog licensing were not reserved matters, but taxation⁴³ and defence were. The Secretary of State was given the power to revoke any action of the Assembly affecting reserved matters, including regulations made by statute. Section 31 reads:

42) Section 12 of the Act read: "The Assembly shall exercise such functions given to Ministers of the Crown by or under local Acts as the Secretary of State may by order specify." The functions to be transferred to the Assembly were those defined in Schedule 2 of the Act. Functions exercisable under various Acts under Schedule 2 were to be transferred; thus only functions under statutes in existence by the time the Wales Act was passed were transferred. There was nothing in the Act authorising the transfer of functions under future legislation (Foulkes, 1983:69).

43) The Assembly was to be financed by the Secretary of State through the Welsh Loans Fund (section 44).

If it appears to the Secretary of State that an instrument made by the Assembly under any Act of Parliament affects a reserved matter, whether directly or indirectly, and that the public interest makes it desirable that he use his powers under this subsection, he may by order revoke the instrument.

There was one function which the Assembly was expressly forbidden to undertake. Section 28 of the Act reads:

The Assembly shall not in the exercise of its functions conduct relations with any country outside the United Kingdom.

International relations are conducted by sovereign states and international organizations, not by devolved assemblies.

The Act received Royal Assent on July 31, 1978 (as did the Scotland Act). But before a draft of the first order was made, according to Schedule 12 of the Act, a referendum had to be held. Those entitled to vote in the referendum were those entitled to vote as electors at a parliamentary election in any constituency in Wales, and peers entitled to vote at a local election in Wales. The referendum was held on March 1, 1979. There was an overwhelming vote against devolution, by a margin of four to one the Assembly was voted down.

The Labour government's proposals for devolution as contained in the Wales Act (1978) were prompted, in large part, by the electoral challenge of the nationalists, notably in Scotland. In this context it is possible to link the proposals to the nationalist advance made in by-elections during the late 1960s and particularly to the 1966 win in Carmarthen. After the failure of the Scotland and Wales Act (1976) opponents of Welsh devolution within the Welsh Labour

group found common cause with the demand for a referendum. By late 1976 the Welsh Labour executive and the Wales Trade Union Council had produced a pamphlet rejecting the referendum idea but by then the momentum had built to such a pitch that a general conviction emerged which presumed that progress toward devolution could only be assured if a referendum were conceded.

Labour MPs who opposed devolution used parliament to introduce and publicise arguments and issues which were subsequently used in the referendum campaign. The most vocal opponenets were two Welsh Labour MPs, Neil Kinnock and Leo Abse. Kinnock opposed any policy that might endanger the unity and coherence of the working class, which he saw as the only viable vehicle for social change. But he also stressed the many weaknesses of the Bill, the most damaging of which was his claim that, despite the creation of an "additional extra tier of government, the vital decisions would remain with London government".⁴⁴ Abse, in a more emotional vein, said that a Welsh Assembly "would increase bribery and corruption" and that Wales would be dominated from Cardiff by a Welsh-speaking bureaucratic elite.⁴⁵ Such statements grabbed headlines, confirmed the doubt in the public mind as

44) N. Kinnock, "The real decisions will stay in London," South Wales Echo, 18 December 1977. Quoted in Jones, 1983:29. There is, of course, some truth to this. The Secretary of State was given by the Act certain powers over the Assembly: he could direct it to to take or nato to take certain action, could revoke its statutory instruments, intervene in planning matters, give it direction in matters related to national health. This looks like a hierarchy, hence a tier.

45) Leo Abse, Western Mail, 25 October 1976. Quoted in Jones, 1983:29.

to the desirability and efficacy of devolution and, over the course of a fifteen month public debate, served to highlight and widen the divisions within the pro-Assembly camp, thereby ensuring its defeat.

Some implications of the defeat of the devolution Bills may be that it is futile to attempt major and controversial constitutional reform on a strictly party basis and that the orthodox doctrine of the sovereignty of parliament may be an obstacle to reasonable and progressive institutional reform in the U. K. This is true with both Scotland and Wales but, as Murray (1980:45) points out, particularly for the former.

The Scottish referendum itself may turn out to have inflicted a damaging blow to the integrity if not the sovereignty of Parliament. For it can hardly have enhanced Parliament's power or reputation that it remitted to the Scottish people a piece of important constitutional legislation taking up two parliamentary sessions while committing itself to a formula which, in the event, required it to disregard the vote of the majority. The problems of identity and difference which the union of 1707 created for Scotland will have to wait a little longer for their attempted resolution."

Some Theoretical Conclusions

This survey of nationalism in Scotland and Wales has been provisional, sketchy and unavoidably rudimentary. Yet it may be useful to attempt to sort out some of the more general conclusions, recalling the preliminary specification of Welsh and Scottish nationalisms as essentially devolutionary, not republican, in nature. Neither the Welsh nor the Scots have engaged in systematic armed struggle against the contemporary British state in order to form an independent socialist Wales

or Scotland, but they have produced well-organized nationalist parties⁴⁶ which have demanded that the union be made more relevant; that it become a form of partnership with a firm Welsh or Scottish voice as a matter of right. This brings us back to two central interrelated themes: how does practical knowledge relate to structure (how do nationalist movements emerge?) and how are citizenship rights linked to their institutional foci?

When the nationalisms of Wales and Scotland are put into a perspective which stresses sovereignty and power one can recognize that their nostalgic, largely literary and cultural, sentiments and their economic motives were never effective or comprehensive enough agencies to accomplish what were essentially political ends. This was brought home very clearly by the failure of the referenda in 1979.⁴⁷ This is especially true in Scotland where political relations with Britain are now seen by nationalists as involving important questions of Scottish sovereignty (Baum, 1989).

When English sovereignty was extended throughout the British Isles it was linked with the increasingly impersonal administration and surveillance of the population of the United Kingdom. Social power, organized as policy which attempts to legitimate state sovereignty and viewed within the

46) In the case of Scotland the SNP has to take into consideration the growing socialist influence in that country.

47) Osmond (1988:71) writes that "the pivotal moment in the life of contemporary Scotland, illuminating its identity and relationship with the rest of the United Kingdom, was the devolution referendum of March 1979." For Kenneth Morgan (1982:ix) "the devolution referendum of 1 March 1979 was a landmark in the history of the Welsh people."

duality of structure of social systems, is tied to resources which are implicated in the reproduction of the structural properties of these social-systems. Nationalism is the cultural sensibility of sovereignty, the corollary of the coordination of the administrative power of the territorially bounded nation-state (Giddens,1985:116). Oppositional nationalism emerges when the dialectic of control is mediated through sovereignty and citizenship.

Power is linked to both allocative and authoritative resources. Resources implicated in the reproduction of social systems that have some degree of continuity form aspects of the structural properties of those social systems (or as Giddens'(1985:8) calls them 'power systems'). This involves the institutional mediation of power, which can be studied as incorporating or expressing modes of domination. Domination is expressed in and through the institutions representing the most deeply embedded continuities of social life; in the context of any collectivity, association or organization, domination is expressed as a mode of control. Relatively stable forms of control are types of rule. In the modern world the pre-eminent power system/type of rule is the nation-state.

Unfortunately most of the comparative work on the role of Ireland, Scotland and Wales in the development of British society, and thus on the centralization of resources in London, focuses on allocative resources, stressing the economic and demographic dominance of the City by the late

seventeenth century, and so the mediation of English (including Wales) and Scottish power through workings of the global economy: Scotland and Wales as parts of the imperial power. Cullen's work, from which the following paragraphs derive, is representative (cf. Boulding, 1979; Dickson, 1980; Morgan, 1981; Smout, 1969). With regard to Scotland he writes that relative to the Irish the Scots benefitted from the union with England and were not only economically mobile but gained materially from the conduct of trade by Britain in the European and world markets by the first half of the eighteenth century.⁴⁸ But while the Scottish were successful in retaining control of their economic resources, the Irish were not. The Irish interest in London was less closely intertwined with business interests in Ireland. This was in large part due to the size of the Irish rent roles and the remittance of a large proportion of them to absentees. At the same time half of the British army was maintained at Irish taxpayers expense (Cullen, 1989:230).

There is also an unsettling over-emphasis on economic processes that are internal to the British economy. For

48) Glasgow preserved its independence through the 'store system'. Scots supplied goods through Scottish traders abroad to colonists, and in turn took tobacco in payment. "The establishment of the store trade itself depended on the emigration from Scotland of 'young adventurers' to represent home interests in the trade. But the consequences were large. Not only did Scots exist as a well-defined interest in London, but in contrast to the English ports outside London they were at the centre of an independent circuit of exchanges between Glasgow and the colonies. This helps explain why Glasgow and not provincial England displayed a precocious development in banking from the middle of the (18th) century" (Cullen, 1989: 232).

example, the Scottish pattern of mobility is closely linked to land and farm structures. Cullen (1989:232) writes that in Scotland "a contraction both in ownership and in access to lease-held farms from the middle of the eighteenth century put pressure on young men to move out." While in Ireland the large number of small properties was mainly the outcome of a conversion of what had been tenancies at the beginning of the century into ownership. These not only enjoyed more favorable legal terms than in Scotland, but over time many tenancies were turned into what were in effect perpetuities. It was these properties whose easy acquisition in the eighteenth century not only kept many in the Irish countryside but offered to the sons of gentry and of upwardly mobile farmers a road to income and status. This had the effect of maintaining the lesser gentry as a social class (and a political force), while it was disappearing in Scotland.

Ireland and Scotland diverged in other ways as well. Scottish universities were large and academically superior to those in Ireland and England, wages for unskilled laborers were higher (in some areas as much as four times higher), and cottage industries were declining in Scotland while in Ireland they were still crucially important for the circulation of capital. But the most arresting aspect of Scottish life in the second half of the eighteenth century is its political calm. While the American and French Revolutions had profound effects on Ireland, their repercussions in Scotland and Wales were minimal. In the 1790s Ireland was on the verge of a

social crisis⁴⁹, but it was first and foremost, and was perceived as such at the time, a political crisis.

The gist of this, the dominant, perspective is that nationalism is the cultural sensibility of modernization, not sovereignty. Even in works, such as Hechter's (1975:33-4), which see the state as a key factor in the emergence of nationalism in Britain's Celtic fringe attach significance to regional exploitation "causally linked to cultural differences." What is missing is a detailed analysis of the deployment of authoritative English resources in Scotland and Wales. Levack (1987) deals with questions of political and national union between the Scottish and English kingdoms but his analysis breaks off with the union of 1707. Bunyon (1976) writes on the history of the political police in Britain, but he makes no mention of the impact of surveillance on Scotland or Wales as separate entities. Morgan (1987) has written on the role of the police in the course of labor disputes in England and Wales between 1900 and 1939. She calls attention to the high degree of centralization in the direction of police activities that occurred during these years, and to the gulf that exists between police operations, particularly at times of 'national emergencies' such as industrial unrest, and the principles of polyarchy. While acknowledging that these crucial changes are "still only imperfectly understood", she notes that the police today is "more directly subject to the edicts of central government, and freer from local or national

49) The Irish Police Bill was passed in 1793.

democratic accountability", but fails to link this to citizenship rights and to the development of Welsh nationalism (1987:3).

Our sketch of Irish history has provided support for an alternate perspective on nationalism, one stressing the unity of law and society in the modern era and the importance of surveillance in the structuration of the nation-state. This perspective, emphasising as it does sovereignty and power, allows us to link human agency to the long-term development of social institutions, to say something about the linkage between meaning and power, and to link nationalisms to the world nation-state system. In Ireland processes of democratization (understood as the extension of citizenship rights attached to corresponding institutional foci) are shown to be linked to the reflexive monitoring actions of the state through the dialectic of control. Seventeenth and eighteenth century peasant movements, whose agencies were mediated by sovereignty and citizenship, were crucial to the development of the political character of contemporary Irish nationalism, and the historicity engendered through these movements still plays a role in the political discourse of contemporary Ireland.

Indeed, a major difference between the countries is the kind of popular disturbance that they generated, especially from the sixteenth century onwards when a new relationship between state and the common person began to develop and a constitutionally based nationalism first emerged in Ireland.

English crime (including that in Wales and Scotland - apart from the Highlands) was individualistic and non-violent through the nineteenth century. Irish crime was collective, violent and capable of claiming community support in a way unheard of on the mainland. By the nineteenth century the violence of the state in Ireland (which was legitimized by law at a time when most states were still relying on religious authority and the sanctions of previous centuries) and that of the unionists and the republicans had been normalized and institutionalised. Scotland was subjected primarily to political and economic sanctions. It had retained its own systems of law and banking so it also played a very different role in the empire from that of Ireland.

The development of citizenship rights in Ireland, Scotland and Wales has not followed a specific pattern. We can interpret their development as being bound up with the dialectic of control in relation to the concentration of administrative resources in the English state - polyarchy's structural backdrop. The English, for much of the time since the various Acts of Union have been more or less successful in sustaining the confidence (or at least the acquiescence) of those in subordinate groups in their rulers. Only in Ireland - where this confidence was never established - has there been an almost continuous circumstance of power deflation in which the state has resorted to violence. This, of course, reflects historical struggles over citizenship rights and how they, along with strategic concerns, have influenced both the timing

and the mode of incorporation into Britain. An in depth study would have to begin with the development these struggles.

At this point we can say that the notion of the state as a reflexive entity which monitors aspects of the reproduction of the social system subject to its rule is especially important to such a work. If Giddens is correct, and the above analysis indicates that he is, then not only is the modern state interested in limiting the participation of the common person in its affairs, but it will resort to terror to do so if it is deemed necessary by state power holders. State terror, as Giddens (1985:300) notes, is somehow involved on an elementary level in totalitarianism, which is characteristic of only nation-states and nation-states in relatively recent times at that.⁵⁰

In the sovereign nation-state (conceived of as power container par excellence) totalitarianism is an extreme focusing of surveillance, devoted to the securing of political ends deemed by state authorities to require urgent and immediate attention. Elements of totalitarian rule include: a) the focusing of surveillance as information coding - documentation of activities of a population; and the supervision of activities through intensified policing; b) moral totalism - the fate of a political community as embedded

50) This is related to the discussion of the state-civil society relationship that was developed above in chapter two. The nation-state introduces very important forms of system and social integration with the result that civil society, as that concept was understood by nineteenth century observers - i.e. as being outside the scope of the administrative arm of the state - has disappeared (cf. Giddens, 1985:76-81).

in the historicity of a people; c) terror - the maximizing of police power, allied to the disposal of the means of waging war and sequestration (Giddens, 1985:303).

The expansion of surveillance in the modern polity, in conjunction with the policing of 'deviance', significantly transforms the relation between state authority and the governed populations, compared with previous state forms. But this expansion is also the condition of the emergence of tendencies and pressures toward democratic participation. In each of its elements surveillance promotes the possibility of the consolidation of power in the hands of dominant classes or ruling elites. Simultaneously, however, this process is accompanied by counter-influences brought to light in the dialectic of control. Surveillance is intimately linked to polyarchy, and more specifically to the actualization of citizenship rights through the requisite institutional mechanisms of surveillance which (through the dialectic of control) also provide a means of organized opposition.

Drawing from the above analysis, the implications of this are threefold. First, surveillance must be seen as an independent source of power, maximized in the nation-state, which must be as much a concern to critical sociology as questions of class structure and the nature of 'democracy'. Second, aspects of totalitarian rule are a threat in all nation-states, even if not all are threatened to the same extent or in the same manner. Tendencies toward totalitarian power are as important a feature of our era as are class

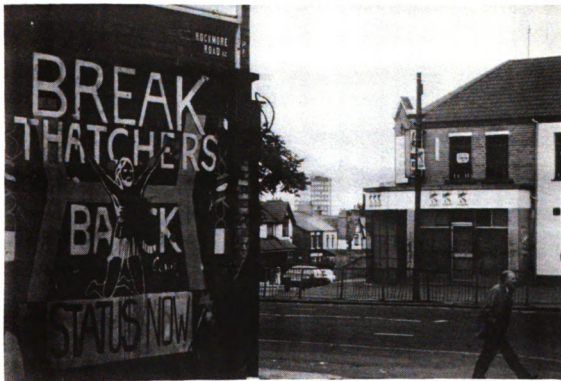
struggle and industrialized war. Thirdly, the operation of the dialectic of control must be related to the kinds of institutions (both parliamentary and extra-legal) that are available to agents attempting to challenge the power of a national state structure. Where such institutions exist but where citizenship rights are not actualized (as in Ireland), the working out of the dialectic of control is likely to be more violent and enduring than it is in places where the institutions do not exist (as in Wales) or where they partially exist alongside relatively well developed citizenship rights (as in Scotland).

APPENDIX

APPENDIX



British Army Surveillance Camera Atop Divis Flats at the Entrance to West Belfast



Divis Flats as Seen From the Catholic Falls Road



Divis Flats as seen from Catholic New Lodge Area



Divis Flats as seen from the Protestant Shankhill area.



Surveillance Helicopter Over the Catholic Ardoyne Area of Belfast



Entrance to Housing Estate in Ardoyne - Belfast



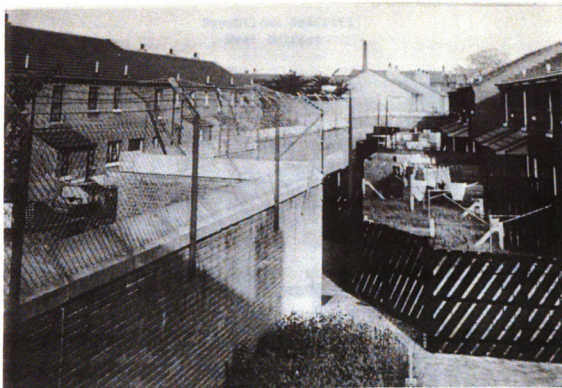
FTA Taxi - Falls Road - Belfast



Warning to British Forces - Beechmount
Housing Estate, Falls Road - Belfast

Peace Wall - Belfast





Peace Wall - Belfast
(Photo by C. Brett)

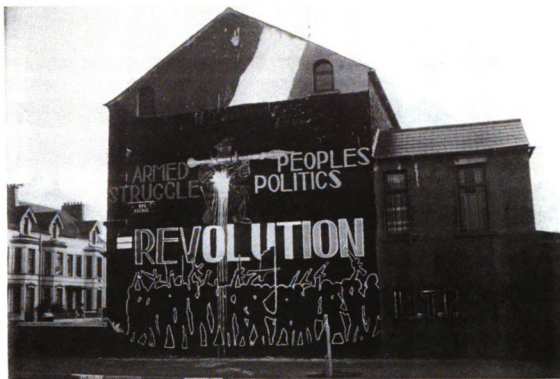


Entrance to Catholic Twinbrook Housing Estate
Designed With Security in Mind

Republican Graffiti
West Belfast



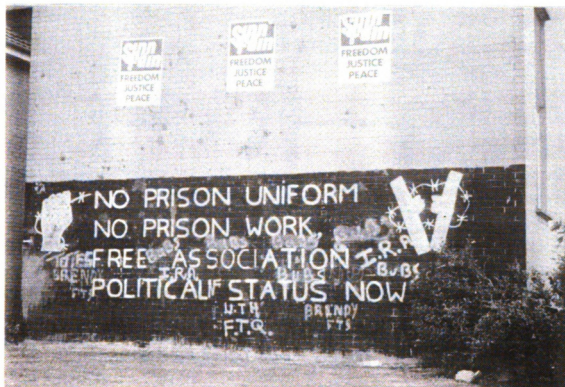
Republican Graffiti
West Belfast



Republican Graffiti
Ardoyne - Belfast



Republican Graffiti
Ardayne - Belfast

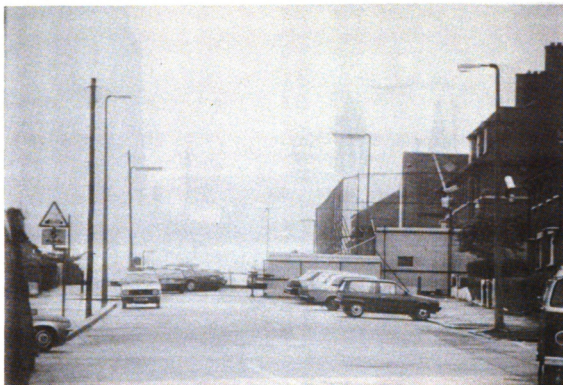




Highfield Social Club - Belfast



Unionist Woodpile (Belfast) - for 'Marching Season' Bonfires



RUC Station - Belfast



IRA 'Wanted Poster': Officer Lurch is wanted for "Acts of Brutality Against the People of West Belfast & Against Mourners at Nationalist Funerals."



Belfast Sandy Row Orange Lodge



RUC Man Mingles with Orange Supporters
(Photo by M. Marger)



Orange Parade - 12 July
(Photo by M. Marger)



RUC Patrol Vehicle
(Photo by M. Marger)



Republican Graffiti - Derry



Entrance to the Bogside - Derry



**Derry City: the River Foyle Separates
Catholic and Protestant Communities**



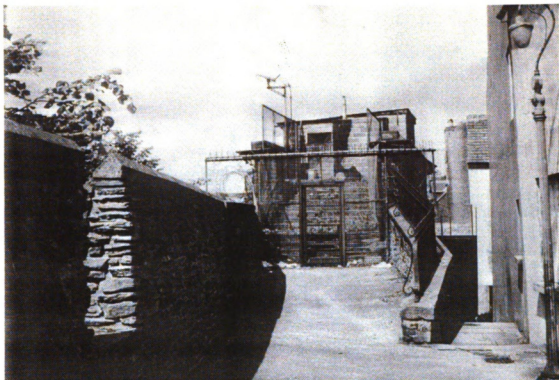
Surveillance of Derry's Catholic Ghettos



The Walls of Derry's Old City



Surveillance of Derry's Catholic Ghettos



Surveillance Camera Focused on Derry's Catholic Ghettos



Army Patrol in Derry



Entrance to New Bogside - Designed with Security in Mind



Government Provided Housing in Catholic Derry



Catholic Response to Riot Control Technology



Unionist Response to Anglo-Irish Accord



Unionist Response to Anglo-Irish Accord



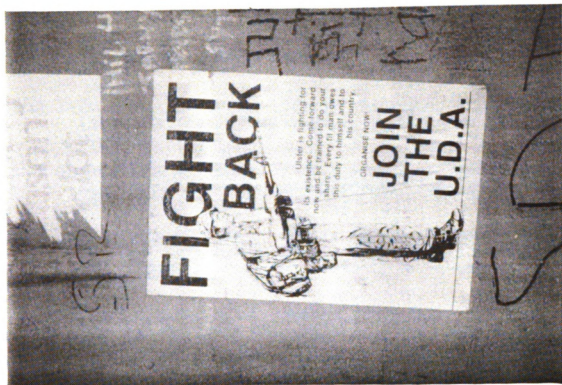
Catholic Response to Anglo-Irish Accord



Ulster Unionist Party Headquarters



Sinn Féin Headquarters



UDA Recruiting Poster



British Soldier - Belfast
(Photographer Unknown)

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