**THE NORTHERN CIVIL RIGHTS MOVEMENT – ITS RELEVANCE TODAY**

***Address by Dr. Martin Mansergh at the 29th Desmond Greaves Summer School, the Ireland Institute, 27 Pearse Street, Dublin 2, Saturday, 10 September 2017, at 2.30 pm approx.***

If one were to talk about the canon of Irish history from today’s perspective, the Northern Ireland civil rights movement would figure prominently in it. Far from being bypassed or superseded, it represents the substance of the gains that have been made over the past 50 years and ideals that most people on and off this island can identify with.

All the other speakers, Tony Coughlan, Kevin McCorry, and Patrick Murphy were part of the genesis of the Civil Rights Movement and/or veterans of it. This summer school is named after Desmond Greaves, one of the progenitors of the Civil Rights Movement.

I only experienced the growing crisis at a distance, but nevertheless it was a key moment in my personal development. I had never visited Northern Ireland, nor thought about it very much, though I was partly brought up by a Miss Eleanor McClenaghan, a Presbyterian from Islandmagee. I had also heard Rev. Ian Paisley speak eloquently at the Oxford Union in 1967, playing expertly to anti-Catholic prejudice which was far from extinct in England at that time. In the summer of 1969, I had to decide whose side I was on. Was it the side of Protestant co-religionists north of the border, who were mostly unionist, which I was not, or was it the side of the civil rights marchers? It was not a difficult choice to make. I am not of course ignoring the fact that a significant number of northern Protestants, including some unionists, were supporters of the civil rights movement in the early stages.

One of my abiding memories of August 1969, as everyone crowded round the television news in Barley Cove, West Cork, were debates that I and my brother Nicky had with my father Nicholas Mansergh, who grew up in Tipperary during the earlier Troubles and who had written a good deal on Irish history and Irish nationalism as well as on the Commonwealth. He stuck to his conviction that the IRA would be back, while my brother and I, both students, argued passionately that the civil rights movement was something contemporary and completely different. Strictly speaking, of course, the two views were not incompatible.

I would like to reflect today both on the civil rights movement in a historical and comparative perspective and then on its subsequent legacy for today.

One of the main achievements of the French revolution as consolidated under Napoleon was to establish an equality of rights before the law. It was not of course complete or comprehensive. It did not, for instance, include women or slaves. Over time, with advances in democracy, in western countries the exclusions became less and less sustainable and were eventually dropped, but the process is far from complete, even in advanced societies, and perhaps it is something that will never be complete, given the constant dynamic of social and political change.

Anyone growing up in the 1960s, including a more politically aware and active student population, would have been aware of three international civil rights or civil rights type movements, first of all, from the 1950s and into the beginning of the 1960s in South Africa, then in the mid-1960s in the United States, and finally in the late 1960s in Northern Ireland. There were factors in the earlier examples that throw light on the civil rights movement in Northern Ireland. There were of course other protest movements at the time, the Campaign for Nuclear Disarmament (CND), the anti-Vietnam war protests, and the student revolts, most notably the May 1968 revolution, if it was that, in Paris, as well as the contemporaneous crushing of the Prague Spring. Taken together, they also represented an intergenerational revolt, where a younger generation was no longer willing to accept some of the assumptions and quiescence of their elders at a time of new opportunity.

In the South African context, the concept of a civil rights movement probably belongs most appropriately to Gandhi’s civil disobedience campaign there before the First World War, but the early passive resistance to the race laws from the 1950s had much in common with the later US civil rights movement that followed. The system of apartheid was based on more than discrimination and segregation. It was also a gigantic gerrymander and land grab, whereby the native population would be confined to a small proportion of poorer land, some 13% of the total. It was a crude and transparent attempt to convert minority rule into something that was superficially more democratically defensible, but it did not work. The French Algerians were tempted by the apartheid model, and also by the earlier model of a union, like the Act of Union, incorporating or integrating Algeria into metropolitan France. The Sharpeville massacre in 1960, where the demonstrating group belonged to the more militant Pan-African Congress, brought an end to the civil rights approach internally, though it remained the basis of international sanctions, as the ANC subsequently shifted to armed struggle, for which there was some understanding, not necessarily approval, abroad, though not of course from Western conservatives like Ronald Reagan and Mrs. Thatcher. As my godfather Canon John Collins of St. Paul’s Cathedral, a leading campaigner against apartheid, who raised funds to help defend Nelson Mandela and his co-accused in the treason trial, remarked in his memoir *Faith under Fire,* the West had never adopted a principled non-violence position in relation to anything. When South Africa declared a republic in 1961 and sought re-incorporation into the Commonwealth, it failed, thanks partly to a forceful Canadian intervention, and it had to resign, being readmitted over 30 years later only after majority rule. In the end, united international pressure, even if some of it was very half-hearted, contributed to the end of apartheid in tandem with the slow-burn liberation struggle.

While the transition in the early 1990s was based on power-sharing, the end result was majority rule, raising the question at what point do entrenched political protections for minorities become required? The white population of South Africa, like the Protestant population in the 26 counties post-independence, was under 10%, and, in both cases, broadly speaking, little special constitutional protection was given, despite their greater wealth and influence at the outset. Nonetheless, in Ireland we would probably neither have had a senate nor proportional representation without that minority, both of which had merits independent of that protection. There were unsuccessful attempts to abolish both senate and PR permanently, but in each case today that would require a vote by the people, rightly wary of being asked to forego constitutional protections.

It is probably the case that if the two previously dominant minorities in South Africa and Ireland had moved earlier they could have negotiated better safeguards. As President Gorbachev is reputed to have told the East German politburo on the 40th anniversary of the GDR in the early autumn of 1989 – it was in fact a soundbite formulation by his press secretary Gennadi Gerassimov - : ‘History punishes those who move too late’.

Nelson Mandela in his autobiography *The Long Walk to Freedom* wrote of Abraham Lincoln: ‘men who take great risks often suffer great consequences’. He could also have been thinking of the Revd. Martin Luther King. It is roughly fifty years or more since the main events of the US civil rights campaign, recalled in a number of films now being made. Memories are also being evoked by the attitudes of President Trump. The ending of slavery in the American South did not bring any sort of racial equality, no more than the full extension of the franchise to women between 1918 and 1923 in what became the Irish Free State meant the emancipation of women. In his ‘Letter from Birmingham Jail’ in April 1963 to disapproving fellow clergymen, Martin Luther King set out the purpose of direct action:

‘Non-violent direct action seeks to create such a crisis and foster such a tension that a community which has constantly refused to negotiate is forced to confront the issue. It seeks to dramatize the issue so that it can no longer be ignored’.

Other reflections also have resonance from an Irish perspective:

‘We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed…. For years now I have heard the word “Wait!”…This “Wait” has almost always meant “Never”.’

The experience of civil rights agitation in South Africa and the United States inspired and encouraged those who tried for a long time without much success to kick-start a civil rights campaign in Northern Ireland. As one letter to a local newspaper put it, ‘What’s not acceptable in South Africa or Birmingham, Alabama, is surely not going to be acceptable as applicable on a religious basis in Dungannon, Co. Tyrone’.

It is worth reflecting a little on the circumstances that created the need for a civil rights movement in Northern Ireland in the first place. We are sometimes apt to forget in this part of the country that the decade of centenaries not only witnessed what turned into a broadly successful independence struggle for 26 counties but an equally successful Ulster six-county exclusion, at least for the short- to medium-term, which crystallized as the Government of Northern Ireland. The area included the maximum number of Ulster Protestants and Unionists, even in counties and large towns where they were in a minority, but nearly everywhere to a greater or lesser extent the population of the two communities was, if not interspersed, contiguous. As the Catholic community had a greater propensity to grow than the Protestant one, the political discretion of the government was used to sit on that, and, if possible, to incentivize Catholics to leave Northern Ireland.

When my father was collecting material in 1936 for his book *The Government of Northern Ireland – A study in devolution,* he had the opportunity to interview in the Ulster Club J.M. Andrews, Minister of Labour and future Prime Minister of Northern Ireland, though only briefly, and the Attorney General Anthony Babington. According to his unpublished notes, ‘both regarded diminishing no. of R.Cs with undisguised satisfaction. A. confident that they would be “progressively eliminated” – Babington hopeful, but a trifle anxious’. The Communist Party of Northern Ireland was correct, when it stated in 1962:

‘In no other aspect of public affairs has the authority of the Executive been abused so much as in Civil, Religious and Democratic Liberties. This is the outstanding feature which has enabled the Unionist Party to create divisions and govern unchallenged since the foundation of the Northern Ireland Parliament’.

As this comment makes clear, the constitutional issue and the civil rights one were interconnected. James Connolly and Cardinal Logue, among others, were appalled at the idea of putting the nationalist community in the north under in effect Orange rule. Section 5 of the Government of Ireland Act, 1920, promising non-discrimination had no further legislative backing, and was neither legally enforceable nor politically enforced, as debates in the 1960s clarified. The Free State’s Justice Minister Kevin O’ Higgins at the time of the 1925 Boundary Agreement remarked in Downing Street that Catholics in Northern Ireland were regressing where they had been prior to Catholic Emancipation.

When my father wrote his book on Northern Ireland in 1936, he gave qualified approval to devolution as something that might be usefully extended to other parts of the UK, but also argued that it was vitiated by the failure of the Unionist Government to do ‘anything to reassure the minority’, and that ‘when social and economic life is congealed by icy gusts of sectarian bitterness’, when generosity was subordinate to party interest, and there was a block on appointments on merit, meaning if the applicant was from the ‘wrong’ background, all these constituted severe handicaps. There were a few unionists, like General Hugh Montgomery, founder of the Irish Association in 1938, and Bishop MacNeice, who were uneasy about the long-term sustainability of this as well as the periodic clashes.

De Valera and others were well informed about what was going on, but the constitutional aim of ending partition took precedence, as it did for the Nationalist Party. Its later leader Eddie McAteer called civil rights in the early 1960s ‘a side issue’. There was long a debate, going back to the 19th century, as to whether major social reforms, such as the land question, were a distraction from repeal, or home rule, or whether such issues were engines that could be used to energise public support for constitutional change. All the evidence supports the latter contention.

Regarding Northern Ireland, although British Governments from 1921 to 1940 paid lip service to Irish unity with Dominion status, in practice, as my father noted in 1936, British Governments were ’most unwilling to see the Irish Question once more in a state of flux’, and were happy to adjust discreetly financial arrangements with the Treasury to underpin devolved self-government. Post-war, when from a British perspective Northern Ireland’s strategic contribution in the battle of the Atlantic and as a US assembly point from D-Day had proved vital, Northern Ireland enjoyed almost a free pass, and there was no British sympathy for anti-partitionism.

Sorting some old boxes recently at the request of my wife prior to some domestic renovation works, I unearthed a unionist booklet, which had been passed to me, in response to anti-partition literature, and it was entitled *Ulster and the Irish Republic* by William A. Carson in 1956. The tone is very secure and confident, and there is a foreword by the most partisan and hostile US envoy ever sent to Ireland, David Gray, in which he argued outrageously that international law should be revised, ‘withdrawing the right to neutrality in world crises of small, powerless nations occupying strategic territories essential to the survival of their neighbours’. The booklet tended to glide over the question of discrimination, denying that there was gerrymandering of parliamentary constituencies, which was never the main charge, but not dealing with it at local government level. It hit back on many points, censorship in the Republic, church influence as shown in the Mother and Child controversy and Archbishop McQuaid’s Trinity ban, pointing out that there was quite as much emergency legislation as in Northern Ireland, its economic dependence, and poor performance, and its non-membership of NATO. Undoubtedly, 1956 was a year when the Republic was at a low point.

Lemass did not appear to have much empathy with northern nationalists. While there was much merit in the Lemass–O’ Neill meetings, they were far too slow-burn to head off the rumbling dissatisfaction amongst nationalists. Terence O’ Neill exemplified de Tocqueville’s dictum that the most dangerous moment for an authoritarian *ancien régime* is when it begins to change. France was never more peaceful or stable than in the first half of the 1780s, the calm before the storm. Gorbachev and the collapse of the Soviet Union is another obvious example.

In the years 1968-72, and arguably for some years after that, Northern Ireland resembled a quasi-revolutionary situation, with all the dramas, the confusion, the cross-currents, and the clash of personalities characteristic of that, and witnessed on a much more epic scale during the French and Russian revolutions. Civil rights were competing with social revolution designed ideally for both parts of Ireland and then renewed republican armed struggle. As in 1798, there was a tension between non-sectarian ideals and communal solidarity. No doubt, there were tactical mistakes and miscalculations, as well as inspired moves and a great deal of courage.

The illusions of the British and Irish Governments were shattered. The British one was that the Irish question had been long since settled and that they could keep the lid indefinitely on the question of how Northern Ireland was governed. The Irish illusion was that lip-service to reunification, half-heartedly pursued, was a panacea that would keep Northern Ireland on the back-burner and that if Britain could be persuaded to act as a persuader unionism might fall into line. The contradictions in Irish policy threatened, particularly in the 1970s, to become an existential crisis. In 1969, a lot of chickens came home to roost, and highlighted the unpreparedness and glaring inadequacies of government policy on both sides of the Irish Sea as well as of Stormont itself over a period of 50 years.

Some important reforms were yielded relatively quickly, ‘one man one vote’ in local government, the reintroduction of PR except for Westminster elections, the establishment of an impartial housing executive, a first stab at fair employment reform, abolition of the B Specials, and of Stormont itself. The British change of government, the switch from the avuncular Home Secretary Jim Callaghan to the no-nonsense bullying of Ted Heath was psychologically disastrous, which gave the green light to British army repression of protest, beginning with the Falls curfew. The army fresh from its counter-insurgency campaigns in far-flung former colonies away from the television cameras was ready and eager to deploy some of the same techniques. The North soon found itself in the midst of an IRA campaign, renewed from where it had left off in the early 1920s, but operating in a quite different and much less favourable context. From the mid-1970s to the early 1990s, political initiatives from a British point of view were an adjunct to security policy, but the main path to a solution from an Irish Government perspective.

Looking back in the midst of conflict, many people viewed the mainstream Civil Rights campaign as an honourable failure and as a missed opportunity, more right-wing and unionist critics adjudging it as naïve. I disagree. All the classical writers on democracy, the American *Federalist,* John Stuart Mill, and Alexis de Tocqueville were agreed that majority rule, if it meant a permanent majority community ruling over a substantial permanent minority one was not democracy. In the case of Northern Ireland, maintaining this unjust system required two further things, unionism’s ability to suppress more middle-ground dissent in its own camp, something it did ruthlessly and successfully, and secondly, to ensure that the proportion of Catholics in the Northern Ireland population which had a tendency to grow was held down, again something that was done pretty successfully till the late 1960s. Once there could be more of a level playing-field that relationship began to change. As a result of further changes post-Anglo-Irish Agreement and then the Peace Process, most matters in Northern Ireland can only be progressed by cross-community agreement, other than the constitutional position, change in which requires the consent of a majority. This still leaves an advantage with those who prefer the status quo, but no side can afford to be totally immobile.

Outside of unionism, nearly all political strands see themselves to a greater or lesser degree in some sense as heirs of the civil rights movement, the SDLP under Gerry Fitt and John Hume, Alliance, left-wing organizations, and Sinn Féin. One of the problems that historians face is that only a speculative account can be given of counterfactual history. A lot of credit for progress is claimed by people or organizations on the basis that it happened on their watch, with the implicit assumption that all progress would have otherwise remained frozen in time, at a point where an alternative force ceased to exert influence. Even if there had been a permanent ceasefire in 1972, much change would have taken place in the intervening period of 45 years, but what it would have consisted of no one can say. There would be no unanimity outside the Republican Movement for the proposition that the IRA campaign over the next 20 years and more as well as the activity of smaller paramilitary groups was the logical and necessary consequence of Bloody Sunday and 13 deaths arising from an anti-internment rally.

History is not a morality tale. When launching a book of essays last year by Laurence Marley called *The British Labour Party and Twentieth-Century Ireland,* I was very struck by the conclusion of an essay by Kevin McNamara, recently deceased, where he quoted Michael Davitt, as he left after serving five years in parliament, saying sadly that ‘no cause, however just, will find support, no wrong, however pressing or apparent, will find redress here, unless backed up by force’. The civil rights campaign used a certain type of force, as did the Land League, which unfortunately was necessary to bring about change. Realistically, paramilitary violence, which was easier to counter politically, did contribute to further change, but at a very high price that was not acceptable to most people.

Civil rights continue to resonate today, partly because of political events in America, but also because equality has become a renewed battleground in the effort to restore the institutions in Northern Ireland. Lord Kilclooney’s contention that unionists and nationalists are not equal is an echo from the past. There are frequent verbal and attitudinal relapses from the parity of esteem prescribed in the Good Friday Agreement on the part of members of the DUP. Gerry Adams says that nationalists are not going to sit at the back of the bus. The minority of paramilitaries still active on either side have no respect for anyone’s civil or human rights. With regard to marriage equality, the solution is clear. Arlene Foster and her party, like Angela Merkel and many of her party, can oppose it, but they do not have to block it.

I do not intend to broach the subject of Brexit, except relating to one point relevant to civil rights. The EU (Withdrawal) Bill currently before Parliament proposes to allow British Ministers post-Brexit to change or remove any piece of EU legislation by regulation, instead of by Act of Parliament which would have to be debated first. These are the so-called Henry VIII powers, following the passage of a Statute of Proclamations in 1539. Henry VIII once famously boasted ‘of our absolute power we be above the laws’. Now, the last monarch to insist that he was ‘above the laws’ was James II. One of the principal clauses of the 1689 Declaration of Rights by the English parliament stated that ‘the pretended power of dispensing with the Laws, or the Execution of Laws, by Regal Authority, as it has been assumed and exercised of late, is illegal’. It is surely hugely ironic that it should even be suggested that Parliament today go back on that, partially at least, and confer such powers back on Her Majesty’s Government. It is even more ironic that parties supporting the Orange Order and its endless marches to celebrate the “Glorious Revolution” should be ready to reinstate the powers that provoked it in the first place, without even a ‘sham fight’. Obviously, as it stands, the Bill allows the British Government to remove rights derived from European law as and when it pleases without reference to parliament.

To conclude, I believe Tony Coughlan is correct when he describes the political framework established by the Good Friday Agreement as ‘in some ways a return to the approach and values of the Good Friday Agreement’, though the aspiration for a non-sectarian politics still seems a long way from fulfilment, even if the institutions are restored.